



**Guidance for Professionals
Working with People with
Immigration and Asylum issues:
How to help your client navigate the legal
system**

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The Bar Standards Board (BSB) regulates barristers and specialised legal services businesses in England in Wales in the public interest. The BSB is independent of the Bar Council, which represents the interests of barristers in England and Wales

This guidance is aimed at anyone who works with people needing legal help with their immigration and asylum status. It will enable you to better advise those you work with to access the services they need by explaining:

- Who can help and how
- The differences between **providers**
- What a client should expect from their **provider**
- Fees, legal aid and how clients can be charged
- What a client should do if something goes wrong
- Where you can signpost your clients for information, advice and support

We have also published [a document that you can provide to your clients](#) who need legal advice and/or representation regarding their immigration or asylum status, and a list of organisations that can help.

If you would like a version of this guidance in hard copy, or in an alternative format, please contact the Bar Standards Board on 020 7611 1444 or contactus@barstandardsboard.org.uk.

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Background

The BSB's recent [Immigration Thematic Review](#)¹, as well as numerous other studies, have shown that consumers of immigration and asylum legal services are often a particularly **vulnerable** group. They may have limited knowledge of their rights, the law and legal process, and can struggle to navigate a complex immigration and asylum system. These consumers can face significant barriers to accessing legal services, including inconsistent client care, the provision of poor quality advice and a lack of choice and/or accessible information, including clear information about fees.

A number of factors can contribute towards **vulnerability**, including:

- Age
- Physical or mental health issues
- Disabilities
- Language barriers
- Location
- A lack of internet access
- Low income
- Poor living conditions
- Isolation and a lack of support networks
- Homelessness
- Literacy
- Cultural barriers
- Direct and indirect discrimination based on their personal characteristics

These risk factors can interact with risks within the legal services market itself, such as a lack of local provision of legal services, meaning that certain groups may struggle to access advice and quality legal services.

1. https://www.barstandardsboard.org.uk/media/1760828/immigration_thematic_review_report_may_2016.pdf

Scope of this guidance

This guidance is aimed at anyone who works with people who need to access legal services for help with their immigration and asylum status. This includes organisations that provide legal or immigration advice, but also charities, such as victim support, domestic violence and mental health charities and community groups.

The guidance focuses on the provision of 'regulated activities', that is: **immigration advice and services provided in the course of a business**. 'Immigration advice' means advice provided to a person in connection with immigration matters. 'Immigration services' means services provided to a person in civil proceedings before a court or **tribunal**. Advice and services could relate to matters such as:

- A claim for asylum
- An application for, or for the variation of, entry clearance or leave to enter or remain in the UK
- Unlawful entry into the UK
- Nationality and citizenship under UK law
- Rights to live and work in the UK under European Union law
- Removal or deportation from the UK
- An application for bail under the Immigration Acts or under the Special Immigration Appeals Commission Act 1997
- An appeal against, or an application for **judicial review** in relation to, any decision taken in connection with any of the above matters.

This guidance is set out in a way which reflects the typical client journey:

1. Identifying the problem/legal need	2. Choosing a provider and engaging them	3. Receiving legal advice/ representation	4. Follow up satisfaction with service, escalation of any issues
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1. Identifying

There are a number of barriers that consumers may face when seeking immigration legal services, including how to identify the type of advice or **provider** they need, the difference between providers and the regulatory protections available. They may also lack an understanding of their legal issue, the stages of an immigration case and at what stage they may need representation – some may not even know they have an immigration related issue at all. Consumers also face the risk of being provided with inaccurate information: immigration law is complex and subject to change regularly, and there are a large number of information sources available, which can contradict one another. Consumers may be given inaccurate information either unintentionally due to the complexity of the system, or deliberately on the part of unscrupulous **providers**. This can mean that they are placed at a substantial disadvantage when accessing the legal services market.

People often seek advice from friends, family and/or community groups in the first instance, and this can be helpful in identifying a legal problem and understanding what that problem is². It is natural to turn to those you know for advice when you have an issue of any sort, but getting advice from someone who lacks proper knowledge and training runs the risk of being provided with inaccurate information.

