

**Experiences of Justice:**  
seeking legal help for  
immigration and asylum  
in Wales

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FOUNDATION

1. Summary Report



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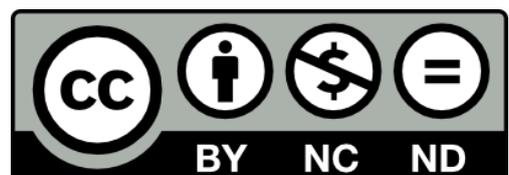
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*"...they cannot take our case... they said 'she can't talk to you, even'... so we continued searching for a solicitor but then... we got this refusal... I know nothing about legal things, how to proceed with the appeal. We have instructions, but... I didn't understand."*

- Tafod

*"... if I'm looking for an immigration lawyer, we don't even know where to start from. We don't even know how to go about it. We don't even know who to talk to..."*

- Ffresni

*"...the nights of sleeps I lost, I wouldn't have lost them [if I had someone to represent me], because at least the person will be able to advise me legally and tell me the right things and... the things I needed to know about applying for visas and everything."*

- Bodlon

## Editions in the Experiences of Justice series:

Edition	Title
Part 1 (this edition)	Summary Report
Part 2	Barriers to Access
Part 3	Client Care
Part 4	Rights
Part 5	Interpreters
Part 6	Impacts
APPENDIX A	Recommendations of the Experts by Experience Working Group
APPENDIX B	Project Participants

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# 1. The Experiences of Justice project

This is Part 1 of a 6-part series of outputs from our research into migrant Experiences of Justice. This report summarises the work that we did for the project and its main findings. More in-depth, qualitative outputs on each theme will follow over the coming weeks.

See page 1 for other editions in the series.

The project is part of the Bevan Foundation's Access to Justice project, which is funded by the Justice Together Initiative. The work of our Experts by Experience Working Group and sanctuary research was funded by the National Lottery Awards for All.

## 2.1 What we want to achieve

Our main aim for this project is to improve access to legal advice and related services for people migrating to Wales from overseas.

We also want to help migrating people to be more aware of their rights and to be able to exercise them.

We focus on people who cannot afford to pay for immigration advice, who are on very low incomes, or whose situations put them at risk of destitution, ill-health, homelessness, threaten their wellbeing, or mean that they need support.

## 2.2 What we wanted to know

We wanted to:

- find out directly from people in Wales who have looked for or used immigration legal advice, what their experiences were
- find out whether people migrating to Wales from overseas understand their rights and how to exercise them
- explore what practical changes could be made to improve access, experiences and outcomes for migrating people
- think about different ways to deliver legal services that would give people more control, give them more understanding of their rights, protect their rights, and make it easier for them to exercise their rights
- work in depth with four people with experience of using the immigration and asylum systems and support them to develop their own solutions and advocate for change.

## 2. What we did

We spoke to 59 people about their experiences. We spoke to 42 of them individually in interviews and 17 of them in group conversations. Interviews were in-depth and semi-structured. While there were some core questions that were asked of all participants, we did not want to direct participants too much. We wanted to know what was important to them, and to hear their experiences as they wanted to share them. People in group conversations sometimes wanted to talk to each other and to compare their experiences.

### 2.3 Who we worked with

Our Access to Justice team carried out interviews and group discussions. In addition to our existing staff, we employed two temporary assistant researchers with lived experience of migration, who interviewed people within communities they had contact with. They had professional and voluntary work experience which benefitted the project, and they gave us a lot of insight into collective experiences.

Working with people with lived experience of migration added a lot of value to the project. We appreciated the range of skills that our assistant researchers brought. They were experienced at talking to people about difficult subjects, they had supported people through challenging times, and they individually had a wealth of experience, knowledge, and qualifications that went far beyond their experiences as migrants.

We worked with two organisations, DPIA and Oasis Cardiff. DPIA carried out group interviews on our behalf with some of the people they work with, and facilitated a further discussion with the same group so that we could hear their ideas for change directly from them. Oasis scheduled group discussions and individual interviews with people who use their services, which were carried out by our team.

### 2.4 Our Experts by Experience Working Group

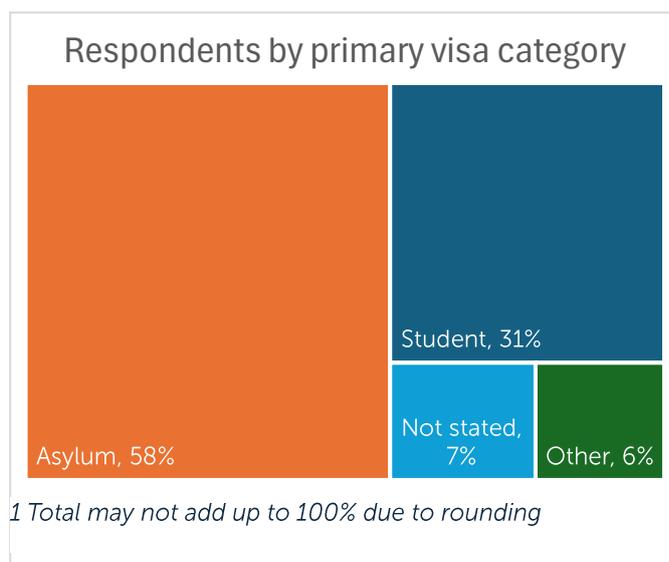
We formed an Experts by Experience Working Group drawn from project participants. The role of this group was to devise its own recommendations in response to the project's findings. The group was supported by the Bevan Foundation and given training, rights sessions, and information about regulation and decision-makers. They will be supported by the Bevan Foundation to share their recommendations and influence for change.

