

Methods of increasing the capacity of immigration advice provision

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Abbreviations and terms used in the report

| | |
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| ASAP | Asylum Support Appeals Project |
| ATLEU | Anti-Trafficking and Labour Exploitation Unit |
| BID | Bail for Immigration Detainees |
| BRC | British Red Cross |
| CAB / CABx | Citizens Advice Bureau/x. The national charity is called Citizens Advice |
| CAST | Centre for the Acceleration of Social Technology |
| CCLC | Coram Children's Legal Centre |
| CHC | Cardinal Hume Centre |
| DPG | Deighton Pierce Glynn |
| DV | domestic violence |
| ECF | Exceptional Case Funding, the mechanism whereby additional funding for out-of-scope complex cases under legal aid can be secured |
| EEA | European Economic Area |
| FIAP | Frontline Immigration Advice Project, a national project set up by Refugee Action which trains and supports individuals and organisations to become accredited by the Office of the Immigration Services Commissioner (individuals) and registered (organisations) |
| GMIAU | Greater Manchester Immigration Aid Unit |
| HMC | Hackney Migrant Centre |
| IAAS | Immigration and Asylum Accreditation Scheme |
| ILC | Islington Law Centre |
| ILPA | Immigration Law Practitioners' Association |
| Immigration advice | Used throughout to mean advice covering all issues of immigration, nationality, asylum and human rights. |
| JCWI | Joint Council for the Welfare of Immigrants |
| JRS | JustRight Scotland |
| KIND UK | Kids in Need of Defense UK, a project exploring pro bono lawyer input to support the registration of children |
| LASPO | Legal Aid, Sentencing and Punishment of Offenders Act 2012. This is the Act of Parliament which, inter alia, greatly reduced the scope of funding for immigration advice |
| LTR | leave to remain |
| MBP | Manuel Bravo Project |

| | |
|--------------------|---|
| Migrant | Where used, means all people who may need immigration advice including migrants, asylum seekers and refugees. |
| NACCOM | No Accommodation Network, a network of mostly community-based organisations providing accommodation to destitute migrants |
| NDRC | Notre Dame Refugee Centre |
| NFP | Not-for-profit, usually a charity or social enterprise. Law centres are not-for-profit organisations |
| NRM | National Referral Mechanism. This is the framework in the UK for identifying people who have been trafficked and ensuring they receive the appropriate protection and support. Introduced in 2009, it grants a minimum 45-day reflection and recovery period for victims of trafficking during which the UK Human Trafficking Centre decides whether they should be classified as victims of trafficking under the Council of Europe Convention |
| NRPF | no recourse to public funds, a condition attached to some people's granting of LTR |
| OISC | Office of the Immigration Services Commissioner, the body responsible for regulating all immigration and asylum advice other than that provided by lawyers, who are separately regulated |
| PAP | Pre-action protocol letter, a legal letter written with specific evidences to the Home Office to try and resolve a dispute before court proceedings begin |
| PHF | Paul Hamlyn Foundation |
| RCJ Advice | Royal Courts of Justice Citizens Advice |
| RoW | Rights of Women |
| Specialist advisor | Used throughout the report to denote lawyers who can provide immigration advice whether under legal aid contract or not, or caseworkers qualified to OISC Level 3. |

Executive summary

Introduction and context

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) introduced sweeping cuts to public funding for immigration advice in England and Wales, leaving many people without access to justice and resulting in the closure of many not-for-profit (NFP) and private providers of immigration advice. It marked a watershed moment for organisations supporting people with immigration advice needs.

To cope with the shortfall in provision, NFPs began to explore more systemic ways to enhance and manage the supply of quality, specialist immigration advice. NFPs were supported and encouraged to explore such schemes by charitable funders who, mindful that charitable funding could never make up the shortfall of advice lost through legal aid cuts, have been keen to explore more strategic approaches to bridging the need–provision gap.

This report was written before the COVID-19 pandemic struck in March 2020, but the research and recommendations are as relevant now as before, possibly more so. Over the past weeks, service providers have shown remarkable ingenuity and resilience as they adapt to the requirements of social distancing rules. Further adaptations may be needed: the pandemic could affect the way immigration advice services are delivered for some time. Some findings in this report will have direct relevance as providers identify and design new interventions (telephone and video-based advice for instance), whilst many of the methods identified – such as communities of practice, referral partnerships and training – can be taken online. The principles underpinning them, including strong partnerships, are even more crucial in these challenging times.

About the research

Paul Hamlyn Foundation (PHF) and Trust for London commissioned Methods of Increasing Capacity of Immigration Advice Provision to explore the range of methods NFPs of immigration and asylum advice are using in the wake of LASPO reforms to respond to the dearth of specialist immigration advice that is free at the point of access. These methods are seeking to improve capacity, efficiency, accessibility or, in some cases, quality of advice, and evidence is needed on the impact of those methods, and their potential and limitations. The study's core enquiry was:

1. How are organisations trying to increase capacity in immigration advice provision, and what is the nature of the capacity created?
2. How are organisations increasing accessibility of immigration advice and for whom?
3. Is quality addressed by any of these methods, and if so in what way?

To better understand the methods being used, we focused initially on eight projects funded by PHF and Trust for London which could provide learning. The research was then broadened out to include any organisation or project if they were interested in contributing and were suggested for inclusion.

In this way we snowballed involvement and made it more likely that we could identify and include a fuller range of methods being used across the immigration advice sector. That said, this was not a mapping exercise of all provision, which was outside the scope of the research.

We also briefly considered issues of evidencing need and value of advice interventions, focusing particularly on challenges for evaluation in the immigration advice sector.

Over the two years of the research we conducted 110 interviews with 71 individuals, received various written submissions and documents from a further 11, held six learning sets for NFPs to contribute their thoughts on emerging issues, and conducted an extensive literature review.

From this we were able to categorise the projects and services NFPs were pursuing to try and increase capacity or efficiency into overarching methods. We tested and evolved these categorisations throughout the course of the research.

The findings from this study will be helpful for: funders of immigration advice services, to help them understand what works, in what circumstances and for whom; providers who may be considering the best ways to develop, maintain and evaluate their services; and for policymakers who may wish to understand the practical implications of policies affecting the provision of immigration advice.

The current climate for immigration advice

Demand for immigration advice is being driven by a range of contextual factors including the hostile (compliant) environment policy, lack of public funding for many types of immigration advice and the time-consuming or dysfunctional systems to access the legal aid which remains. This both increases the reasons why people would need advice and reduces the means whereby they might receive it.

The Hostile Environment Policy,¹ announced in 2012, was a set of administrative and legislative changes designed to make staying in the UK as difficult as possible for those without leave to remain (LTR). Its measures are complex, far-reaching and still evolving. We describe these measures and their impact in detail in Section 2.

Provision of immigration advice has significantly reduced since LASPO and people have difficulty finding specialist advisors to take on their case. In some parts of the country, or for some kinds of issues, that difficulty is greatly compounded: 'advice deserts' (where no or few legal aid providers exist) now make finding any legal support in some areas impossible. If a person's legal issue is 'out of scope' (not funded by legal aid), they are dependent on a thinly spread network of provision, largely based on NFP providers operating nationally or in rarer cases locally. It is difficult for such people to find any advice at all.

The legislative framework that advisors must interpret and navigate is "*inaccessible, unclear and constantly shifting*".² Successive and numerous Acts of Parliament, a plethora of fast-changing secondary legislation ('immigration rules') to keep track of (5,700 changes since 2010³) and case law (needed all too often to clarify or challenge policy) mean that advisors need capacity to keep up to date with the framework, and more clients need advice as they have little chance of navigating it unaided.

The consequence of these measures for immigration advisors has been to create more work (e.g. new Windrush cases) and increase the complexity of supporting individuals. Clients no longer need advice 'just' about their immigration application but also potentially about being refused services or benefits, or being discriminated against in a range of ways, including by the immigration and asylum system itself.

1. This was rebadged 'the Compliant Environment policy' in 2018 when Sajid Javid became Home Secretary: the measures, however, remain the same.

2. *Free Movement article*. The Law Commission is consulting on how to simplify the immigration rules.

3. <https://www.theguardian.com/uk-news/2018/aug/27/revealed-immigration-rules-have-more-than-doubled-in-length-since-2010>

Need for immigration advice

The research gives an overview of the various types of people needing immigration advice. These include: people on a route to citizenship; people with long residence seeking to regularise their status; people seeking asylum; people with refugee status; people who may become 'irregular' through a change of circumstances; and children, who are a sub-set of some of the above categories as well as dependents. Statistics overall are imprecise on any of these categories but this research assembles available data on each category.

People are at risk of exploitation and destitution if they do not find advice. These include situations where children are involved, either in their own right or as the dependents of people needing advice; those trapped in exploitative or violent situations, particularly people who have been trafficked and survivors of domestic abuse; those who are in or at risk of destitution as a result of irregularity and policies created under the hostile environment.

Those presenting the greatest pressure on provision in terms of numbers across the country are (i) people with failed asylum applications seeking to make fresh claims, who, because of dispersal arrangements live across different regions, and (ii) those who have lapsed into irregularity because of overstaying their permission to stay in the country. Both risk or are in destitution and both require specialist advisors with an expert grasp of both immigration and human rights law to help them resolve their situation if possible.

Various factors also compound the difficulties people have in accessing advice, for instance their internment in detention or prison facilities and a range of systemic issues which serve together to render the need for advice more frequent and important. These include: the legislative framework itself (so complex that navigating the immigration and asylum system requires specialist advisor support); the fees for many immigration applications, which require intervention in order to secure fee waivers if possible; and the digitisation of the application process, which risks locking people out of routes to regularity if they cannot access and understand the forms that need to be filled in.

Immigration and asylum advice is therefore needed by a highly diverse client group, dispersed throughout the UK, often hidden or difficult to find and who may have significant personal or practical barriers to accessing such advice (e.g. language, mental health issues, lack of knowledge of 'the system').

Current provision

The number of specialist immigration advice providers has more than halved over the last few years, with notable advice deserts opening up in areas of acute need such as the North West, South West and much of Wales. In some areas of the country there are no providers taking cases that are out of scope of legal aid (which includes most immigration cases). Elsewhere, only one or two are trying to field increasing volumes of people who cannot find legally aided or free specialist advice. Even where there is provision, such as in London, the numbers of urgent cases far exceed what existing provision can cope with.

Findings on methods of increasing the capacity of immigration advice

The research identified nine methods which in some way increase the capacity of the NFP sector to meet immigration advice needs, either by introducing new provision (e.g. new advisors trained) or by delivering existing advice in more efficient ways. These methods can also promote greater accessibility of services to those who need them.

We grouped these methods into three categories:

Category 1:

Methods aimed primarily at **creating new capacity in the system of immigration advice provision.**

1. Pro bono
2. Capacity-building
3. Support teams (non-advice)

Category 2:

Methods aimed primarily at **increasing the efficiency of how existing specialist immigration advice is provided.**

4. In-house investment
5. Remote advice and casework
6. Outreach and referral partnerships
7. Joint working

Category 3:

Methods aimed primarily at **changing the environment specialist advisors are working in.**

8. Online information
9. Strategic work

Each method is considered in detail in this report. For each, we provide a description and give examples of how it is used, the clients and types of cases it seems appropriate for, examine how it produces efficiencies and other benefits for clients, NFPs and the sector more broadly and, finally, consider limitations.

The research also provides lessons for replicators: what is needed in terms of resources and skills to set up and run each method, what the key lessons are of doing so and what is the potential for development.

Table 1 opposite gives an overview of the methods identified, explains what they are and highlights the clients most likely to benefit from each.

Table 1 below gives an overview of the methods identified, explains what they are and highlights the clients most likely to benefit from each.

Table 1: Typology of methods for increasing the capacity of immigration advice provision

| Method and sub-categories | Definition and use | Who benefits from this method? |
|--|---|---|
| Methods aimed primarily at increasing capacity | | |
| <p>Method 1: Pro bono</p> <p>1.a. Pro bono lawyers take on whole cases</p> <p>1.b. Pro bono lawyers input into casework</p> | <p>Enabling commercial lawyers to give immigration advice</p> <ul style="list-style-type: none"> Lawyers from commercial firms are recruited and supported to take on certain types of immigration case as part of their pro bono work. Lawyers from commercial firms do specific tasks which enhance current provision. | <ul style="list-style-type: none"> Relatively time-limited, discrete (as an area of law) cases, which have a reasonable chance of reaching a positive outcome. Cases not eligible for legal aid. Cases that need limited legal interventions which can significantly improve a client's chance of success. More complex cases under supervision of a specialist. |
| <p>Method 2: Capacity-building</p> <p>2.a. Training and support</p> <p>2.b. Communities of practice</p> | <p>Training and supporting more individuals and organisations to provide advice accredited by the Office of the Immigration Services Commissioner (OISC)</p> <ul style="list-style-type: none"> Training and support provided to (i) individuals in organisations (which may or may not be OISC accredited) and (ii) organisations needing help to register with OISC. Communities of practice, often online, which facilitate ongoing learning. | <ul style="list-style-type: none"> NFPs are the primary beneficiaries of this method. Often community-based, they are motivated to participate because they are in contact with people needing immigration advice. The people they can help and what they can do for them will depend on what level staff and volunteers get accredited. |
| <p>Method 3: Support teams (non advice)</p> <p>3.a. Volunteer and staff teams support specialist provision</p> | <p>Volunteer or staff teams support specialist advisors to do tasks not requiring OISC accreditation</p> <ul style="list-style-type: none"> Volunteers are trained and supervised to help clients understand and cope with the system and navigate some of the lower-level requirements such as filling in application forms, or collecting evidence to support applications. In-house staff teams are trained and supervised to give information or complete a largely administrative element of a process. | <ul style="list-style-type: none"> People with immigration issues which involve completing long, complex forms and collecting evidence. People seeking asylum trying to orientate themselves in the system, both at initial application stages and once refused (looking for fresh claim). People on the brink of destitution because of a failure to provide support. People with LTR on the condition of having no recourse to public funds (NRPF). |

Table 1 (cont.)

| Method and sub-categories | Definition and use | Who benefits from this method? |
|--|---|--|
| Methods aimed primarily at increasing efficiency | | |
| Method 4: In-house investment 4.a. In-house training for non-specialist staff and volunteers 4.b. Legal aid billing efficiency measures 4.c. Investing in future specialist advisors | Specialist advice providers develop their own capacity and efficiency <ul style="list-style-type: none"> • Training non-specialist staff and volunteers to better signpost, triage and support clients. • Measures to remove non-advice tasks from specialist advisors (particularly legal aid billing). • Investing in specialist advisors of the future using in-house training and support programmes. | <ul style="list-style-type: none"> • Clients of specialist advisors in law centres, Citizens Advice Bureaux (CABx) with specialist immigration provision and refugee and migrant organisations employing specialist advisors. • Such specialist providers are either in areas of greatest need or being created by employing new specialist advisors in organisations experiencing high immigration advice need amongst their clients. • Clients are therefore the most vulnerable. |
| Method 5: Remote advice and casework 5.a. Telephone advice to clients 5.b. Second-tier Advice Line 5.c. Webcam advice and casework | Organisations advise clients remotely via the telephone or internet <ul style="list-style-type: none"> • Telephone advice lines provide advice directly to clients. • Telephone advice lines provide advice to professionals working on individual client cases. • Casework is conducted online, for example via webcam. | <ul style="list-style-type: none"> • Clients in advice deserts where there is nowhere else to turn. • Clients who are trapped or vulnerable. • Professionals working with people experiencing vulnerability as a result of their immigration status. • People who cannot access a local centre. • Dispersed clients – to ‘find’ them and allow for resolution or further referral to services. |
| Method 6: Outreach and referral partnerships 6.a. Outreach partnerships 6.b. Referral partnerships | Specialist providers establish partnerships with frontline organisations which enable clients to access immigration advice <ul style="list-style-type: none"> • Outreach partnership: specialist advice provider(s) goes out to deliver immigration advice to the clients of a frontline organisation at the premises of that organisation. • Referral partnership: specialist advice provider(s) creates a formal agreement with a frontline organisation about making referrals and guarantees to take a certain number of clients per month (or other time period). | <ul style="list-style-type: none"> • Vulnerable clients with transient lifestyles but who may come into contact with community, health or emergency support services. • Clients who do not speak English, particularly in a referral partnership with a community organisation which has staff and volunteers who can speak and gain trust in the client’s own language. • Clients with undiagnosed immigration advice needs in contact with services. Specialist advice agencies help partners with other specialisms (e.g. health, housing, domestic violence (DV)) to become more aware of immigration issues. |
| Method 7: Joint working 7.a. Specialist providers deliver jointly planned service | A specialist advice provider teams up with a specialist support agency to work collaboratively on resolving clients’ legal and support issues <ul style="list-style-type: none"> • Involves two organisations coming to a bespoke arrangement to reinforce one another’s work with particular groups of clients, drawing on technical skills which both have. | <ul style="list-style-type: none"> • Particularly vulnerable people with immigration issues who need help and support to access advice, understand the situation they are in and continue to engage with legal advice for as long as their case lasts. • People whose immigration cases are complex, urgent and not covered at all or adequately by legal aid. |

Table 1 (cont.)

| Method and sub-categories | Definition and use | Who benefits from this method? |
|---|--|---|
| Methods aimed at changing the context | | |
| <p>Method 8: Online information</p> <p>8.a. Educating clients through online information</p> | <p>Providing information online accessible to clients</p> <ul style="list-style-type: none"> • Clear and accessible information on the immigration and asylum systems and common issues and dilemmas this involves to help clients better navigate the system and gain agency in their own case resolution. | <ul style="list-style-type: none"> • People with an immigration issue who can get online and cannot get advice in a physical location (particularly in advice deserts). • People receiving advice who do not fully understand what is happening as there has been insufficient time for an advisor to explain this. • People seeking asylum in particular as process and routes are more straightforward and easier to explain online. |
| <p>Method 9: Strategic work</p> <p>9.a. Strategic litigation</p> <p>9.b. Policy and influencing work</p> | <ul style="list-style-type: none"> • Strategic litigation involves taking cases to court, which can bring about significant changes in law, practice or public awareness. • Policy work is essential if the nature and depth of the challenges and discrimination people with immigration issues face is to be lodged, and kept lodged, on the agenda of those with influence to effect policy and change in practice. | <ul style="list-style-type: none"> • These methods may affect any and all current and future clients of immigration advice providers. |

How organisations evidence the need for and value of their work

Need in the immigration advice sector is often identified reactively, that is by responding to presenting need at the door or on the phone, identifying that services are closing, liaising with other services to spot pressure points for provision or identifying policies which have a severe impact on people needing advice. Projects and services are also created to test new approaches that providers believe will be effective. Funder priorities are also important for determining the emphasis of provision, particularly at local level, although funders tend to react to the ideas NFPs bring forward rather than prescribing approaches.

We knew prior to the research that evaluation in the immigration advice sector is challenging and services often do not have the time or resources to do more than seek to count interventions and report on activity. The research looked at how different services were seeking to evaluate their impact and learning and produced a separate paper on evaluation summarising key issues and suggestions.

Challenges identified or reinforced through the research included the difficulty of linking the value of work to case outcomes. Given the length of time many cases can take, the short-term nature of much funding and the lack of resources available to track client outcomes following funded interventions, getting a full picture of impact can be difficult in this regard.

Additionally, NFPs can lack internal resources to consider impact learning. In particular, they experience challenges in terms of inadequate data collection systems, no shared language around evaluation terms and concepts, multiple funder interests and key performance indicators and particular difficulties when collecting information across different partners.

The research considers in some detail commonly used client outcomes and the issues posed by trying to track these, and also the issues involved with commissioning baseline surveys against which to measure progress, which are rarely easy to do, particularly given that external evaluation is often commissioned after a project has begun.

Our recommendations include suggestions for strengthening the capacity of organisations in the immigration advice sector to evaluate and learn from what they are doing.

Conclusions from the research

The research provided an overview both of the need for immigration advice and the methods which are being pursued to 'do more with less' and increase capacity, efficiency and accessibility in the system of immigration advice provision. It was possible to draw the following conclusions.

Demand for immigration advice

Two broad categories of demand emerge: people seeking asylum making fresh claims (because their initial application has been unsuccessful), and people who have irregular status and risk exploitation, destitution or violence as a result. The cases which threaten serious consequences for clients if not resolved require specialist input (OISC Level 2 and above) to unravel and progress, particularly given that many may have compounded the seriousness of their situation through a combination of previous contact with immigration or asylum authorities, inaction, poor advice or (knowing or unknowing) criminal activity. The most acute dearth in immigration advice provision is at this specialist level (OISC Level 2 and above).

Increasing capacity

The research found that all methods could increase capacity at least slightly, either by introducing new provision, using the provision which exists more efficiently or by removing barriers that cause more work for specialist advisors.

The most significant increase in organisational infrastructure and capacity results from **Method 2.a. (Training and support)**. Though this method does not produce immediate increases in provision (except for in already registered OISC providers), it is most likely to increase the sector's capacity to deliver immigration advice in the medium to longer term. Its ability in particular to introduce new provision into advice deserts is unique. Two other methods – **Method 1.b. (Pro bono contributions to advice)** and **Method 3 (Non-advice support teams)** – also increase capacity in broadly the same way and allow others to take on tasks (either regulated or non-regulated) which specialist advisors would otherwise struggle to find time to do. The contribution of pro bono lawyers (Method 1.b.) is most effective when supporting high-level, complex cases adding specialist capacity to, for example, research needed for challenging asylum refusals. Non-advice support teams are most effective where there is a large volume of similar cases requiring intensive form-filling or information-gathering which need only light supervision from a specialist advisor to complete.

Method 4 (In-house investment) can also unlock new capacity. In particular, support with legal aid billing can release specialist advisor time from the administrative requirements involved, as well as increase income, potentially enabling more specialist advisors to be employed. Given the scarcity of specialist advisors, this method, though not piloted to specifically increase immigration advice, has the potential to boost provision where it is particularly needed: in specialist hubs of provision.

Increasing efficiency

Focusing on efficiency is particularly relevant within local systems of provision where savings can be made by NFPs working better and more collaboratively, thereby making more effective use of available capacity. The method which most significantly increases efficiency is **Referral partnerships (Method 6.b.)**. The research showed that significant amounts of time could be saved by working with referral partners to enable them to identify and triage cases; this saved time spent by the specialist advisor on these areas as well as avoiding the need to field diagnostic calls about inappropriate cases. This method also worked well in terms of boosting some capacity in the referring partner, and has kicked off further consideration of how to save time in other areas of operation (i.e. thinking about efficiency in one area has prompted thinking about it in another). Joint working (Method 7) also increased efficiency by enabling specialist advice and support to be delivered in tandem, playing to specialists' strengths and reducing the need for repetition of support or the potential for client drop-out.

Increasing accessibility

All of the methods to some extent increased the accessibility of immigration advice. However, the ones which stood out were **Training and support (Method 2.a.)**, **Telephone advice to clients (Method 5.a.)**, **Second-tier Advice Line (Method 5.b.)**, **Outreach partnerships (Method 6.a.)** and **Referral partnerships (Method 6.b.)**.

Two of these particularly address the issue of advice deserts. **Training and support (Method 2.a.)** has the potential to introduce new provision where currently none exists but takes longer to embed, does not always result in more advisors actually giving advice and can be challenging to implement.

In contrast, **Telephone advice to clients (Method 5.a.)** is possible to access anywhere, and advice lines that allow for professionals to get specialist guidance can ensure that even those struggling with language or mental health issues can be supported to access and comprehend advice. However, remote advice has limitations in terms of what it can achieve for clients with complex cases who will need to see an advisor if their cases are to progress. In this respect, second-tier advice lines may merit further investment as they at least ensure that clients have access to some support until routes to specialist advisors, including travelling to reach them, are worked out.

Outreach and Referral partnerships (Methods 6.a. and 6.b.) cannot reach clients in advice deserts by definition: they require a specialist advice provider nearby to operate. They are however both notable for their potential to forge links into frontline organisations which people needing immigration advice may come into contact with, including not only community organisations but also public services such as health providers. Such partnerships allow those who do not speak English and/or people who do not trust services more generally to gain access to specialist advice. **Pro bono casework (Method 1.a.)** also increases accessibility in that such programmes raise awareness and may increase access points for people with specific immigration issues. The fact that such programmes may attract funding means that they are more likely to carve out protected provision for certain vulnerable groups.

Improving quality

Pro bono input from commercial lawyers (Methods 1.a. and 1.b.) can significantly increase quality as well as the experience for the client through intensive support by motivated commercial lawyers acting under specialist supervision. This is particularly true when they conduct end-to-end casework (Method 1.a.) but quality is also enhanced by any contribution (Method 1.b.) which leverages additional expert input into otherwise sparsely resourced casework.

Joint working (Method 7) between a specialist advice provider and a specialist support organisation also improves quality significantly. It ensures that the strengths of specialist providers are brought forward to best support the client, and professionals can also learn from one another and adapt their approach.

Sustainability issues

However successful any of the methods outlined are at creating capacity, efficiency or accessibility, all of them rely on having specialist providers which can field complex cases and, if necessary, take judicial reviews to challenge unjust policy or decisions. Such cases can involve high stakes for some of the most vulnerable people seeking immigration advice, and both untangling their situation and making critical judgements as to how to proceed is only possible by specialist advisors with an extensive grasp of immigration and human rights law. If clients and those providing lower-level immigration advice cannot refer such clients, any system of provision either blocks up or else abandons those who need help most.

The exodus of specialist advisors from the sector as well as the ongoing challenges of recruitment mean that investing in methods which motivate and train 'new blood' to come on stream is necessary if any solutions to the need-provision gap are to prove sustainable. **Training and support (Method 2.a.)** allows in part for this to happen, and investing in **training and supporting specialist advisors in-house (Method 4.c.)** is also essential if future sustainability is to be tackled.

Sustainability of provision is also affected by the degree to which immigration advice is supported by other forms of advice, notably welfare benefits and housing. It is neither possible nor desirable to

provide immigration advice in a vacuum for many clients existing below the radar or with 'no recourse' conditions⁴ attached to their LTR. Without such provision, immigration advice may be wasted if people fall out of contact because they are focused on their survival rather than regularising their status.

Evaluation issues

The immigration advice sector is both consolidating and transforming. Various methods are being piloted to deal with the chronic shortfall in provision. However, evaluation methods deployed within NFPs do not always help genuine learning and adjustment, focusing as they often do on producing evidence to satisfy funder requirements rather than allowing more flexibility of approach. In addition, the complexity of the immigration system and lengthy delays in decision-making by government departments can frustrate attempts to show outcomes. Furthermore, capacity to assess and describe impact is undermined by lack of skills, time, understanding of key terms, adequate data recording systems and multiple reporting requirements.

Digital issues

Digital methods can add value where individuals need to find information, get referred to specialist services, access advice given by a person remotely or discover options for support. Digital solutions are also proving valuable for online learning. However, there are limits to what digital solutions can achieve. For example, replacing face-to-face discussion with digital diagnostic tools is for the moment outside the scope of what computers can achieve. Efforts to do this elsewhere (in Australia, in particular) have failed.⁵ It is worth flagging this in particular given the government's focus in its recent Legal Support Action Plan⁶ on legal support as opposed to legal advice and the emphasis this seems to place on non-legally qualified people and potential tech solutions, rather than qualified and experienced advisors.

Creating digital solutions to improve efficiency in administrative processes are likely to be resource-intensive up front, partly because such methods require a culture shift in the sector generally. Early indications however are that they can prove extremely useful given enough resources to develop and time to embed.

Recommendations

The research makes 16 recommendations for funders and NFPs to build on the findings from the research.

The key need to reinforce specialist advice providers, which exist as the bedrock for future service improvements, is highlighted in Recommendation 1. All of the methods outlined in the research depend to some extent on the existence of such providers.

Recommendations 2–4 address the **need to develop a greater understanding of both need and supply in regional areas** in order to understand what methods it may be appropriate to support and develop. These include: undertaking detailed regional mapping of both immigration advice and the wider access to justice sector, supporting regional conventions to discuss and plan in the light of regional realities of demand and current supply, and potentially developing an online client resource to help those seeking services in the area navigate the services available.

4. The 'no recourse to public funds' condition is imposed on some grants of limited leave to enter or remain. It prevents the person with that leave from accessing certain defined public funds including all main benefits, allowances and credits.

5. <https://www.theguardian.com/australia-news/2017/sep/22/ndia-denies-cate-blanchett-voiced-nadia-virtual-assistant-is-in-doubt>

6. <https://www.gov.uk/government/publications/legal-support-action-plan>

Recommendations 5-10 outline a range of suggestions **to support and increase capacity and efficiency of service provision**. The detailed findings of the research will need to be taken into account by both funders and NFPs when considering which are suitable for their region. For instance, when thinking about supporting projects to build capacity, funders should take into account the back office and infrastructure costs implied in each and build this into their funding model. Funders will also need to consider investing in onwards referral capacity when supporting the development of OISC Level 1 and 2 provision.

Resources can also potentially be used more efficiently if **information resources for clients are developed centrally** (and not separately by NFPs), if **digital referral systems are further investigated** (with the caveat that these take upfront resources to design and embed) and if some **sector-wide support for the development of case management and data recording systems** is given to mitigate the cost and risk for NFPs of updating the systems they are using.

Recommendation 11 acknowledges that the wider context of the immigration system is currently not fit for purpose and that a small number of creative charitable foundations and NFP organisations cannot themselves address the loss of statutory funding nor inefficiencies and challenges in the wider system. **Policy and advocacy work should be supported by funders alongside work developing services.**

Recommendations 12 and 13 note that whilst detailed learning has been gained on the methods identified, this will need to be updated partly because many of the projects examined were at an early stage of development with more learning to unravel. **Supporting work which updates the lessons and methods contained in the research** is necessary to maintain relevance in a rapidly evolving field of provision. In addition, NFPs which have benefited from sharing lessons between themselves in the course of the research would welcome **future opportunities to learn from one another** about service development.

Recommendations 14-16 address the need to **improve both understanding and practice of evaluation in the immigration advice sector**. The sector would benefit from more staff roles which focus on learning, and consideration should also be given to developing a sector-wide resource to be used by funders and practitioners to help create a common language and provide pointers for suitable evaluation methods. In addition, funders should consider moving away from pre-set targets and activities when allocating funds and instead provide funding linked to achieving broad impact goals – an approach which has been demonstrated in the health sector as allowing for greater flexibility, inventiveness and learning.

1

Introduction

*'We have spent a lot of time, energy and resources addressing the wake of the LASPO cuts. Obviously, that's not a stated mission for us, but it is the reality of how LASPO changed the landscape. Many of the applications which we get are influenced by that context, and organisations trying to adapt to that context.'*⁷¹

7. Interview citation

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) cut swathes of civil law from the scope of public funding, including most of immigration advice.