It is not always easy to identify when a person has a legal problem or what that problem is, but organisations like yours can play an important role. Understanding the legal system and types of **provider** that can be accessed will improve your awareness of when a client might have a legal issue. Encourage your client to be open and honest with you by listening to them, asking questions and building a relationship of trust. You should also look out for certain signs: for example, your client may lack a social support network (because they do not have friends or family in the country), be unemployed (because they do not have the right to work) or in an abusive relationship but reluctant to leave (because they have no independent right to remain in the country). If a client discloses a separate legal issue (eg housing), you should explore whether there may be other legal issues related (or unrelated) to this.

2. This is not the type of advice which this guidance focuses on as it is not a 'regulated activity' or provided in the course of a business.

2. Choosing

Once the type of issue faced has been identified, clients can choose which type of **provider** would be most suited to their needs. There are a number of things which should be considered before choosing an appropriate **provider**, including:

- Regulated/unregulated
- Type of **provider**
- Cost
- Quality

Regulated and unregulated providers

Anyone providing immigration advice and services to the public in the course of a business (whether or not for profit) must be registered with the Office of the Immigration Services Commissioner (OISC), or be a lawyer regulated by a '**qualifying regulator**'. It is a criminal offence to provide advice and services to the public without being registered with the OISC, or regulated by a '**qualifying regulator**'.

There are three main types of lawyer who can do immigration work in the UK – solicitors, barristers and Chartered Legal Executives. Solicitors are regulated by the Solicitors Regulation Authority ([SRA](https://www.sra.org.uk/home/home.page))³, barristers are regulated by the [Bar Standards Board \(BSB\)](https://www.barstandardsboard.org.uk/)⁴ and Chartered Legal Executives are regulated by [CILEx Regulation \(CILEx\)](http://www.cilexregulation.org.uk/).⁵ These regulators only operate in England and Wales⁶. Clients should always ask potential **providers** whether they are regulated before they sign anything or agree to use their services, and can check by contacting the relevant regulator. If you find out about a person who is providing immigration advice and services in the course of a business but is unregulated you should report them to the OISC.

If you work for an organisation that is not registered with the OISC, you should not give advice to an individual on immigration matters, such as claims for asylum, applications for entry clearance or leave to remain, nationality and citizenship issues or removal or deportation. If you are not sure, you should check with the OISC.

Barristers, solicitors, Chartered Legal Executives and OISC **advisers** have to follow rules set by regulators. They must have up to date knowledge of the law and practice, and must act in their client's best interests. If they do not, or if the client is unhappy with the service in any way, they can complain and are protected if something goes wrong. People who are not registered with the OISC or one of the **qualifying regulators** may

3. <https://www.sra.org.uk/home/home.page>

4. <https://www.barstandardsboard.org.uk/>

5. <http://www.cilexregulation.org.uk/>

6. In Scotland, solicitors are regulated by the Law Society of Scotland and barristers by the Faculty of Advocates. In Northern Ireland, solicitors are regulated by the Law Society of Northern Ireland, and barristers by the General Council of the Bar of Northern Ireland.

have little or no knowledge of immigration law and practice, and if something goes wrong they cannot be held to account by a regulator for their actions.

Type of Provider

Only certain people in the UK are legally allowed to provide immigration advice and services to the public. These are:

- ‘**Immigration advisers**’ who are registered with the OISC – OISC **advisers** can be authorised at three different levels, depending on the type and complexity of the work involved (see Table 1 below). Clients should always check with their **adviser** what type of work they are allowed to undertake.

Table 1

Level 1 advisers	Offer advice and assistance on straightforward applications for entry clearance, leave to enter or remain and applications to vary the conditions attached to leave already granted. They can also do most applications for Administrative Review.
Level 2 advisers	Carry out casework eg asylum and human rights applications, family reunion applications, discretionary and complex applications for entry clearance and leave to remain, lodge notices of appeal and statements of additional grounds.
Level 3 advisers	Conduct advocacy and representation, and some can also work on judicial review applications. Level 3 work is any work done following the lodging of the notice to appeal against refusal, and the conduct of specialist casework eg third country asylum cases. They can represent people in the First-Tier and Upper Tribunals (Immigration and Asylum Chamber), but cannot represent people in the Administrative Court.

- ‘**Lawyers**’ – There are three main types of lawyer who can do immigration work in the UK – solicitors, barristers and Chartered Legal Executives. The type of lawyer needed will depend on the case and work that needs to be done.

- o **Solicitors** – Provide legal advice and support directly to clients. They will meet with the client, work out what the case is, deal with all the paperwork and communicate with others involved. Some solicitors can appear in court, but others will often hire a barrister to go to court on their client’s behalf.