All members of the group have experience of seeking sanctuary in Wales. We chose a group with shared experience of a particular aspect of the UK immigration system so that they would have common understanding and to simplify training and the process of devising recommendations. Because of this, the Working Group's recommendations focus only on of asylum justice and the needs of people seeking sanctuary, while the Experiences of Justice research considered the experiences of other groups of migrants. The Group's recommendations are available from the Bevan Foundation (see page 1).

### 3. Who did we speak to?

35 (59%) of the people we spoke to were women. 23 (39%) were men. 1 stated only that they were transgender.

People we spoke to came from 25 different countries (including Palestine and the autonomous region of Iraqi Kurdistan). 61% were from Africa, 8% from Central America, 2% from Central Asia, 5% from East Asia, 2% from Europe, and 22% from the Middle East. There are more people from Africa because 18 (31%) of the people we spoke to were Africans who had come to the UK as students. Most of these were from Nigeria.



We spoke to people who had sought legal help with various visa categories. Sometimes people had sought legal help with different visa applications at different times, in which case we selected a primary category to represent their main or initial reason for seeking immigration advice. We grouped responses into five primary visa categories: Asylum (58%), Student (31%), 10-year route (2%), EUSS (2%), and Family Reunion (2%).

We found that people seeking asylum often had a slightly different overall experience of seeking legal advice and representation. People in this group often sought legal advice and representation from different sources to those used by non-asylum applicants, and many (though by no means all) did not pay for immigration legal advice but used legal aid.

Most people we spoke to live in South Wales, with a strong weighting towards Newport and Cardiff.

The group of people we spoke to is not representative of all migrants in Wales so their responses do not reflect the full range of experiences. We worked with people we have built good relationships with and will continue to invest the time needed to make more connections and build trust with others.

Our research nonetheless gives considerable insight into the experiences of many people seeking immigration legal advice and shows commonalities and some distinct differences between people travelling different migration legal routes. It demonstrates that there are major barriers to people's access to justice, both when looking for legal help and after finding it.

For a full, anonymised list of everyone we spoke to, please see Appendix B (see page 1).

## 4. What did we find?

The findings of our research fall into five main themes.

### 4.1 Barriers to access

The people we spoke to had varying experiences of finding legal advice and representation. A few had found a solicitor or other representative very quickly and easily. Others had found it very challenging, while many had not been able to find legal help at all. Many, particularly people seeking sanctuary, were given a list of legal services and left to find a representative by themselves. Often, many of those on the list were not accepting new clients.

**40%** of participants currently seeking help with a legal case have not been able to find any assistance. Of these, 50% are seeking asylum.

Cost was an enormous barrier to legal advice and representation, particularly for those not eligible for legal aid, but also for people who were eligible but could not find an available legal representative. We spoke to people who felt they had no choice but to pay thousands of pounds for legal services, sometimes spending large amounts on “consultation” fees or initial discussions, with no guarantee of receiving ongoing help. For most, this meant going into debt or using the money they needed to live on.

Nearly half of the people we spoke to had found it difficult to find their legal representative (61% of students and 38% of people seeking asylum).

Looking at the years in which people needed help with their legal case suggests that people are less likely to be able to find legal help now than in previous years. 40% of people we spoke to who are currently seeking help with a legal case had not been able to find any assistance at all. Of these, half are seeking asylum.

For 7% of those we spoke to, legal help had come too late to assist them with their case. Being unable to find legal help has serious consequences (see [4.5](#) below).

The most common barriers that people we spoke to found when looking for legal representation were:

- They did not know where to go for legal advice or representation.
- They were told that the representative they approached was not taking new cases.
- They could not afford legal help and had no access to free help.
- They had difficulty communicating with either the legal representative or receptionist.
- They did not get any response from the legal representative they approached.
- They had to travel long distances to find or to use legal help.

## 4.2 Client care

Many people wanted to talk about how they had been treated by legal representatives. We did not set out to ask people in detail how their legal representatives had treated them, we only asked generally how they felt about the service they were given. Mostly, people raised the issues mentioned below without being prompted. This suggests that the real percentage of participants with these concerns may in fact be higher.

**33%** of asylum-seeking participants with a current legal case said that their solicitor had made a mistake with their case.

**32%** of asylum-seeking participants said they did not trust their solicitor.

The issues in this section relate to solicitors or their firms. Apart from some criticism of Migrant Help, people spoke positively about charity services, though they often did not receive enough help due to a lack of services or capacity, or not knowing where to go. Concerns about unregulated advisors are covered in [4.3](#) below.