It was a watershed moment for the legal advice sector. Whilst asylum was still 'in scope', the consequence of loss of legal aid for immigration was that many lawyers found it unviable to continue practising and folded. Over the five years after LASPO came into force, the number of civil legal aid providers nearly halved, falling from 4,253 providers in the period 2011–12 to 2,824 in 2017–18.⁸

Meanwhile, those needing immigration advice were effectively locked out of publicly funded routes to justice with far fewer or no options for free advice. If they could not find a not-for-profit (NFP) organisation still offering advice in their area their only alternative was to try and navigate the complex and constantly changing system themselves or find money to pay advisors. Much anecdotal evidence suggests that people have been forced to pursue either or both of these routes.⁹ The variable quality of advice services that are available to people is an additional issue of concern.

NFPs were forced to think about how to respond to the sudden gap between need and provision. Their initial response was often pragmatic crisis management – trying to control the flow of demand and do more work with less. NFPs undertook more rigorous triage and prioritising, cut down on 'open access' services (where it is difficult to control demand), increased advisor caseloads and worked pro bono as well as paid time. None of these methods were sustainable and, importantly, none could make any significant inroads into bridging the gap between provision and unmet need, particularly as a range of factors¹⁰ made the situation for those with unregularised immigration status ever more challenging under the 'hostile environment' suite of policies (now referred to as the 'compliant environment').

NFPs therefore have begun to explore more systemic ways to enhance and manage the supply of quality, specialist immigration advice. For example, projects exploring training community organisations to deliver lower-level immigration advice have been pursued, the theory being that these would increase access for clients and take some of the pressure off the more specialist immigration advice provision. NFPs have been supported and encouraged to explore such schemes by charitable funders who, mindful that charitable funding could never make up the shortfall of advice lost through legal aid cuts, have been keen to explore more strategic approaches to bridging the need–provision gap.

About the research and this report

Purpose

Paul Hamlyn Foundation (PHF) and Trust for London commissioned this research to explore some of the ways in which NFPs have been responding to the lack of specialist immigration advice that is free at the point of access. The findings from this study will be helpful for: funders of immigration advice services, to help them understand what works, in what circumstances and for whom; providers who may be considering the best ways to develop, maintain and evaluate their services; and for policymakers who may wish to understand the practical implications of policies affecting the provision of immigration advice.

The research's core enquiry has been, first, to seek to identify the various methods by which providers have been responding to the scarcity of specialist advice that is free at the point of access and, second, to assess how far each of these methods may increase the capacity, accessibility or quality of the advice provided. The research has also considered the ways in which organisations are currently assessing the need for immigration advice and how they are evidencing the value of the work they do through evaluation.

8. From research by Saira Grant, 2018. These figures include both solicitor firms and NFP providers.

9. For example, the number of litigants in person in immigration and asylum appeals has increased in spite of opposition from judges and lawyers as to the undesirability of this. <https://www.ein.org.uk/news/government-criticised-claiming-legal-aid-not-necessary-immigration-applications>

10. Including an increasing raft of measures brought in under the hostile environment policy, the reduction of immigration advice providers offering free, specialist advice and the ever-increasing complexity of immigration rules.

Research questions

The original research questions set out in the invitation to tender were:

- ▶ What factors increase access to immigration advice across the range of legal needs that may arise?
- ▶ What factors influence the 'quality' of this advice?
- ▶ What are the most effective ways to increase the capacity of immigration advice services?
- ▶ What are the most effective models of joint working (and between whom?), and what are the conditions required for this to happen?
- ▶ What conditions support effective referral pathways between organisations, and how can these be developed?

These evolved during the initial project scoping phase when the researchers and project steering group worked collaboratively to develop and agree a final set of research questions. These are set out in Figure 1 below.

Methodology

PHF and Trust for London initially nominated eight funded organisations for the research to assess and compare. However, it became clear that in order to draw lessons from across the field it would be necessary to include other projects to get a fuller idea of the range of methods being pursued across the sector and to draw down learning more widely. The research therefore cast a wider net, interviewing organisations across the UK to see how they had been responding to the crisis in provision and to consider whether their approaches held learning for the sector more broadly.

The research methodology is outlined in full at **Appendix 1** but consisted at core of:

- ▶ detailed interviews with the eight original projects/organisations tracking lessons as they progressed
- ▶ interviews with their partner organisations
- ▶ interviews with a range of other stakeholders including from a wide range of organisations and projects outside the original cohort
- ▶ the creation of an open research advisory network. Individuals were added to this at request, and were then circulated updates on the research, requests for information and suggestions for other projects to investigate and invitations to participate in learning sets for the research
- ▶ six learning sets held between June 2018 and January 2019 focused on specific issues or methods
- ▶ document review relating to projects and services, including outcome and monitoring data and evaluation reports when available
- ▶ literature review around the key research questions

In all, 110 interviews were conducted with 71 individuals and a further 11 individuals contributed by sending documents or attending learning sets.

Figure 1 summarises the data-gathering methods used in the research and their contribution to answering the questions agreed with the research commissioners. Appendix 1 includes more detail about each method.

Figure 1: Research questions mapped to data-gathering methods

| Data-gathering methods | Data-gathering methods | | | | | |
|---|------------------------------------|---------------------------------|--------------------------------------|---|--|---|
| | Review of cohort project documents | Interviews with cohort projects | Review of cohort project evaluations | Interviews with projects outside the cohort | Learning sets with Research Advisory Network members | Interviews with wider sector stakeholders |
| What factors increase access to immigration advice across the range of legal needs that may arise? | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| What factors influence the 'quality' of the advice given? | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| What are the most effective ways to increase the 'capacity' of immigration advice services (e.g. including knowledge and expertise, ability to reach more people)? | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| What particular issues arise for organisations providing specialist support on behalf of others? How can funders help? | | ✓ | | ✓ | ✓ | ✓ |
| What are the most effective ways to ensure that free immigration advice is available to those most in need? How is 'need' being identified by organisations/projects? | ✓ | ✓ | | ✓ | ✓ | ✓ |
| What are the most effective models of joint working (and between whom?), and what are the conditions required for this to happen? | | ✓ | | ✓ | ✓ | ✓ |
| What are the models trying to achieve in terms of longer-term outcomes for people who receive immigration advice? | ✓ | ✓ | ✓ | ✓ | | |
| What conditions support effective relationships (including referral pathways) between organisations, and how can these be developed? | | ✓ | | ✓ | ✓ | ✓ |
| What are the inputs required for different models and the potential savings or efficiencies in 'the system'? | ✓ | ✓ | ✓ | | | |

Limitations of the research

Not a mapping exercise. Though we sought to cast the net as wide as possible to spot patterns in the way NFPs were seeking to increase capacity and efficiency, it was never possible for this to be a mapping exercise of all services. We were particularly aware that concrete recommendations at national and regional level need to consider a level of granularity which we could not achieve within the scope of this research.

Changing context. Events were unfolding around the research over its two-year duration, most notably around preparation for Brexit and how this may impact EU citizens. Services have evolved and been funded to respond to this by supporting people with the EU Settlement Scheme and it may be that these hold new lessons.

Quantifying the capacity created. Though originally we had hoped to plot how many more individuals it would be possible to help if you invested Y resources into X method, it became clear that variables across the sector meant that we were rarely comparing like with like and, furthermore, many of the projects we were looking at were at pilot stage, with projected efficiencies in the future which had not yet been realised. As a result, the description and conclusions on efficiency are high level. However, we were able to generate useful evidence on the context in which projects were aiming to achieve efficiencies and the learning gained from setting up and trialling different methods.

How to read this report

Section 2 gives a brief overview of who needs immigration advice and a brief and broad assessment of what we know about the current shortfalls and gaps in immigration advice provision.

Section 3 provides the main findings of the research and summarises nine methods we identified by taking a view over multiple projects and services. An overview of these methods is given at the beginning of this section, and thereafter each method is considered in turn.

For each of these nine methods, the section starts with:

- ▶ definition
- ▶ sub-categories of how this method may be used
- ▶ the clients the method may be most appropriate for
- ▶ key efficiencies and benefits which accrue from adopting it

We then consider each sub-category in turn, distilling evidence on:

- ▶ the types of outcomes that are possible
- ▶ the lessons for replication that emerged from talking with people across the sector
- ▶ the challenges of implementing each method
- ▶ the limitations of the method
- ▶ development potential

We reference the key projects we considered where this is relevant.

Section 4 then gives an overview of how NFPs are currently assessing need as well as issues pertaining to evaluating immigration advice identified through the research.

Finally, Section 5 gives conclusions and some recommendations for funders and for practitioners.

Authors' acknowledgements

Andy Curtis, Kirsty Gillan-Thomas and Jonathan Price from PHF and Sioned Churchill from Trust for London formed the steering group for this research and wrestled alongside us with some of the conceptual and methodological challenges that it threw up. We are indebted to them for their patience, thoughtfulness and support throughout this two-year research project.

We would also like to thank the wide range of individuals who contributed to the research. People carved time out of often pressurised work schedules to share stories and ideas, help us process lessons from their work honestly and dig out copious amounts of data for us to pore over. Your work was often inspiring and your contributions to this research invaluable.

2

The context: Need and current provision

Demand for immigration advice is being driven by a range of contextual factors including the hostile (compliant) environment policy, lack of public funding for many types of immigration advice and the time-consuming or dysfunctional systems to access the legal aid which remains. This both increases the reasons why people would need advice and reduces the means whereby they might receive it.

A wide range of people may need immigration or asylum advice. The different groups of people who may need advice are considered alongside relevant information regarding populations (where known), what kind of legal issues they may have and whether or not legal aid is available for these. The groups considered are: people seeking asylum; refused asylum seekers; people with refugee status; people who have been trafficked; 'overstayers'; survivors of domestic violence (DV); EU nationals; children with unregularised status and people in detention.

Provision of immigration advice has significantly reduced since LASPO and people have difficulty finding specialist advisors to take on their case. In some parts of the country, or for some kinds of issues, that difficulty is greatly compounded: 'advice deserts' now make finding any legal support in some areas impossible.

If a person's legal issue is out of scope and they cannot pay for legal advice, they are dependent on a thinly spread network of provision, largely based on NFP providers operating nationally or in rarer cases locally. It is difficult for such people to find any advice at all.

What is driving demand for immigration advice?

Demand for immigration advice is increasing because of the way the system under the hostile (now rebadged 'compliant') environment has been designed and is now being implemented. A 'perfect storm' of factors have impacted on both those needing and providing specialist advice over the last decade.

Hostile (now Compliant) Environment Policy

The Hostile Environment Policy,¹¹ announced in 2012, was a set of administrative and legislative changes designed to make staying in the UK as difficult as possible for those without leave to remain (LTR).

Its measures are complex, far-reaching and still evolving. They include:

- ▶ Measures which create barriers to accessing justice. For instance, sharp increases in Home Office fees for processing applications¹² pose significant barriers for those without available funds. Immigration applications mainly require a fee. Repeat fees for those with limited leave are a particular issue, with applicants having to find more than £1,000 per person every 30 months. Some fees (but not all) can be waived, but for this a fee waiver application is needed, increasing the work needed by immigration advisors.
- ▶ Measures which curtail the right to appeal. Policies such as 'Deport first, Appeal later'¹³ meant that the Home Office could deport citizens before they had appealed against the decision to remove them in-country.
- ▶ Measures which co-opt previously uninvolved parties – notably landlords, employers, the NHS, charities and banks – to carry out ID checks and to refuse some or all services if the individual could not prove legal residence in the UK. Many have commented¹⁴ that by so doing the government effectively outsourced immigration control to the general public, with sometimes serious and discriminatory results for those with and without status. Those without status can no longer rent, gain employment or access healthcare and many are forced into a spiral of poverty and destitution as a result.

11. This was rebadged 'the Compliant Environment Policy' in 2018 when Sajid Javid became Home Secretary: the measures, however, remain the same.

12. For instance, as at March 2019, the fee for applications for Indefinite Leave to Remain was £2,389, the fee for Leave to Remain (renewable after 30 months) £1,033 and the fee for nationality registration as a British citizen (for a child) was £1,012.

13. Introduced by the Immigration Act 2014 for deportation appeals and extended in 2016 to include other human rights appeals. The policy was found unlawful by the Supreme Court in June 2017.

14. See for instance: <https://www.independent.co.uk/news/uk/home-news/home-office-immigration-chief-inspector-borders-hostile-environment-a9006706.html>

- Measures making it harder to prove an individual's right to remain. This was true with the 'Windrush cases', for instance where people here legally for decades found themselves having to comply with new administrative rules they could not meet¹⁵ in order to continue to enjoy citizens' rights and access services. Up to 57,000 people were estimated¹⁶ to have been affected by these rule changes, at least 83 cases were wrongly deported and an unknown number have been wrongly detained, lost jobs or homes, or have been denied benefits or medical care to which they are entitled.

Immigration rules and requirements

The legislative framework that advisors must interpret and navigate is "*inaccessible, unclear and constantly shifting*".¹⁷ Successive and numerous Acts of Parliament, a plethora of fast-changing secondary legislation ('immigration rules') to keep track of (5,700 changes since 2010¹⁸) and case law (needed all too often to clarify or challenge policy) mean that advisors need capacity to keep up to date with the framework, and more clients need advice as they have little chance of navigating it unaided.

Changes are ongoing to both rules and the application system. Digitisation is being introduced, for example, and from November 2018 there has been a major switch to online forms for many applications. Whilst there are some advantages, many have concerns about people falling the other side of 'the digital divide' and note the complexity of filling out a form where you cannot see what is coming next, and a range of technical glitches that are being reported.¹⁹ Many people wishing to complete such forms will need help.

The system of legal aid

LASPO meant that some people needing free legal advice could no longer access it, either because their case was no longer 'in scope' (i.e. funded through the legal aid system) or because the number of quality providers in their area had reduced or even disappeared entirely.

In addition, the administrative burden of applying for legal aid has increased. Where this is still available it requires time to record, bill and defend against what many reported as "*a climate of nit-picking resistance*".²⁰ In addition, many clients needing immigration advice may be able to secure funding through the Exceptional Case Funding (ECF)²¹ route, but in order to obtain this an application must be made. Drawing up such applications is time-consuming and undertaken 'at risk' by specialist advisors who must invest the time themselves without a guarantee that the funding will be approved.²²

'Failure demand'

Failure demand is a term coined²³ to indicate work created by poor practice elsewhere and indicates a failure in the current system of provision. For instance, decision-making within the Home Office generates more work when it does not follow correct procedure, loses documents or makes poor decisions requiring challenge. In the year before March 2019, more than half of immigration and asylum appeals were allowed – an indicator of poor decision-making earlier on.²⁴

Poor-quality provision of immigration advice²⁵ also generates failure demand. Though immigration and asylum advice is the most regulated of all areas of law, poor provision is routinely reported by NFP advisors who have to unscramble inaccurate advice paid for by clients.

15. For instance, having to supply up to four original documents to prove residence for each year they had been here.

16. By the Migration Observatory, April 2018.

17. Free Movement article. The Law Commission is consulting on how to simplify the immigration rules.

18. <https://www.theguardian.com/uk-news/2018/aug/27/revealed-immigration-rules-have-more-than-doubled-in-length-since-2010>

19. <https://www.freemovement.org.uk/computer-says-no-digitised-immigration-system/>

20. Interview citation.

21. Exceptional Case Funding was introduced in April 2013 and is funding available outside the scope of legal aid for cases where human rights or European Union rights may otherwise be breached. This generally means that it would be in some way unfair or even impossible for the person to deal with the case themselves for some reason, for example the case is complicated or they do not have capacity because of some disability or illness.

22. Whilst the grant rate for ECF has risen substantially since its introduction (from 1% in 2013 to 65% in October to December 2018) there is so much demand for immigration advice that specialist advisors were reported as still often being reluctant to take on such administration when there are so many other more guaranteed cases. In addition, the time spent completing the application form is not reclaimable and can take two to three hours, lawyers report.

23. Jo Wilding: *Droughts and Deserts: a study of legal aid market failure 2019*. <https://www.thejusticegap.com/droughts-and-deserts-a-study-of-market-failure-in-the-provision-of-legal-aid/>

24. <https://www.independent.co.uk/news/uk/home-news/immigration-appeals-home-office-success-rate-windrush-migrant-crisis-a8957166.html>

25. See for instance: <https://www.thejusticegap.com/growing-concerns-about-incompetent-legal-advice-for-immigration-detainees/>

Lack of provision

The number of specialist providers has reduced, making it difficult for those needing advice to find a specialist advisor, particularly in advice deserts (see later in this section). This lack of provision is creating the following commonly reported problems:

- ▶ People are waiting to resolve issues until they are urgent: anti-deportation campaigns, for instance, report this.
- ▶ People need support to prevent destitution as well as regularise their immigration status as it is more likely they will be denied support in the 'hostile environment'.
- ▶ Where there is no available free specialist advice, people may seek paid-for advice by, for instance, borrowing money, or by asking for support from community or church groups. They can find it difficult in such circumstances to identify quality providers. Both research and anecdotal evidence show that some providers give sub-standard advice, which may compromise an individual's prospects.²⁶
- ▶ Lack of access to welfare benefits and any 'safety net' is forcing some to resort to minor criminal offences to access basic provisions, such as food. A criminal record can seriously compromise the chance of regularising status at a later date.
- ▶ Groups working with people with immigration issues on the frontline report how difficult it is to explain how few the options are. As one frontline group put it: *"We have to explain to people every day that they are likely in the current system to be refused, detained, made destitute and may be deported."*

How the context impacts specialist advisors

The consequence of these measures for immigration advisors has been to create more work (e.g. new Windrush cases) and increase the complexity of supporting individuals. Clients no longer need advice only about their immigration application but also potentially about being refused services or benefits, or being discriminated against in a range of ways, including by the immigration and asylum system itself. For instance, many NFPs report a significant amount of their time is spent doing what are called no recourse to public funds (NRPF) 'uplifts'²⁷ to allow those granted LTR to access welfare benefits. In addition, clients who are increasingly isolated and sometimes frightened by hostile environment measures can develop both mental and physical illnesses, which in turn adds to the challenge of supporting them.

Who needs immigration and asylum advice?

Many people need specialist immigration advice (e.g. foreign students) but only a few of these may face discrimination, destitution, deportation or even death if they do not access it. NFPs and funders focus their services and resources on the people who face the worst consequences if they do not access justice and who, by virtue of their circumstances,²⁸ find it difficult to access. In these cases, their unresolved immigration issue is often inextricably linked with the circumstances of poverty or exploitation in which they find themselves and without resolving their immigration issue it will be impossible for them to move on and live fulfilled lives.

The complex immigration system has created different routes to regularising status, only some of which, post-LASPO, attract legal aid funding. We highlight the main categories here and as far as possible provide an indication of populations (and thus potential demand for services). However, data on many of these categories are patchy.

26. For instance, Solicitors' Regulation Authority's report Quality of Legal Services for Asylum Seekers 2016 by MigrationWork CIC <https://www.sra.org.uk/sra/how-we-work/reports/asylum-report/> or recent highlighting of exploitative practices in <https://www.independent.co.uk/news/uk/home-news/immigration-solicitors-exploit-migrants-rogue-substandard-lawyers-a8325706.html>

27. NRPF is a condition imposed on some limited leave to enter or LTR. This means that the individual cannot access most benefits and allowances.

An 'uplift' is the common term used to describe the work done by an advisor to request that the NRPF condition is removed from a client's LTR, thus allowing them to access benefits.

28. For instance, those who are homeless, destitute, unable to speak English or are living with mental or physical illnesses.

People seeking asylum

Asylum seekers may come to the UK expressly to seek asylum under international convention or decide to do so once inside the UK. They may also arrive through a resettlement route where their claim is taken care of as part of the programme, for example the Syrian Vulnerable Persons Resettlement Scheme.

Statistics give us some insight into current populations:

- ▶ In the year ending June 2019, 32,693 people applied for asylum in the UK and 9,052 grants of asylum or LTR were made. These figures relate only to applications, however – many more will have pending applications which have not yet been decided, some for years.
- ▶ The best indicator of the numbers involved is those in receipt of Section 95 support, which is available for those seeking asylum. At the end of June 2019 there were 45,203 individuals in the UK receiving such support. Of these, 31,884 were still pending initial decision, over half of whom had been waiting more than six months.²⁹
- ▶ Unaccompanied asylum-seeking children form a small proportion of all people seeking asylum, with 3,496 applications in the year ending June 2019.
- ▶ The policy of ‘dispersing’ people seeking asylum around the country has resulted in people seeking asylum being present in most regions and nations. Section 95 statistics show the biggest concentration in the North West, but sizeable populations exist in several other regions and nations, including Wales and Scotland. This dispersal system means we are relatively clear about where asylum seekers with existing claims are living, at least during their initial claim period.

People seeking asylum can access advice funded by legal aid. The challenges of doing this include:

- ▶ Asylum seekers may not know they need legal advice to navigate the asylum system or may access it late in the process.
- ▶ They may be dispersed to an advice desert with few or no specialist advisors and/or a high demand for available advisors.
- ▶ Legal aid is unlikely to cover the full cost of the advice needed. Legal aid solicitors are often on tight timescales and getting full briefings from clients can require time spent in building both trust and confidence, which they do not have.
- ▶ Some stages of the asylum process are unattractive for those relying on legal aid for their income. For instance, initial asylum application refusals are challengeable by appeal but an application and appeal constitute one ‘matter start’ and if there have been negative credibility findings in the Home Office’s initial decision, much work may be needed to counteract these. Private firms can be extremely reluctant to take such cases on, leaving the asylum seeker to prepare themselves or find support from the handful of NFPs trying to offer support at this stage.
- ▶ The asylum system itself can be discriminatory.³⁰ This creates the need for more advice and support as advisors often have to challenge inadequate or poor practice and decision-making.

Refused asylum seekers

The population of asylum seekers whose claims have been refused but who are still living in the UK presents a significant challenge for specialist advice services. We do not know how many people are in

29. <https://cityofsanctuary.org/2019/08/23/asylum-statistics-april-to-june-2019/>

30. See for example *Tipping the Scales: Access to Justice in the Asylum System* by Refugee Action 2018.

this situation. At the end of March 2019, 3,897 individuals were in receipt of Section 4 support (available for refused and destitute asylum seekers who meet certain criteria) but, anecdotally, many others stay without support, frequently destitute, trying to find ways to get their case heard again.

NFPs around the country report that 'refused asylum seekers' constitute a significant proportion of the clients they are aware of who need support. To support a 'fresh claim' for asylum (the only route available for their case to be reopened) they will need to find new evidence they can submit, and a specialist advisor willing to spend time understanding their specific circumstances. These individuals may have been poorly served by legal advice to date, compounding the complexity of starting a new claim and illustrating how vital it is to get quality legal advice early on.

People with refugee status or granted humanitarian protection

These people are adults and children whose claim for protection has been accepted and they have been granted some form of leave – either refugee status, humanitarian protection³¹ or (more rarely) discretionary LTR. In 2018, 15,891 people were granted such protection, and 14,767 in 2017.³²

Their status is thus regularised, but they can still need specialist advice for which legal aid is not available. For example:

- ▶ Support in applying for settlement protection. Refugees are initially granted five years' LTR, and new rules³³ brought in by the Home Office in 2017 mean that refugees will no longer automatically qualify for settlement protection as they used to. They will have to apply to gain this, and may be refused settlement if they cannot prove they still need protection (e.g. it is sometimes difficult if protection has been granted on DV grounds). They may also be refused for failing to follow precise procedure in the application process. This risks refugees lapsing back into irregularity and theoretically facing detention and removal.
- ▶ Support in applying for family reunion and travel documentation. Both areas are out of scope for legal aid in England and Wales. In Scotland, whilst legal aid is still available, it is difficult to find anybody to take on complex cases given the limited fee available. Family reunion applications can involve highly complex and lengthy application processes to stand a chance of success. The rules surrounding who can and cannot join are tight. For instance, child refugees do not currently have the right to sponsor their close family to join them in the UK.

People who have been trafficked

People who have been trafficked are adults and children whose entry to the UK is facilitated by traffickers and often illegal. They are at serious risk of exploitation, being bound for a range of situations in which they work as modern slaves in various undercover industries. They may not even be aware of the country they have been brought to. In 2004, the cockle pickers of Morecambe Bay alerted many to the realities of modern slavery for the first time.³⁴

We do not know how many people enter this way as we only know those who come to the attention of the authorities by being referred to the National Referral Mechanism (NRM).³⁵ Not all people referred to the NRM receive 'positive conclusive decisions' confirming them as victims of trafficking. Such people may need legal advice to challenge an NRM decision and/or help an individual pursue asylum or human rights applications.

31. Refugee status and humanitarian protection grant almost identical rights to the individual, but are underpinned by different legal frameworks. See <https://www.freemovement.org.uk/what-is-the-difference-between-refugee-status-and-humanitarian-protection/>

32. <https://fullfact.org/immigration/how-many-refugees-does-uk-take/>

33. <https://www.freemovement.org.uk/home-office-ends-policy-automatic-settlement-refugees-five-years/>

34. <https://www.bbc.co.uk/news/uk-england-25914594>

35. Refugee status and humanitarian protection grant almost identical rights to the individual, but are underpinned by different legal frameworks. See <https://www.freemovement.org.uk/what-is-the-difference-between-refugee-status-and-humanitarian-protection/>

What we can note about numbers is that:

- ▶ Globally, trafficking is on the rise with more victims recorded each year. A sizeable proportion of these victims are children: this is also mirrored in UK statistics.³⁶
- ▶ The UK identifies more people who have been trafficked year on year. There were 1,562 non-UK national referrals to the NRM in the first quarter of 2019³⁷ (and a further 594 referrals of UK nationality). In 2018, there were 5,368 non-UK nationals referred to the NRM,³⁸ which is 36% up on 2017 figures.
- ▶ Roughly half of those notified to the NRM in the UK are minors (17 years old or under), with 3,137 notified in 2018.
- ▶ Whilst cities, particularly London, are hotspots for identifying people who have been trafficked, referrals to the NRM come from across the UK.

People who have been trafficked who receive a 'reasonable grounds' decision from the NRM³⁹ can still access advice funded by legal aid. The Legal Aid Agency announced in 2017 that advice for people who have been trafficked would no longer be considered 'in scope', but this was reinstated through a successful legal challenge.⁴⁰

People with irregular immigration status ('overstayers')

People with irregular immigration status constitute a significant proportion of people needing immigration advice. These are people here without a valid residence permit because, in most cases, their permission has lapsed. They are commonly referred to as 'overstayers' amongst NFPs and advisors.

Every year, people visit the UK with a temporary permission to stay. In the year ending March 2019, for instance, nearly 3 million visas were granted of which 77% were to visit, 8% were to study, 6% to work and 2% were for family reasons.⁴¹ Some of these will overstay and join the unknown numbers of others in the same situation.

Some may overstay knowingly but others will not. They may not understand that permissions need renewing, for instance, or what time periods apply for so doing. Furthermore, it is easy to fall into irregularity as a result of the complex immigration rules and system. People who apply to stay in the UK on the basis of family life or private life are now granted only limited LTR. This means that during the '10-year route' to settlement, people will have to apply a further three times from their original permission; this includes separated children who may be granted short-term leave. Unless they do so (every 30 months) they will become 'irregular', but to do so requires support, importantly around the steep fees which apply to these repeat applications and the fee waivers needed to avoid them.

Statistics on irregular migrants are imprecise and gathering data has been described as 'counting the uncountable'.⁴² Research in 2005 based on 2001 census data placed the numbers of people with undocumented status in the UK between 417,000 and 863,000.⁴³ Research in 2017 estimated the numbers to be between 800,000 and 1.2 million, though this involved a high degree of methodological uncertainty.⁴⁴ The most recent research⁴⁵ revises estimates in the light of more recent datasets, including the 2011 census data, and places the numbers of people with undocumented status (including children) at a central estimate of 674,000⁴⁶ for the UK as a whole, with 397,000 of these living in London.

36. <https://news.un.org/en/story/2019/01/1029912>

37. 2,156 in all, the remaining 594 being UK nationals.

<https://nationalcrimeagency.gov.uk/who-we-are/publications/291-modern-slavery-and-human-trafficking-national-referral-mechanism-statistics-january-to-march-2019/file>

38. 6,993 potential victims overall, including 1,625 UK nationals.

39. Such a decision confirms a person's status as a victim of trafficking.

40. The Anti-Trafficking and Labour Exploitation Unit (ATLEU) took the judicial review against the Lord Chancellor and a positive judgement was handed down in 2018.

41. <https://www.gov.uk/government/publications/immigration-statistics-year-ending-march-2019/summary-of-latest-statistics>

42. Counting the Uncountable: Estimates of Undocumented Aliens in the United States, by Charles Kelly, 1977.

43. Woodbridge (2005) estimated the number of irregular migrants between 310,000 and 570,000 in 2001. In 2009, Gordon et al. revised the statistics upwards to the figures quoted.

44. The Pew Research Centre produced new estimates in 2017 of between 800,000 and 1.2 million people living in the UK without a residence permit. However, these statistics are based on estimates only and come therefore with a high degree of uncertainty.

45. University of Wolverhampton research for the Greater London Authority: *London's Children and Young People Who Are Not British Citizens: A Profile*, January 2020.

46. University of Wolverhampton estimates the undocumented population overall to be between 594,141 and 744, 843 individuals.

This shows that the estimate range has decreased since the original Woodbridge calculation in 2005 in light of more accurate datasets.

Legal aid is not automatically available for such cases. It may be possible to apply for ECF where an individual's human rights risk being breached under Article 8 of the European Convention on Human Rights.⁴⁷ However, the complexity of such cases, the fact that individuals may have been resident for many years and the numbers of people needing advice make these some of the most challenging cases to support.

Survivors of domestic violence on spousal or partner visas

People (usually women) who are not UK nationals and are here on spouse or partner visas can end up without status and risk deportation if their relationship breaks down. Such women may also be victims of DV. Though, in theory, there are routes to permanent regularisation and legal aid to help them, in practice there are considerable challenges, not least the evidentiary requirements and vulnerability of the victim.

There were 5,820 applications for indefinite LTR made under the domestic violence rule between 2012 and 2016,⁴⁸ but the number of victims overall is likely to be much larger than that, given the hidden nature of DV.

EU nationals needing to gain settled status

The government's EU Settlement Scheme launched in January 2019 and aims to help EU nationals and family members in the UK under EU rights to secure their status after the UK leaves the European Union. Though it will confer 'pre-settled' or 'settled status' on EU nationals if they apply in time, it is widely anticipated, despite programmes of support, that some will not, either because of innate vulnerability (e.g. because they have language barriers, are children whose parents do not recognise that they need to apply, are victims of domestic abuse or labour exploitation) or because the scheme itself is difficult to access and navigate.⁴⁹ There are also concerns that services funded to help people navigate the scheme may be discontinued after March 2020.⁵⁰

There are an estimated 3.7 million EU citizens living in the UK, of whom 2.2 million are in employment and the others are dependents, children or unemployed (and potentially destitute). As at January 2020, 2.5 million had applied for and gained settled status.