- o **Barristers** – Like solicitors, barristers can give legal advice, draft documents and draft and send letters. They also represent people in courts and **tribunals**, making the case on the client’s behalf. Usually, barristers become involved at more advanced stages of a case (for example, when appealing a decision by the Home Office in the First-Tier or Upper **Tribunal**) or if the case is complex.

o **Chartered Legal Executives** – Can do the same type of work as a solicitor. If a client hires a solicitor’s firm to carry out work for them, a Chartered Legal Executive may do some of the work for them. Chartered Legal Executives can also apply to become CILEx Immigration Practitioners. This means that they are able to work independently to provide immigration advice and services through their own firms.

People usually go to an **adviser** or solicitor first. If a barrister is needed to advise about the law or go to **tribunal** or court on the client’s behalf, the **adviser** or solicitor will hire them⁷. Only OISC **advisers** registered at Level 3 can hire a barrister to represent the client in court. What they can hire the barrister to do depends on the type of work they are authorised by the OISC to do – and clients should remember to check this with their **adviser**. Solicitors and **advisers** will often have barristers they work with regularly and will be able to recommend a barrister.

Most barristers will only accept work from an **adviser** or solicitor, but some barristers can deal with clients directly. These are called ‘**public access**’ barristers (see below).

If a client is unsure who would be best placed to help them they can go to an advice agency, or can talk to potential **providers** directly to see whether they can help with the issue. Clients should not feel they have to choose a **provider** because they have been recommended to them by someone they know, but should ask themselves whether this is a professional person who can help with their problem. Clients should always ask a **provider** whether they will charge for initial advice and, if they do, agree a price in advance.

The [Legal Choices website](#)⁸ provides further information to help clients choose which type of **provider** to use. You can find details on how to find different **providers** that can assist with immigration matters in the ‘Useful Contacts’ section below.

What is ‘public access’ and how does it work?

Public access is the term used to describe members of the public going directly to a barrister, rather than through a solicitor or **adviser**. Their role remains essentially the same as when they are hired by a solicitor – they can advise on legal rights, draft documents and represent clients in court and **tribunals**. Not all barristers are allowed to deal with members of the public directly – they need to have completed special training and be registered to be able to do this.

Members of the public can also hire a barrister in this way through an intermediary. An intermediary may be a person or organisation that acts as a link between the client and barrister. For example, this could be a son or daughter on behalf of an elderly parent, or

7. You can find a full list of practising barristers on the Bar Standards Board website:
<https://www.barstandardsboard.org.uk/regulatory-requirements/the-barristers-register/>

8. <http://www.legalchoices.org.uk/>

a sponsor who asks the barrister to act in an immigration matter for a client who is out of the country. Barristers must ensure that both the intermediary and client understand the nature of the arrangement, and provide relevant information, in writing, to both (see information on 'Client care letters' below). When dealing with an intermediary, barristers must ensure that the intermediary is acting within the law.

If a client hires a public access barrister, they should be aware that most barristers cannot undertake the formal process of taking the case to court – the process known as 'conducting litigation.' This includes things like filing documents at court and officially handing over documents to others. These kinds of tasks are usually done by solicitors, but if a client has hired the barrister directly they may have to do these things themselves. Clients should always ask their barrister to explain clearly what they will need to do and what the barrister can do for them.

A client is not able to apply for legal aid if they hire a public access barrister, even if they are eligible for legal aid. A public access barrister should help clients make an informed decision about whether to apply for legal aid or proceed with public access.

Cost

It can sometimes be confusing for clients to understand how and for what they will be charged. It is crucial that clients know they are entitled to and should ask questions: if there is anything they do not understand about how they will be charged, they should talk to their **provider** about it. Clients have the right to ask for interim updates on their fees and the work that has been carried out. However, some **providers** will charge an administrative fee for this.

The types of things clients can expect to see on their bill include:

- Advice about the law, the strengths and weaknesses of the case and the evidence that is needed for the case to proceed
- Attendance at court, meetings or conferences
- Drafting documents
- Correspondence
- Interpretation (if required)
- Travel
- Disbursements (this covers things such as a **provider** paying to hire an expert on a part of the case or a solicitor paying for a barrister)

How much will it cost?