We heard repeated stories of poor practice, of solicitors not meeting the standards in the Solicitors Regulation Authority's Code of Conduct, of lack of communication, information, and choice. Some people thought their solicitor was not on their side. Some even suspected that their solicitor was working against them or for the Home Office.

People felt unable to do anything about their bad experiences of solicitors. Most people we asked did not know that solicitors are regulated, or that they have responsibilities to their clients. Most did not fully understand their rights. There is more about this in [4.3](#).

The main concerns that people raised are:

- Not being able to see their solicitor in person, or not being able to get an appointment to speak with their solicitor at all.
- Not getting regular updates (or updates at all) from their representative telling them what is happening with their case.
- Solicitors not explaining what they are going to do, what the legal process involves, or giving informed choice.
- Solicitors having too large a caseload to provide a proper service to their clients.
- Solicitors making mistakes with legal cases, in some cases resulting in delays or refusal.
- Solicitors or their associates showing no compassion or treating people like 'robots'.
- Having sudden changes of representative or being left without a representative when a solicitor firm closed, stopped providing legal aid, or withdrew from their case.

31% of people we spoke to reported that they had a bad overall experience with a legal representative. This rises to 41% for sanctuary seekers.

### 4.3 Rights

A lot of the people we spoke to did not know their rights. Nearly a quarter of people seeking sanctuary did not know when they claimed asylum that they would need a legal representative. Participants' knowledge of regulation, legal aid, and the immigration and asylum systems was very low.

**Half** of all participants had poor knowledge of the immigration or asylum system they were applying within.  
**35%** of asylum-seeking participants did not understand how legal aid works.

Many participants:

- Did not know about regulation of legal representatives, or who is legally allowed to give legal advice.
- Did not know their rights when using a legal service.
- Demonstrated a lack of knowledge about legal aid.
- Did not understand immigration or asylum law or policy.

### 4.4 Interpreters

Although we did not ask about interpreters, many of the people we spoke to raised concerns about them. People told us about bad practice from Home Office interpreters and from interpreters provided by legal representatives. Some of the issues talked about were so extreme as to be classed as exploitation. It was unclear in some cases whether solicitor firms or unregulated advisors were complicit in this or were giving too much power to corrupt interpreters by paying them commission to bring in fee-paying clients without proper oversight.

**15%** of asylum-seeking participants said their Home Office interpreter had interpreted incorrectly.  
**12%** of asylum-seeking participants said the interpreter provided by their solicitor had interpreted incorrectly.

Concerns raised by participants included:

- Incorrect interpretation, either maliciously or because of poor interpreters, which had impacted on their case.
- Interpreters speaking the wrong dialect or the wrong language.
- Interpreters controlling access to legal representatives, in some cases demanding money or (implied) sexual favours in exchange for an appointment with a solicitor.
- Interpreters imposing their own views during interviews.

## 4.5 Impacts

People told us about how struggling to seek legal advice, being unable to find it, or the way in which their legal representative behaved, had affected them. There were a range of emotional and physical effects, as well as impacts on people's legal cases, their immigration status, and their lives. Many people told us how positive it was to find a legal representative, and the effect that it had on their lives. They found reassurance and relief, help, information, and empowerment, and even friendship and support that lasted beyond their need for legal advice and help.

People spoke about negative impacts on:

- Their emotional or mental health.
- Their children.
- Their employment.

People told us that their inability to access justice had:

- Caused delays in their legal case.
- Led to refusal of their legal case.
- Ended in withdrawal of or risk to their employment sponsorship.
- Forced them to work on their own legal cases or turn to unregulated advice.
- Separated them from their children.
- Left them homeless, in poverty, or in situations where they were abused or exploited.
- Led to them being unnecessarily detained.

People talked about the huge difference that finding a legal representative made to them:

- Being given confidence and information to exercise their rights.
- Experiencing reassurance and relief that somebody was helping them.
- Being reunited with family members.

**Over 40%** of the people we spoke to said that their experience of trying to access immigration justice had harmed their emotional wellbeing or mental health.

**20%** of all participants and **32%** of people seeking sanctuary said that their case had been refused because of bad legal practice or because they could not find a legal representative.

## 4.6 What needs to change?

We have not made our own specific recommendations for this piece of work, since we wanted the project to present the experiences of those needing and using immigration legal advice. However, there are some clear general needs which emerge from the findings of the project, which we have set out below.

Our Experts by Experience working group has looked at the findings of our research and developed their own recommendations. Their recommendations focus on the legal needs of people seeking asylum because this where the group's expertise lies. The group will share their recommendations in an event at the Senedd on 10 October 2024, and we have published the findings as [Appendix A](#) to this report.<sup>1</sup>

In the remaining editions in this report series, which will be presented mainly in the words of the people we spoke to, we will include suggestions for change which were made by participants in the research. We will also incorporate both the findings and the recommendations of participants and the working group into our future work and our influencing for change.