Children who need support to become British citizens

Children who are born to at least one British, or settled, parent may be legally resident in the UK but not yet registered as British citizens. Citizenship confers the right to vote, travel, access benefits and home fees for higher education as well as providing the security of a permanent status. Without it, children are vulnerable to exploitation, destitution and risk irregularity.

In 2017, the best estimates were that there were 120,000 children and young people in this situation,⁵¹ of whom 65,000 had been born in the UK. There are significant barriers in making such applications for some young people and advice is needed.

There are also separated migrant children in the UK (individuals under 18 years old outside their country of birth and separated from both parents, though not necessarily from all other relatives). Many separated and unregistered children are in local authority care. Until they are 18, there are routes to regularisation which may be closed to them afterwards. However, many professionals working with them assume that, because they have lived in the UK or been in care a long time, they must be British and so do not help them regularise.

Each year at least 2,500 such children rely on legal advice to resolve their immigration issues.

47. Article 8 is the Right to Family Life.

48. Freedom of Information request by the Guardian newspaper. <https://www.theguardian.com/uk-news/2018/aug/16/abuse-victims-increasingly-denied-right-to-stay-in-uk>

49. <https://migrationobservatory.ox.ac.uk/resources/reports/unsettled-status-which-eu-citizens-are-at-risk-of-failing-to-secure-their-rights-after-brexit/>

50. <https://www.independent.co.uk/news/uk/home-news/eu-nationals-home-office-funding-settled-status-charities-a9304736.html>

51. Project for the Registration of Children of British Citizens <https://prcbc.org/what-we-do/>

People in detention and prison

The UK immigration system includes the use of detention. Approximately 24,700 people were locked up in immigration detention in 2018.⁵² They are held mainly in seven immigration removal centres and two short-term holding facilities.

Over half those locked up in detention have sought asylum at some stage, or may be held in the early stages of their asylum application. Children are still detained despite challenges to this practice.⁵³ Others in detention include those who are being held prior to removal for overstaying their visa. People can be held indefinitely, though in practice about two-thirds are released within 28 days.

There is still legal aid available for bail, temporary admission or release but there is no legal aid for the detainee's substantive immigration application. There are significant challenges for those in detention to access legal advice as even if they have a legal representative it may be difficult or impossible for them to attend once their client has been detained. A Bail for Immigration Detainees (BID) survey in 2018 showed that only 50% of detainees had a legal representative and, of those, only 61% were legal aid solicitors. Advising detainees requires particular skill and expertise and there is evidence that the current system is resulting in detainees failing to get the expert support they need.⁵⁴

There is also a small but significant population who are being held in prison under immigration powers once their custodial sentence has finished. For instance, 1,691 such people were held in 2017,⁵⁵ spread across many prisons. BID's survey found that people in this situation do not know that they have a right to publicly funded legal advice and do not have legal representation.⁵⁶

Who is meeting this need?

There are two main types of provider for people who cannot afford to pay for immigration advice: NFPs providing immigration advice (which includes law centres) and private firms providing immigration or asylum advice under legal aid.

Who is providing legally aided advice?

Any lawyer (solicitors, barristers and legal executives) can give immigration advice to any level without the need for OISC regulation. However, to give legal advice funded by legal aid the lawyer must have accreditation under the Immigration and Asylum Accreditation Scheme (IAAS) run by the Law Society. As at September 2019, there were approximately 1,400 people accredited under this scheme at all levels.⁵⁷

LASPO has had a significant impact on the number of providers of legally aided immigration advice. Challenges for providers have included:

- ▶ Low hourly rates for legal aid work which have not increased with inflation.
- ▶ The loss of legal aid for a wide range of case types. With many legal aid practices, it was the inter-relationship of various legal aid funding streams which kept them solvent and losing one or more of these has meant in some cases that the entire practice is no longer financially viable.
- ▶ Fixed rates can disincentivise providers from taking on complex and lengthy cases.

52. <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

53. In 2018, 63 children were held in immigration detention. This number has declined since 2009 when more than 1,000 children were held.

54. *Droughts and Deserts*, p.41 by Jo Wilding, 2019.

55. <https://www.theguardian.com/uk-news/2018/oct/11/britains-immigration-detention-how-many-people-are-locked-up>

56. <https://www.biduk.org/posts/495-how-prisons-are-used-for-immigration-detention-and-why-this-inhumane-practice-must-end>

57. Figures taken from the Law Society's list of Immigration and Asylum members. The IAAS scheme is divided into four levels of specialism which are: assistant caseworker, caseworker, senior caseworker and senior caseworker (supervisor).

- ▶ The way in which legal aid is allocated by assigning organisations a set number of ‘matter starts’ produces ‘advice droughts’.⁵⁸ These are where there is notional capacity (in terms of available matter starts) to take on cases but no practical capacity, that is time to do so.⁵⁹ This produces inactivity in the system of provision: in the most recent survey, the No Accommodation Network (NACCOM) reported that its members were finding more and more that their clients were being taken on by a lawyer but then not progressed, often for many months.⁶⁰

Scale of loss of legal aid providers of immigration advice

Faced with these challenges, many providers have stopped operating.⁶¹ Between 2005 and 2018, the number of providers with immigration and asylum legal aid contracts halved. Amongst NFPs with legal aid contracts, the reduction was even greater with 64% of all providers lost during this period.⁶²

This reduction includes law centres (which are NFPs), many of which have closed. The loss of such providers is particularly acutely felt as they were the organisations most likely to be trying to bridge the gap between demand and provision through charitable funding. They were also most likely to try and maintain specialist advice for people whose cases were no longer in scope of legal aid.

Advice deserts can be identified in much of Wales, the South West, East of England, East Midlands, West Midlands and both the North West and North East. The North West, an area of high dispersal of asylum seekers (many of whom will be refused) is particularly poorly provided for with the only NFP providers of legally aided advice being Greater Manchester Immigration Aid Unit (GMIAU) and Bolton Citizens Advice Bureau (CAB).

Provision in Scotland is also limited outside of the Central Belt. Though, technically, most matters are still in scope there are still steep challenges for those trying to advise clients. Legal aid can be contested and monies deducted from what is claimed, and if this occurs regularly it can have a disincentivising effect for lawyers to take such cases. We were told during this research that this has affected the supply of legal aid provision for complex family reunion cases, for example.

Figure 2 opposite shows the spread of providers giving legally aided immigration advice in England and Wales.

58. As described in *Droughts and Deserts*, by Jo Wilding, 2019.

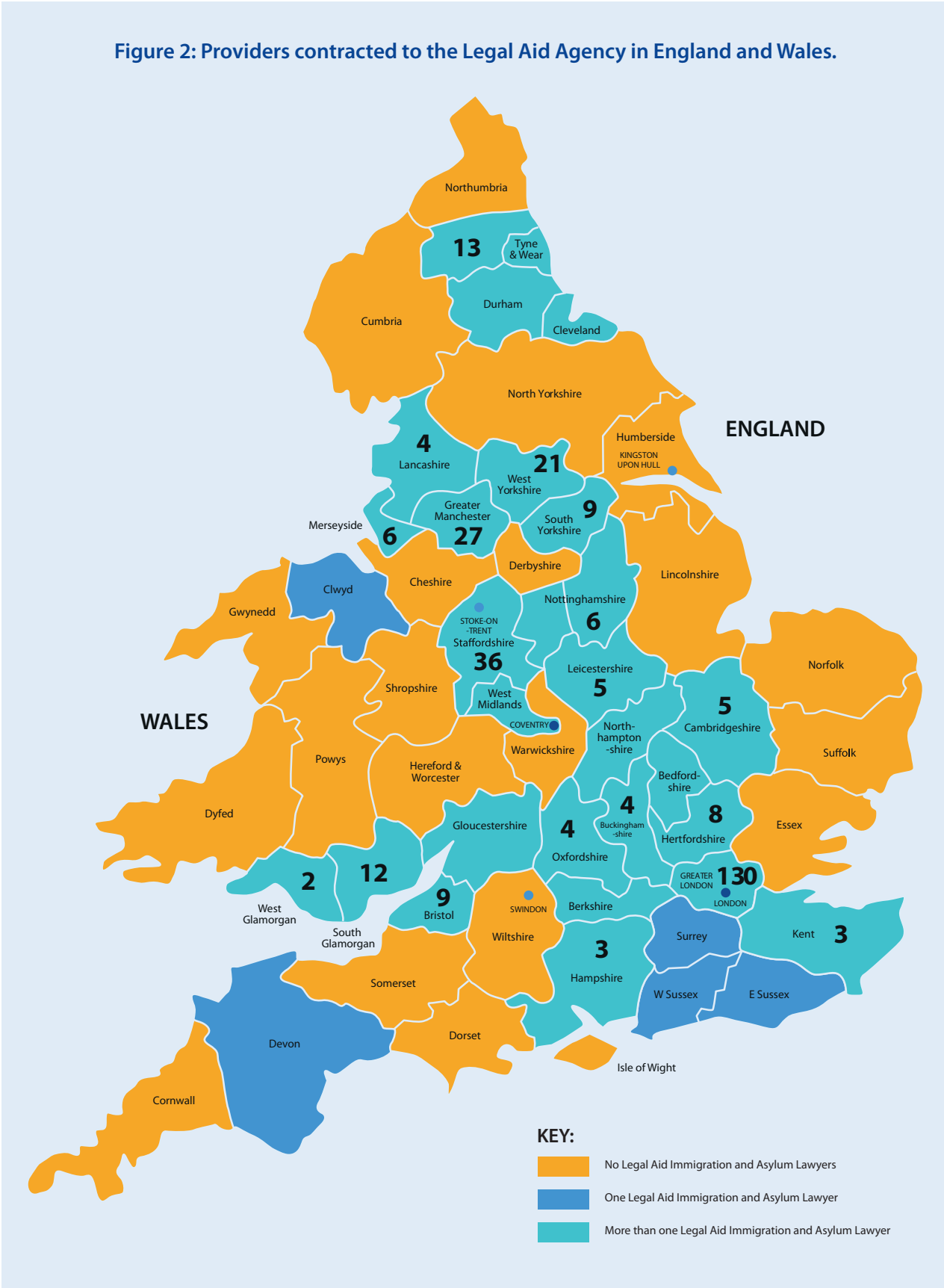
59. See for instance: <https://www.lawgazette.co.uk/practice/laa-criticised-for-35-immigration-fee-as-advice-droughts-emerge/5069754.article>

60. *Mind the Gap Survey* June 2019 https://naccomm.org.uk/wp-content/uploads/2019/06/NACCOM-Homelessness-Report_2019-06-18_DIGITAL.pdf

61. <https://www.theguardian.com/law/2018/dec/26/strain-of-legal-aid-cuts-showing-in-family-housing-and-immigration-law>

62. *Tipping the Scales: Access to Justice in the Asylum System* by Refugee Action and NACCOM 2018.

Figure 2: Providers contracted to the Legal Aid Agency in England and Wales.



Source: Wilding, J. (2019). Droughts and Deserts. Reproduced with the author's permission

Immigration advice other than legal aid

People who need free immigration and asylum advice no longer funded through legal aid have to find NFPs that offer advice funded by other means.

All providers of immigration advice do, however, have to be accredited as it is an offence to give such advice if not. If they are not lawyers, advisors will be accredited by the OISC, which entails passing an exam at one of three levels, with Level 1 the most basic and Level 3 allowing an advisor to do all advice and casework (except judicial reviews).

Importantly, Level 1 allows only the most basic provision and an advisor needs to be accredited to OISC Level 2 in order to provide specialist legal advice. However, this still does not allow them to run appeals or certain types of cases. Only those qualifying to OISC Level 3 can provide advice on all issues, though even these cannot do judicial reviews unless they achieve further accreditation.⁶³

There are thousands of OISC-accredited advisors in the UK, but most of these require fees for their services. Mapping OISC-accredited advisors who give free advice (NFPs) is difficult and it would be helpful to have more up-to-date reporting from OISC on this. Data gained from OISC from 2016 showed there were 90 registered individuals in the UK accredited to OISC Level 3, employed by 69 non-fee-charging organisations.⁶⁴ The majority of these are in London (44), followed by Yorkshire (14) and the North West (9). Some areas – the North East, Northern Ireland and Scotland – have none.

Who provides advice for complex and/or out-of-scope clients?

People with complex or out-of-scope cases are most likely to get support from the types of providers listed below. It should be noted that in some cases an apparently out-of-scope case may attract legal aid if human rights and EU rights grounds can be identified and ECF can be secured to do this. However, this requires an investment of time and resources both to understand the case and to make the claim itself, for which legal aid is not available.

- ▶ Law centres that continue to operate a legal aid contract and undertake some out-of-scope cases, often in areas of particular specialism or for particular projects.
- ▶ Specialist NFPs with a particular legal or client focus, such as BID, Coram Children's Legal Centre (CCLC), Every Child Protected Against Trafficking (ECPAT), Project 17,⁶⁵ Rights of Women (RoW) and Safe Passage.
- ▶ Specialist migrant organisations that maintain an advice arm as part of a more holistic package of services. In London, these include Praxis Community Projects, the Refugee and Migrant Forum of East London and Notre Dame Refugee Centre (NDRC), for instance.
- ▶ NFPs that have been created to meet a gap in immigration advice provision. Largely volunteer, these include organisations such as the Manuel Bravo Project (MBP) in Leeds and South Yorkshire Refugee Law and Justice in Sheffield.
- ▶ CABx. However, though most bureaux are 'passported' to OISC Level 1, the reality is that few currently provide advice on immigration issues with only a handful of exceptions.⁶⁶ Citizens Advice at national level is however currently assessing how immigration advice provision could and should develop, spurred in part by the need to get fully involved in the EU Settlement Scheme. In many areas, the CAB may be the only advice organisation available and could represent an important resource that is currently underused.

61. Judicial Review Case Management qualification (JRCM).

62. *Mapping of Immigration Need and Provision*, by Saira Grant, December 2018 (commissioned by Paul Hamlyn Foundation).

61. Project 17 focuses on ending destitution amongst migrant children in particular through leveraging support under Section 17 of the Children's Act.

62. Barnet CAB and Royal Courts of Justice Citizens Advice are two of these and featured in our research. Others include Bolton, Sheffield, Stoke, Newcastle and North Kent.

- ▶ NFPs, some migrant-specific and some focusing on other areas (e.g. homelessness), which either have employed or intend to employ immigration advisors mainly at OISC Level 1 or 2.
 - ▶ British Red Cross offices, which provide an extensive network of services across the country for refugees and asylum seekers in particular. These provide frontline services for destitute people with immigration advice needs and some hold advice surgeries (delivered by specialist providers) and/or are themselves trained up to provide limited immigration advice.
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3

Overview of methods

Our research identified nine methods that organisations can use to help increase capacity in the system of immigration advice provision. We describe the methodology we used to identify these methods in Section 1. We can group these into three categories:

Category 1: Increasing capacity

Methods aimed primarily at **creating new capacity in the system of immigration advice provision**. We found three methods here:

| | |
|--|--|
| <p>Method 1: Pro bono</p> | <p>Bringing new resources into play in the form of commercial lawyers and law firms that normally do not work on immigration advice.</p> <p>NB Not to be confused with the pro bono work that many immigration lawyers may do anyway to 'make ends meet'.</p> |
| <p>Method 2: Capacity-building</p> | <p>Skilling-up individuals to provide immigration advice (either for the first time, or to a higher standard) and bringing and sustaining new organisations into the mix of provision.</p> |
| <p>Method 3: Support teams (non-advice)</p> | <p>Bringing new teams of people into the mix of provision who can do informational or administrative work (under supervision) to relieve pressure on experienced advisors</p> |

Category 2: Increasing efficiency

Methods aimed primarily at **increasing the efficiency of how existing specialist immigration advice is provided**. We found four methods here:

| | |
|--|--|
| <p>Method 4: In-house investment</p> | <p>A specialist advice provider adopting a range of measures to increase efficiency in the way immigration advice is provided in-house.</p> |
| <p>Method 5: Remote advice and casework</p> | <p>Providing advice and support to clients over the phone or online.</p> |
| <p>Method 6: Outreach and referral partnerships</p> | <p>A specialist advice provider partnering up with 'frontline' organisations to help their clients, either by going to them in outreach venues or by having streamlined referral arrangements.</p> |
| <p>Method 7: Joint working</p> | <p>A specialist advice provider working alongside another specialist agency and both providing a service to a client at the same time.</p> |

Category 3: Changing the context

Methods aimed primarily at **changing the environment in which specialist advisors are working**. We found two methods tackling different ends of the 'supply chain': one changing clients' awareness and agency, and one changing the legislative and regulatory context.

| | |
|--|--|
| Method 8: Online information | Providing resources that can help clients become more 'efficient consumers' of the available advice, as well as helping them navigate the system better. |
| Method 9: Strategic work | Doing work to make things fairer for people with immigration issues and those advising them, including strategic litigation and influencing policy. |

Category 1: Increasing capacity

Method 1.

Pro bono

This method involves engaging lawyers from commercial law firms to do, or support, immigration casework pro bono (i.e. without charge).

We found two broad categories of pro bono support. The analysis in this section focuses mainly on the first category we identified (1.a. below) where **commercial lawyers are recruited and then supported to take on whole cases and run them from beginning to end**. The examples we looked at were:

- ▶ Kids in Need of Defense (KIND) UK.⁶⁷ This partnership project helps children and their families with undocumented status with citizenship and immigration applications. One of the four partners provides overall coordination (Central England Law Centre) and each of the four partners⁶⁸ employs a supervising solicitor who recruits, trains, assists with client triage and supervises the commercial law firms that join the project in their area (this could be one firm, or several). The case is then taken forward by the commercial law firm, with support and supervision from the local partner. Appointments with the client are normally held at the commercial law firm and also attended initially by the NFP supervisor until all parties are confident in proceeding. In some arrangements with local partners the commercial law firm holds the case, in others the partner retains it.
- ▶ The MBP⁶⁹ in Leeds has developed a network of pro bono lawyers to which it can 'outsource' certain cases: fresh claims for people seeking asylum and now also refugee settlement applications. MBP assess the client and, if appropriate, refer them to a commercial lawyer who takes it on, under MBP's supervision and support. MBP retains control of the case.

We also found ways in which **pro bono lawyers contribute without taking on the full case**. We grouped these into a second category (1.b. below), which is a collection of three examples where pro bono inputs can help a client in some way. Those are:

- ▶ where initial advice and assessment is provided by pro bono lawyers at a local community organisation
- ▶ where limited interventions are delivered by a network of pro bono lawyers to do parts of a client's case that are not covered by legal aid
- ▶ where pro bono lawyers do research to help back up asylum claims

We summarise both specific examples and what we gathered about lessons and outcomes for each.

Our topline findings are that a wide range of benefits and positive outcomes are discernible from this method. Whilst the KIND UK model is still at early stages of development and whilst these are not easy projects to set up, a lot of learning has taken place, which is reflected in the detail of the following information. Such projects certainly increase resources in the sector of skills and commitment and, over time, can yield a greater capacity to conduct casework. Most importantly, perhaps, projects such as KIND UK are offering increased capacity through focusing attention on a specific client group whose prospects of getting quality legal support are exponentially increased simply because the project exists.

67. <https://www.kidsinneedofdefense.org.uk/>

68. Central England Law Centre, Coram Children's Legal Centre, JustRight Scotland and Migrant and Refugee Children's Legal Unit (at Islington Law Centre).

69. <http://manuelbravo.org.uk/>

| | |
|--|---|
| Method definition | Enabling commercial lawyers to give immigration advice |
| Ways in which this method is used | <ul style="list-style-type: none"> ▶ Lawyers from commercial firms are recruited and supported to take in certain types of immigration case as part of their pro bono work. ▶ Lawyers from commercial firms do specific tasks that enhance current provision. |
| Clients this method is appropriate for | <ul style="list-style-type: none"> ▶ Cases suitable for pro bono end-to-end casework are, generally, relatively time-limited, discrete (as an area of law) and have a reasonable chance of reaching a positive outcome. Examples of this are young people with undocumented status needing to regularise their status, people needing to make settlement protection applications, family reunion applications. In the future, EU citizens who become undocumented might also be suitable for such a scheme. ▶ Such cases do not attract legal aid (and where they do, such as in Scotland for family reunion, a scheme can be adjusted to reflect this). ▶ Pro bono can be suitable for limited legal interventions that can significantly improve a client's chance of success, for example around appeal support or by making ECF applications. ▶ Pro bono lawyers can contribute to more complex cases (such as fresh asylum applications or complex Article 8 applications) provided these are held and/or taken on by a specialist provider by doing specialist legal research, for example. |
| How using this method produces efficiencies | <ul style="list-style-type: none"> ▶ Produces positive client outcomes by motivated individuals who may dedicate considerably more resources than would have been possible for a single specialist advisor (some pro bono firms engaged teams of people on cases that consumed considerable amounts of time on complex cases). Some hubs of KIND UK have a 100% success rate compared to 34% nationally on the citizenship and immigration applications they make for young people. Initial success means that further advice and support is not needed down the line. ▶ There are some indications that, as the KIND programme beds down and law firms become more efficient, it will enable more cases to be taken on than the specialist advisor could manage alone, but as yet this is marginal and the increase in case numbers has to be weighed against the cost of managing the scheme. However, there are other benefits (see below). ▶ Longer-term engagement by a law firm in a pro bono programme seems to increase efficiency. For instance, evidence from KIND UK shows that firms are better able to solve questions in-house and some have begun to introduce methods (weekly catch-ups; post case reviews) to promote internal efficiency and maintain momentum on cases. ▶ Efficiencies can be produced by engaging pro bono 'suppliers' in a syndicated manner over time, though not initially during set-up phase, where recruiting firms, coordinating partners and creating processes is time-intensive. For instance, there are efficiencies referring through a central point, development of shared training and template materials and peer support and learning. |

Other key benefits

- ▶ Pro bono lawyers report numerous benefits. The work can feel 'real' compared to sometimes more dry areas of law they are engaged in; it brings variety and if cases are concluded successfully it brings a sense of achievement. Greater understanding of the immigration system, improving skills and professional satisfaction are also reported.
- ▶ Law firms also benefit: such schemes support team-working amongst individuals who otherwise may not meet, improve engagement and staff retention, build internal relationships, provide excellent training opportunities for junior staff and enhance corporate reputation.
- ▶ The system benefits by having more individuals engaged, understanding the challenges faced by people with immigration issues and, potentially, being able to contribute to influencing or policy work by lending space for campaign launches or receptions, for instance.
- ▶ Private firms can recognise the value and skill set of NFPs as well as the challenges of the work they do. This may lead to further pro bono support or possibly sponsorship of some kind in the future.
- ▶ NFPs can help motivate and retain specialist advisors who, though they may be able to do a higher number of cases technically, would find such sustained, often harrowing work "soul-destroying".⁷⁰ Working this way introduces interest, diversity and a sense of not battling alone against a tide of need.
- ▶ Supervising a bigger range of cases than they would otherwise be involved in allows specialist supervisors in NFPs to identify potential judicial review work, which is helpful financially (legal aid) and strategically.
- ▶ Having a central referral point allows for monitoring of trends and issues for policy purposes.

Limitations of approach

- ▶ Involving more people can be less efficient for specialist advisors: *"Pro bono isn't going to be as efficient as supervisors doing it themselves ... The more people who are involved in a case, the less efficient it's going to be. I think we have to hope that the advantages of using a pro bono model outweigh the inefficiencies of it."*⁷¹
- ▶ Complex cases that are likely to go on a long time are less suitable, as pro bono lawyers can lose momentum.
- ▶ Complexity of cases will vary and some will take longer. It is difficult therefore to determine how many cases the project should be taking on and fielding out.

70. Interview with hub supervising solicitor

71. *KIND UK external evaluation* by Shelley Dorrans and Sophie Ahmed.

Method 1.a.**Pro bono lawyers take on whole case****Benefits for clients****Client outcomes**

- ▶ Clients receive a high-quality service from committed and motivated individuals (sometimes teams of individuals), which gives them a good to excellent chance of success in their case. Outcomes are generally positive and higher than the national average for similar cases.
- ▶ There is a perception amongst stakeholders that, in some cases, the Home Office has been more responsive because big firms with reputations for winning cases are involved.
- ▶ Clients visiting commercial firms report other benefits. For instance, some firms have contributed financially to fees, others have given gifts at key moments. Above all, clients enter an often impressive building where they are treated with respect, courtesy and care. As one advisor put it: *“Suddenly the establishment is on their side.”*

Lessons for replication**Needed to set up**

- ▶ Time is needed to establish relationships and develop a more tailored strategy for law firms in each locality. This is less of an issue in London but KIND UK’s experience in Scotland and the Midlands is that much groundwork is required to gain acceptance from UK law firms that do not have the kind of pro bono culture seen in US firms (and UK offices of US firms).
- ▶ Promotional work to identify clients, for instance online, targeted approaches to relevant organisations or open access sessions during which appropriate clients are triaged.
- ▶ Mechanism for assessing and referring suitable clients: specialist triage is essential in order to ensure the right type and level of case is taken on.
- ▶ Preparation of a training course, manual and templates for law firms joining the scheme on the area of law. For instance, KIND UK supervisors drafted template letters for clients as well as template legal submissions to the Home Office.
- ▶ Some law firms need a memorandum of understanding. Of particular importance is to understand who ‘holds’ the case – either the NFP or the commercial firm can do this (KIND UK had both models). It is also important to understand how the case will be referred in and allocated, timescales for uptake, mechanisms for addressing problems/complaints and streamlined systems for data sharing between NFP and law firm.
- ▶ System in place in each firm to allow for allocation of cases. Quite a few solicitors in each firm are needed to allow for new cases to be taken on in a timely way amidst existing work pressures.

- ▶ If pro bono coordinators exist in the firm, they often organise people into teams, which allows for coverage in the event of lawyers being called away on commercial work.
- ▶ An NFP supervising solicitor is needed in each 'hub' of provision to support and oversee triage, referral and casework.

Needed to run

- ▶ Lead organisation needs to oversee hubs, coordinate referral and data collection and coordinate learning. This is more onerous if these are being referred to multiple hubs, as with KIND UK model.
- ▶ Supervising solicitor needed in each hub who provides initial training and follow-up training to refresh and for new in-firm recruits, meets with client and pro bono team at initial meeting, picks up on 'unexpected' or difficult issues if these arise. Potentially, this can be funded in part by the law firms participating in the arrangement.
- ▶ Updating of training manual (necessary given how quickly rules may change).
- ▶ Pro bono coordinator, whose role is to link with commercial firms and push cases along, whether they are held in the name of the pro bono law firm or the specialist agency.
- ▶ Case management system that allows referral data and case data to be tracked together.

Lessons

- ▶ It is much easier to recruit firms where there is an existing relationship. Recruiting law firms outside London can be particularly challenging where this is not the case. Larger, international firms, particularly with pro bono coordinators, are more likely to want to participate.
 - ▶ When making initial approaches to firms, a key indicator of success is that a law firm has a pro bono manager, not just people with a side interest. Having previous experience of pro bono can also be helpful, as is identifying a contact person in the law firm with sufficient authority to take decisions to 'make things happen'.
 - ▶ Setting up a shared case management system linked to a referral system will save time and facilitate analysis later on. However, agreeing a standard referral and case recording data protocols between multiple partners can take time.
 - ▶ If a specialist supervisor is to be hired, it is better to do so once relationships with firms are established. Otherwise, specialist advisor time is spent trying to 'hook' new firms rather than supervising cases.
 - ▶ Some clients benefit from visiting their lawyer in a commercial setting but this may not be suitable for all client groups: MBP judged that clients seeking to make a 'fresh claim' on their asylum would be better seen at least first in an outreach venue.
 - ▶ Lawyers with no experience of dealing with vulnerable clients need to understand how best to gain trust, inspire confidence and enable frank disclosure. Commercial firm culture may need to be consciously 'unlearnt'.
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- ▶ Training and support are crucial, not only to ensure cases are conducted safely but also to ensure motivation. In addition, immigration cases frequently throw up unexpected twists and turns requiring ongoing supervision, even in cases expected to be more straightforward.
- ▶ Hours recorded by commercial firms may vary considerably from the time an NFP would normally estimate as being needed for a case. Often, commercial law firms put teams to work on cases (thus recording multiple advisor time) and comparisons are largely not helpful.

Challenges

- ▶ Outside London, recruiting law firms to commit to regular pro bono provision can take considerable time. MBP had a pro bono liaison officer for a time but it was still impossible to engage new firms and so they changed tack.
- ▶ Some law firms have a perception that immigration advice is particularly challenging (because it is so regulated).
- ▶ NFP immigration lawyers are not on the whole used to ‘pitching’ to new law firms to gain their acceptance and participation and may need support to develop their skills and ability to do this.
- ▶ Certain types of case may appeal more than others. KIND UK may have motivated law firms to join because it concerned children’s rights; however, one NFP reported that some law firms had refused to provide pro bono support to people seeking asylum because it was ‘too contentious’.
- ▶ Supply of clients may be an issue for various reasons: appropriate clients may not be identified or there may be several people in a firm on a rota who therefore only occasionally get a turn. Maintaining interest and motivation through regular bulletins or meetings may therefore be necessary.
- ▶ Law firm commitment may be concentrated in one or two individuals (particularly in smaller firms) and if they move on, this commitment may move with them.

Development potential

- ▶ Income can be generated if law firms contribute to costs: initial indications show they are more likely to contribute towards supervision than core costs.
- ▶ Pro bono is popular and there is increasing recognition of benefits for firm and employees. Initiatives such as the Pro Bono Plan indicate this.⁷²

Limitations

- ▶ There are limitations on the degree of case complexity it is reasonable for a pro bono contribution to deal with, and some feel this method is better if cases are relatively straightforward and predictable. However, with supervision, Article 8 cases are being taken on under KIND UK and fresh claim preparation undertaken by MBP and others.
- ▶ If cases have urgent deadlines, this method is unlikely to succeed unless it is a ‘rapid response network’ such as that created by Asylum Support Appeals Project (ASAP).

72. <http://probonoplan.uk>

Method 1.b.**Pro bono lawyers contribute in part**

Lawyers also contribute pro bono to immigration advice and casework without taking on entire cases. We found three different ways in which this happens but there may be more. We did not look at these in detail but summarise what we learnt about each here.

Initial advice and assessment at outreach sessions

Some community groups come to an arrangement with a local private law firm to deliver a regular immigration advice session for their clients on a pro bono basis.⁷³ These sessions are set up as a minimum offer for the people the groups support because they are aware their clients have immigration issues but do not have any options for referral.

- ▶ **Lessons** on how to set up and run such sessions include: (i) have a space where clients can speak confidentially and (ii) create a triage system that allows for suitable clients to be seen (rather than use pro bono time sorting inappropriate cases).
- ▶ **Outcomes** from such sessions are limited and hard to track. Clients get some initial assessment and potential suggestions for next steps, which the community organisation may be able to help with. If the client needs further advice or representation, the pro bono lawyer may be able to refer on or, if the case is legally aidable and the local firm has a legal aid contract, they may take this on.
- ▶ **Challenges** include: (i) quality of the advice given is difficult to monitor or assess, (ii) outcomes are difficult to track, (iii) there are some concerns that private firms can use such sessions to 'recruit' legally aidable clients (this was noted particularly in relation to community care law work⁷⁴) and (iv) there may be a lack of clarity about how follow-up happens if the community organisation hosting the session and with the ongoing relationship with the client is not OISC accredited.