There is no standard amount that a **provider** will charge. They are allowed to set their own prices, and it is up to clients to decide what they think is reasonable and whether they want to hire the **provider**. A barrister's fees are in many cases similar to those of a solicitor. If a client wants to hire a **provider**, they may talk to more than one to see what

prices are available. When a **provider** is hired, they should make it clear to the client at the beginning how they will be charged, what it will or is likely to cost and who will pay. If it is not clear, clients should keep asking questions until they are sure what the charges will be.

In addition to paying for legal advice and/or representation, clients may have to pay application fees to the Home Office, depending on the type of application they make. Prices vary depending on the type of application. However, clients can make a '**fee waiver request**' for certain types of applications for leave to remain, if paying the fee would mean they would not be able to exercise their rights under the European Convention on Human Rights. Clients should ask their **provider** about the possibility of getting a fee waiver if they cannot afford to pay. Clients may also have to pay court and tribunal fees, although they may be able to get a reduction in certain circumstances and should ask their provider about this.

Cost vs quality

Price can often be perceived as a sign of good quality: the more expensive something is, the better the quality. This perception is not always true, and clients should not make assumptions that because there is a higher fee services will be better quality. Clients are entitled to question their **provider** if they are unsure or do not understand something about the way they will be charged. They should ask as many questions as they need to until they feel comfortable with what has been agreed.

How will a client be charged?

There are a number of ways providers can charge for their services. The most common ways are:

- **Fixed fee** – this is where the **provider** considers how much work they will have to do and what this will cost, and then gives the client an overall amount they will need to pay for the work.
- **Hourly rate** – this is when a **provider** has a set rate they charge for each hour of work they do for a client. They will record how many hours they have done and this will be the final cost.

When a client hires a **provider**, they should discuss payment options with them. For example, they might be able to pay their **provider** in instalments, but should check whether there is an additional charge for paying in this way. **Providers** who charge an hourly rate should provide the client with an estimation of the number of hours the work will take. Clients should make sure they agree when they need to pay their **provider** when they first hire them. A public access barrister may be more likely to request that fees are paid upfront, since the client will not have a solicitor collecting the fees for the barrister.

In most cases where a client hires a public access barrister, discussions about fees will take place between the client and the barrister's clerk. A barrister's clerk is an administrator, who manages the barrister's time and communicates with clients about things like fees and court dates. The barrister should give the client the clerk's contact details if they need to get in touch.

Providers are required to keep records of the fees they charge and what they were for. Clients have the right to see these records at any time, and should always be issued receipts for any money they have paid. Clients should check whether the agreed fees include things like travel and waiting time at court. If a client is unsure about a charge on their bill, they should ask the **provider** for information on what has been charged and why. Clients should also be aware, particularly if they change **provider**, that their lawyer may keep their files until payment is received. OISC **advisers** are not allowed to do this and must release their client's file upon request.

What if a client cannot afford to pay for legal services?

There are a number of ways a person might be able to access funds to pay for legal services. Many people go to family and friends, or look to people within their communities for help. However, if a client cannot find the money to pay for a **provider**, there are certain types of cases where they may be able to get legal aid. Legal aid means the government helps clients to meet the costs of legal advice and/or representation. This covers a solicitor's or OISC **adviser's** fees at legal aid rates, and may also cover the fees of a barrister. The **provider** should always check whether their client is eligible for legal aid. If they do not, or if the client wants to check their eligibility themselves, they can do so on the [Government's website](#).

The following types of case may qualify for some funding:

- Asylum cases and appeals
- Applications for leave to remain by victims of domestic violence or trafficking
- Applications for leave to remain or settlement as a refugee with humanitarian protection/discretionary leave under Article 3 of the European Convention on Human Rights
- Detention and bail cases
- Some **judicial reviews**

If a case is eligible for legal aid, applicants must also satisfy the means and merits tests. The merits test looks at whether the case is likely to succeed, and the means test confirms that the client cannot pay the costs of legal proceedings themselves.

If a client is not eligible for legal aid under the usual system they may be able to get '**exceptional case funding**' if not having legal aid would breach their human rights or European Union rights. This means that it would be unfair or even impossible for a person to deal with the case themselves because of the complexity or importance of the case, or because they are less able to deal with it themselves due to, for example, a learning disability. Clients should talk to their **provider** if they think they are eligible for

exceptional case funding, or can check themselves on [the Government's website](#).⁹

There are many OISC-registered **organisations and advisers across the country that provide high quality free advice and/or representation**. The [Bar Pro Bono Unit](#)¹⁰ can also provide legal help if clients cannot afford to pay. Clients need to be referred to them by an advice agency, such as Citizen's Advice, a Law Centre, local MP or a Legal Advice Clinic, so clients should speak to those agencies first (contact details are listed in the 'Useful Contacts' section below). However, these organisations often have limited resources and demand for their services is high, which means they cannot help everyone who contacts them.