The project findings show that:

1. **There are not enough immigration or other legal services in Wales. This includes advice and representation. Many people are unable to find legal help when they need to.**
2. **Legal aid providers are poorly paid and working over capacity.**
3. **The arrangements for and the scope of legal aid are routinely excluding people without financial means from essential justice.**
4. **Regulation of immigration legal providers and enforcement are not good enough.**
5. **People are not being informed of their rights or how to exercise them. They are not being given support to exercise their rights or protection when they try to do so.**
6. **Interpreting services are too often of low quality and poor or unethical interpreting is too often not addressed.**

The above issues are causing:

- poor legal practice
- poor client care

- delays to people's legal cases
  - damage to people's legal cases
  - abuse and exploitation of people needing immigration legal help.
7. **Some people who need immigration legal help are facing very high costs for legal help where free services are not available.** Sometimes people have to choose between their basic needs and getting legal help.
8. **People who need immigration legal help are not able to exercise their rights to justice.**

Lack of provision is denying people the rights to:

- submit applications
- have their cases considered fully and fairly
- lodge appeals and have them fairly heard.

9. **People who need immigration legal help are being denied their human rights:**

People are routinely denied their rights to:

- be treated fairly and equally
- live in safety and be free of abuse
- live with their families
- be legally protected in the same way as other people
- live free from detention when there is no just reason to be detained
- claim asylum and humanitarian protection
- work, earn a reasonable salary, work reasonable hours and in good conditions
- maintain a basic standard of living, have a home, enough food, and maintain their health
- express their views, organise and assert themselves, and take part in public affairs
- make the most of the work, social welfare, and cultural advantages available in Wales
- study, develop, and use their talents

## 4.7 What next?

We will publish our series of reports over the coming weeks. Each edition will give more insight into one theme from the findings in Section 4 above. These editions will give a clearer picture of the issues raised in this report, provide evidence, and illustrate the personal experiences behind the statements. We will give a picture of people's experiences as directly as possible through quotes from participants, allowing them to speak in their own voices.

Our Experts by Experience Working Group will share and discuss their findings in a Senedd event on 10 October 2024. Details of the event can be found on the Bevan Foundation website at: <https://www.bevanfoundation.org/events/access-to-immigration-legal-services-our-experiences/>

We will continue to influence for improved access to justice for people needing immigration legal advice. This work, and the things people have told us, will feed into our policy influencing work, including meetings with Welsh Government Ministers and officials, briefings, discussions with Members of the Senedd, and work with other key agencies and decision-makers.

We will carry out more work to discover people's experiences of attempting to access migration justice in Wales and will continue to work alongside people affected and to build lived experience into the heart of our work.

## Editions in this series:

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<sup>1</sup> Kanneh I, et al (2024) Experiences of Justice: seeking legal help for immigration and asylum in Wales – Appendix A, Recommendations of the Experts by Experience Working Group, Bevan Foundation <https://www.bevanfoundation.org/resources/experiences-of-justice-appendix-a-recommendations/>

# Experiences of Justice: seeking legal help for immigration and asylum in Wales

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Appendix A:  
Recommendations of the Experts  
by Experience Working Group



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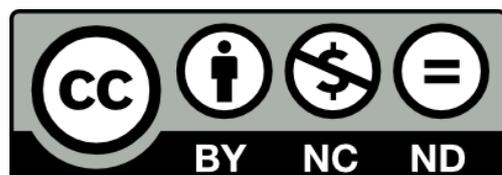
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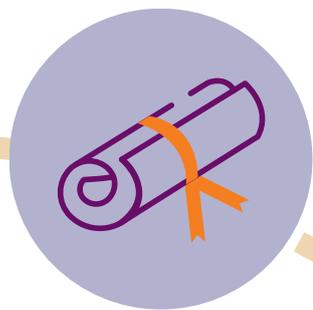
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Develop legal services, advisors, and representatives



Increase collaboration between key agencies



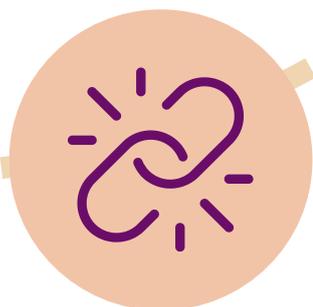
Provide seamless, accessible support



Inform people about their rights



Reform and extend Legal Aid



Connect people with legal services

# Our vision for improved access to justice

What needs to be addressed?

# 1. The Experts by Experience Working Group



The recommendations in this document are written by the Bevan Foundation's Experts by Experience Working Group. This Working Group is drawn from participants in the Bevan Foundation's Experiences of Justice project. The full findings and recommendations of the Experiences of Justice project can be found in the Experiences of Justice series of project reports available from [www.bevanfoundation.org](http://www.bevanfoundation.org)

All members of the group have experience of the UK asylum system and of seeking sanctuary in Wales. We chose a group with shared experience of a particular aspect of the UK immigration system. This was to provide a point of focus and to simplify both training and the process of devising and refining recommendations. Because of this, the Working Group's recommendations are focused on asylum justice and the needs of people seeking sanctuary, while the Experiences of Justice research also looked at the experiences of other groups of migrants.