Limited interventions which progress a case

NFPs can enlist pro bono contributions of private firms to do specific elements of a case that are not covered by legal aid. We found three examples where pro bono projects are seeking to cover identified gaps in provision:

- ▶ ASAP has a network of lawyers supporting people with their appeals against asylum support refusal. This was developed in response to asylum support appeals ceasing to be funded by legal aid in 2003.
- ▶ Freshfields helped Islington Law Centre (ILC) with ECF applications. The project was set up to get funding for cases seen at outreach sessions that ILC could not take on as they did not have the resources to make ECF applications. Freshfields bridged this capacity gap by doing the applications for them. Once funding was secured, ILC could take the cases on or, rarely, refer these on.
- ▶ Royal Courts of Justice (RCJ) Citizens Advice developed a network of barristers and solicitors to help so-called 'litigants in person' (individuals who represent themselves at court without the aid of a lawyer) at appeal. This was set up in response to a marked increase in litigants in person at the Court of Appeal.

73. This is distinct from community groups bringing in an NFP provider (Method 6 in this research).

74. Community Care law is used to challenge decisions made by public bodies, including the NHS and social services. A key way of holding public bodies to account is through judicial review, and if a firm provides pro bono immigration advice and also holds a contract with the Legal Aid Agency in Community Care and Public Law, they may be keen to identify clients who could potentially challenge public body decisions by launching a judicial review.

In terms of setting up such arrangements:

- ▶ **Lessons** include: (i) such arrangements are possible only where the tasks are contained and time-limited; (ii) the NFP needs to coordinate the work and, depending on the scale of operation, this can be intensive, particularly where deadlines apply; (iii) ongoing training and support is essential; and (iv) such arrangements are really only possible where there are existing relationships, which take time to build up.
- ▶ **Outcomes** can be extremely positive. For instance, in 2017, ASAP recruited, supported and coordinated 35 lawyers to assist 716 people seeking asylum with free legal representation and advice at the First-tier Tribunal (Asylum Support), succeeding in 68% of cases.

Research to enhance casework conducted by not-for-profits

In a pilot in 2017, Refugee Action trained 55 solicitors from Clifford Chance to undertake expert legal research to support the cases of people seeking asylum. This was used to support initial submissions, appeals against refusals and gather evidence for fresh claims to counter or head off negative credibility findings.

- ▶ **Outcomes** were positive for all parties. Detailed information assembled by the lawyers enabled successful appeals in several cases where evidence uncovered by the pro bono lawyer helped prove that the client's story was true. For instance, lawyers uncovered proof of the existence of unofficial militias that the Home Office had refused to accept in one client's case, and in another found evidence to support a claim that somebody had been a Peace Ambassador. Some evidence could be used with multiple clients: for instance, expert and detailed evidence on the persecution of Sikhs in Afghanistan was used successfully in up to six cases during this project.
 - ▶ **Lessons:** Clifford Chance reported that this was a highly successful partnership that proved motivating and interesting for the lawyers doing the research. They recommended it as a model for replication elsewhere. It requires few resources apart from having a good partnership with the firm involved and training them in understanding the value and importance of the research they are doing.
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Method 2.

Capacity-building

This method involves building the skills and competencies of individuals and organisations through information, training and support to increase the number of individuals and organisations able to give immigration advice.

We found two broad categories of capacity-building. The analysis in this section focuses mainly on the first category we identified (2.a. below) where a **programme of training and support** is created and delivered to individuals in NFPs who work with people with immigration advice needs. The examples we looked at were:

- ▶ Refugee Action's Frontline Immigration Advice Project (FIAP).⁷⁵ Phase 1 of this project ran from April 2016 to April 2019 and involved engaging and supporting NFPs who may wish to begin or increase their immigration advice provision. These include community organisations from a wide range of sectors, including homelessness, migrant and women's sectors. Individuals are then trained via an online learning platform with some opportunities for face-to-face learning sessions. The project has also provided organisational support to accompany the online training to help organisations adapt and embed immigration advice in their organisation.
- ▶ RoW's Athena Project (Phase 1). This provided face-to-face training to a group of community organisations in London that worked with women needing immigration advice, often survivors of domestic abuse.⁷⁶ RoW created and delivered training for individuals to enable them to achieve OISC Levels 1 and 2, and supported organisations in particular in relation to understanding OISC requirements.
- ▶ Joint Council for the Welfare of Immigrants (JCWI) has provided OISC accreditation training for individuals for several years for a fee.⁷⁷ It ran a bespoke course offered free to organisations in London between 2015 and 2017 and we looked at the available data from this.

We also looked briefly at other training provision for individuals available for a non-commercial fee: Free Movement⁷⁸ has an online course for members, for example. Our analysis in 2.a. is based on all of these examples, particularly focusing on the FIAP.

We identified a further way of increasing skills and knowledge through **communities of practice**. We look at the opportunities these offer briefly in Section 2.b., below. Communities of practice is a term used to describe people in similar working situations helping one another (e.g. by sharing cases) through formal or informal means, usually through online groups or meetings. We list the examples we found and what we gathered about lessons and outcomes for each.

Our topline findings are that this method has the promise of boosting lower-level immigration advice capacity in the sector significantly, particularly in advice deserts, for a relatively small project intervention. The FIAP has developed and streamlined this method by developing online training, which means that the returns on investment are higher than when face-to-face training only was used. The key delivery lesson however is that training individuals in organisations is not enough – the organisations must themselves engage through initial assessment and other support to help organisations think through and plan what becoming an immigration advice provider will entail in the longer term. Without this, the attrition rate is high, but with this it reduces. However, funders and practitioners should note that both attrition and time lags are inherent in this model as a variety of factors may interrupt the pathway

75. <https://www.refugee-action.org.uk/project/frontline-immigration-advice-project/>

76. Rights of Women Athena Project evaluation 2017 <https://rightsofwomen.org.uk/wp-content/uploads/2019/01/RoW-Athena-Project-Final-Evaluation-Report.pdf>

77. <https://www.jcwi.org.uk/pages/events/category/trainings-for-lawyers>

78. Online information hub on immigration and asylum law set up by Colin Yeo from Garden Court Chambers. <https://www.freemovement.org.uk/>

from initial training through to an individual delivering advice in an OISC-registered organisation. FIAP showed⁷⁹ that around 25% of individuals trained (91) had new or enhanced qualifications and though, with time, this percentage may increase the realities of life for small community organisations mean that it is unlikely ever to be very much higher. Part of the DNA of this project is that it invites organisations to test and explore, and some of these organisations will float and some will not: the key to success is to enable those organisations with a genuine commitment to providing immigration advice to get the full package of support they need. Such support includes helping them consider the organisational and resourcing implications of starting or growing an immigration advice service and considering how their service will sit alongside and complement existing local provision.

Method definition

Training and supporting more individuals and organisations to provide OISC-accredited advice

Ways in which this method is used

- ▶ Training and support provided to: (i) individuals in organisations (which may or may not be OISC accredited) and (ii) organisations needing help to register with OISC.
- ▶ Communities of practice, often online, which allow for ongoing learning.

Clients this method is appropriate for

- ▶ NFPs are the primary beneficiaries of this method. Often community-based, they are motivated to participate because they are in contact with people needing immigration advice. These include women survivors of domestic abuse, destitute and homeless people and people suffering exploitation.
- ▶ The people they can help and what they can do for them will depend on the level at which staff and volunteers are accredited by OISC. This is a significant point to consider, as the type of work it is possible to do at Level 1 is limited.
- ▶ OISC Level 1 allows straightforward work that is non-specialist and non-discretionary. This allows limited support for those seeking asylum or irregular migrants, for example by making straightforward applications to vary the conditions attached to leave.
- ▶ OISC Level 2 advisors can help irregular migrants (including refused asylum seekers) with a far wider range of matters.

How using this method produces efficiencies

- ▶ By increasing the number of advisors at OISC Level 1 and particularly OISC Level 2, a range of support can be provided to clients who then do not add to the queues at specialist advisors' doors.
- ▶ The method is boosting capacity where it is needed, such as advice deserts. Analysis is still at an early stage with Refugee Action's FIAP and a mapping tool is in development, but it is known that in the South West, Wales, North West and Yorkshire and Humber there has been significant progress in terms of filling gaps.

79. In data available at September 2019: more may have qualified or been trained since then.

- ▶ If clients can address their immigration issues earlier, they may be prevented from allowing inaction or poor-quality advice to compromise their immigration issue, thus saving time 'down the line' in the system of provision.
- ▶ NFPs can deal with some immigration issues in-house, thus obviating the need to phone round to try and find someone to help.
- ▶ Travel time for clients is saved when they can access advice from organisations they are already visiting.
- ▶ There are also efficiencies inherent in the method, particularly around online learning, which has reduced travel time both for participants and the trainer.

Other key benefits

- ▶ Trainees have a personal and professional development opportunity, which in the pressurised immigration advice sector is rare.
- ▶ Trainees develop new knowledge that, even if they do not become accredited, can motivate them as well as help them deal with clients more confidently and efficiently.
- ▶ Trainees understand the importance of accreditation and why they must not be 'best guessing' to support clients around immigration but trying to refer quickly and appropriately if the area is outside their competence. In some instances, this is preventing poor-quality (and illegal) advice from continuing.
- ▶ Professionals across different types of organisations and in different roles can be trained, pushing out the boundaries potentially of 'the immigration advice sector'. Out of 106 organisations FIAP lists as having supported in its first two years, 25% are outside the refugee and migrant sector (including from organisations in the youth, women's rights and homelessness sectors).
- ▶ Having a national programme facilitates unparalleled insight into advice coverage region to region, allowing a picture to be built up and more targeted support to be offered where deserts exist.
- ▶ Such schemes allow positive changes in the regulatory framework when a relationship is built with OISC. Barriers and glitches in the OISC accreditation process can be challenged, specific provision or exceptions argued for in the light of experience. Both RoW and Refugee Action have secured such changes, for example allowing NFPs to register only for specialist DV work (and not have to prove competency across all other areas).
- ▶ Trainees can also provide information 'upwards' around their experience of providing advice and the issues they are encountering. This happened in FIAP through a series of workshops on specific issues.

Limitations of approach

- ▶ It is difficult to assess the impact of this method for clients without detailed downstream monitoring or evaluation that requires resources and agreement from trained partners.
-

Method 2.a.**Training and support****Benefits for organisations and clients****Organisational outcomes**

- ▶ More individuals are able to provide accredited advice to meet the needs of clients. As a result of FIAP's work from inception to September 2019, 91 new advisors out of 366 who have started training (25%) have gained accreditation, with more 'in the pipeline' to sit exams.
- ▶ The programme can be used as a professional development 'perk' to motivate volunteers and, to a lesser extent, staff.
- ▶ More OISC-accredited organisations come 'on stream' and thus are legally allowed to provide immigration advice. During FIAP's first two years, 18 organisations were registered or increased their level of OISC registration, and 4 out of 11 organisations gained accreditation during RoW's project. More will have registered after the project's end.
- ▶ In terms of sectoral provision, this model is able to introduce new provision into areas where currently there is none.

Client outcomes

- ▶ Case studies reveal that organisations at OISC Level 1 are doing advice work that, previously, they could not, including travel document applications, citizenship applications and extensions of LTR. Where Level 2 advice is in place, this allows clients to get help to resolve a range of complex issues relating to their irregular immigration status.
- ▶ Clients are able to access services in advice deserts. For instance, in Calderdale, the St Augustine Centre reports that they have been able to "*start a service sadly lacking in Calderdale and our two newly OISC-accredited staff are delivering much-needed immigration advice to some of the most vulnerable in our community*".

Lessons for replication**Needed to set up**

- ▶ A bespoke manual that narrows the focus to issues people need to understand.
- ▶ A booking system for courses.
- ▶ Publicity and outreach to organisations.
- ▶ Staff in place (at the project secretariat or coordinating organisation) both to coordinate and deliver training and to provide organisational support.
- ▶ A good understanding on the part of the participating organisations of what is needed to become OISC accredited, as well as commitment from senior staff and trustees.

Needed to run

- ▶ Time and expertise for updating the manual.
- ▶ Staff to set up and deliver the webinar training sessions.
- ▶ Ongoing coordination of course administration.
- ▶ Ongoing publicity to encourage participation.
- ▶ Creating a 'customer relationship management' system that allows for tracking of individual and organisational progress.
- ▶ Time to diagnose and assess suitability of organisations to participate in the programme.
- ▶ Organisational support to those participating in the programme. This is a management support function, essentially, which enables an organisation to identify what it needs to do to adapt and how to translate those adaptations into future plans. This may require input before, during and following the training.

Lessons

- ▶ Trainees are much more likely to progress when they have support for revision and from peers.
 - ▶ Experience has shown that trainees who are students or short-term volunteers are less likely to progress than staff or long-term volunteers.
 - ▶ Courses pitched at people from outside the immigration advice sector need to be longer than average fee-paying courses: Refugee Action and RoW settled on five to six days, which seems about right.
 - ▶ Online courses have proved extremely popular despite some initial resistance from people more accustomed to face-to-face learning. Lessons include that a day of online webinar contact time is too exhausting, so a course has been developed that mixes in reading time, webinar and discussion to avoid this.
 - ▶ Refugee Action introduced organisational support into their FIAP provision when it became clear that organisations otherwise may not advance in becoming registered providers. Organisations have a wide range of motivations for sending people on such training, and such support needs to be flexible and tailored to the particular needs and circumstances of each participant, which range from large generic providers (such as CABx) to small volunteer-led organisations supporting destitute migrants.
 - ▶ Organisational support requires a strategic assessment: helping people think through a plan and how immigration advice might feature in provision in the future. Issues such as ongoing funding, applying for and maintaining OISC registration and how to target the resource of their new advisors are all key questions. Having these discussions requires skill, time and flexibility.
 - ▶ Visiting organisations may be essential in some cases, particularly if for some reason they seem 'stuck' (e.g. one organisation trained 20 people but nobody took the exam). This requires yet more time.
-

- ▶ Having a customer relationship management system in place will save considerable time down the line. Keeping records on multiple spreadsheets wastes resources and militates against easy tracking and monitoring of organisational progress and subsequent analysis.

Challenges

- ▶ A key challenge in this method is to ensure that the organisation, as well as the individuals being trained, understand what is needed to embed immigration advice. Individuals will need to do the learning, but in the longer term the organisation will need to adapt and plan to ensure that provision is sustained. This requires organisational support, including diagnostic support to ensure that the implications of introducing a new immigration advice service are understood.
- ▶ Getting organisations to engage with this level of planning may be challenging to secure. One downside to the model is that because the training is free, it may be easy to sign up without realising the longer-term implications. This can be mitigated in part by rigorous assessment processes. That said, we heard that some organisations take a while before they know if they want to become OISC accredited. Some think they do and then change their mind and vice versa. Encouraging them to think realistically and decide if another route is preferable (e.g. setting up outreach sessions with a specialist provider) is part of the organisational support needed.
- ▶ Trainees will not necessarily progress quickly or at all to gain OISC accreditation. Out of 366 individuals trained by FIAP in just over two years, 91 have thus far got accreditation (either new or moved up a level). In addition, organisational registration for OISC can take a long time for various reasons and motivation may drop.
- ▶ A time lag between individual accreditation and organisational registration can mean an advisor cannot start to give advice without supervision despite passing their exams. Refugee Action overcame this in two instances⁸⁰ by supervising advisors directly. Such temporary arrangements may be possible, however OISC seems reluctant to grant extended permission to operate in this way, seeing organisational registration as the preferred route.⁸¹
- ▶ An organisation may invest in having one or two people trained up only for them to move on.
- ▶ Being trained does not necessarily mean the organisation can immediately – or ever – deploy that person as an advisor: they may still be needed for other roles. This means OISC-accredited individuals may not practise and lose skills.
- ▶ The type of advice that an individual can give at Level 1 is very limited. If the organisation has clients with significantly complex issues there may be few benefits for them unless there is an intention to gain higher levels of accreditation.
- ▶ A significant challenge is the difficulty of establishing client as opposed to organisational outcomes for the intervention. Whilst we can gather case studies of individual providers, getting a sense of overall programme benefits for clients is challenging, partly because of the time lags involved.

80. Connection at St Martin's and St. Augustine Centre in Halifax.

81. St Mungo's Housing Association asked for permission to allow individual accredited caseworkers to practise under supervision from the Cardinal Hume Centre, having previously been supervised under a temporary arrangement by Refugee Action. OISC has not allowed this, wanting St Mungo's to take the OISC registration step.

Development potential

- ▶ Online learning has been welcomed: it was noted however that the online learning space is very different and its full potential merits further exploration.
- ▶ Using this method nationally allows for more granular mapping of immigration advice provision. Refugee Action is developing a mapping tool for this.
- ▶ Ongoing supervision is an issue for those becoming immigration advice providers. This is not only about satisfying OISC requirements, but it is also about ensuring quality. One model is to contract this in, as Hibiscus Initiatives has done with RoW, with monthly supervision sessions to go through more difficult cases and give support and advice. It has proved an effective arrangement but does, however, require some funding.

Method 2.b.

Communities of practice

'Communities of practice' is used to describe groups of people who share a common interest or concern and want to interact with each other in order to learn how to do something better. In this context it refers to people giving or learning to give immigration advice who may benefit from sharing examples and ideas with one another. We found two types of community of practice during the research.

Geography-based communities of practice

Refugee Action will soon establish communities of practice regionally. These will operate face to face as well as online and aim to: (i) provide ongoing support to graduates of the FIAP programme to support them and offer continuous professional development, (ii) facilitate the development of referral pathways and more 'joined up' working, (iii) develop the sharing of trends around advice provision and needs, (iv) highlight gaps in provision. As yet, these are under development and it is still to be seen how they work, however initial experience has shown some challenges in recruiting solicitors to these communities, perhaps inevitably given the pressures on specialist advisors.

Topic- or theme-based communities of practice

Theme-based communities enable practitioners working on similar cases to ask questions and resolve issues via peer support, for example they are sometimes used to identify suitable referral routes in an advice desert. Examples we found were: RoW's Women's Migration and Asylum Network; ASAP's Asylum Support Advice Network (ASAN); Free Movement's online forum for members; Maternity Action's Migrant Women's Rights Service Google group (helping those working with vulnerable pregnant migrant women to access health services); Refugee Legal Group and Housing and Immigration Legal Group run by the Immigration Law Practitioners' Association (ILPA)(for lawyers).

Lessons include that:

- ▶ Theme-based communities are resource-light to establish, though some resources are required to recruit members and keep the community engaged and the content relevant.
- ▶ Getting commitment from specialist advisors to answer questions from less experienced advisors is vital if they are to be useful.
- ▶ They are likely to be far less useful to experienced advisors (unless the network is exclusively for lawyers, as in ILPA's groups).
- ▶ Having somebody from the organisation to monitor the community of practice and respond to queries is essential, particularly until the community of practice gains traction and proves their use.
- ▶ Not all professions may be amenable to such groups, for instance engaging midwives in Maternity Action's online group has bumped up against NHS firewalls and a reluctance to introduce more emails into inboxes.
- ▶ Encouraging people to ask questions is vital, however there can be a reluctance from people to 'not appear stupid'.
- ▶ Rules are essential (ASAN's are available online⁸²).

Method 3.**Support teams (non-advice)**

This method involves bringing into the mix of provision new teams of people who can do informational or administrative work under supervision to relieve pressure on qualified and more experienced advisors.

There is only one category ('Support Teams') in this section. We mainly found examples of **volunteer teams doing administrative or informational tasks under supervision**. We looked at:

- ▶ GMIAU, which works with the British Red Cross (BRC) to recruit and train teams of volunteers to help prepare family reunion applications.
- ▶ Manchester Volunteer Advice Partnership⁸³ brings five organisations together to support form-filling, which can then 'unlock potential' down the line by, for instance, getting travel documents as a form of ID for people with refugee status.
- ▶ Refugee Action's Asylum Guides project recruits and trains volunteers to provide information and support to people seeking asylum on how to navigate the asylum system.⁸⁴
- ▶ The Unity Project in South London recruits volunteers just to process change of conditions for people with LTR but without recourse to public funds.⁸⁵
- ▶ Various projects involve volunteers in fresh claim preparatory work, helping refused asylum seekers sort their documentation and gather new evidence if possible. Such projects aim to give the person seeking asylum the best hope of finding grounds for a 'fresh claim' by sorting papers and finding new evidence that can then be passed to a lawyer. Refugee Action's Increasing Asylum Justice project is one of these, as is the Cotton Tree Trust.⁸⁶
- ▶ Volunteer teams are also used for triage, particularly for drop-in sessions. Hackney Migrant Centre (HMC) for instance has a strong team of volunteers organised into teams to ensure that those turning up to the drop-in sessions are appropriately registered, details taken, assessed and then booked in with the specialist advisor: all of this is supervised by the centre's manager, without advisor input.

We also looked at two projects where staff teams are trained to undertake an administrative element of a process for specialist advisors. These are the partnerships developed between the BRC and both Deighton Pierce Glynn⁸⁷ (DPG) in London and JustRight Scotland (JRS)⁸⁸ in Scotland. The projects developed because frontline staff were trying to access support from local authorities on behalf of their destitute clients and were being stonewalled frequently. The lawyers trained staff to prepare pre-action protocol letters (PAPs), which threaten legal action unless a problem is rectified.⁸⁹ All letters are checked by the lawyer but sent on the letterhead of the trained team. Specialist advisors step in if any complexity emerges and take on the case.

Our topline findings are that this method can boost capacity to some degree, though specialist advisor time is still needed for supervision and training. It creates efficiencies in that advisors do not have to spend time doing lower-level and informational work. It is a very flexible method that can address gaps in provision relatively easily and it is also highly motivational for volunteer and staff teams. It focuses attention on the client, allowing greater attention and time to be spent answering questions and providing information.

83. <http://mrsn.org.uk/manchester-volunteer-advice-partnership/>

84. <https://www.refugee-action.org.uk/asylum-guides/>

85. <https://www.unity-project.org.uk/casework-volunteers>

86. <https://www.cottontreetrust.org.uk/>

87. Video on DPG and Red Cross collaboration available: <https://www.youtube.com/watch?v=2mjBsQyBBOw>. Praxis also worked with DPG in a similar way.

88. Information on JustRight Scotland and Red Cross Partnership available: <https://www.justrightscotland.org.uk/our-work/scottish-refugee-migrant-centre/migrant-destitution-equalities/>

89. Pre-action protocols are legal letters written with specific evidence to the Home Office to try and resolve a dispute before court proceedings are instigated. They indicate a desire to get the matter settled without having to proceed to judicial review.

| | |
|--|---|
| Method definition | Volunteer or staff teams support specialist advisors to do tasks not requiring accreditation |
| Ways in which this method is used | <ul style="list-style-type: none"> ▶ Volunteers are recruited and supported to help clients understand and cope with the system (emotional support and informational work) and navigate some of the lower-level requirements such as filling in application forms, or collecting evidence to support applications (administrative work). ▶ In-house staff teams are trained and supervised to give information or complete a largely administrative element of a process. |
| Clients this method is appropriate for | <ul style="list-style-type: none"> ▶ People with immigration issues that involve completing long, complex forms and collecting evidence, such as applying for travel documents, registration of children, applying for lost Biometric Residence Permits, initial European Economic Area (EEA) applications, naturalisation, family reunion applications. ▶ Such people are likely to be found across the country, particularly in high dispersal areas, and in outer London boroughs. ▶ People seeking asylum trying to orientate themselves in the system, both at initial application stages and once refused (looking for fresh claim). ▶ People on the brink of destitution because of a failure to provide support, for instance those experiencing Section 95 or Section 4 delays⁹⁰ or experiencing failures to conduct Care Act assessments, failures to conduct Children Act assessment, homelessness gatekeeping, unsuitable accommodation, delays in granting support following decisions. ▶ People who have immediate non-immigration needs that can be addressed by non-specialist staff. ▶ People with LTR but a ‘no recourse’ condition placed on their leave. |
| How using this method produces efficiencies | <ul style="list-style-type: none"> ▶ Specialist advisor time is saved on necessary but time-consuming information or administrative work. ▶ In particular, time needed to deal with lack of awareness, dealing with worries and emotions or mistakes (people bringing the wrong documentation, having to explain a process multiple times, having to help people use computers) can be absorbed by non-specialist advisors. ▶ Clients access support from community locations, saving on travel time. ▶ This method can boost capacity in cases that are both out of scope or insufficiently funded under legal aid. For instance, PAPs to local authorities are technically in scope but poorly remunerated and thus often not prepared. ▶ PAPs specifically aim at setting out evidence in order to resolve a dispute before court proceedings are started. This keeps cases out of the courts. ▶ Staff have saved time chasing asylum support to no avail by being able to ‘escalate’ to a legal remedy. |

90. Types of asylum support: Section 95 is for people seeking asylum and Section 4 for failed asylum seekers (in some circumstances).

Other key benefits

- ▶ Knowledge and awareness of the immigration landscape is built in the teams trained.
- ▶ Support for beginning to resolve legal issues can be pushed down to community level.
- ▶ From increased throughput of cases, specialist advisors can identify those that require complex casework and potentially seek funding via ECF.
- ▶ Teams appreciate being able to act (e.g. via PAPs) on previously intractable matters. Both staff and volunteer teams report finding the sense of 'using the law for their clients' to be particularly empowering.
- ▶ Trends in problems can be identified: for instance, the DPG and Red Cross partnership identified significant delays in Section 4 payments, poor practice by the Home Office or specific local authority (e.g. a blanket ban on emergency referrals) can be spotted and highlighted.
- ▶ Casting the net widely extends the possibility of identifying test cases on issues where legal challenge may be beneficial but only with the right case.

Limitations of approach

- ▶ This method does not dispense with the need for ongoing specialist supervisor input.
- ▶ Work relating to the prevention of destitution may not be accepted as immigration advice work by some funders.

Method 3.a.

Volunteer and staff teams support specialist provision

Benefits for clients

Client outcomes

- Generally speaking, (i) client outcomes will vary depending on the nature of the intervention, but the work can have far-reaching effects and unlock significant benefits, and (ii) having committed and motivated volunteers or staff members to spend time listening and explaining often opaque and complex procedures can be empowering for clients in and of itself.

Examples of outcomes include:

- ▶ People seeking asylum were able to understand and better engage with the system as a result of Refugee Action's Asylum Guides project. This meant that some avoided common pitfalls during initial interview stages (such as preferring to say 'I can't remember' rather than providing information they were unsure about in order to please the Home Office interviewer; asking for their interviews to be taped, allowing challenge later on). Refugee Action has been rolling out the piloted methodology to other organisations⁹⁵ and one of these, Brushstrokes Sandwell, reports that out of 34 clients helped by an asylum guide in the period 2018–19, 15 have had a positive decision to date and none have had a negative decision.
- ▶ Family reunion applications submitted as a result of GMIAU's partnership with the BRC led to a 95% success rate, with over 100 applications completed in the first year.
- ▶ Pre-action protocol lessons have prompted local authorities to provide support that, prior to that, was unforthcoming: 67% of 173 letters sent and checked by DPG resulted in positive action for clients. Where a case was not resolved, the fact that it was ready for litigation meant that solicitors were more likely to take it on.
- ▶ Refused asylum seekers who are helped to find a lawyer to take on their case leave destitution and irregularity and, in some cases, gain refugee status.

Lessons for replication

Needed to set up

- ▶ A specialist advisor is needed to shape and oversee the programme (lawyer or OISC accredited to at least Level 2).
- ▶ If partnerships are involved, existing relationships of trust are very important to be able to work through all elements of the scheme and deal with challenges as they arise.
- ▶ A training manual and programme prepared that include a clear briefing of subject matter and boundaries between giving advice and providing support.
- ▶ Recruitment of volunteers.
- ▶ Publicity to users, particularly if regular outreach slots involved.
- ▶ Data sharing protocols may be needed to allow for the sharing of documents across partners.
- ▶ A system for managing and recording all client records and results.
- ▶ Clear guidance on what volunteers can and cannot do, including establishing boundaries about what is permitted information-giving and what constitutes advice.
- ▶ For volunteers giving information, excellent referral and signposting routes in order that the 'information only' boundary can be maintained and clients can be referred on for advice and casework.

Needed to run

- ▶ Specialist supervisor time to oversee and check all work. In some versions of this method this may require physical attendance at sessions where volunteers are supporting clients, in other instances work may be done at a distance and then checked.
- ▶ Checking work includes signing off on all letters or applications prepared.
- ▶ Specialist supervisor time to pick up on cases that are more complex (e.g. GMIAU will make ECF applications to enable a case to be taken on under legal aid; DPG will pick up on judicial reviews where needed).
- ▶ Manual and training materials will need checking and updating.
- ▶ Ongoing training by specialists to cohorts of staff/volunteers (e-learning can save time here).
- ▶ Disclosure and Barring Service checks for volunteers doing face-to-face work.
- ▶ Volunteer expenses to attend training and support sessions, where applicable.

Lessons

- ▶ Schemes will vary depending on whether staff or volunteers are being supported (recruitment, assessment and ongoing support of volunteers requires more time) and what they are being asked to do.
- ▶ Having shared values and relationships of trust makes it much easier to set up and run this method where partnership is involved.
- ▶ The processes (writing letters, making applications, collecting evidence) need to be clearly delineated and teams trained both in what they are and how to do them.
- ▶ Supporting people to fill in the (increasingly used) online forms is particularly challenging as people cannot see what is coming next in the form. Writing out a copy of all the questions helped volunteers and clients.
- ▶ Developing the training and support infrastructure to allow people to be 'let loose' on clients takes time. For instance, on the family reunion application project it has taken nearly two years to create and test good training for such teams.
- ▶ Efficiencies will increase as volunteers and staff get more skilled: initially, they will require more support and checking.
- ▶ Including shadowing in training volunteers has proved effective.
- ▶ Ongoing monitoring of the boundary between information provision and advice is needed.
- ▶ E-learning is a good way of providing information: Nimble⁹² was cited as a useful programme that allows organisations to create interactive courses and share them with teams. ASAP has used this on asylum support, for instance.⁹³

92. <https://nimble-elearning.com/>

93. <http://www.asaproject.org/training/elearning>

Challenges

- ▶ The specialist advisor's role in providing support and checking all documentation can be sporadic and requires fielding and checking letters from a range of workers or volunteers.
- ▶ Recruiting teams of volunteers with the right availability and skill sets takes time, and it may be a challenge to retain those people once they are trained.
- ▶ The specific process that the teams are helping with can change, particularly given the regular updating of rules and processes by the Home Office. This means that materials need to be rewritten and teams updated, or retrained.
- ▶ Developing data sharing systems that allow for work between organisations can be challenging. GMIAU has resolved this with the BRC by having a separate drive on their server with limited access to named individuals.
- ▶ In the PAP project example, one challenge for replication is that some lawyers may feel reluctant to set non-legal workers loose on writing letters, even with templates and checking. *"They won't be as good as you would write, most probably: but it's a question of what's good enough? You've got to let go of perfection."*

Development potential

- ▶ Sharing training materials and methods so that similar teams can be set up elsewhere. The e-learning on asylum support is now available nationally via ASAP, and Asylum Guides is encouraging other organisations to run a scheme in areas where there are high levels of asylum seekers.
- ▶ Regarding online materials, there has been some concern that, if they were open access, unqualified advisors may use them to provide support without supervision (some experience of interpreters setting up as advisors was reported).
- ▶ Getting a full list of where such interventions can add value would be useful. Given that pressurised NFP providers have considerable (i) awareness of need and (ii) awareness of the system, it is likely that most possibilities are already being explored, but we are aware of speculative discussions about whether and how non-accredited support can contribute to cases where people have been trafficked, for instance. These need to be assessed by specialists with a commitment to transferring administrative work to community level.
- ▶ Immigration rules and procedures change, as does the system around asylum support, and this will vary where staff are under administrative pressure.