3. Receiving

After choosing a **provider** your client will receive legal advice/representation. The section below sets out what they should expect from a good **provider**, as well as signs that something might be going wrong.

What should a client expect from their provider?

Advisers, Chartered Legal Executives, solicitors and barristers have to follow rules and regulations set by the bodies that regulate them. If a **provider** fails to adhere to their obligations, clients can complain and they can be disciplined for **professional misconduct**. See the 'Follow up' section for information on how to complain.

A good **provider** will:

- ✓ Be knowledgeable and competent in immigration and asylum law and practice
- ✓ Assess whether a client's claim is valid and has **merit** and will take appropriate action, in the client's best interests
- ✓ Check whether the client can get legal aid and let the client know
- ✓ Empower their client to make their own choices and ensure their active participation
- ✓ Act with honesty and integrity, including being honest with their client about the possible chances of success. If there is nothing more that can be done or there is no basis for an application, they should be honest with their client about this
- ✓ Speak to clients in a way they can understand and build a relationship of trust

9. <https://www.gov.uk/guidance/legal-aid-apply-for-exceptional-case-funding>

10. <https://www.barprobono.org.uk/>

- ✓ Check that their client understands the case and advice given, and knows what to expect
- ✓ Maintain the client's confidentiality
- ✓ Clearly explain how, when and for what the client will be charged
- ✓ Treat clients with respect and courtesy, regardless of their background or circumstances
- ✓ Keep to any deadlines set by the Home Office or the courts
- ✓ Provide clear and accurate advice and keep clients informed as the case progresses.

Clients can ask for copies of all documents, including advice given and applications made on their behalf, so that they have a record of the advice they have received and the work that has been done. They should be aware, however, that they might be charged a fee for this.

Client care letters

Once a client hires a **provider**, they must provide key information to the client. Barristers and OISC **advisers** must provide this information in a 'client care letter'. Solicitors are also required to provide key information, but whilst this is often in the form of a client care letter it is not always.

A good client care letter should set out things like:

- What they can/cannot help with
- The work they have agreed to perform and by when (if possible)
- The advice given
- How and when fees will be charged
- Likely timescales
- Details of next steps and any actions that are required
- How clients can complain if they are unhappy with the service they have received

The letter should be personalised and relate specifically to the issues of the client's case. It should highlight key information and be clear and easy to understand and read. This means the client is informed and knows exactly what to expect from their provider. If the same provider is hired for new or different work, they must send another letter with information specific to that work.¹¹

11. An example of what a public access client care letter should look like can be found on the BSB website (<https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/code-guidance/>)

What obligations do providers have towards vulnerable clients?

Providers must take care to meet the needs of **vulnerable** clients. Some clients may not be familiar with the legal system nor proceedings, and **providers** should do what they reasonably can to make sure clients understand the process and know what to expect. They should try to avoid any unnecessary distress for the client where possible, and this is particularly important where clients are **vulnerable**. If a client has a disability, they must make '**reasonable adjustments**' to make sure they are not disadvantaged because of their disability.

Interpreters

If a client struggles with English their **provider** can get an interpreter to help, to make sure the client is able to participate fully in proceedings and understands what is being said. Interpreters should be properly trained, to ensure that they have sufficient legal understanding and are able to translate accurately. If a **provider** appoints an interpreter, they must ensure they are subject to confidentiality obligations and the Data Protection Act. If an interpreter is needed in court or a **tribunal**, they will be appointed by the court or **tribunal**. Clients should check with their **provider** who pays for interpreters: lawyers may sometimes cover the cost of an initial meeting, but clients may be asked to cover the costs of subsequent meetings themselves.

The client's journey: What does 'good' service look like?