## 1.1 How the group worked

The group's role was to review the findings of the Experiences of Justice research and to develop their own recommendations to address these findings and improve access to justice. They drew recommendations from their own experiences of living within the asylum system as well as of volunteering and/or working with sanctuary-seekers and refugees in Wales.

The Bevan Foundation supported and facilitated the Working Group. The group were given the main findings of the project and discussed key concerns raised by project participants. The Foundation offered training to the group on developing policy recommendations, the roles of decision-makers and regulators, presenting, and influencing for change. At the request of the group, information sessions about regulation, solicitor responsibilities, the rights of legal clients, and how to complain or report bad practice, were included in group sessions.

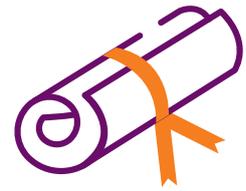
## 1.2 Developing the recommendations

The Working Group's recommendations are designed to address some of the main concerns raised by participants in the project, based on their own knowledge and experience. The Bevan Foundation will build on these recommendations in its own work, identifying where they might be implemented and by whom.

## 1.3 Sharing and influencing

The Experts by Experience Working Group will present their recommendations to an invited audience of stakeholders and decision-makers in a Sharing Event at the Senedd on 10 October 2024.

## 2. Recommendations



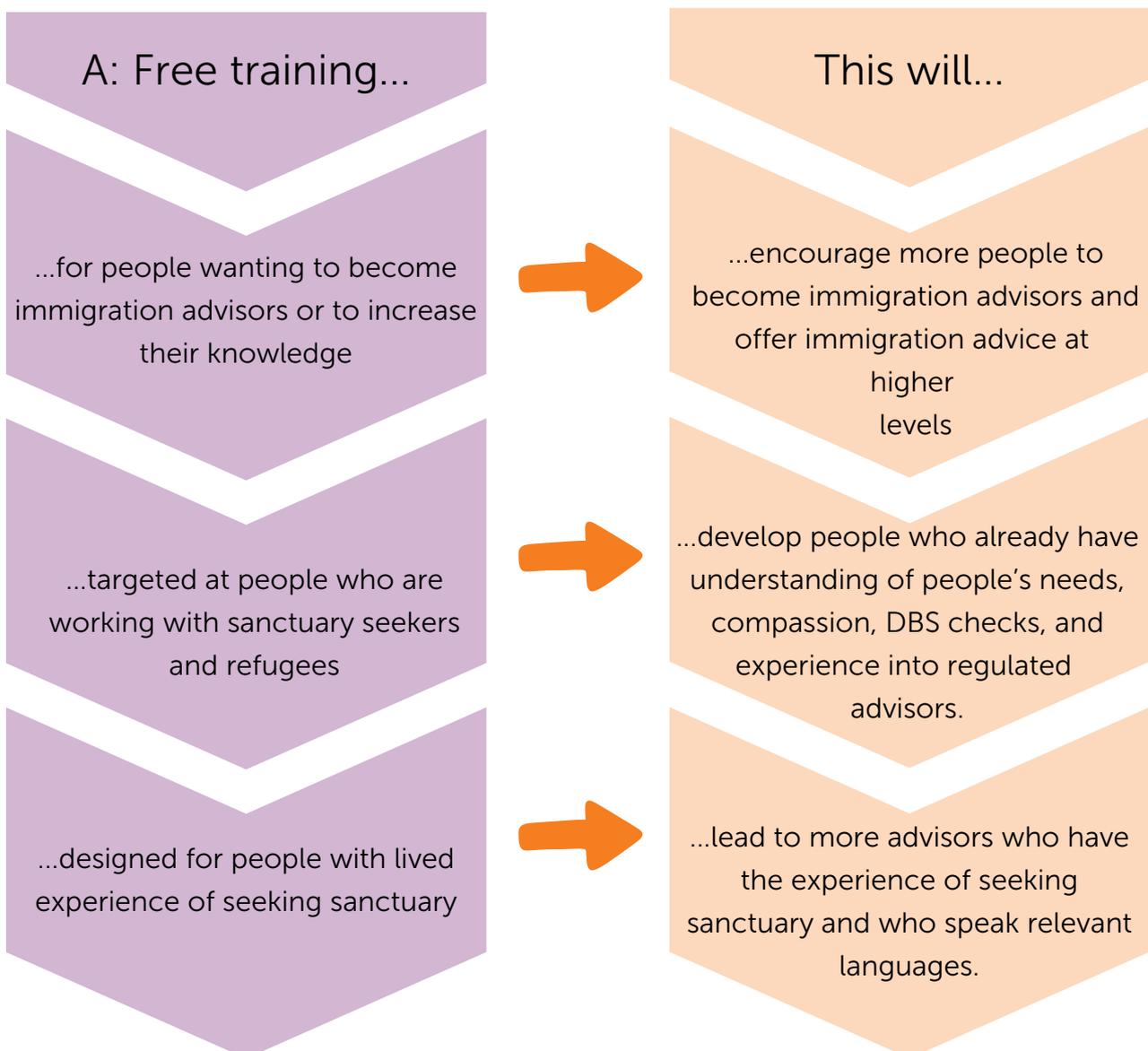
### 2.1 Develop legal services, advisors, and representatives

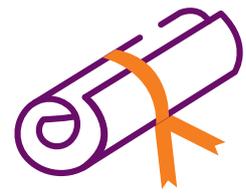
The lack of immigration advisors and legal representatives in Wales and across the UK is a barrier to justice.