Category 2: Increasing efficiency

Method 4.

In-house investment

This section focuses on a collection of measures or strategies (rather than methods) that providers are pursuing to try and use their specialist advisor time more efficiently and increase both short-term and longer-term capacity. The three examples providers told us about were:

- ▶ **Training staff and volunteers to undertake triage, signposting and referral.** In 4.a. we look at examples of organisations that do this to build organisational capacity and free up specialist advisor time.
- ▶ **Increasing efficiency around legal aid billing.** The system of legal aid funding has attracted sustained criticism for the unnecessary administration it entails. Though under review, it is unlikely to change in the near future; measures to cope with its administrative demands thus make sense in the capacity debate. In 4.b. we list some ways in which organisations are trying to minimise the time spent by specialist advisors on required but unpaid administration created by the legal aid billing system as well as maximising income, which can itself buy more capacity.
- **Investing in training future specialist advisors.** There has been a loss of advisors from the sector and organisations now have difficulty recruiting new advisors. This is not sustainable, and has led a few organisations to think about ways in which to invest in the advisors of the future. Section 4.c. briefly discusses and describes why, and what organisations are doing to build such longer-term capacity.

In several projects we contacted during the research, organisations had employed a specialist advisor, sometimes as a sole worker. We did not include this as a separate 'method' as, technically, this does not leverage any new capacity in the system per se but just moves resources around. However, given that organisations and funders may be considering this as one way to address unmet demand, we have distilled the lessons shared with us by providers and include these at the end of this section.

Topline findings depend on the measures adopted. We learnt that training staff and volunteers internally can both relieve pressures on specialist advisors as well as create a more accessible and welcoming culture for clients with immigration advice needs. Measures to increase the efficiency of how legal aid is drawn down and billed have a direct financial benefit, which can unleash more capacity. So, though such measures may require upfront investment, if legal aid contracts are large enough this would seem to have the potential to create both capacity and efficiency. Training up advisors internally does not, in the short term, significantly affect capacity but is a strategically wise approach that, in the longer term, is essential to the sustainability of the sector overall.

Method definition

Specialist advice providers develop their own capacity and efficiency

Ways in which this method is used

- ▶ Training non-specialist staff and volunteers to better signpost, triage and support clients with immigration needs.

- › Measures to remove non-advice tasks from specialist advisors (particularly legal aid billing and compiling documents).
- › 'Home grown talent': investing in specialist advisors of the future using in-house training and support programmes.

Clients this method is appropriate for

- › Clients of specialist advisors in law centres, CABx with specialist immigration provision and refugee and migrant organisations employing specialist advisors.
- › Irregular migrants, refugees and asylum seekers, often destitute and with no other options, tend to be the most vulnerable. Specialist providers are either (i) 'holding on' in areas of greatest need (dispersal areas, areas with high numbers of irregular and destitute migrants) or (ii) being created by employing new specialist advisors in organisations experiencing high immigration advice need amongst their clients, such as providers helping people experiencing homelessness.⁹⁴

How using this method produces efficiencies

- › Training staff and volunteers internally to do more efficient triage and signposting of clients relieves pressure on specialist advisors.
- › Making changes that allow for administrative functions (particularly around legal aid billing) to be handled by non-specialist advisors allows more time to be spent supporting clients and can release funding for more advice capacity.
- › Supporting staff and volunteer professional development increases staff retention and reduces time spent trying to recruit new advisors.

Other key benefits

- › In-house training increases (i) understanding of the client group, (ii) motivation (through learning something new) and (iii) can encourage non-specialist staff and volunteers to pursue further training and gain OISC accreditation.
- › Support for legal aid billing (i) releases specialist advisor time and (ii) helps retain staff (legal aid billing is critical and potentially increases income that can be invested in immigration advice capacity).
- › Supporting specialist advisor development in-house stems the loss of specialist advisors to the sector overall.

Limitations of approach

- › Specialist advisors are already trying to meet often overwhelming need and taking time off to change systems or train others can be challenging.
- › Such changes may require new (just not specialist advisor) resources, which providers would not be able to access unless funders are prepared to fund them. For instance, training and resources for others to do legal aid billing may be difficult to find.

94. NACCOM members, for instance, who are increasingly recruiting specialist advisors to meet the needs of their clients.

Method 4.a.**In-house training for non-specialist staff and volunteers**

Some NFPs train staff and volunteers (particularly those operating reception) so they can better triage, signpost and refer people needing immigration advice. This increases efficiency by diverting low-level and inappropriate enquiries elsewhere and allowing specialist advisors to focus on those more in need. For instance:

- ▶ Barnet CAB and The Passage currently employ one sole specialist advisor. They train other staff and volunteers on a regular basis and have found this alleviates pressure on the advisor because reception staff and volunteers doing triage are now able to cope with questions as well as identify priority cases.
- ▶ NDRC employs a specialist advisor. During 2018, following an efficiency review, the specialist advisor started training volunteer teams, instigated a new triage system and has found as a result that they are able to see more clients at drop-in.

Benefits**Client outcomes**

- ▶ Clients get quicker signposting to useful services if they do not have an immigration issue.
- ▶ More clients with a range of urgent immigration issues are seen and helped.

Lessons for replication**Needed to set up**

- ▶ A training course appropriate for teams needs to be created and delivered.
- ▶ Resources to deliver and then update the training on an ongoing basis.
- ▶ Some organisations bring in other organisations to help with this, for example some have used FIAP and the Refugee Council.

Needed to run

- ▶ If volunteers are to do triage following training, they will need equipment and space to do so.
- ▶ Ongoing monitoring of the boundary between information and advice is needed.
- ▶ Staff and volunteer supervision.

Lessons

- ▶ Training needs to be regular as there is a high turnover of staff and volunteers in many pressurised providers.
- ▶ Adequate insurance cover is needed for volunteers.
- ▶ Disclosure and Barring Service checks will be needed for volunteers who will be in one-to-one dialogue with clients considered to be vulnerable, or if they are handling sensitive information.

Challenges

- There is sometimes a high turnover of volunteers and staff.
- There is a need to keep on top of legislative and regulatory framework to update as required.

Development potential

- Some organisations have used external training schemes (Method 2) to enhance capacity, particularly FIAP.

Method 4.b.

Legal aid billing efficiency measures

If NFPs hold a legal aid contract and rely on this to maintain provision, they have to bill. However, time needed to secure, bill and liaise with the Legal Aid Agency means precious advisor time can disappear. Lawyers report that this usually means a lot of billing ends up getting ‘back-logged’ thus risking cash flow crises. In some instances, these crises have led to closure.

An associated issue is the lack of time to make ECF applications, which allow cases to be taken outside the scope of legal aid where an individual’s human rights or EU rights are at risk of being breached. Applying for and getting ECF literally brings more funding into the system. However, lawyers often do not have time to submit applications, often being at capacity with urgent casework. Some legal aid providers have come to arrangements with partners⁹⁵ effectively outsourcing the ECF application, which is referred back in or on to another provider if funding is secured.

We learnt of three different ways in which providers are trying to be ‘efficient’ about legal aid funding:

Employing a billing coordinator

- NFPs holding legal aid contracts may be significantly under-billing as well as using up valuable specialist advisor time to undertake essentially financial management tasks.
- A project funded⁹⁶ in South West Law Centre recruited a person to come in and clear the billing backlog. There were challenges in recruiting somebody with the right skill set, but having done so the benefits rapidly accrued: staff were trained to bill more effectively and 53% of the backlog had been cleared within a year. The post became self-sustaining as a result.
- A new project to introduce a billing coordinator is now being trialled with four other NFP specialist providers.⁹⁷

Undertaking legal aid work under another NFP’s contract

- The Passage takes on cases under Cardinal Hume Centre (CHC)’s legal aid contract. The Passage pays an annual fee for supervision and a cut of their legal aid income earned. This allows them to take on cases and cuts down legal aid billing administration. This model – where a small specialist provider employing perhaps only one or two advisors comes to an arrangement with a larger provider – allows more legal aid work to be conducted in more organisations whilst keeping administrative burdens for the smaller provider low.

95. Various law clinics in universities do this, for example.

96. By London Legal Support Trust.

97. ATLEU, Hammersmith and Fulham Law Centre, Mary Ward Legal Centre and Public Law Project.

- ▶ This is also useful because it means immediate and required costs – for example for expert reports – can be covered by the larger provider. The Passage estimates they spend between £10,000 and £15,000 a year on such reports. Finding such money would be difficult for a provider with one specialist advisor, but as part of a bigger legal aid contract these costs can be absorbed.

General efficiency and billing training

- ▶ Legal Aid Practitioners Group has been helping organisations develop governance, management and billing practices to improve efficiency in this area.

Method 4.c.

Investing in future specialist advisors

What started as a few people leaving the immigration advice sector post-LASPO has gained critical momentum. The reasons for this exodus are many, but include loss of job opportunities, burnout resulting from heavy client demand, the intentional complexity and changeability of the immigration system and the lack of career progression.

NFPs are now finding it extremely difficult to recruit suitably qualified and experienced advisors to fill posts. This means that law centres struggle to find people to satisfy the requirements of their legal aid contracts. One reported they had advertised a post four times before it was filled, another had to employ a newly qualified advisor without experience.

This situation has led some to think about capacity alongside sustainability and take steps to encourage and motivate new trainees to the sector. The Justice First Fellowship⁹⁸ has allowed newly qualified lawyers to get training ‘on the job’ and learn from being in a specialist advice provider, including specialist immigration advice providers. For instance, GMIAU and JRS have employed trainees who have learnt on the job in a highly varied and committed environment. During their two-year training period trainees passed their Law Society accreditation (IAAS) and were able to start taking on immigration casework.

Lessons

- ▶ Existing staff members benefit from seeing new ideas, energy and enthusiasm coming through.
- ▶ Whilst training up and supporting advisors is possible, securing ongoing funding is difficult. Though a solicitor with IAAS accreditation will be able to earn legal aid fees, this is unlikely to be sufficient to cover costs.
- ▶ Diversifying income from other sources has thus been part of what NFPs are expected to do during the funded training period. This has enabled trainee lawyers to get involved in designing future projects.
- ▶ The Justice First Fellowship fulfils one gap, however it is explicitly about lawyer training contracts. Some feel that a complementary scheme could be established for OISC Level 2 and 3 advisors also.

98. <https://jff.thelegaleducationfoundation.org/about/about-the-fellowship/>

Note on employing sole specialist advisors

NFPs may respond to clients' need for immigration advice by recruiting and employing specialist immigration advisors to work as sole advisors. For instance, some NACCOM members have recently been responding to mounting client need in this way.

We did not include this as a separate method as it does not increase capacity as such but rather moves around available resources in the sector. However, several projects we looked at had gone down this route and there was some learning.

Benefits

- ▶ When a sole immigration advisor joins a team of other specialist advisors there are synergy benefits, particularly when others give welfare benefits and housing advice. Having the capacity to assess all aspects of a case at the same time is beneficial for the client as well as efficient (with no time lost with client drop-out between different providers, and joint diagnosis of issue and legal routes much easier).
- ▶ Sole immigration advisors can help shift a culture internally by helping others, including other lawyers in different disciplines, to gain a better understanding of and ability to identify immigration issues. In addition, internal training and support can mean that volunteers and other staff gain skills in identifying and dealing with immigration issues and referring cases more appropriately.
- ▶ For the client, embedding an advisor in an organisation such as a homeless provider or refuge may be preferable as it means they can get their support in one place. It also risks reducing drop-out by referral.

Challenges

- ▶ Coping with demand. The lightning speed with which word gets out was noted by many: *"We seemed to have people phoning within five minutes once they knew we had some capacity."* Having a triage system is essential.
- ▶ The area of law is particularly challenging, and dealing with the Home Office in particular brings new ways of working that do not apply elsewhere. One NFP said a fax machine was referred to as 'the immigration fax' as nobody else used it.
- ▶ Workers can burn out rapidly, particularly if they are (most likely) dealing with the most urgent client cases where stakes may be high. There is often no respite, given regular deadlines and advisors can become exhausted if there is no respite.
- ▶ Being a lone worker does not allow for peer support and supervision, which is essential. One way of dealing with this is to find external supervision, but this adds to the cost unless pro bono supervision is found.
- ▶ If complex cases are being taken there may not be the internal capacity to assess risk of cost liabilities.
- ▶ Managing leave and cover for this is challenging given the nature of immigration cases, which can throw up unexpected crises. This was reported as a particular problem for some NFPs.
- ▶ Sole immigration advisors cannot do legally aidable cases unless (i) the specialist advisor is a lawyer with IAAS accreditation and (ii) the organisation has a legal aid contract (as it may if it is a generalist advice provider).
- ▶ This constrains what they can do in terms of taking cases through to judicial review, for example (which complex cases may require).

Method 5.

Remote advice and casework

This method involves providing advice and support to clients over the phone or online, which can be a more efficient way to give advice than seeing people face to face.

We found three broad categories of this method. **The first is telephone advice lines for clients.** Client advice lines offer initial advice by telephone, and all have some capacity to refer clients to follow-up support if the cases have merit and cannot find help elsewhere. Some also provide limited follow-up online (i.e. by email) where the specialist advisor summarises advice, follows up with professionals the client may be working with or sends further information to help the client progress their case. We looked in some detail at three of these:

- ▶ RoW's Immigration and Asylum Law Line
- ▶ JCWI's Irregular Migrant Helpline
- ▶ Scottish Women's Rights Centre's helpline

We also noted advice lines for people who are detained, run by BID, JCWI (which has a Foreign Prisoners Helpline) and the Prisoners Advice Service.

Advice lines are also set up by local providers, partly as a way of extending access to clients who otherwise find their services difficult to reach. We looked at two examples briefly: the advice line set up by NDRC and that set up by Praxis Community Projects. We summarise what we learnt about these in 5.a., below.

The second category is **advice lines set up to help professionals** who are not immigration specialists but may be working with clients who have immigration issues. Such advice lines offer slots when professionals can phone to get support on particular client cases. We drew lessons from looking at:

- ▶ RoW's Professionals Advice Line
- ▶ Maternity Action's Migrant Women's Rights Service, which provides advice for midwives, health visitors and community organisations working on NHS charging (which may affect asylum applications if not understood)
- ▶ JRS' second-tier advice line
- ▶ ASAP's second-tier advice line

We summarise what we learnt about these in 5.b. below.

The third category is webcam advice and casework. We looked at one example where this is being tested in Scotland. The Scottish Family Reunion Service is a partnership between JRS and the BRC and has been piloting webcam meetings with clients as part of the support offered. The service identifies only the most complex cases, often from remote parts of Scotland. These complex cases are prioritised as clients find it virtually impossible to find a lawyer despite family reunion being technically still in scope for legal aid. This is both because legal aid funding is insufficient for complex cases and because of a lack of providers outside the Central Belt.

This type of provision is still at an early stage of development, but brief lessons are summarised in 5.c. below.

Our topline findings are that remote advice and casework for clients is a cost-effective way of extending access to clients who otherwise may have no options at all. As such, these specialist advice lines provide an essential first entry point to other provision. However, difficulties will arise if, following the initial advice, there is no specialist provision to take up cases identified as having merit and so there is a balance to be struck between investing in this method and investing in the necessary follow-up services. Advice lines for professionals, however, though they take longer to build (in terms of awareness and professionals getting used to them) can add considerable value to lower-level support and advice provision. The complexity and evolving nature of immigration rules mean that few if any frontline support staff can hope to know all they need, and having an expert point of referral to check issues ensures not only increased client access but also quality. Webcams offer potentially exciting opportunities for extending casework to those outside hubs where there is specialist advice, but there is still a lot to learn about how to do this well, and what resources are needed.

Method definition

Organisations advise clients remotely via the telephone or internet

Ways in which this method is used

- ▶ Telephone advice lines provide advice directly to clients.
- ▶ Telephone advice lines provide advice to professionals working on individual client cases.
- ▶ Casework is conducted online, for example via webcam.

Clients this method is appropriate for

- ▶ Clients in advice deserts where there is nowhere else to turn. This is particularly true of clients experiencing the greatest risk and lowest provision: irregular migrants and refused asylum seekers.
- ▶ Clients who are trapped or vulnerable. Those trapped by abuse, disability or lack of access to finance in the home, or who are in prison or in immigration detention will need an advice line more than others.
- ▶ People who are undocumented and may be afraid to come forward in person.
- ▶ Professionals working with vulnerable client groups who may be experiencing problems as a result of their immigration status, for example those working with DV survivors, trafficking victims, or those supporting women trying to access services under the hostile environment.
- ▶ People living relatively near a local centre who cannot access it because of caring responsibilities, disabilities or lack of funds for transport, for example. Advice lines allow such people to be triaged and then potentially have an appointment booked (rather than waiting at drop-ins).
- ▶ Advice lines on specific legal issues can extend initial advice to dispersed clients to 'find' them and allow for resolution or further referral to services, for instance on the EU Settlement Scheme or on family reunion.

How using this method produces efficiencies

- ▶ Clients save time and money travelling to appointments.
- ▶ Clients can find out steps or information needed to make future advice sessions more productive.
- ▶ Clients may learn there are no options from a trusted source and as a result start making alternative plans.
- ▶ Greater efficiency at drop-in or face-to-face sessions as a result of advice line triage.
- ▶ Telephone lines cut out time spent chasing up missed appointments and put advisors more in control of flow of demand.
- ▶ Professionals are allies in solving a client's immigration issue: they are motivated, can talk to the client directly and are able to follow up via email, fetching documentation and fixing follow-up calls, thus saving advisor time.

Other key benefits

- ▶ Telephone advice means clients who cannot easily travel due to geography, disability, caring responsibilities, destitution or being detained, for instance, can still access good advice.
- ▶ Advice lines allow cases with limited prospects of success to be filtered out more quickly, thus allowing more time for others.
- ▶ Dedicated helplines for professionals can significantly increase the number of routes for directing clients to reliable specialist advice, in that these helplines are used by a wide variety of professionals who may come into contact with people needing immigration advice. For instance, RoW's Professional Advice Line has in the last nine months been phoned by a Teacher of the Deaf, nurses, housing workers and refuge workers as well as immigration advisors.
- ▶ Cases suitable for strategic litigation can be identified when casting the net widely as a helpline allows.
- ▶ Trends in types of problems and issues can be identified and data used to highlight trends and gaps for policy influencing work.
- ▶ Providing advice to professionals can allow insight into the quality of advice being given elsewhere and where people have confusions or misconceptions. For instance, RoW ran a project to support ECF applications and identified that some external organisations could not always identify a case 'in scope' for legal aid.⁹⁹

Limitations of approach

- ▶ People who find it difficult to use a telephone and/or speak English cannot access this support easily, if at all.
- ▶ Some feel that use of interpreters is difficult (in some cases interpreters need to be booked and they can make for stilted discussions) and some advice lines do not provide them.

- ▶ Advice lines do not enable trust and confidence in the same way as face-to-face advice: conversely, they may allow frank discussion precisely because people are not seen.
- ▶ Some types of cases can be resolved over the phone (e.g. EU Settlement Scheme where documents can be signed electronically). However, if the case is complex and requires input to unravel, only initial diagnosis will be possible and clients will always have to be seen if they are to be taken on as cases. Advice lines therefore often need to complement rather than substitute some of the other methods identified.

Method 5.a.

Telephone advice to clients

Benefits

Organisational benefits

- ▶ Advice lines allow specialist providers to extend the reach of their services over a potentially wide geographic area.
- ▶ Advice lines allow specialist providers to extend the reach of their services over a potentially wide geographic area.
- ▶ Advice lines set up by local organisations are a way of extending access to clients who may not be able to make it into the centre physically (e.g. because they have small children).
- ▶ Advice lines run by local agencies also allow providers to manage 'drop-in overload' to some extent by ensuring that at least some of the slots at drop-in are pre-booked for clients already assessed on the phone as urgent cases.

Client outcomes

- ▶ Clients get reliable advice, which helps them understand their options and how to act on them (including understanding that they have no options).
- ▶ Clients in advice deserts can access advice, possibly after a long time and having received poor-quality advice, which can 'set them back on track' and, if there are routes to pursue, advice on how best to do this.
- ▶ Some clients are referred to face-to-face appointments if their case has potential but is complex, with a range of outcomes possible.
- ▶ Some clients may receive limited follow-up advice: for instance, RoW send written summaries of advice if they feel the client needs it and may follow up small matters to help the client. RoW estimate that these 'follow-up' cases can take anything between 30 minutes and 5 hours.

Lessons for replication

Needed to set up

- ▶ Specialist advisors to field and diagnose potentially complex immigration situations (lawyers, OISC Level 2 or 3 advisors).
- ▶ Dedicated phone lines and confidential space to take calls.
- ▶ A data capture system, which allows for quick inputting of key fields linked to a simple online form for caseworkers to fill out. If advice line linked to policy work, consider what fields are needed to feed this work (e.g. local authority problems, evidence of being trafficked, Home Office issues).
- ▶ Clear understanding of what follow-up 'offer' is: either extended telephone follow-up, or referral internally, to outreach or other services.
- ▶ A list of relevant agencies that may be useful.
- ▶ Publicity to organisations likely to be in contact with clients.
- ▶ Arrangements for storing data under the General Data Protection Regulation (GDPR), and informing clients of this.

Needed to run

- ▶ Telephone costs. Some advice lines cover the cost of the calls by providing a freephone number (which increases costs), some require the client to pay (but deliver free advice).
- ▶ Staff salaries to cover time spent plus any follow-up time.
- ▶ Training, support and supervision for those giving the advice. Cases can not only be complex but also distressing so support for advisors is critical.

Lessons

- ▶ Stick to remit. Make it clear what you will and will not advise on and turn away callers who do not fit this remit, otherwise you will get swamped.
 - ▶ Make sure a specialist fields the calls. RoW trialled a triage system whereby a non-immigration lawyer took details and the specialist advisor phoned clients back. After an external review it was concluded that this method did not save time and it is better to access a specialist quickly.
 - ▶ Think about data capture early. Monitoring data can be useful for analysing trends as well as reporting. For instance, recording the age of callers enabled the JCWI to identify two 'pinch points' in immigration advice needs: the first around 18-year-olds (which a 'zoom-in' revealed to be around those ageing out of dependent status in mixed-status families), and the second around post-retirement (which a zoom-in revealed to be around Windrush cases).
-

Challenges

- ▶ Telephone interpretation. Some advice lines do not do this but instead refer clients to a face-to-face appointment if there are interpretation needs. Others do offer such a service, but more time needs to be allowed for such calls and it is preferable to require a professional to ‘accompany’ the client on the call.
- ▶ Unravelling complex and long-standing cases is challenging and time-consuming, especially when advisors do not have sight of documents. Sometimes telephone advisors have to get clients to read out documents line by line to understand the situation.
- ▶ Evidencing outcomes of advice lines is difficult. Being able to show reach (geographic location of callers plus types of issues), length of call and types of follow-up (where provided) is important, as is being able to ‘track clients through’ to subsequent advice and support, which may be provided to show final outcomes. Some organisations have introduced sample ‘callbacks’ of advice line clients to ask them how they benefited from the advice they received: when RoW did this for advice line callers over a month, they found that 89% had been helped by the advice given.
- ▶ Advice lines are frequently operating at capacity with clients reporting that it is difficult to get through. If desperate, clients will try and get through via other means: Facebook messaging or Twitter are reported as standard. An organisation needs to decide how to field contact from these sources.

Development potential

- ▶ Digital methods to help telephone advisors view documents would save time.
- ▶ Setting up a national advice line requires planning, and partnering with an organisation with experience can help. The Scottish Women’s Rights Centre advice line benefited from having Rape Crisis, with many years’ experience of running advice lines, as one of its partners.

Method 5.b.**Second-tier advice line****Benefits for clients****Client outcomes**

- ▶ Quick access to expertise on specialist issues. RoW report that even generic immigration advisors can struggle with the complexities of how DV issues might influence a case. This is particularly true if a rule does not apply to a client or their case does not match examples given in official guidance. Feedback from professionals that RoW helped indicated that 100% found the advice useful and 'improved their understanding of the law'.
- ▶ Professionals can modify and amplify the support they give to clients. For instance, one client wanted to push for settlement status but had no money to pay a fee. Fee waivers are only available for limited LTR. Knowing that fact enabled the professional to present a fuller range of options and consequences to their client.

Lessons for replication**Needed for set up**

- ▶ Specialist advisors (Level 3 or lawyers) to field potentially complex cases.
- ▶ Publicity is required much more than with client advice lines in order to 'spread the word' amongst those who may be in contact with suitable clients.

Needed to run

- ▶ Specialist advisor time.
- ▶ Need to factor in that those being advised are likely to make contact directly (and not through dedicated line) after being helped once. Essentially, this therefore becomes a 'web' of professionals who may then pick up the phone or email at other times rather than at specified times.
- ▶ Telephone costs for the line.
- ▶ Database to record contacts and advice given.

Lessons

- ▶ Allow a broad range of professionals to phone in, rather than predetermining who may be in contact with clients in need of advice.
- ▶ Publicise well amongst services, making it clear how you can help.
- ▶ Record types of cases and outcomes to show breadth and type of case.
- ▶ Conduct sample follow-up surveys to track outcomes.
- ▶ Non-OISC-accredited professionals phoning the line need to be informed that they cannot provide immigration advice but encouraged only to pass on information and engage with specialist advisors as needed.

Challenges

- ▶ Several organisations noted that their second-tier lines were slow to get going and need an initial ‘push’ with publicity. Some feel there can be a reluctance to admit a lack of knowledge.

Method 5.c.

Webcam advice and casework

Enabling clients to access advice remotely is topical. The Action Plan accompanying the post-implementation review of LASPO features a commitment “to explore how to deliver services remotely to those who are geographically isolated and may not have easy access to local providers”.¹⁰⁰ In the UK, the Ministry of Justice and HM Courts and Tribunals Service are implementing wide-ranging court reform and digitisation programmes, including online applications and digitisation of administrative tribunals.

NFPs are only just starting to use webcams for legal advice, though commercial law firms have been exploring for years how internet-based services can deliver better quality at lower cost.¹⁰¹

Lessons

- ▶ Client needs to be seen first in person to conduct proper assessment and determine needs. This is usually done by the specialist advisor at a face-to-face outreach session.
- ▶ Thereafter, casework can be continued without mandatory face-to-face meetings. If a local partner is supporting the client, they should either be OISC accredited, or fully understand that they should not give any immigration advice.
- ▶ The client needs to have a secure connection and somewhere private they can speak in confidence.
- ▶ To date, Skype is the simplest and most widely used platform.
- ▶ Advisors need training on how best to use a webcam to ‘connect’ with the client. For instance: (i) it helps to look at the camera rather than at the screen; (ii) conduct a test call beforehand to check that the microphone and speakers are working; (iii) as with any normal case, take notes rather than record calls (recording raises issues of storage and how to dispose of recordings securely).

100. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777036/legal-support-the-way-ahead.pdf

101. Blue Skype Thinking, PS Magazine (Law Society), Vicky Ling, November 2016.

Method 6.

Outreach and referral partnerships

This method involves a specialist advice provider partnering up with frontline organisations to help their clients, either by going to them in outreach venues or by having formal referral arrangements.

This method falls into two broad categories. The first category is physical outreach projects where specialist advisors physically go to the premises of frontline NFPs to deliver face-to-face advice on a pre-arranged and regular basis. The frontline NFPs will triage clients and book clients into the available surgery slots. After the outreach surgeries there may be limited follow-up of the work by the specialist provider or, potentially, cases are taken on if they are legally aidable or if there is funding from other sources to do so. The frontline provider is also able to follow up with the client and undertake tasks necessary such as getting documents or referring to other services. The examples we looked at were:

- ▶ The outreach surgeries delivered weekly by ILC at HMC. HMC triages clients presenting at their weekly drop-in sessions (triage is done through teams of trained volunteers, supervised by a staff member) and books priority clients into the available number of slots.
- ▶ JCWI's outreach surgeries with HMC.
- ▶ NDRC's outreach sessions at Women for Refugee Women.
- ▶ StrEEt Aware.¹⁰² This project piloted a collaborative outreach approach where two solicitors (one an immigration specialist and one a housing specialist) met with clients simultaneously at outreach surgeries. This was a crisis response to evidence that EEA nationals were being detained following an unlawful Home Office policy, which demonstrated the advantages of leveraging joint support from two expert lawyers simultaneously.

The second category is **formal referral partnerships**, where a partnership is established between a specialist advice provider and a frontline organisation which guarantees referral to a certain number of priority clients on an ongoing basis.

The example we looked at was CHC, which has been developing a series of partnerships with frontline organisations (mostly NFPs, but also some public sector services, such as Whittington Hospital tuberculosis (TB) Unit). These partnerships started off in some cases informally and have over time become more formal. Frontline partners are trained by CHC to identify which clients have priority legal issues and could benefit from advice and then, having collected a certain amount of baseline information, refer them for CHC's review and possible acceptance as a client. Frontline partners have a quota per month. Setting up the partnerships takes some time and includes drawing up a partnership agreement, training the frontline partner and making sure that expectations from both sides are clear.

This model has been further enhanced by the addition of a digital referral and booking tool. This was developed with the Centre for the Acceleration of Social Technology (CAST) to help show CHC's capacity at any given time for giving specialist advice and to allocate this capacity transparently. For instance, it allows for underused capacity to be distributed to other frontline partners who may have used up their monthly 'quota' but still have priority clients. The tool shows the available new cases which can be taken on per month and the allocation per partner.

Designing and embedding this system involved upfront investment from CHC staff over a period of several months as well as from frontline partners in order to create a Typeform referral system.¹⁰³

102. A collaboration project between JustRight Scotland and Shelter Housing Law Service focusing specifically on the rights of EEA nationals.