The client (John) hires a public access barrister (Mary). John discusses the case with Mary, and Mary listens to him and asks the right questions, including whether he needs an interpreter. Mary checks whether John can get legal aid and, when she concludes that he is not eligible, she discusses his options with him, and then helps him to make his own decisions. Mary always checks that John understands what is being said. Mary draws up a plan to manage any vulnerabilities identified. They agree the work to be done, and John receives a client care letter setting out what's been agreed and providing all relevant information, including around fees, contact details and how to complain. Mary provides John with regular updates on his case, and John has plenty of opportunity to discuss his case and any concerns he has. The hearing takes place and a decision is made. Mary explains the decision to John and what this means for him. Mary advises John on possible next steps, in John's best interests.

Signs something might be going wrong

Clients should be cautious when hiring a **provider**, particularly if they have limited knowledge or understanding of the legal system, as unscrupulous **providers** may take advantage of this. They should never be asked to sign blank forms on the assurance that the details will be completed later. Clients should be wary of **providers** who seem to be telling them what they want to hear: for example, if they say they can influence or predict the outcome of their case, arrange for the application to receive priority processing or, if the application is refused, present new and previously undiscussed options – especially if there is a high cost attached. If a client is being charged a lot of money when there seems to be little progress, they should ask their **provider** as many questions as necessary until they feel satisfied. If something still does not feel right, they may want to consider finding another **provider**.

Clients should also be aware of appropriate boundaries when they first engage with their **provider**. The **provider** may want to agree how they will contact the client and how frequently they will be updated on progress, so that the client knows what to expect. This can help to build a relationship of trust and respect, which reduces the chances of something going wrong. Clients should be aware that if their **provider** has not been in contact, it is likely that this is because there has been no progress with the case and there are no updates.

An example of when things go wrong

The client (John) hires a public access barrister (Mary). Mary guarantees he will succeed and that she can get the case prioritised. Mary doesn't listen to John, ask any questions or try to identify any vulnerabilities he might have. John does not receive a client care letter explaining the work that Mary has agreed to do, what and how he'll be charged or complaints information. John does not hear from Mary for months at a time, and she does not respond to his calls or emails. John never has the opportunity to fully explain his case or concerns to Mary. The hearing takes place and the application is refused. Mary tries to convince John to appeal or try another route. She promises him that this time he will be successful but demands high prices for the work.

4. Follow up

If a client is not satisfied with the service after they have received legal advice/representation, this section sets out what they can do.

What can a client do if something goes wrong?

Change provider – A client has the right to change to another **provider** if they want to. However, the client might have to pay for work that has already been done by the **provider**.

In addition, switching **providers** may involve extra cost since a new provider would have to be hired and would need to familiarise themselves with the case.

If a client is getting legal aid and wants to change their **provider**, certain types of cases may require the client to make a formal complaint about their current **provider** to be able to switch to a new **provider**. Clients should check with their provider when they hire them what the process to change provider would be if they were unhappy with the service.

Complain about it – When a client hires a **provider**, they should be provided with information about how to complain. If not, the client should ask their **provider** for information about their complaints procedure. Once a complaint has been made, a solicitor or barrister has eight weeks to respond. If they do not, or if a client is unhappy with the outcome of the complaint once it has been investigated, they can complain to the Legal Ombudsman (LeO). LeO will usually only consider a complaint once a client has complained to their provider directly and the eight weeks have passed. There are no costs for making a complaint.

The OISC deals with complaints about OISC regulated organisations and **advisers**. OISC **advisers** must respond within the timeframes set out in their complaints procedure. If the OISC receives a complaint about a solicitor or barrister, the OISC will refer it to the relevant regulator. The OISC can also investigate complaints against unregulated **providers**. Clients can contact the OISC and the **qualifying regulators** directly if something is seriously wrong (for example, if a **provider** disappears and cannot be contacted).

Professionals and organisations can help a client to make a complaint, and can even bring a complaint themselves. If a client is struggling to make a complaint, organisations that can help may support them to do this.

If a client does make a formal complaint against a solicitor or barrister, they must still ensure the client is not adversely affected if they can no longer act for them; for example, if the client does not have enough time to find other legal representation before an upcoming hearing. OISC **advisers** must not withdraw from their client's case without good reason and must provide the client with notice of their intention to withdraw and the reason for doing so. **Advisers** should also inform their client of other suitably qualified organisations that may be able and willing to act for them.

Definitions

Adviser – In this guidance, adviser is used to describe only OISC advisers.

Fee waiver request – An application to have Home Office application fees waived.