People need immigration advisors who understand their needs and speak their languages. There should be more legal advisors with lived experience of migrating and seeking sanctuary.

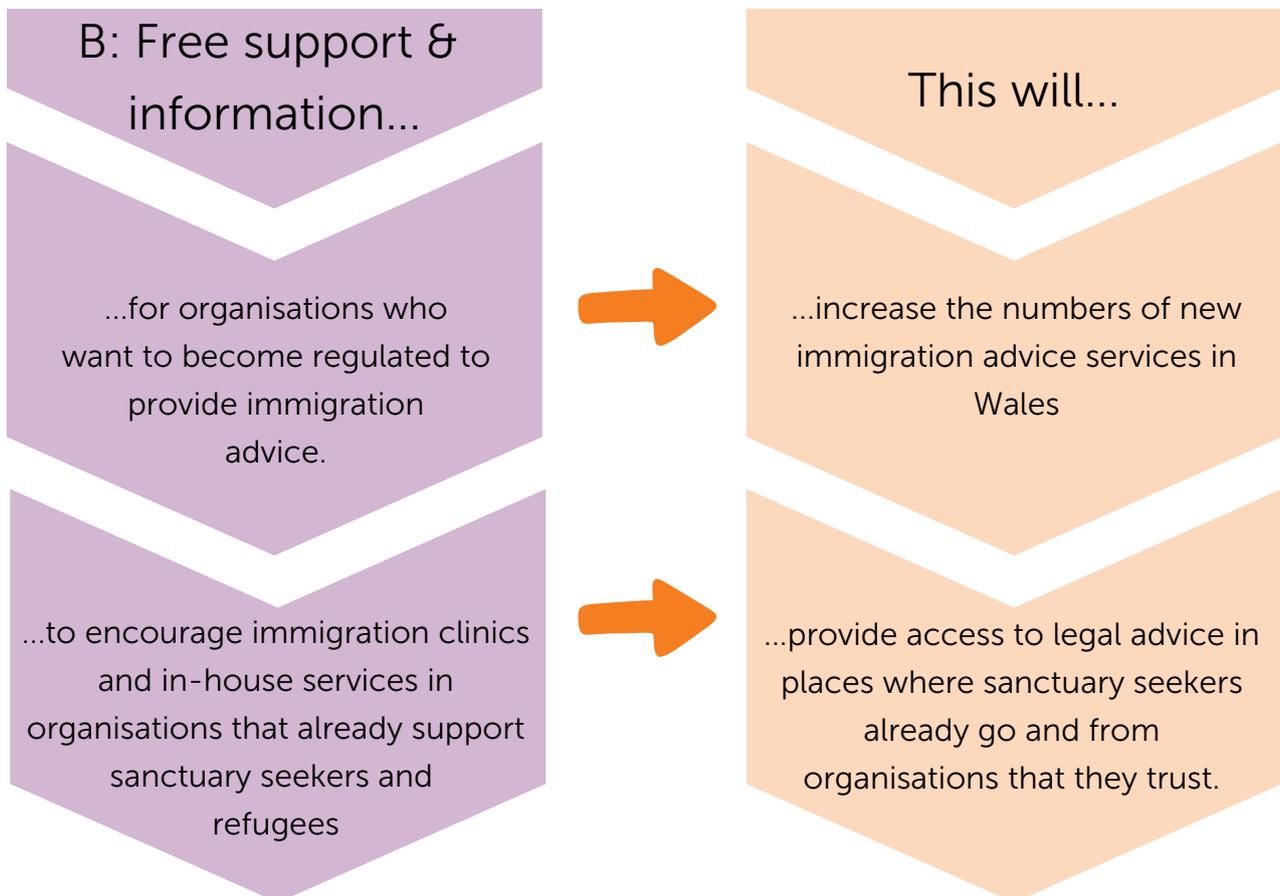
Legal services should be easily accessible from places where people already go to get help.

The Working Group recommends:





The Working Group recommends:



## 2.2 Increase collaboration between key agencies

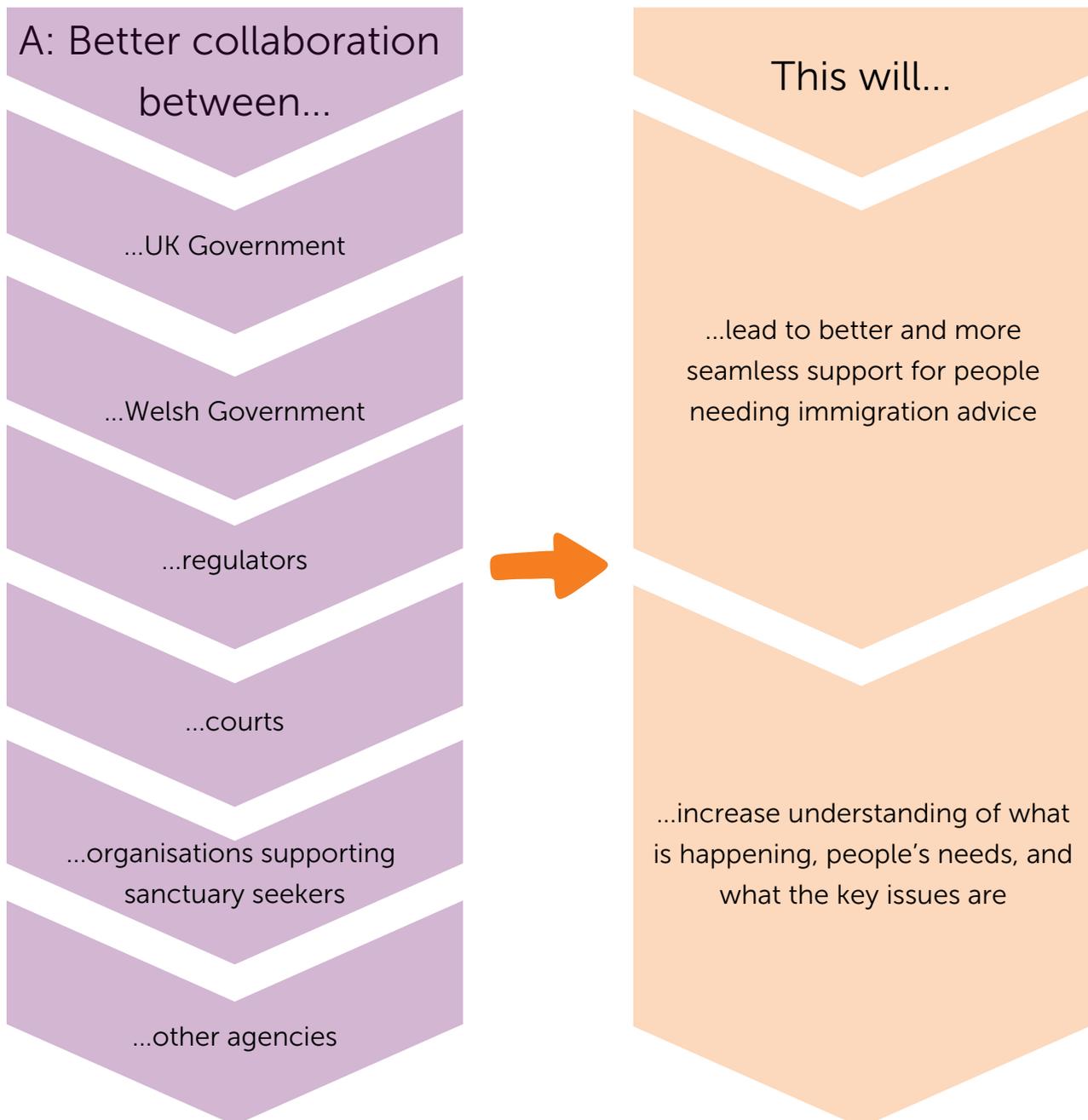


Governments, key decision-makers, and providers need to work together more.

There are gaps in provision, disjointed services, and poor data. What is provided does not match what is needed on the ground.

Collaboration should be in the interests of sanctuary seekers, wellbeing, and fair access to justice.

The Working Group recommends:





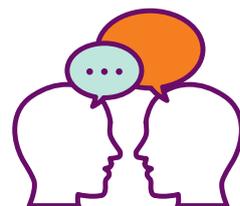
The Working Group recommends:

B: The above agencies should collect and share anonymised data to demonstrate what is happening on the ground.



If we know who is able to get legal advice and representation and who cannot, and what the effects are, then we can better plan legal services.

## 2.3 Provide seamless, accessible support



Sanctuary seekers are too often given a list of legal services and then left to navigate and secure legal advice and other services on their own. They are often new in the UK or have been recently dispersed to Wales, are not familiar with the system, and have a lot of trauma in their lives. Finding a legal representative and support services can be tricky, take a lot of time and effort, and involve a lot of travel and a lot of rejection.

People need to be connected with legal services and other help quickly, and to be supported from the moment they arrive in the UK or need to claim asylum. Existing services are too disjointed and services in asylum accommodation are often inadequate.

People often do not understand their rights. They often do not know that they have rights. Despite having been in the UK for a long time, some members of the working group were surprised to find that they had rights and were keen to know more about them and how to use them. The group feels strongly that all sanctuary seekers should be clearly and consistently informed of their rights and shown how they can exercise them.

The Working Group recommends:

A: An integrated support and rights service to help people from the moment of arrival or the point of claiming asylum



This will ensure that people are helped, supported, and empowered, from the moment they need it.

## 2.3.1 Proposals for support



The Working Group devised a set of proposals for the ways in which a support and rights service should operate. They spent a lot of time discussing this, drawing from their personal experiences, those of friends and acquaintances, and sanctuary seekers they had worked alongside as volunteers, support workers, or interpreters. These proposals also feed into the recommendations for rights information in 2.4.