103. Typeform is a leading form and data capture software.

In order to do this, each frontline partner has to reflect on the clients they see and the most commonly presented issues so they can create a bespoke set of fields which feed into the referral process. The frontline partners using the system at the time of writing were the Latin American Women's Rights Service, the Red Cross, the UK Lesbian & Gay Immigration Group and CHC itself, which can make internal referrals through the system.

Our topline findings are that both outreach and referral partnerships enable clients to access advice who otherwise find it hard to do so, and that this is more efficient because frontline organisations are handling much of the assessment and ongoing support. The development of an online tool such as the one created by CAST takes considerable upfront investment and so must be part of a long-term plan for a specialist advice provider to operate more as a hub for frontline partners.

Method definition

Specialist providers establish outreach partnerships with frontline organisations which enable clients to access immigration advice

Ways in which this method is used

- Outreach partnership: specialist advice provider(s) goes out to deliver immigration advice to the clients of a frontline organisation.
- Referral partnership: specialist advice provider(s) creates a formal agreement with a frontline organisation about making referrals and guarantees to take a certain number of clients per month (or other time period).

Clients this method is appropriate for

- People who are only visible to specialist, trusted organisations because of various vulnerabilities. These include clients with transient lifestyles who may come into contact with community, health or emergency support services, for example destitute and street homeless people. For this group, setting up subsequent appointments for legal advice could otherwise be challenging and making them 'stick' to services is a key issue.
- Clients who do not speak English. Particularly in a referral partnership with a community organisation which has staff and volunteers who can speak and gain trust in the client's own language.
- Clients with undiagnosed immigration advice needs in contact with services. Specialist advice agencies help partners with other specialisms (e.g. health, housing, DV) to become more aware (where this is necessary) of immigration issues and how to accurately diagnose when a person needs emergency referral to specialist advice.

How using this method produces efficiencies

- ▶ Clients access specialist advice to diagnose routes to resolution more quickly. As a result: (i) clients and referrers' time is not wasted on the search for appropriate advice and (ii) advisors can focus on those in most need.
- ▶ The wrap-around support of a frontline organisation adds value by picking up on a range of practical and emotional support issues which might otherwise undermine the client's capacity to engage.
- ▶ Frontline organisations can save specialist advisor time to be used more efficiently by managing demand, undertaking triage, gathering and preparing documents, and preparing the client for interview. Good triage in particular means that specialist advisor time is put to better use.
- ▶ Partnerships result in fewer missed appointments, either because the advisor is physically present (as in outreach) or because the referral agency ensures that clients keep appointments.
- ▶ Clients are more likely to disclose more to the specialist advisor if recommended and supported by a trusted frontline organisation; this saves time and is critical in establishing the facts of a case.
- ▶ Over time, frontline partners get better at identifying clients needing specialist advice, which in turn reduces the number of inappropriate referrals the specialist advisor has to deal with.
- ▶ Following initial advice (at outreach), non-advice partners can resolve some clients' issues themselves, having received expert guidance on what is needed. For instance, the clients may not know they have a right to reside.
- ▶ Referral partnerships are resulting in (i) cases being taken on more speedily and (ii) better tracking of the cases which are accepted.
- ▶ Combining two lawyers (immigration and housing) was trialled in one project where homeless clients received an appointment with both a housing and an immigration lawyer. Whilst this was an intensive use of resources, it produced further efficiencies by reducing drop-out and maintaining retention compared to clients accessing such advice separately.

Other key benefits

- ▶ This is a relatively quick route to getting specialist advice to clients (rather than becoming OISC accredited).
- ▶ Specialist advice organisations reach more vulnerable clients than they would through an open-door policy; the clients have been prioritised as the neediest rather than the first in line.
- ▶ This method is particularly effective at attracting clients who have learnt to trust community organisations only.¹⁰⁴ Such clients may only reach a specialist advisor if the advice comes to them (i) physically (outreach) or (ii) via a trusted organisation (referral partnerships).

104. For instance, CHC's partnership with the Latin American Women's Rights Service was felt to have successfully reached women who did not speak English but were in vulnerable and abusive situations.

- ▶ Referral partnerships (particularly using a digital booking system) produce transparency around capacity in the system by making it clear how many cases can be referred a month and releasing unused capacity to other frontline organisations.
- ▶ Frontline organisations gain understanding and confidence to identify and handle issues relating to immigration. This may encourage further training and accreditation.
- ▶ Having specialist advisors available to call upon has reduced the likelihood that non-specialists will give advice despite not being OISC accredited (which is a criminal offence).

Limitations of approach

- ▶ Outreach sessions operating on a 'first come, first served' basis are not accessible to all. Some queues start in the early hours of the morning.
- ▶ Outreach partnerships will increase access to initial advice and assessment but will not necessarily then secure access to a specialist advisor. For instance, at one outreach session, the specialist advisor sees around 20 to 25 clients a month but, on average, only one complex and out-of-scope case will be taken on. Other clients will get support in a range of ways, but if they need a legal aid lawyer it is challenging.
- ▶ Setting up effective referral partnerships requires upfront (financial?) investment, which may not exist.

Method 6.a.

Outreach partnerships

Benefits for clients

Client outcomes

- ▶ Clients gain initial advice and assessments to determine their options.
- ▶ Clients are more likely to gain access to benefits and services with follow-up support from the frontline organisation and advisor.
- ▶ Clients feel supported emotionally.
- ▶ Clients may experience wellbeing and health improvements as food, clothes and hardship grants are also provided as wrap-around support.
- ▶ Immigration status is resolved for some.
- ▶ Clients can receive ongoing support from the referral organisation, which can benefit their case: for instance, if they do not understand something this can be explained again, or help can be provided with gathering evidence.

Lessons for replication

Needed to set up

- ▶ Pre-existing relationships of trust, or time to develop them.
- ▶ Investment in developing a partnership agreement which sets out the expectations of each party but also includes some flexibility to adapt to changing circumstances.
- ▶ Specialist advisors to deliver outreach sessions.
- ▶ Training for the frontline partner (by the specialist advisor) to help them identify and prioritise suitable clients for the outreach sessions.
- ▶ Investment (by the frontline organisation) in setting up a system which identifies how clients will be triaged to the outreach session. This might include recruitment of outreach volunteers and overall supervision by staff members.
- ▶ Space in which the outreach sessions can take place, which enables confidential working and space for computer working.

Benefits for clients

Needed to set up

- ▶ Pre-existing relationships of trust, or time to develop them.
- ▶ Investment in developing a partnership agreement which sets out the expectations of each party but also includes some flexibility to adapt to changing circumstances.
- ▶ Specialist advisors to deliver outreach sessions.
- ▶ Training for the frontline partner (by the specialist advisor) to help them identify and prioritise suitable clients for the outreach sessions.
- ▶ Investment (by the frontline organisation) in setting up a system which identifies how clients will be triaged to the outreach session. This might include recruitment of outreach volunteers and overall supervision by staff members.
- ▶ Space in which the outreach sessions can take place, which enables confidential working and space for computer working.

Needed to run

- ▶ Specialist advisor time to attend the sessions and follow up. Follow-up provided may range from light-touch support for the frontline organisation to follow through on what is needed to, in some instances, taking on the cases entirely as part of the agreement between partners.
- ▶ Supervision and support for workers giving outreach advice (particularly given the speed and pressure of some outreach sessions).
- ▶ Regular debriefings for those involved to identify if system needs improvement or changing.
- ▶ Costs of rooms in which outreach advice services can be held.
- ▶ Ongoing training and support for frontline partner agencies to help them identify need for immigration advice.

Lessons

- ▶ There needs to be a willingness on the part of partners to learn and to appreciate the different prisms through which partners may be operating. Specialist advisors will understand priority of legal issues better, but frontline organisations will know the chaos of people's lives better.
- ▶ Frontline partners must understand that there is a finite supply of specialist advice through the arrangement, and not overwhelm the specialist agency with telephone calls or emails about other clients. A formal agreement helps manage this.
- ▶ Triage is essential to manage clients and use specialist advisor time well. Partners need to work together to determine the criteria for cases to be taken further.
- ▶ The more the frontline organisation can do to follow up on the outreach session the more value these sessions can have for clients.

Development potential

- ▶ Expanding into specialist sectors where migrants receive services and support, for example health settings.
- ▶ Frontline organisations may use outreach sessions as a stepping stone to providing advice themselves (it allows them to see what is involved).

Method 6.b.

Referral partnerships

We looked in particular at the model being developed by CHC, outlined in the introduction to this section.

Benefits for clients

Client outcomes

- ▶ Clients of frontline organisations are able to access immigration advice through a trusted organisation. These partnerships are with organisations working with clients experiencing disadvantage who need additional support to access immigration advice.
- ▶ Clients more likely to open up to a specialist advisor as they are recommended and supported by a trusted frontline organisation.
- ▶ Clients gain positive immigration outcomes.

Lessons for replication

Needed for set up

- ▶ Pre-existing relationships of trust, or time to develop these.
- ▶ Referral agreement developed.
- ▶ Organisations need a consistent way to describe categories of supply and demand so that it can be codified into an online system to facilitate referrals. This work involves mainly reaching a common understanding and codification between partners for the referral process in order that frontline partners can input data and that specialists can interpret the data once received. Overall, this phase required an investment of one person from CHC working about half-time, together with input from CAST, over a period of six months. Now the first referral tool has been developed, it is likely that future ones will not take so long to develop.
- ▶ Specialist advisors in situ to field referred cases.

Needed to run

- ▶ Ongoing liaison between partners (e.g. through regular partner meetings) to identify any glitches in the system.
- ▶ Specialist advisor to take on cases identified through the system.
- ▶ Frontline organisations need resources dedicated to make this work, including a named person responsible for liaising with specialist advisor(s).
- ▶ Clear protocols on sharing information and complying with data protection legislation.

Lessons

- ▶ Establishing successful partnerships takes time and cannot be 'one size fits all' in terms of process and criteria.
 - ▶ Initially, frontline organisations' estimates of the numbers of clients appropriate for referral may be inaccurate. Some partners of CHC dropped out when it became clear that what was originally identified as demand was not, in fact, or immigration advice.
 - ▶ Specialist providers will need to have their own set of criteria for choosing referral partners: for instance, local authorities may want to 'fast track' clients to specialist advice to reduce spending.
 - ▶ As yet, digital referral systems have not entirely removed the need to liaise: there will be an ongoing need to sort problems and to talk to frontline partners about individual cases. In CHC, this role is still being fulfilled by specialist advisors.
 - ▶ Establishing digital systems for referral can prompt an overall review of efficiency within all business systems.
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Challenges

- ▶ Frontline organisations may not have the capacity to set up and run the assessment and triage system inherent in this method.
- ▶ Frontline organisations may have more cases than they can refer and need to manage demand internally.
- ▶ Clients may not reveal critical details to the frontline organisation (deliberately, or because they do not recognise them as important) and this can mean that cases get accepted but then subsequently cannot be progressed.

Development potential

- ▶ The development of CAST's digital booking system for partners may provide a template for other organisations to use where there is a specialist advice provider which can act as a 'hub' for a number of frontline agencies. Early indications are that this has been integrated into provision much faster than was anticipated, and users report considerable benefits – some unanticipated – of using the system.
 - ▶ However, developing this system has involved a considerable investment, not only in understanding the specific requirements of the organisations involved but also in 'moving on' the culture of all partners to embrace this method. Such time and investment may not be possible in other locations.
 - ▶ Nowadays, many application forms are found online, and this may influence how both frontline and specialist advice organisations support clients.
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Method 7.

Joint working

This method involves a specialist advice provider forming a partnership with another specialist agency to provide their services to a client at the same time.

The difference between this and Method 6 is that the two agencies effectively co-work on cases, with the specialist advice provider present throughout and tasks being shared between them. This method is particularly relevant where there is a need for considerable and ongoing input for complex and/or particularly vulnerable clients. This can be seen from the following examples, which come mainly from Scotland:

- ▶ JRS works with the Scottish Guardianship Service to provide a tailored service for unaccompanied or trafficked children seeking asylum. They tailor their advice and advocacy so as not to overlap.
- ▶ The Trafficking Awareness Raising Alliance¹⁰⁵ supports women victims of commercial sexual exploitation and is a Scottish government scheme. JRS has an arrangement where it meets clients and workers and also liaises closely on each client case.
- ▶ The Scottish Family Reunion Service:¹⁰⁶ JRS deal with 'pure' legal issues and the BRC help the client gather evidence, prepare applications, book appointments (e.g. TB tests) and organise travel. This involved a BRC employee working inside JRS, which they reported as having been key to streamlining the process.
- ▶ Street Legal,¹⁰⁷ a partnership which ran for three years between two specialist advice providers (Refugee Action and Praxis Community Projects) and a specialist homelessness provider (St Mungo's). The partnership has delivered legal advice alongside emergency accommodation to homeless non-EEA nationals.

Our topline finding is that this method is of great value to the client and produces efficiencies by allowing specialists to focus on what they do best and not duplicate effort.

Method definition

A specialist advice provider teams up with a specialist support agency to work collaboratively on resolving clients' legal and support issues

Specialist support agency in this context means any agency providing support for a particular group or issue, for example DV survivors, people who have been trafficked, separated children, homeless people.

Ways in which this method is used

- ▶ This method involves two organisations coming to a bespoke arrangement to reinforce one another's work with particular groups of clients, drawing on each other's different technical skills. The components of this arrangement therefore alter but will include some or all of the following:
- ▶ Regular surgeries to meet with clients for assessment with clients, then supported, post-legal advice, by both partners.
- ▶ Preparation and follow-up around legal appointments by the support agency.

105. <https://www.communitysafetglasgow.org/what-we-do/supporting-victims-of-gender-based-violence/%EF%BF%BC%EF%BF%BCtara/>

106. <https://www.justrightscotland.org.uk/our-work/scottish-refugee-migrant-centre/scottish-family-reunion-service/>

107. Street Legal was delivered as a partnership between Praxis Community Projects, Refugee Action and St Mungo's Housing between 2016 and 2019 and is now moving forwards with St Mungo's and Praxis having learnt from this initial phase. It previously focused on non-EEA homeless clients, a particularly challenging group.

- ▶ Partners meeting clients together to assess needs and agree how they will divide up work.
- ▶ Regular meetings between professionals to discuss cases and resolve issues, including debriefs after clients' legal appointments.
- ▶ Training and support on immigration issues for the support agency, possibly to achieve OISC accreditation.

Clients this method is appropriate for

- ▶ Particularly vulnerable people with immigration issues who need help and support to access advice, understand the situation they are in and continue to engage with legal advice for as long as their case lasts. This method in particular is useful for clients needing additional and sustained support to engage with immigration advice, including: survivors of trafficking, unaccompanied asylum-seeking children, separated migrant children, survivors of DV, homeless and destitute migrants.
- ▶ People whose immigration cases are complex, urgent and not covered at all or adequately by legal aid. These may relate to groups already mentioned, but may also include, for instance, complex family reunion cases which can be lengthy and distressing and require considerable input over and above legal advice.

How using this method produces efficiencies

Potential efficiencies depend on each joint working arrangement:

- ▶ Support provided by the specialist support agency before and between legal appointments can ensure time spent with specialist advisors is used as efficiently as possible.
- ▶ Some projects can ensure ongoing contact with a (homeless) client group who otherwise may disappear after first contact, wasting specialist resources.
- ▶ Where the specialist support agency delivers advocacy or has technical skills (e.g. around family reunion or guardianship issues), partners can ensure that they do not duplicate their advice. In the Scottish Guardianship Service, for example, guardians and immigration lawyers decide between them who will cover which appointments, avoiding the need for both to do them all.
- ▶ A support agency can deal with trauma, mental health issues and anxiety and support a client who otherwise may cease to engage, or disappear.
- ▶ If the support agency provides lower-level immigration advice, supervision by specialist advisors enables (i) quality control and (ii) continuous improvement of skills, which, over time, help them address more issues (and not revert to the specialist advisor).
- ▶ Success rates are higher than average with this kind of intensive working, meaning that resolved cases do not need further legal advice or challenge.
- ▶ Reduces the number of actions ending up in courts, reducing both the burden on clients and the cost to the public purse.

Other key benefits

- ▶ Support agency partners enjoy the challenge and learning involved in such collaboration, and find such partnerships motivating.
- ▶ In some instances, forming partnerships has revealed that some community organisations were providing immigration advice when not OISC registered and the partnership was able to address this.
- ▶ The support agency can 'control' access to the specialist advisor and, regarding contact, manage client expectations.

Limitations of approach

- ▶ We note that a number of our examples come from Scotland where there is a culture of collaborative working, a smaller stage (and closer relationships) and a less hostile climate for this type of work.

Benefits for clients

Client outcomes

- ▶ Having both a specialist advisor and a caseworker working together leads to improved trust and confidence on the part of clients, resulting in better legal outcomes through engagement with the process. For example, the vast majority of clients of the JRS–Scottish Guardianship Service joint project get refugee status at the first attempt, which is double the average number of successful first-time applications.
- ▶ Desirable social outcomes, such as the reuniting of families, are achieved through joint working.
- ▶ All clients are able to access intensive support at a critical time with little effort because the expert immigration advice comes to them.

Lessons for replication

Needed to set up

- ▶ A relationship of trust needs to exist between partners for these working arrangements to be most effective.
- ▶ Allocate a greater proportion of time at the beginning of the process to develop understanding of one another's role and draw up a collaboration agreement.
- ▶ In the case of support agencies being supervised by specialists to give immigration advice, the support organisation needs to register with OISC.
- ▶ Time of specialist advisors or lawyers who can do the work.
- ▶ Fact sheets and other types of information to explain how the service works and who can access it.
- ▶ A bank of templates is a useful resource; this might include template applications, requests for information, details of what needs to be covered in meetings with clients and process flowcharts. These help to make the process as efficient as possible and enable different caseworkers to work consistently.
- ▶ A manual of joint working may also be useful.

Needed to run

- ▶ Specialist advisor time. The amount of this will be dependent on the arrangement made.
- ▶ Ongoing dialogue between partners and ability to be flexible and amend processes in response to regulatory or other changes.

Lessons

- ▶ A bank of templates and a manual on working methods are very important for all collaborations.
- ▶ A collaboration agreement is a necessity as partnerships are likely to work better when there is clarity on both sides and expectations and parameters are clearly articulated. Organisations that have entered into these types of arrangements recommend investing time in 'front-loading the collaboration' to iron out these issues at the start.
- ▶ Partnerships tend to work better where both partners are highly experienced in their own fields.
- ▶ Specialists and support organisations must work together very closely and maintain ongoing dialogue about individual cases. The option of seconding a member of staff to the specialist advice provider (or vice versa) can be desirable.
- ▶ Keeping a record of people who meet the criteria but have not been taken on due to lack of capacity can help demonstrate the need for a service.

Challenges

- ▶ Collaboration agreements can take a long time to draw up.
 - ▶ This is the most highly collaborative of all methods but requires ongoing intensive input. Efficiencies are unlikely to be experienced by the support agency in particular, though improved client outcomes for some of the most hard-to-reach clients are likely.
 - ▶ Specialist advisors stress the importance of sticking to formal referral arrangements, even when the temptation is to overlook them to help an urgent case, for instance. This helps ensure that advisors are not overloaded and are able to prioritise properly.
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Category 3: Changing the context

Method 8.

Online information

This method involves **making resources available online**, which can help clients become more 'efficient consumers' of the advice and help them understand and navigate the asylum and immigration systems better.

The key example we looked at is Right to Remain's client toolkit,¹⁰⁸ which provides comprehensive information on all aspects of immigration and asylum, explaining the context and rules in a manner which is as easy to follow as possible. This was produced as a response to LASPO when it was realised that more and more people with immigration needs were progressing through the immigration system without ever accessing a good-quality advice provider.

Some other organisations produce excellent materials for clients: for example, CCLC's website Law Stuff¹⁰⁹ includes information for children 'not from the UK', but Right to Remain's is the most comprehensive resource we found.

Our topline finding is that information of this kind can complement other provision. Whilst having online information is no substitute for specialist advice, it can, in a climate of demand outstripping supply, prove extremely valuable for clients to navigate their way through a complex system. It can also make better use of available resources by clients understanding and better participating in the progress of their case.

Method definition

Making online information accessible to clients

Clients this method is appropriate for

- ▶ People with an immigration issue who can get online but cannot get advice in a physical location (particularly in advice deserts).
- ▶ People receiving advice who do not fully understand what is happening as there has been insufficient time for an advisor to explain.
- ▶ People seeking asylum in particular, as processes and routes are clearer.

Clients this method is appropriate for

- ▶ People needing immigration advice become better clients, understanding what the process is and what their role is in it.
- ▶ Understanding the system can help manage client expectations about the actions or results a specialist advisor can deliver.
- ▶ Specialist advisors short of time can (and do) refer clients to online information to help increase their understanding.

108. <https://righttoremain.org.uk/toolkit/>

109. <https://lawstuff.org.uk/>

- ▶ Clients can also avoid making mistakes in the process and compromising their case through lack of knowledge, avoiding the need for someone to unravel their information later on.
- ▶ People who may wait for a crisis before they act (such as waiting until deportation threatens) can understand the need for earlier advice.

Limitations of approach

- ▶ Information is online so only those with internet access and who know how to use computers can access it.
- ▶ Literacy and language barriers will prevent some from accessing information.

Lessons

- ▶ LASPO means that this kind of resource is needed more than ever as many people fail to find any advice at all until their immigration or asylum issue has become critical.
- ▶ This type of resource can be targeted both at clients and at grassroots groups to use with clients.
- ▶ Creation of the Right to Remain resources has included widespread community consultation to inform toolkit content (with clients and grassroots groups).
- ▶ Workshops have been provided continuously for people needing advice (mainly at stages in the asylum system), which allows to test whether content is proving useful or needs changing.
- ▶ The resource focuses on stages in the immigration and asylum process and basic things clients can do to support themselves: for instance, talk to a friend and make notes following an asylum interview and advice on how to approach lawyers following an asylum refusal.
- ▶ Videos for clients are also being produced; they will be tested to see how useful they are compared to written information.
- ▶ The toolkit covers all areas of immigration and asylum advice. However, information on the asylum system is much easier to disseminate, as other types of immigration issues are now "*so technical we feel we cannot boost client ability that much*". For instance, Article 8 cases are covered, but it is made clear that a lawyer is essential if this route is being considered.
- ▶ There needs to be a clear policy on keeping online resource accessible and not making registration a condition for access.
- ▶ Right to Remain's website receives 10,000 hits a month and this is expected to double soon.
- ▶ Specialist advisors find the online resource extremely useful to help clients understand.
- ▶ Tracking outcomes and impact is challenging: Right to Remain is working with the Legal Education Foundation to identify how website analytics and other methods can demonstrate effectiveness.

Method 9.**Strategic work**

Strategic work aims to change the legislative, regulatory or policy context within which people with immigration issues are living and organisations working on their behalf are operating.

This work takes many forms and we include only a few examples of strategic work in this section based on our interviews with participants. The focus of this section is on two categories of strategic work: **strategic litigation** and **policy and influencing work** as these were highlighted in our discussions with participants and are the methods in which specialist advisors and lawyers are most clearly required. We recognise that we do not include other strands of work which may be strategic such as leadership development, community organising, activism, mobilisation or campaigning, all of which may have parts to play in creating strategic change.

Our topline finding is that strategic litigation in particular has the ability to unlock huge benefits for clients experiencing disadvantage, and increase 'efficiency' by removing barriers to securing positive outcomes for clients.

Method 9.a.**Strategic litigation**

Strategic litigation involves taking cases to court which can bring about significant changes in law, practice or public awareness. Clients whose cases are being litigated strategically will be chosen by lawyers because their case, if won, will have wider resonance and implications for others in the same situation.

Many measures brought in under the hostile environment have been widely viewed as discriminatory and legal challenges to some of these have already been made. Strategic litigation can take aim at the lack of immigration advice provision itself, with the potential, if successful, to directly influence the capacity of advice in the sector. This was the case with The Children's Society five-year challenge to reinstate legal aid for separated and unaccompanied migrant children, for instance, or the Public Law Project's successful challenges to the ECF rules and regulations.¹¹⁰

Judicial review itself as a tool for legal challenge may be threatened following the government's manifesto promise to review this.¹¹¹ It remains unclear what is to be considered in scope of such a review, but some fear it could curtail the ability of strategic litigation to hold public bodies to account, including government departments.

110. <https://publiclawproject.org.uk/what-we-do/current-projects-and-activities/legal-aid/exceptional-funding-project/>

111. The Conservative Manifesto issued prior to the December 2019 general election states: "We will ensure that judicial review is available to protect the rights of the individuals against an overbearing state while ensuring that it is not abused to conduct politics by another means or to create needless delays" (p. 48). See <https://www.consultationinstitute.org/consultation-news/election-threat-to-judicial-reviews/>

Benefits to clients

Benefits to clients can be extensive and profound, as both the above and the following cases illustrate:

- ▶ The ‘residence test’ for civil legal aid included in LASPO was ruled unlawful. Public Law Project (represented by Bindmans) took the case, went to the Supreme Court, and winning it meant that thousands of people were not effectively locked out of access to justice because they could not prove they had been ‘lawfully resident’ for 12 months.¹¹²
- ▶ The fast track scheme for detention was challenged for vulnerable asylum applications and ruled unlawful. Detention Action brought the case.¹¹³
- ▶ Access to higher education finance support for young people with time-limited LTR was secured by taking a case challenging the requirement for students to have ‘settled status’.¹¹⁴ Public Interest Lawyers took the case with Just for Kids Law as intervenors.
- ▶ Legal aid was reinstated for separated and unaccompanied children in immigration cases. The case¹¹⁵ was brought by The Children’s Society, involved key partners including MiCLU¹¹⁶ and was successful following a five-year campaign.
- ▶ The EU Settlement Scheme has undergone significant changes to make it fairer as a result of JCWI’s legal claim (represented by Public Law Project). Concessions were achieved before the case went to court.

However, outcomes are not guaranteed. Cases can be lost, and even if won the crux of any change will be the degree to which policy responds to a ruling. Those taking strategic litigation note that considerable work, sometimes for years, may be necessary to follow through to try and capitalise on the legal gains made. There are also examples where the government has responded to the letter of the law whilst preserving, or trying to preserve, the essence of the discrimination. For instance:

- ▶ Refugee Action’s claim¹¹⁷ in 2014 about the inadequate level of asylum support resulted in the court finding that the government had not undertaken proper analysis of what was needed to survive (and thus, Refugee Action claimed, had set the rates too low). Following this technical legal win, the government then delayed undertaking the necessary analysis but, when they did, used the rationale to reduce asylum support rates.
- ▶ The Children’s Society’s successful litigation to bring immigration legal aid back into scope for separated and unaccompanied children was followed by extensive and critical negotiations about what should go into the Statutory Instrument to enact this. There were various attempts to limit what had been agreed (e.g. the Ministry of Justice claimed that they had only agreed to bring back into scope matters that were within the immigration rules, which was clearly unworkable, and there were also attempts to exclude Refugee Family Reunion cases). Had there not been a clearly defined consent order negotiated, it would have been more difficult to hold the line in these discussions and resist attempts to limit the benefits gained. As it was, considerable post-judgement work was needed to ensure that the legal win translated into policy reality.
- ▶ The Legal Services Agency brought a case in Scotland which was successful in expanding the immigration rules to include those married to refugees who had suffered domestic abuse.¹¹⁸ However, though the case was won in 2016, nothing changed for two years and in the end the Equality and Human Rights Commission was obliged to raise the issue directly at ministerial level in order for any action to be taken.¹¹⁹

112. *R (on the application of the Public Law Project) v Secretary of State for Justice* [2014] EWHC 2365.

113. *R (on the application of Detention Action) v Secretary of State* [2014] EWHC 2245.

114. *R (Tigere) v Secretary of State for Business Innovation and Skills* [2015] UKSC 57.

115. *The Queen on the application of The Children’s Society v The Lord Chancellor*.

116. Migrant and Refugee Children’s Legal Unit based at Islington Law Centre.

118. The Migrants’ Law Project and Doughty Street Chambers barristers represented Refugee Action.

119. <https://www.freemovement.org.uk/comment-refugee-families-suffering-domestic-violence-must-get-equal-treatment/>

Lessons

- ▶ **Strategic challenges are resource-intensive.** Judicial reviews are unpredictable in length; statistics from the Administrative Court indicate that 71% are determined within nine months. However, that is nine months of sometimes all-consuming work, and if the first instance decision is unsuccessful (or successful and appealed, as is likely) then ‘keeping going’ is normally imperative to ensure that the original judicial review does not render the situation more difficult for the claimant and people in a similar situation.
- ▶ **Centres of expertise are needed** that employ experienced, specialist lawyers and that focus on undertaking research, collecting evidence and identifying claimants. Public Law Project fulfils such a role in England and the Scottish Just Law Centre was launched in 2019 to advance such work in Scotland. A handful of specialist immigration providers are committed to doing this work on immigration specifically, often on particular elements (e.g. detention) or for particular target groups (particularly children and young people).
- ▶ **Strong networks of frontline organisations which can identify and channel cases** are also extremely useful to ensure that a wide net is cast to identify a suitable case, and that evidence which can be used in a legal challenge is being collected systematically. This relies on good data collection and an understanding, by NFPs who are seeing and triaging clients, of the types of issues on which any strategic initiative might benefit from having data.
- ▶ **Choosing the right claimant** is essential: strong cases are difficult to find and the best interests of the client must remain paramount, which may make taking a case challenging given the nature of the client group. An organisation can act as claimant in the right circumstances: The Children’s Society did so for the reinstatement of legal aid for separated children, but it is not always possible or desirable.
- ▶ **High-level understanding of legal strategy is essential**, including the ability to determine the best time to take a case forward or hold a case back to gather more evidence.
- ▶ **Evidence-gathering** is likely to require multiple partnerships to introduce rigour. For example, The Children’s Society partnered with the University of Bedfordshire to do research showing the scale and depth of the problem, which rendered the research more rigorous and impartial. Witness statements may be required from multiple partners: CCLC for instance lists on their website⁴ a wide range of strategic cases where they have done this.
- ▶ **Planning and management** is essential, as is organisational backing at top level.
- ▶ **NFPs must have an appreciation and understanding of the financial risks** and what can (and cannot) be done to mitigate these. In particular, pre-action work needed to research, assess and prepare a case is at risk unless funding can be found; the Strategic Legal Fund for Vulnerable Young Migrants was created precisely to meet this gap.
- ▶ **The political climate can change.** Windrush brought in a new mood for some cases being pursued, for instance.

| | |
|--------------------|------------------------------------|
| Method 9.b. | Policy and influencing work |
|--------------------|------------------------------------|

- ▶ **Changes to the regulatory framework**, which have been made possible by constructive influencing work that Refugee Action and RoW have taken forward with OISC. They have secured changes to the regulatory system, which has made it much easier for some organisations to achieve accreditation for the work they need to do.
- ▶ **Supporting public bodies to hold services to account.** The Criminal Cases Review Commission worked with RCJ Citizens Advice to tackle poor legal practice. They identified that asylum seekers as well as people who have been trafficked, if found with false documents, were being wrongly advised by some lawyers to plead guilty to 'deception' (whereas they should have been able to rely on a statutory defence¹²¹). As a result, clients were going to prison and getting a criminal conviction: highly damaging to any asylum claim. RCJ Advice took on the cases referred by the Criminal Cases Review Commission in order to ensure that identified cases could go on to appeal and get their criminal conviction overturned.
- ▶ **Conducting research** to make a case or show a need, for example Refugee Action's preliminary research into barriers to making complaints to regulators as experienced by advisors in frontline services.
- ▶ **Collecting data to show challenges and trends** in needs and the 'pinch points' in the system. Numerous people told us of the need, for example, to generate evidence (and potentially a case) around the ever-increasing fees applied to immigration cases, which are a real barrier to people regularising their status and thus present financial hurdles to accessing justice.