Judicial review – Where the court or tribunal reviews the lawfulness of a decision or action made by a public body (eg decisions of the immigration authorities and the Immigration and Asylum Chamber or a local authority).

Provider – We have used this term to include anyone who provides legal advice and services.

Merit – In the legal context, whether a case has ‘merit’ means whether the claim has a valid basis, setting forth sufficient facts which may establish that, for example, there has been a deprivation of a legal right.

Professional misconduct – Where a provider has violated the rules or standards set by the ‘qualifying regulator’ that regulates them.

Qualifying regulator – For the purposes of this guidance, a ‘qualifying regulator’ refers to the Bar Standards Board (which regulates barristers), the Solicitors Regulation Authority (which regulates solicitors) and CILEx Regulation (which regulates Chartered Legal Executives). Other bodies are designated as ‘qualifying regulators’ but these are not referred to in this guidance.

Reasonable adjustments – Providers are under a duty to make reasonable adjustments for any person where their disability would put them at a significant disadvantage in comparison to people who are not disabled, and to take steps to avoid the disadvantage. This could include things like hiring a sign language professional if the client is deaf.

Tribunal – Tribunals are set up to be less formal, less costly and a faster way of resolving disputes than a traditional court. Tribunals also specialise in a particular area of law, like immigration or employment. Tribunal Hearings are often chaired by a Tribunal Judge who sits with a panel of non-legal experts that specialise in the particular area.

Vulnerability – Many clients who access legal help for immigration and asylum issues will display vulnerable characteristics – sometimes for many different reasons. Not only

can they be vulnerable because of their immigration/asylum status, but also because of age, gender, ethnicity, physical or mental health issues, disabilities, language barriers, sexual orientation, location, a lack of internet access, low or no income, living conditions, isolation and a lack of support networks, homelessness, literacy and cultural barriers. Some may have been trafficked, or suffered trauma as a result of war and violence or other forms of trauma. This leaves them at a higher risk of being vulnerable to exploitation by others, including traffickers, landlords, lawyers and even people within their communities.

Useful Contacts

Finding a legal services provider

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

[Barristers' Register](#): Online database with details of all barristers who are currently able to practise in England and Wales.

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

[CILEx Regulation's Authorised Entity Directory](#): Search the directory of firms authorised by CILEx Regulation to provide legal services in England and Wales.

[Faculty of Advocates](#): Search directory of advocates (barristers) in Scotland.

[Immigration Law Practitioners' Association \(ILPA\)](#): Search directory of immigration advisors, by region or specialism.

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

[Law Works](#): Search directory of local legal advice clinics in England and Wales.

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

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

[Solicitors Regulation Authority's Law Firm Search](#): Information about SRA-regulated law firms in England and Wales.

[The Bar of Northern Ireland](#): Search directory of barristers in Northern Ireland.

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

[The Law Society of Northern Ireland's Solicitor Directory](#): Search directory of solicitors in Northern Ireland.

[The Law Society of Scotland](#): Search directory of solicitors in Scotland.

Advice and Helplines

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Information and support

[Legal Choices](#): Help with choosing a provider, information about costs, how to complain about a provider and more.

[Legal Ombudsman](#): Information on complaining about a legal services provider.

[NHS Mental Health Support \(IAPT Services\)](#): The Improving Access to Psychological Therapies (IAPT) programme provides treatments for people with anxiety and depression.

[Personal Support Unit](#): Supports litigants in person.

[Refugee Action](#): Help and advice for refugees and asylum seekers on issues including the asylum process and how to access support, poverty, homelessness and resettlement.

[Refugee Council](#): Supporting and empowering refugees and asylum seekers with a range of issues, including resettlement, health and therapeutic services.

Complaining about a legal provider

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

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

In addition to national organisations, there are a number of local charities and organisations that a client could access for help. Clients should look what is available locally, either online or by asking the local authority or Citizens' Advice. However, many of these consumer organisations have limited resources, which means they cannot help everyone who contacts them.



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London WC1V 7HZ
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Tel: 020 7611 1444
Fax: 020 7831 9217

Email: ContactUs@BarStandardsBoard.org.uk
Website: <https://www.barstandardsboard.org.uk/>
Twitter: [@BarStandards](https://twitter.com/BarStandards)
Facebook: [/barstandardsboard](https://www.facebook.com/barstandardsboard)
LinkedIn: [/thebarstandardsboard](https://www.linkedin.com/company/thebarstandardsboard)