Lessons

- ▶ **Work happening across the sector is often taken forward in relative isolation.** People do not know, and do not have the time to keep abreast of, all significant developments.
- ▶ One reason for this is that the **range of potential issues affecting people with immigration needs is huge**, encompassing legal advice availability, welfare provision, housing, health service access, Home Office policy and much more besides.
- ▶ **Inadequate and non-synchronised data collection systems** mean that collecting sector-wide evidence is difficult: people are often starting from scratch, depending on the campaign they want to pursue. This produces inefficiencies.
- ▶ **Policy work is resource-intensive** and there are few people dedicated to such advocacy in the sector overall. In particular, resources to accompany strategic litigation of the type deployed in The Children's Society partnership, which restored legal aid to separated and unaccompanied children, are rare.
- ▶ **Keeping an overview of relevant strategic litigation** cases is difficult but important for both those advising clients and those doing policy work. Some overview is provided by the existence of the Strategic Legal Fund for Vulnerable Young Migrants run by ILPA,¹²² which allows news about cases of strategic importance for children and young people to be pooled.

121. <https://www.childrenslegalcentre.com/promoting-childrens-rights/strategic-litigation/>

122. <https://www.childrenslegalcentre.com/promoting-childrens-rights/strategic-litigation/>

4

Establishing need and measuring value

The research set out to understand:

- ▶ How do organisations currently establish an understanding of demand for the services they are developing? Are they doing formal needs analyses or using other methods to know how to develop and target services?
- ▶ Are organisations already capturing information on the nature of the advice provided and the related outcomes? What are the strengths/weaknesses of existing evaluation approaches?
- ▶ How feasible is it to strengthen and develop a shared understanding of and approach to evaluating the outcomes of advice and representation work across the sector?

The research found that:

- ▶ Against a backdrop of increasing numbers of people presenting to immigration advice services, it has been difficult for providers to undertake formal analyses of potential demand for services to establish a rationale for developing them. Providers have also found it unnecessary given that demand is often self-evident in the form of individuals and referral agencies increasingly contacting their service.
- ▶ We also found that providers struggle with the challenge of implementing traditional outcomes-based evaluation approaches, since outcomes are determined by a complex web of factors, including, for example, individual circumstances and experience, policy and legal developments, organisational governance arrangements, technological developments and socio-cultural trends.
- ▶ Nevertheless, we were able to uncover the ways in which providers are trying to approach evaluation. As part of the fieldwork for this research we held a learning set on evaluation, which generated useful ideas on how to overcome some of the current challenges and move towards a collaborative learning approach for the sector. This section sets out the strengths and weaknesses of current approaches and concludes with some suggestions on how to embed proportionate and useful approaches to evaluation and continuous learning.

Establishing demand for services

Formal needs analyses in the immigration advice sector are rare given both the daily reality of presenting demand and the lack of resources to conduct such research. This means that the demand for services is often established reactively in response to various factors. For instance, NFPs:

- ▶ Become aware of demand for their services because potential clients turn up in increasing numbers at drop-in sessions, use phone advice lines and report difficulty getting through or travel long distances to try and access support. Some NFPs report queues of people from the early hours of the morning trying to access a specialist advisor at drop-ins.
 - ▶ Find that local or regional provision is disappearing or has already gone and find it increasingly difficult to refer clients on.
 - ▶ Spot trends in demand for advice through their own services, liaising with other providers and noting issues for particular client groups.
-

- Recognise that a policy shift is having a particular impact on a client group and try and take pre-emptive steps to address it.
- React to funding opportunities, which NFPs report influencing some service choices, particularly at local level. *"If we had funding for almost any type of immigration service, we could use it. We therefore don't spend time developing services we think there is little chance of getting funding for."*¹²³

NFPs also pointed out that the development of services is shaped by other factors. Some develop services to trial approaches which fit a theory of change, for instance. Refugee Action took a national view – based on its own experience and research that early intervention advice is key – and this informed its development of the FIAP project, which was designed to try and ensure people get access to advice early. CHC had been discussing with several other NFPs ways of using their scarce specialist advice resources more efficiently and this led to them developing a project to test more streamlined and formal referral partnerships.

Funders also play a role in shaping services. For instance, funders may co-produce new approaches with NFPs, such as the KIND UK methodology, which is testing a methodology developed in the US to see how appropriate and beneficial it is in the UK context.

Evaluation

General observation on current evaluation practice

- Monitoring (counting of interventions, advice episodes, clients, outputs) is common as opposed to outcome or impact learning.
- The main outcomes normally tracked are client case outcomes. However, these are not always easy to report on, partly because cases can take a long time for outcomes to be established.
- Evaluation frameworks are commonly created for funder reporting rather than internal learning.
- A considerable amount of data is gathered, however it is not always clear what the data is to be used for.
- A learning approach is not generally embedded in organisations, with only a few exceptions. Where evaluation is commissioned the expectation can be that 'impact/outcome thinking' will be outsourced to external evaluators, only involving partners at key touch points to download their views and opinions on progress (as opposed to encouraging skills and thinking in those being evaluated).

Barriers to evaluation and weaknesses of current approaches

- Few organisations have any resources to dedicate to evaluation. This situation is likely exacerbated by the perception amongst NFPs that evaluation is less important than service delivery and therefore not a priority for funding applications. On the other hand, funders report that, if asked, they might be willing to fund evaluation and learning.

- ▶ Many NFPs find data collection across multiple partners “*a nightmare*”, with varying acceptance, definitional challenges as to what and why different types of information are being collected and, commonly, large amounts of time needed to harmonise and clean data in order for it to tell the story of impact across the partnership.
- ▶ External evaluations are often commissioned once work is already underway and outcomes agreed with funders. As NFPs are likely to agree these in order to secure funding to start work, they may find themselves committed to evidencing outcomes which are not necessarily the most practical nor helpful for their own learning. “*We set outcomes which we think sound good and then often we can’t evidence them. If we took a step back and said ‘What can we measure?’, we would save a lot of pain.*”¹²⁴
- ▶ Skills in and understanding of even common evaluation terms are sometimes absent. Some are confused by language, with for instance ‘outputs’ being used interchangeably with ‘outcomes’ and the concept of indicators sometimes not understood at all. This is despite the prevalence of funder-supported training courses on evaluation for the voluntary sector. The lesson here may be that one-off training may not be enough to embed new concepts and approaches.
- ▶ A wide range of databases are used, some of them more able than others to produce useful evaluation data. However, alongside these, NFPs often develop project-specific spreadsheets as otherwise they cannot precisely collect what funders require, thus running a double (at least) data collection system which is not efficient.
- ▶ Multiple funders may mean that evaluations may be trying to show different outcomes and indicators for different funders. This can make it challenging to create a coherent framework which focuses on what it is useful for the NFP and sector more broadly to learn.
- ▶ There can be a cultural resistance amongst specialist lawyers and advisors to evaluation. The value of what they do can seem evident, and attempts to justify it distracting. Such resistance is then not helped by the fact that many monitoring and evaluation processes are set up to meet funder requirements rather than feel genuinely useful. “*The problem is that the more you collect data and don’t look at it the more you see it as a non-virtuous circle.*”¹²⁵

Baseline studies

- ▶ Baseline studies are often asked for from NFPs in external evaluations. However, it is often not clear what these should or can include nor how they are to be created, particularly if there has been no previous mapping or data collection.
- ▶ In theory, a baseline should provide ‘the state of affairs before the intervention started’. However, given that many, if not most, evaluations start after the funded work, establishing the original state of affairs is necessarily retrospective and often difficult or impossible to ascertain.
- ▶ Realistic definitions of what is expected of a baseline study would be useful: in practice, this is often resolved by creating an ‘in programme’ baseline which takes a point early on and then compares it to later in the project.

124. Learning set participant.

125. Interview citation.

Client outcomes and how they are assessed

- Assessing client outcomes is challenging given the nature of the contact between specialist advice providers and clients, and the length of time needed to resolve legal cases.
- Case outcomes are most frequently recorded as the impact 'end point'. However, the problem with measuring success in this way is that (i) it does not differentiate between the quality of different services, (ii) it does not show the full impact on a client's life and (iii) it is often not 'the end of the story', since, for some individuals, a positive resolution of their case may herald the beginning of a new but equally challenging set of circumstances.
- NFP clients are generally buffeted by often extreme circumstances outside the control of any specialist advice provider. Trying to impute and track positive changes as a result of a particular advice intervention against this backdrop can be difficult.

The client outcomes most commonly used are as follows, with comments on drawbacks and challenges.

| Outcome | Who benefits from this method? |
|---|---|
| <p>a. Client's increased understanding of situation/system</p> | <ul style="list-style-type: none"> ▸ Common outcome but difficult to measure. This is normally done by proxy from output (i.e. completed action by agency of, e.g. delivering an advice intervention, giving a leaflet) with assumed outcome (i.e. they receive information and therefore understand information). ▸ Client feedback questionnaires capture immediate opinions on the service but cannot be anything other than a snapshot of a view and may often be skewed by feelings of wanting to please or not criticise. |
| <p>b. Client's increased agency (as a result of understanding)</p> | <ul style="list-style-type: none"> ▸ Not as common but important as part of the story of building resilience and understanding amongst clients. ▸ Showing this requires conscious understanding and recording of what indicators of 'increased agency' are, and then keeping a record of them when they happen. For example, the indicators may be that: <ul style="list-style-type: none"> • clients book appointments by themselves • clients attend appointments • clients take the initiative to find out information which might help their case • clients find witnesses and referee |

| Outcome | Who benefits from this method? |
|---|---|
| <p>c. Client's increased resilience</p> | <ul style="list-style-type: none"> ▶ About a change in self-esteem, confidence and a client's perception of how far they are able to cope, manage and thrive. ▶ Measurements of improving self-esteem (e.g. Outcomes Star™)¹²⁶ are often inappropriate to administer for this client group given people's experiences of crisis and trauma. ▶ Timeframes of projects often too short to measure progress meaningfully. ▶ Additionally, clients of immigration advice are de facto being supported at a time of particular existential threat to their 'right to exist' in the UK, which will dominate their ability to move on in a wider sense. ▶ There is a range of 'resilience scales' which could be brought into use, as well as self-reporting and observed changed behaviour, but they are time-consuming and their value in assessing genuine resilience is subject to debate, given all the other factors involved. |
| <p>d. Clients access new services (which otherwise they would not)</p> | <ul style="list-style-type: none"> ▶ Can track/record the services which clients access as a result of a service intervention. ▶ However, it takes effort to consciously record whether clients have followed up on signposting advice, for instance. ▶ Whether clients would have accessed new services anyway is difficult to determine. |
| <p>e. Case progress outcomes</p> | <ul style="list-style-type: none"> ▶ Indicators show that barriers to case progress have been removed or positive steps taken, for example: <ul style="list-style-type: none"> • fee remission • ECF gained • successful referral made to legal aid solicitor • legal aid reinstated via CW4 application • fresh claim evidence gathered and prepared for submission to solicitor |

| Outcome | Who benefits from this method? |
|--|---|
| <p>f. Case progress outcomes</p> | <ul style="list-style-type: none"> ▶ Range of indicators regarding removal of barriers to integration and life progress can be recorded, such as: <ul style="list-style-type: none"> • family permit granted • travel documents received • permission to work granted • NRPF condition lifted, enabling access to public funds • enabling family reunion/helping families stay together • short-term accommodation found • longer-term accommodation found ▶ Whilst these may indicate a provable 'change of state' they do not necessarily show increased happiness, confidence or resilience. ▶ Examples of indicators of improving client wellbeing include: increased social contact; volunteering; children (if present) reported as being more engaged and content; engagement with services 'off own bat'; hobby pursuit; work pursuit; evidence of taking care of oneself (eating, exercise, stopping drink/drugs/medication); etc. These are, however, very difficult to measure. |
| <p>g. Immigration status outcomes</p> | <ul style="list-style-type: none"> ▶ For example, securing limited or extended LTR or registering as a British citizen. ▶ For many, this is the 'holy grail' of what advice is seeking to achieve. Less clear, however, is how it impacts individuals' lives: for some, legal success can bring almost worse traumas, such as people gaining refugee status who then find themselves destitute. |
| <p>h. Case progress outcomes</p> | <ul style="list-style-type: none"> ▶ Organisations may make mention of the fact that allowing migrants to regularise their status is the springboard to them leading lives which are not only more fulfilled for them, but also for family, society and the economy more broadly. ▶ Measuring client impact is never done systematically; it may be hinted at in case studies of one or two ex-clients who go on to get a job. ▶ Longer-term studies may be useful to show client impact but are beyond the resources of most agencies. |

Other evaluation challenges

- ▶ Measuring efficiency is difficult. Even in those projects where there seemed initially to be an obvious measure of what efficiency might look like – for instance with KIND UK, where ‘efficiency’ could arguably be measured in terms of numbers of cases a specialist advisor could undertake versus the number of cases done by pro bono lawyers – reaching agreement on whether this constituted ‘efficiency’ was challenging. Some felt that this was a reductive measure of the benefits, and excluded significant considerations such as staff retention and quality of advice provided.
- ▶ Measuring an increase in efficiency within a system of provision is challenging without first mapping a baseline of provision, which is patchy.
- ▶ Measuring the value of how services benefit from synergies with other provision is also challenging. Common sense dictates that addressing practical issues such as lack of housing is beneficial alongside seeking to address immigration status issues, but questions were raised about how to make the case for such services routinely to funders to prove it.
- ▶ Measuring a reduction in harm and coping with failure demand (i.e. the work necessitated by failures elsewhere in the immigration system) was another area which NFPs felt they struggled to capture and convey. Sometimes a good outcome for a client is that nothing gets worse.
- ▶ Strategic impacts (on culture, policy, legislation, practice) are not being evaluated routinely though they form an interesting strand of several initiatives. Where some reflective evaluation is possible¹²⁷ it can yield useful and interesting lessons about what helps contribute to or undermine policy change.

Future pointers

NFPs report that they find formative evaluation, which helps them think about how they are working, as useful as (if not more useful than) gathering evidence to show outcomes achieved. Such formative findings are used to shape (and justify) future provision choices whereas outcome evaluations are largely used to report to funders. Such learning is particularly useful as NFPs establish and test theories of change and pilot new methods to test these theories.

Some NFPs are beginning to embed impact learning. For instance, we learnt that Central England Law Centre, the Law Centres Network and JRS have all taken the step of creating core staff roles responsible for thinking through impact and how to evidence impact.

The key message from this research is that what is required to improve the current approach to evaluation is not a prescriptive approach but support for organisations to develop the skills, confidence and resources to do the following:

- ▶ Appreciate the role of evaluation as a means to improvement, rather than as an instrument for control or simplistic judgement.
- ▶ Understand how to use some of the tools from different schools of evaluation in a practical context. For example, going through the exercise of developing a logic model for a new project can help organisations think about and question the causal links between the activities they are proposing and the outcomes they are aiming to achieve. However, producing such documents should not be constraining and they should be regarded as ‘living documents’ which can be learnt about and changed, given the complex situation in which most organisations operate.

127. Such as The Children’s Society evaluation of their five-year campaign to reinstate legal aid for separated migrant children (Mike Kaye, 2019) or evaluations commissioned by Trust for London of the Strategic Legal Fund for Vulnerable Young Migrants (Ceri Hutton and Jane Harris, 2014 and 2016).

- ▶ Understand how to embed learning into a project, using both internal and external evaluation to help with this, and develop a culture of enquiry, supported by funders.
- ▶ Be clear about what the project is trying to achieve and how it will do this, and have access to guidance on the best measures to use to show what progress is being made.
- ▶ Use appropriate, efficient and user-friendly information systems to collect and analyse data that supports learning.

Potential evaluation toolkit

Participants in the evaluation learning set suggested that an evaluation toolkit specifically for the immigration advice sector could help to achieve their aims. The main purpose of such a resource was seen as being to:

- ▶ give confidence to set own outcomes
- ▶ get some shared language
- ▶ give ideas on how best to describe what changes the work is hoping to see (indicators of specific types of interventions)
- ▶ give ideas on ways to evaluate, including questions and suggestions on appropriate methods

Additional recommendations identified from discussions on evaluation are outlined in the final section.

The following **factors would need to be considered in development of an evaluation toolkit:**

- ▶ Everybody is in a very different place as regards their understanding, capacity and skills on evaluation and few have resources to make major adaptations to current systems. As a result, any guidance would need to facilitate a gradual evolution.
- ▶ People are busy and any resource would therefore need to be 'light touch'. It is also our view that a toolkit would need to be succinct and focused on the specific needs of the immigration advice sector, rather than containing too much generic material on evaluation, and would need to include practical guidance on and references to tried and tested outcome measures.
- ▶ Structuring a resource using the typologies from the research would be useful.
- ▶ Developing a toolkit would create an opportunity to agree on shared language for describing the work of the sector and its outcomes.
- ▶ Whilst greater efficiency and clarity would be possible if funders align their reporting requirements, it was felt that this is unlikely to happen in the near future.
- ▶ If such a resource were to go ahead it would be a positive opportunity for funders to get involved and 'co-create' in some way the resource so that both they, and organisations, could reference it.

Finally, participants gave some suggestions on what any toolkit (or similar) should explain and include:

- Any guidance on evaluation should be set within a broader context of organisational learning.
 - The toolkit should explain the concept and practice of formative learning and how it can be included in organisational planning.
 - The terms and language used in evaluation should be defined.
 - It should suggest indicators which help 'make concrete' what otherwise vague objectives might look like. For instance, 'capacity-building' can mean increased understanding, increased confidence or increased networks for referrals. Also, the toolkit should clarify what an appropriate immigration referral is (as opposed to an inappropriate referral).
 - The toolkit should suggest methods for measuring what people are doing, and cost-effective and appropriate ways of doing this.
 - It should include suggested templates or questions (or guidance on producing these) to gain relevant feedback.
 - The toolkit should give some framework or support to help providers commission databases.
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5

Conclusions and recommendations

Conclusions

This research was commissioned to find out how organisations are trying to increase capacity in immigration advice provision and identify what type of capacity is created. It was also interested in whether any of the provision identified also increased either accessibility or quality of provision.

Our enquiry involved looking at a wide range of provision from which it was possible to build a picture of the different ways providers were trying to meet demand for immigration advice. We collected and then analysed a wide range of example activities to identify shared common characteristics. We distilled them into nine methods or typologies. From this, we then drilled down to understand what variations existed within each method and how each method might be helpful in increasing capacity, efficiency, accessibility or quality.

This report is intended to help organisations and funders design and invest in projects based on the evidence of the inputs needed and lessons learnt. It is also intended to help organisations and funders take decisions about which method may or may not be appropriate in certain circumstances and mitigate the risks and challenges associated with each.

Demand for immigration advice

1. Two broad categories of demand emerge: people seeking asylum making fresh claims (because their initial application has been unsuccessful), and people who have irregular status and risk exploitation, destitution or violence as a result. We can broadly correlate the first category to areas of the UK by extrapolating rough figures from the numbers of individuals sent to dispersal areas. Recent estimates of the second category put the number of people with irregular status at 674,000 overall¹²⁸ with well over half of these individuals living in London. Others are likely to be living in major urban areas.
2. Of particular concern are people entirely outside the reach of any provision: those who do not speak English, are street homeless or are trapped in situations which prevent them from seeking help.
3. The cases which threaten serious consequences for clients if not resolved require specialist input (OISC Level 2 and above) to unravel and progress, particularly given that many may have compounded the seriousness of their situation through a combination of previous contact with immigration or asylum authorities, inaction, poor advice or (knowingly or unknowingly) criminal activity. The most acute dearth in immigration advice provision is at this specialist level (OISC Level 2 and above).

Methods identified and their key benefits and lessons

The nine methods we identified and the key findings on each are summarised in the following table.

128. Research by the University of Wolverhampton for the Greater London Authority, January 2020. The figure of 674,000 is a central estimate (in the range 594,141–744,843). Using a range of the most recent datasets available, the research also estimates that between 350,000 and 478,000 of these individuals (including children) are living in London.

| Method and sub-categories | What does this method enable and for whom? | Is capacity, accessibility or quality increased and how? | How this method creates efficiency | In what context or circumstances does this method work best? |
|--|--|---|---|--|
| Methods aimed primarily at creating new capacity in the immigration advice system | | | | |
| Method 1: Pro bono | | | | |
| 1.a. Pro bono lawyers take on whole cases | <p>Enables commercial lawyers to bring new skills and provision to the sector.</p> <p>Enables increased provision for cases which do not attract legal aid but will unlock significant benefits for certain client groups (e.g. unregistered children).</p> | <p>Capacity is increased slightly by bringing more lawyer input through this offset by resources required to do so. Indications are that, over time, more cases can be handled once relationships are established and pro bono lawyers are able to work to a high standard with minimum supervision (Method 1.a.).</p> <p>High-quality casework is enabled by committed teams doing or supporting casework.</p> | <p>Mainly, this method does not focus on creating efficiencies, though a few pro bono interventions can produce efficiencies by removing time-consuming tasks from specialist advisors, such as completing ECF applications.</p> | <p>Works best for discrete, time-limited cases with a good chance of success.</p> <p>Relationship-building, good information systems and training and support for pro bono lawyers are key to enabling this method to work well.</p> |
| 1.b. Pro bono lawyers input partially into advice and casework | | | | |
| Method 2: Capacity-building | | | | |
| 2.a. Training and support | <p>Enables community-based NFPs to advise clients, mainly at a lower level, who otherwise find it difficult to access advice, such as women survivors of domestic abuse, destitute and homeless people and people in exploitative or trafficked situations.</p> <p>The people they can help and what they can do for them will depend at what level staff and volunteers are accredited by OISC.</p> | <p>Creates capacity because many more people can be trained to give advice at relatively low cost. If trained to OISC Level 2, advisors can help prepare cases for referral to legal aid lawyers, thus increasing the numbers able to access publicly funded advice.</p> <p>Increases accessibility as advice is available in more NFPs attended by people needing advice, including those who do not know they need advice.</p> <p>However, it must be noted that numbers trained do not directly or quickly translate into more advisors and this is not a 'quick fix'.</p> | <p>If more advice is given at community level by more providers, fewer clients in theory will present at specialist advisors for lower-level support. However, measuring this is difficult.</p> <p>Those trained can also increase efficiency by better triage and referral to specialist advisors.</p> | <p>Works when participating NFPs are highly committed, understand what is involved, support staff and volunteers to achieve their qualifications and are able to retain staff once they are trained. Support for organisations as well as individuals is essential.</p> <p>Online communities of practice create opportunities for learning and quality improvement at low cost but require both a clear purpose and resources to maintain momentum and relevance.</p> |
| 2.b. Communities of practice | | | | |

| Method and sub-categories | What does this method enable and for whom? | Is capacity, accessibility or quality increased and how? | How this method creates efficiency | In what context or circumstances does this method work best? |
|---|--|--|--|--|
| <p>Method 3: Support teams (non-advice)</p> <p>3.a. Volunteer and staff teams support specialist provision</p> | <p>Method is particularly helpful for supporting people with immigration issues which involve completing long, complex forms and collecting evidence. There is a high incidence of these cases across the country given commonly experienced problems such as lack of access to benefits.</p> | <p>Specialist advisor time is saved on necessary but time-consuming information or administrative work. This method can boost capacity in cases which are both out of scope and insufficiently funded under legal aid.</p> | <p>This method can create measurable efficiencies, freeing up advisor time to see more clients and/or to expand the types of cases taken on. Must be noted however that ongoing support and training by specialists is required, so it is key to make this element as efficient as possible.</p> | <p>Developing the training and support infrastructure to allow support teams to work with clients takes time. Efficiencies will increase as volunteers and staff get more skilled: initially, they will require more support and checking. Developing online training packages and shared materials may help to make this method easier to implement.</p> |
| <p>Methods aimed primarily at increasing the efficiency of how existing specialist immigration advice is provided</p> | | | | |
| <p>Method 4: In-house investment</p> <p>4.a. In-house training for non-specialist staff and volunteers</p> <p>4.b. Legal aid billing efficiency measures</p> <p>4.c. Investing in future specialist advisors</p> | <p>Both methods 4.a. and 4.b. enable specialist advice providers – particularly those with legal aid contracts – to use their advice resources more effectively. Such NFPs generally work with clients with a range of vulnerabilities, including irregular migrants, refugees and asylum seekers. Getting more advisors trained and motivated enables greater sustainability within the sector overall.</p> | <p>Possible to assess, refer and give information to more clients if other staff and volunteers able to deal with initial enquiries. More legal aid funding gained through new billing systems enables both advisors to save time on this task and to secure more funding for investment in further resources. However, this needs more staff to get going initially. Sector capacity increased over time if more advisors ‘in circulation’.</p> | <p>Saves advisor time if other staff/volunteers in organisation can better triage and refer on clients. Saves advisor time if more efficient systems set up on legal aid billing tasks.</p> | <p>All of the measures described are useful for NFPs with high demand for services and (for 4.b) legal aid contracts. Training staff and volunteers requires ongoing resources and time to develop and deliver a course on a regular basis (particularly with volunteers). More efficient legal aid billing requires initial investment in administrative staff.</p> |

| Method and sub-categories | What does this method enable and for whom? | Is capacity, accessibility or quality increased and how? | How this method creates efficiency | In what context or circumstances does this method work best? |
|---|--|---|--|--|
| <p>Method 5: Remote advice and casework</p> <p>5.a. Telephone advice to clients</p> <p>5.b. Second-tier Advice Line</p> <p>5.c. Webcam advice and casework</p> | <p>Particularly effective for reaching people in areas where there are no advice services, who are trapped or particularly vulnerable or undocumented. It can help triage suitable cases for future in-person advice and representation.</p> | <p>Telephone lines for clients and professionals are a relatively cost-effective way to reach more people spread over a wide area. Online follow-up work can help sort some immigration issues but it must be noted that complex cases will require referral.</p> <p>Webcam advice and casework enables specialist advisors to see more people and to reach people who cannot travel.</p> | <p>This method cuts down on time lost to consultations with inappropriate clients or missed appointments. It also saves travel time and costs for clients and helps to ensure that face-to-face sessions are used by those most in need. It can free up advisor time by triaging calls before specialists get involved.</p> | <p>This method requires investment in telephone systems and caller databases, which can be expensive. It is also less useful for people who cannot speak English because, though online interpretation is possible, it can be difficult to get enough information or build trust. If part of the purpose of a telephone line is to triage calls, it has to be done by someone reasonably experienced, otherwise specialist advisors will need to ask questions all over again.</p> |
| <p>Method 6: Outreach and referral partnerships</p> <p>6.a. Outreach partnerships</p> <p>6.b. Referral partnerships</p> | <p>Enables the clients of frontline NFPs to gain access to specialist advice to resolve their immigration issues. Such clients may only be visible to specialist, trusted organisations because of their vulnerabilities. It is particularly effective for people with transient lifestyles who may come into contact with a limited number of agencies.</p> | <p>Enables specialist advisors to reach people they might not otherwise reach.</p> <p>Enables specialist advisors to see more clients as assessment and initial information-gathering done by frontline organisation.</p> | <p>The wrap-around support of a frontline organisation can increase the client's capacity to engage, meaning the advisor can focus on giving advice. This avoids wasting time as clients keep appointments, collect accurate data and reveal information relevant to their case more quickly because of their support from and trust in frontline organisations.</p> | <p>Works when specialist advice provider has capacity and relationships, or capacity to develop relationships, with one or more frontline agencies in touch with sufficient clients with immigration issues.</p> <p>Investing in online referral methods is time-consuming and would only be relevant if plan to continue engagement over longer term.</p> |

| Method and sub-categories | What does this method enable and for whom? | Is capacity, accessibility or quality increased and how? | How this method creates efficiency | In what context or circumstances does this method work best? |
|---|---|---|---|--|
| Method 7: Joint working | Enables advice and other support services to be provided to particularly vulnerable people with immigration issues in a way which ensures that effort is not duplicated. It works well for people whose immigration cases are complex, urgent and not covered at all or adequately by legal aid. | This method is similar to Method 6 in that it increases capacity by sharing tasks between specialists and increases accessibility by helping to reach and maintain relationships with clients with particular vulnerabilities. | The experience of agencies we looked at suggests that success rates are higher than average with this way of working, and that it reduces the number of actions ending up in court, reducing cost burden both on clients and the public purse. | Both partners need to be fulfilling significant roles in helping to resolve the immigration issues and this co-dependency needs to be recognised. Potential efficiencies depend on the joint working arrangements in place and relationships of trust between partners. |
| 7.a. Specialist providers deliver jointly planned service | | | | |
| Methods aimed primarily at changing the environment specialist advisors are working in | | | | |
| Method 8: Online information | Enables people with an immigration issue who can get online to understand their situation if they cannot get advice in a physical location (particularly in advice deserts). Also, can enable better understanding of the system by people receiving advice who do not fully understand what is happening as there has been insufficient time for an advisor to explain. | Increases the options available to clients, so that they do not have to rely solely on an advisor. Having online information available helps specialist advisors to manage their time by referring clients to online information to help increase their understanding. | Efficiencies are created when clients do not need to have processes and systems explained to them, and also when they can play a more active part in the progress of their case by gathering documents, for example. Understanding the system can also help manage client expectations about the actions or results a specialist advisor can deliver. | Resources need to be streamlined, accessible and regularly updated. They also need to be publicised widely to people needing advice: both those already in the country and those who will arrive. Also need to be publicised to specialist advisors so they can refer to them. |
| 8.a. Educating clients through online information | | | | |
| Method 9: Strategic work | This method is the one whose outcomes are most unpredictable, but which potentially brings the highest rewards for a range of people with immigration issues. | Changing the context in which immigration advice is operating can have profound effects on the capacity of advice agencies to help people. | To some extent this method may be seen as inefficient, in that it is time- and resource-intensive and does not guarantee a positive result. However, when strategic work succeeds it can bring efficiencies for the whole sector. | This method works best when it is undertaken by highly skilled specialists with advanced strategic understanding of the law. Choosing the right cases is critical, as is evidence-gathering. |
| 9.a. Strategic litigation | | | | |
| 9.b. Policy and influencing work | | | | |

Increasing capacity

4. The research found that all methods could increase capacity at least slightly, either by introducing new provision, using the provision which exists more efficiently or by removing barriers that cause more work for specialist advisors.
5. Method 2.a. (Training and organisational support to frontline organisations) has the greatest potential to influence the infrastructure of provision by introducing more providers with capacity to deliver immigration advice. There are however numerous challenges in making sure that this method translates into provision which can meet demand. Critically, if the capacity created is only at OISC Level 1, then it only enables NFPs to do very basic work which will not assist most clients. In addition, training may take a long time to translate into new provision. It is worth looking at strategies which might encourage individuals and organisations to aim at providing OISC Level 2 advice and above and focus on those organisations in particular. The potential of this method to fill advice deserts is unique if providers attain OISC Level 2 or above and also set up supervisory arrangements which allow them to maintain quality.
6. Two other methods increase capacity in broadly the same way. Method 1.b. (Pro bono lawyers contributing in part) is most effective when supporting high-level, complex cases adding specialist capacity to, for example, research needed for challenging asylum refusals. Method 3 (Volunteer and staff teams supporting specialist provision) is most effective where there is a large volume of similar cases requiring intensive form-filling or information-gathering, both of which need only light supervision from a specialist advisor to complete. Method 3 is thus suitable for the many individuals facing complicated procedures or forms, or who need to complete burdensome processes (such as opening a bank account) which would eat into a specialist advisor's time. Pursuing this method means such cases do not stagnate and can be resolved before becoming critical.
7. For those providing specialist advice, putting time and resources into Method 4 (In-house investment) can also unlock new capacity. In particular, Method 4.b. (Creating efficiencies in legal aid billing and administration) can release specialist advisor time from the administrative requirements of legal aid billing as well as increase income, potentially enabling more specialist advisors to be employed. Given the scarcity of specialist advisors, this method, though not piloted to specifically increase immigration advice, has the potential to boost provision where it is particularly needed: in specialist hubs of provision.

Increasing efficiency

8. Focusing on efficiency is particularly relevant within local systems of provision where savings can be made by NFPs working better and more collaboratively, thereby making more effective use of available capacity
 9. The method which most significantly increases efficiency is Method 6.b. (Referral partnerships). The research showed that significant amounts of time could be saved by working with referral partners to enable them to identify and triage cases. This saved time spent by the specialist advisor on these areas as well as avoiding the need to field diagnostic calls about inappropriate cases. This method also worked well in terms of boosting some capacity in the referring partner, and has kicked off further consideration of how to save time in other areas of operation (i.e. thinking about efficiency in one area has prompted thinking about it in another). It was also relatively resource-light to introduce, up until the point where the digital booking system started to be
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designed, at which point investment increased significantly. However, lessons have been learnt from setting up the initial booking system and efficiencies from using it are exceeding even optimistic projections.

10. Method 7 (Joint Working between specialist providers) also increased efficiency by enabling specialist advice and support to be delivered in tandem, playing to specialists' strengths and reducing the need for repetition of support or the potential for client drop-out.

Increasing accessibility

11. All of the methods to some extent increased the accessibility of immigration advice. The ones which stood out however were Method 2.a. (Training and support to frontline organisations), Method 5.a. (Remote advice to clients), Method 5.b. (Second-tier advice provided remotely), Method 6.a. (Outreach partnerships) and Method 6.b. (Referral partnerships).
12. Two of these particularly address the issue of advice deserts. Training and support has the ability to introduce new provision where currently none exists, but takes longer to embed and, as previously mentioned, is likely only to be helpful for clients with complex cases if provision is freed up at OISC Level 2 or higher. In contrast, telephone advice lines can be accessed anywhere, and advice lines which allow for professionals to get specialist guidance can ensure that even those struggling with language or mental health issues can be supported to access and comprehend advice. However, remote advice has limitations in terms of what it can achieve for clients with complex cases who will need to see an advisor if their cases are to progress. In this respect, second-tier advice lines can prove useful and merit further investment; these clients benefit from being in direct contact with a professional who can follow up with them and help them work out how to contact and access a specialist advisor.
13. Outreach and referral partnerships cannot reach clients in advice deserts by definition: they require a specialist advice provider nearby to operate. They are however notable not only for their potential to forge links into frontline organisations – which people needing immigration advice may come into contact with, including community organisations – but also public services such as health providers. Such partnerships allow those who do not speak English and/or people who do not trust services more generally to gain access to specialist advice.
14. Method 1.a. (Pro bono casework) also increases accessibility by virtue of the fact that such projects raise awareness and stimulate new provision for people with specific immigration issues. In addition, the fact that such programmes may attract funding (partly because they produce other benefits) means that they are more likely to carve out protected provision for certain vulnerable groups, which will persist despite multiple other calls on specialist advisor time.

Improving quality

15. Pro bono input from commercial lawyers can significantly increase quality as well as the experience for the client through intensive support by motivated commercial lawyers acting under specialist supervision. This is particularly true when they conduct end-to-end casework (as in Method 1.a.) but quality is also enhanced by any contribution, however partial, (as outlined in Method 1.b.) which leverages additional expert input into otherwise sparsely resourced casework.
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16. Method 7 (Joint working between a specialist advice provider and a specialist support organisation) also improves quality significantly. It ensures that the strengths of specialist providers are brought forward to best support the client, and professionals can also learn from one another and adapt and improve their working.

Sustainability issues

17. However successful any of the methods outlined are at creating capacity, efficiency or accessibility, all of them rely on having specialist providers which can field complex cases and, if necessary, take judicial reviews to challenge unjust policy or decisions. Such cases can involve high stakes for some of the most vulnerable people seeking immigration advice, and both untangling their situation and making critical judgements as to how to proceed is only possible by specialist advisors with an extensive grasp of immigration and human rights law. If clients and those providing lower-level immigration advice cannot refer on such clients, any system of provision either blocks up or else abandons those who need help most, leaving them to recirculate through the system, or worse.
18. The exodus of specialist advisors from the sector as well as the ongoing challenges of recruitment mean that investing in methods which motivate and train 'new blood' to come on stream is necessary if any solutions to the need-provision gap are to prove sustainable. Training and support (Method 2.a.) allows in part for this to happen, and investing in training and supporting specialist advisors in-house (Method 4.c.) is also essential if future sustainability is to be tackled.
19. The value of some other methods can also be viewed usefully through a sustainability lens. For example, specialist advisors who might otherwise be doing repetitive and demanding casework say they appreciate being engaged in projects which introduce variety and new skills. For instance, specialist advisors reported enjoying training staff and volunteer teams as a diversion from their everyday caseload and exposure to client trauma; this may make them less likely to burn out and leave.
20. Sustainability of provision is also affected by the degree to which immigration advice is supported by other forms of advice, notably welfare benefits and housing. It is neither possible nor desirable to provide immigration advice in a vacuum for clients outside the normal context, such as undetected clients or those with no recourse conditions attached to their LTR. Without such provision, immigration advice may be wasted if people fall out of contact because they are focused on survival rather than regularising their status.

Evaluation issues

21. The immigration advice sector is both consolidating and transforming. Various methods are being piloted to deal with the chronic shortfall in provision. However, evaluation methods deployed within NFPs do not always help genuine learning and adjustment, focusing as they often do on producing evidence to satisfy funder requirements rather than allowing more flexibility of approach. Furthermore, capacity to assess and describe impact is undermined by lack of skills, time, understanding of key terms, adequate data recording systems and multiple reporting requirements.
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Digital issues

22. Digital methods can add value where individuals need to find information, access advice given by a person remotely or discover options for support. Digital solutions are also proving valuable around online learning, though it was felt this could be further explored to investigate the full potential around interactive learning, for instance.
23. However, a warning note was sounded about trying to do any more than this for clients, digitally. For example, replacing face-to-face discussion with digital diagnostic tools is for the moment outside the scope of what computers can achieve, for the simple reason that people are far more complex and variable than can be written into any program. Efforts to do this elsewhere (in Australia, in particular) have failed.¹²⁹ It is worth flagging this given the UK government's focus on legal support as opposed to legal advice in its recent Legal Support Action Plan¹³⁰ and the worrying trend this seems to herald away from specialist advice to an emphasis on non-legally qualified people and potential tech solutions.
24. Creating digital solutions to improve efficiency (the booking form) are likely to be resource-intensive up front, partly because such methods require a culture shift in the sector generally. However, early indications are that they can prove extremely useful given enough resources to develop and time to embed.

129. <https://www.theguardian.com/australia-news/2017/sep/22/ndia-denies-cate-blanchett-voiced-nadia-virtual-assistant-is-in-doubt>

130. <https://www.gov.uk/government/publications/legal-support-action-plan>

Recommendations

These recommendations focus on steps which can be taken by both funders and providers of immigration advice to strengthen and increase current provision to target people most in need.

It is important however to acknowledge the wider context. The methods featured in this research have been developed because the current system of immigration advice provision is not fit for purpose and is failing to deliver immigration advice to those who need it most.

The responsibility to do something about this systemic failure does not lie solely with a small number of creative charitable foundations and NFP organisations – on their own, they can never replace the loss of statutory funding – nor can any of the methods (with the exception of strategic and policy work) hope to tackle the wider issues inhibiting the provision of a full, fair and accessible immigration system which includes timely access to quality immigration advice.

Recommendation 11 highlights the need for funders to support ongoing policy and advocacy work by NFPs in addition to investing in the methods outlined in this research. We would note the following as key issues highlighted to us in the course of this research for such advocacy work:

- ▶ The government and the Legal Aid Agency do more to make sure that good-quality immigration advice is available to all those who need it and have a right to receive it. This requires adequate statutory funding to ensure there are enough qualified and well-trained advisors and the reinstatement of legal aid for work in key areas of need.
- ▶ Disincentives to providing quality legal aid services, such as low and fixed fees and an inadequate system for ensuring and enforcing quality¹³¹ in legal aid services, must be addressed.
- ▶ Improving access to justice so that people receive the support they need early on is vital as it enables cases to be resolved more quickly, benefiting the individual and saving the resources required to pursue subsequent legal remedy for unfair decisions. Allowing people to go without advice or to receive poor-quality representation ultimately wastes money and creates further pressure on the public purse.
- ▶ Improving the systems in which cases are processed at government level is essential to reduce the resources expended in navigating such systems ('failure demand') and to increase transparency and fairness in the decision-making process.
- ▶ Regulatory issues that act as barriers to NFPs getting registered as immigration advice providers need to be highlighted and addressed continually.

Continue to support and build the capacity of specialist immigration and advice hubs

1. **Specialist advice providers.** NFPs that provide specialist immigration and asylum advice (mainly law centres) are essential for advice infrastructure. Where they exist, they should be reinforced before they lose further capacity. Developing such hubs in advice deserts should be considered a priority given the benefits not only to clients but also to developing a wider ecosystem of provision in any area. All methods identified in the research rely on their presence to some extent.

131. Currently, peer review is the only measure of quality for legal aid services. A third of legal aid providers had unsatisfactory peer reviews in the last year.

Provide support for mapping provision to inform service investment and development

- 2 **Regional mapping of access to the justice sector.** Mapping should be undertaken regionally to develop a more detailed understanding of both what the pinch points of demand are and what provision exists in order to build strategies for meeting unmet demand. Such mapping should include: private law firms with legal aid contracts; NFP providers with legal aid contracts; NFP OISC Level 2 and 3 providers; NFP OISC Level 1 providers and NFPs providing support to significant migrant populations, particularly those who need benefit and housing support. The exercise could also be useful if broadened out to include wider access to the justice sector, which in some areas will play a key role (e.g. in Scotland). Refugee Action's mapping tool may be a useful resource to build on.
3. **Supporting regional planning conventions.** It would be useful to convene NFPs in local and regional mapping and planning sessions which consider ideal configurations of provision and take account of the methods outlined in this report. NFPs benefit from recognising (a) what they are already good at and areas in which they have experience and (b) what expertise others have, so that they are not trying to solve too many problems and meet all the need alone. As a general principle, efficiency comes from breaking down the elements involved in delivering high-quality immigration advice and ensuring that these elements are being dealt with at the most appropriate – and least expensive – level. It is essential that NFPs work with legal aid lawyers and pro bono teams to make the systems work for the clients as much as they can.
4. **Online client navigation tool.** Linked to a mapping exercise, funders may wish to explore further the feasibility and desirability of creating a centralised online resource (possibly an app) which guides clients towards appropriate services so that clients can more easily navigate their way through system provision. This would need to be used, updated and recommended by as many providers as possible. It would be useful to carry out some user research with new migrants to understand whether this is something that they would want and find useful.

Support ways to create efficiency and release capacity to provide advice

5. **Structuring future regional services.** In terms of planning what methods are appropriate to use at regional level, all of the methods we explored may have some merit and the answer to the question 'Which ones should funders invest in?' is 'It depends'. Some will be more suited to a particular geographic location or client demographic and some would only work properly with certain conditions in place. Funders as well as providers should use the information in this research to develop services. For funders, it is particularly important to understand all the costs, including hidden costs, that are needed to make a model work. A priority for NFPs is to think about and calculate the cost of the kind of support that unlocks advisor time and, potentially, other funding.
 6. **Funding full costs of provision.** Funders should make it explicit that they will fund infrastructure and back office costs for the whole life of a funded project. The findings from this research point to the need for both funders and NFPs to have a much greater understanding of what these models actually cost; without this they will fail. In the past, funding has been focused on frontline service delivery, with token amounts – often not based on actual expenditure – to cover core costs. NFPs fear that if their core costs appear too high their bids will be rejected. Funders need to be clear that they will fund immigration advice and the additional costs that go with delivering that.
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7. **Onwards referral.** Where funders receive bids requesting funding for capacity-building, signposting, telephone and OISC Level 1 or 2 information and advice work, it is essential to consider whether there is actual capacity available in specialist organisations (either solicitor organisations or OISC Level 3) to take on the substantive cases which may be identified and referred through such work, and whether partnership work should be funded to underpin this or expand specialist capacity. Similarly, if NFPs are seeking funding for signposting work or to train advisors to diagnose and refer complex issues, then it is essential that they either (a) identify capacity in the organisations they have identified as being capable of such specialist work or (b) consider collaborating with an organisation that can do the specialist work (but which might require additional capacity to meet the increase in workload).
8. **Centralised online information for clients.** Information resources for clients and others are often created independently, existing in variously updated forms on a range of NFP websites. Funders could usefully consider investing in and maintaining one source of online information and gain acceptance from funded organisations to use this and link to it rather than produce their own. It would be easier for clients to find, easier to update and save on resources of production and updating.
9. **Digital referral systems.** Digital methods are also useful for improving the efficiency of triage and referral. Human judgement is still needed, but a digital booking system can make this process more streamlined and efficient. Further investment is therefore merited with the caveat that introducing this will require upfront costs of both time and funding. We learnt that, commonly, organisations greatly underestimate how long and hard it is to get new digital systems in place.
10. **Case management and data recording systems.** Investment in helping organisations develop appropriate case management and data recording systems would be useful. Taking a sector-wide approach to this would potentially benefit individual NFPs which are researching and trying to think through the implications of commissioning and embedding new data collection systems for multiple functions. Funders can play a key role in testing the cost and risk of setting up new systems for data collection and reporting. This could reap considerable benefits if implemented properly.

Complementing service development work with policy and advocacy

11. **Funding advocacy and policy work.** Funding advocacy work should be as important as funding methods which create efficiency in the NFP sector. It is critical that funders and NFPs do not assume all the responsibility for addressing the failings in the current system. Advocacy in particular is needed to make sure that legal aid remains available where it is needed and that blocks to securing early access to justice are kept on the government's agenda and addressed. The introduction to this section highlights the key issues raised repeatedly during this research.

Ongoing learning and collaboration on methods

12. **Updating the lessons of this research.** All of these methods may have further potential as well as limitations which it has not been possible to explore in this research. This is partly because some of the methods and lessons described are based on projects where learning is ongoing. For example, whilst KIND UK has been successful in securing pro bono support for children and their families who are undocumented with citizenship and immigration applications, it is not clear if other areas of immigration advice would prove as compelling a proposition for commercial firms to engage with. With this and other methods where learning is still needed, funders should consider supporting work to scope this potential to ensure that new provision is based on updated lessons and new methods (and lessons around these) identified where they emerge.

- 13. Provide learning and collaboration opportunities.** The benefits of collaboration between organisations has emerged as a key theme of this research. Funders should take a lead in creating ongoing opportunities for organisations to learn from one another and build on the lessons from this research. Collaborative problem-solving, building relationships and identifying opportunities to work together to increase the capacity of immigration advice would all be made easier if there were a space, and funding, for something like the Research Advisory Network to continue. Learning sets proved genuinely useful for some participants, even sparking in one instance a new project. Ongoing peer support would strengthen the capacity of the advice ecosystem and of the access to justice toolbox, with its multiplicity of approaches, that this research has revealed. Working together, NFPs and funders could create blueprints for those who wish to use or develop those approaches.

Understanding and assessing impact

- 14. Invest in learning posts.** Funders should also consider investment in more learning posts in the sector in order to create more space for considering lessons of previous work, doing both reflective and summative evaluation in-house and exploring new approaches to provision which draw in learning from elsewhere.
 - 15. Move towards impact rather than output or activity commissioning.** Commissioning approaches should be oriented towards establishing broad impact areas (e.g. 'improve and increase provision to separated migrant children') and allow NFPs to establish their own route map to achieving this. This draws on learning from within the health service and tech industry, and it was felt it would allow greater flexibility and inventiveness in provision, rather than constantly being focused on proving pre-set outcomes. A role for an external evaluator could then include helping NFPs articulate the questions they would find it helpful to have answered about their provision as well as their indicators for success.
 - 16. Evaluation resource and investment.** This research has revealed that the sector would benefit from a consistent approach to evaluation. Funding could be made available to create a resource which can be used by funders and practitioners to help create a common language and process for the evaluation of immigration advice. It was suggested that this should include definitions of terms, and also provide pointers for thinking through suitable indicators and methods. Examples of how people are evaluating interventions elsewhere would also be useful. Alongside this, funders and funded organisations should consider ways of bringing in evaluators at an earlier stage in order to help frame questions as well as helping to articulate how intended impact may link to activities.
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Appendix

Appendix 1: Research methodology

Background

PHF and Trust for London commissioned On the Tin to carry out this research in September 2017. The project was overseen by a steering group, comprising representatives from PHF and Trust for London, which met quarterly with the researchers to discuss the progress of the project, emerging findings and proposed changes to the methodology in the light of these findings and feedback from research participants.

The overall aim of the research, as set out in the invitation to tender, was to understand the impact of different approaches to (a) increasing the supply of high-quality free immigration advice, and (b) improving access to this advice. The invitation to tender included a set of research questions which were refined and updated during the course of the research (these are set out in Section 1).

Detailed methodology

Initial approach

Initially, the funders had envisaged that the research would be based on an in depth study comparing a cohort of eight projects funded by PHF and Trust for London. Each project was taking a different approach to increasing the capacity of immigration advice, either within their own organisation or in the wider sector of organisations working with people who might need immigration advice. These were:

- ▶ Barnet CAB, funded to continue employing a sole immigration lawyer
- ▶ CHC, funded to develop a referral network project
- ▶ HMC, funded to hold outreach sessions delivered by ILC
- ▶ KIND UK, a partnership project between Central England Law Centre, CCLC, ILC and JRS
- ▶ NDRC, funded to deliver a range of immigration services including a phone line and outreach sessions
- ▶ Refugee Action's FIAP
- ▶ RoW work on Phase 2 of its Athena Project, including a telephone advice line, support to professionals and immigration casework
- ▶ RCJ Advice, funded to employ a sole immigration lawyer

Haringey Migrant Support Centre was originally also included as a ninth cohort but could not participate due to capacity issues.

The researchers planned an approach which involved comparing the theories of change, processes, structures, inputs, outputs and outcomes of the funded projects. The focus of the research would be largely on the eight cases selected and data gathering would comprise several iterations of interviews and reviews of output and outcome data. In addition, the researchers convened a research 'Sounding Board', comprising representatives from the funded projects and other stakeholders with an interest in the issues being discussed, for example other advice organisations not funded by PHF and Trust for London and members of representative bodies, second-tier agencies and policymaking or influencing organisations.

Following an initial meeting of the ‘Sounding Board’ in November 2017 it became clear that a more useful approach would be not to attempt to collect detailed information and compare a group of projects that were very dissimilar, but to focus on methods of increasing the capacity of immigration advice provision. Cohort project organisers felt that this approach would be more useful as it would (i) reduce focus on individual organisations, meaning that those organisations might feel able to speak more honestly and openly about their experiences of trying to increase capacity, and (ii) not risk trying to compare very different services. Focusing on **methods** would also open up the opportunity to include examples of learning from non-cohort projects, where this would add obvious value and insight to the research.

The new focus also resulted in a change in the centre of attention and composition of the original Sounding Board; rather than a Sounding Board of cohort projects, the scope of this consultative body was broadened out from March 2018 to include any project or stakeholder interested in thinking about and discussing methods, and the group was renamed the Research Advisory Network. In addition to convening meetings on topics relevant to the research, the research team sent out regular (approximately bi-monthly) emails to group members inviting comments or suggestions for new projects to include in the research.

Development of a typology of methods to increase the capacity of immigration advice provision

To ensure that the scope of the research would remain focused on a manageable and coherent range of subjects, the research team developed a typology of methods to increase the capacity of immigration advice provision. This was based on interviews with the cohort of eight funded projects, interviews with a small number of external stakeholders, discussions with the steering group and Research Advisory Network and a review of documents provided by the cohort projects. The typology was tested with the Research Advisory Network and project steering group and refined following comments and suggestions from members of these groups.

The typology then formed a basis for trying to answer the question ‘What can we find out about each element of the typology?’ To do this, the steering group and research team agreed to broaden out the study subjects to include other organisations in the sector implementing different approaches to increasing the capacity of immigration advice. We took a snowball approach, making contact with organisations suggested by funders or the Research Advisory Network, who in turn put us in contact with other organisations doing relevant work. As we discovered more about the methods being used, we refined the typology, although for the most part the original typology remained an accurate reflection of the range of methods being implemented.

The steering group and research team agreed that the typology would provide a framework which could be used to explain the distinctive features, outcomes, inputs, challenges and lessons learnt of each method identified through the research on increasing the capacity of immigration advice.

Fieldwork to inform the development of the typology and explanatory framework

Following the development of a draft typology, the research comprised the following fieldwork activities:

- ▶ Six learning sets, attended by members of the Research Advisory Network. In each case the research team distributed a paper in advance, whose aim was to prompt discussion. The learning sets covered the following topics:
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- Learning set 1 (June 2018): first draft of the typologies document for feedback. This was attended by funders; other workshops, by agreement, were not, in order to allow for maximum contribution and to ensure nobody held back if negative points were raised in respect of any of the methods.
 - Learning set 2 (September 2018): Evaluation issues.
 - Learning set 3 (November 2018): Pro bono.
 - Learning set 4 (December 2018): Remote advice and casework.
 - Learning set 5 (December 2018): In-house investment.
 - Learning set 6 (January 2019): Outreach and referral partnerships.
-
- ▶ Multiple interviews with key stakeholders from the cohort organisations (individual interviewees participated up to six times during the life of the research).
 - ▶ Review of external evaluations of two of the projects (KIND UK and FIAP) and interviews with their evaluators.
 - ▶ Interviews with a range of projects identified from outside the original cohort.
 - ▶ Interviews with a range of stakeholders about the context, focusing on one or more of the research questions.

In addition, the work benefited from PHF commissioning a further study by Saira Grant on immigration advice needs in the sector, which provided an overview of the key gaps. A workshop on this was synchronised with our final learning set in January 2019 and attended by research participants and other invitees.

Appendix 2: People contributing to the research

The following individuals contributed to the research through interviews, written contributions or by attending one of the six learning sets held during the course of the research. Individuals are listed alphabetically by first name.

Key to contributions

A = multiple interviews

B = single interview

C = sent documentation or written submissions

LS 1 = learning set on initial typology (method) breakdowns, 7 June 2018

LS 2 = learning set on evaluation issues, 13 September 2018

LS 3 = learning set on pro bono methods, 15 November 2018

LS 4 = learning set on remote advice and casework, 6 December 2018

LS 5 = learning set on in-house investment, 6 December 2018

LS 6 = learning set on outreach and referral partnerships, 21 January 2019

| Name | Organisation/Project | Contribution |
|-------------------|---|---------------|
| Alex Walters | Justice | B |
| Alison Lamb | Royal Courts of Justice Advice | A, C |
| Andy Sirel | JustRight Scotland | A |
| Anna Skeehan | Islington Law Centre | B LS 3 |
| Brian Mitchell | Notre Dame Refugee Centre | A, C LS 6 |
| Carolina Albuerne | Refugee Action | LS 1, 2, |
| Chai Patel | Joint Council for the Welfare of Immigrants | B |
| Chris Minnoch | Legal Aid Practitioners Group | B |
| Claire Blades | Citizens Advice UK | B |
| Claire Stern | Central England Law Centre | LS 2, |
| Daf Viney | Hackney Migrant Centre | LS 3, 4, 5, 6 |

| Name | Organisation/Project | Contribution |
|-----------------------|--|-----------------------|
| Alex Walters | Justice | B |
| Alison Lamb | Royal Courts of Justice Advice | A, C |
| Andy Sirel | JustRight Scotland | A |
| Anna Skeeahan | Islington Law Centre | B LS 3 |
| Brian Mitchell | Notre Dame Refugee Centre | A, C LS 6 |
| Carolina Albuerne | Refugee Action | LS 1, 2, |
| Chai Patel | Joint Council for the Welfare of Immigrants | B |
| Chris Minnoch | Legal Aid Practitioners Group | B |
| Claire Blades | Citizens Advice UK | B |
| Claire Stern | Central England Law Centre | LS 2, |
| Daf Viney | Hackney Migrant Centre | LS 3, 4, 5, 6 |
| Dan Sutch | Centre for the Acceleration of Social Technology | B, C |
| Daniel Bamford | Barnet Citizens Advice Bureau | A, C |
| Debbie Adler | Cardinal Hume Centre | B LS 1, 3, |
| Denise McDowell | Greater Manchester Immigration Aid Unit | A, C |
| Djamilla Hitchins | Citizens Advice UK | B |
| Emma Wilkinson | Citizens Advice UK | B |
| Estelle du Boulay | Rights of Women | A LS 1, 4 |
| Evelyn Cook | North West Kent Citizens Advice Bureau | B |
| Fiona Cameron | Refugee Action | B, C LS 3, 4, 5, 6 |
| Gina Clayton | South Yorkshire Refugee Law and Justice | B |
| Harshida Khetia | Barnet Citizens Advice Bureau | C |
| Hazel Williams | No Accommodation Network (NACCOM) | A, C LS 4, 5 |
| Heather Farwell | Cardinal Hume Centre | B, C |
| Helen Hibberd | Hackney Migrant Centre | A LS 1 |
| Holli Spencer-Boulton | Manuel Bravo Project | B |
| Isabella Mosselmans | Here for Good Law | A, C |
| James Conyers | Refugee Action | A |

| Name | Organisation/Project | Contribution |
|----------------------|--|-----------------------|
| James Sandbach | Law Works | B LS 3 |
| Jasbinder Bhatoa | Rights of Women | A, C LS 6 |
| Jen Ang | JustRight Scotland | LS 1, 2, |
| Jillian McBride | Red Cross Scotland | B |
| Jonathan Price | Paul Hamlyn Foundation | B |
| Justin Hawkins | Criminal Cases Review Commission | B |
| Karolina Maroszek | Haringey Migrant Support Centre | LS 2, |
| Kat Lorenz | Asylum Support Appeals Project | LS 3, 4, 5, 6 |
| Katie Fennell | Kids in Need of Defense UK, Central England Law Centre | B, C |
| Kirsty Gillan-Thomas | Paul Hamlyn Foundation | A, C |
| Kirsty Linkin | Central England Law Centre | B LS 1, 3, |
| Kirsty Thomson | JustRight Scotland | A, C |
| Koula Charitonos | Open University (FIAP project evaluator) | B |
| Lauran Chilintan | Law Centres Network | B |
| Leila Zadeh | UK Lesbian and Gay Immigration Group | A LS 1, 4 |
| Lisa Mathews | Right to Remain | B |
| Liz Ursell | Ealing Outreach (St Mungo's) | B, C LS 3, 4, 5, 6 |
| Lucia Vanzo | Joint Council for the Welfare of Immigrants | B |
| Lucy Rix | Praxis Community Projects | C |
| Maria Iglesias | Praxis Community Projects | A, C LS 4, 5 |
| Mark Foster | Cardinal Hume Centre | B, C |
| Mary Keane | Refugee Action | A LS 1 |
| Michael Ferguson | The Passage | B |
| Michael Mark | Cotton Tree Project | B |
| Michelle Elcombe | Coram Children's Legal Centre | B |
| Natasha Walter | Women for Refugee Women | B |
| Nezahat Cihan | London Legal Support Trust | B |
| Nicola Burgess | Joint Council for the Welfare of Immigrants | B, C LS 6 |

| Name | Organisation/Project | Contribution |
|----------------------|---|--------------|
| Nicole Francis | Immigration Law Practitioners' Association (ILPA) | B,C |
| Nike Maguire | Royal Courts of Justice Advice | B |
| Nimrod Ben Chaan | Law Centres Federation | A,C |
| Polly Glynn | Deighton Pierce Glynn | B, C |
| Rachael Takens-Milne | Legal Education Foundation | B |
| Ravin Weerawardena | Red Cross (Families Together programme) | B LS 3 |
| Renae Mann | Refugee Action | B LS 6 |
| Roopa Tanna | Islington Law Centre | LS 3 |
| Roxanne Wilkins | Women at the Well | B |
| Ruth Davaney | PAFRAS Leeds | B |
| Ruth Hayes | Islington Law Centre | A LS 1, 6 |
| Ruth Jacob | Crisis | B, C |
| Sarah Hughes | Notre Dame Refugee Centre | A LS 2, |
| Shaila Pal | King's Legal Clinic | B |
| Shelley Dorrans | Evaluation and research consultant (KIND UK evaluation) | B |
| Sioned Churchill | Trust for London | LS 1 |
| Sophie Ahmed | Evaluation and research consultant (KIND UK evaluation) | B |
| Sophie Boobis | Crisis | B |
| Stamatina Anapoulou | Open University (FIAP evaluation) | B |
| Sue Bent | Central England Law Centre | A LS 3 |
| Sue Marris | Hackney Migrant Centre | B, C |
| Sue Wilders | Whittington Hospital TB Unit | B, |
| Swee Leng Harris | Legal Education Foundation | A LS 1, 2 |
| Tahmid Chowdhury | Here for Good Law | B, C |
| Tom Steinberg | mySociety and Big Lottery Fund | B, C |
| Vanna Derosas | Hibiscus Initiatives | B |

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On the Tin Ltd
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Jane Harris

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