The group's vision is for a single service that provides wraparound, ongoing support, and that is grown from and staffed by sanctuary seekers and refugees themselves. The proposals are transferable to other services and highlight the need for person-centred and caring services that rely on consistent human support rather than technology or written information. Empowerment, knowledge, and confidence-building are central.

Key issues highlighted in the research and by the group are:

### Trauma

People seeking asylum are often too traumatised and anxious to take in information when it is told to them or they read it. They need information given simply and repeatedly.

### Information overload

People receive a lot of information and often do not have space in their heads to take it in. They may not read paperwork or find it amongst all the other papers they have.

### Language

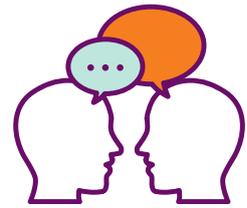
People sometimes don't understand the full meaning when information is given in English.

People want to speak their own language - it is a comfort.

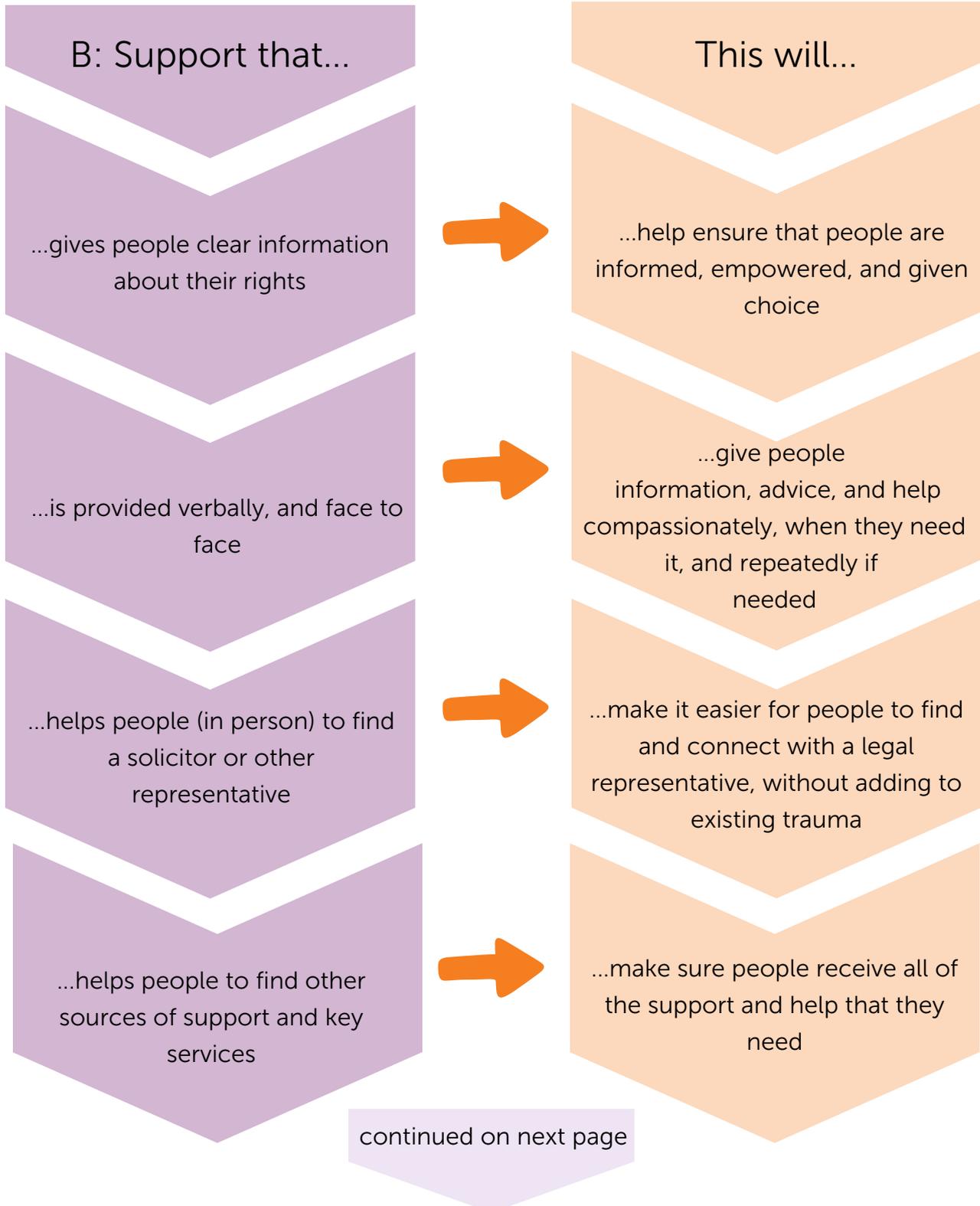
### Trust

People want support from someone they feel safe with. It is easier to talk to someone who has been through the same experience.

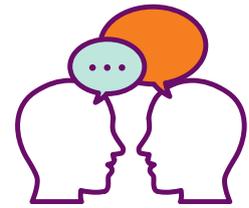
People don't know what to expect or what their rights are.



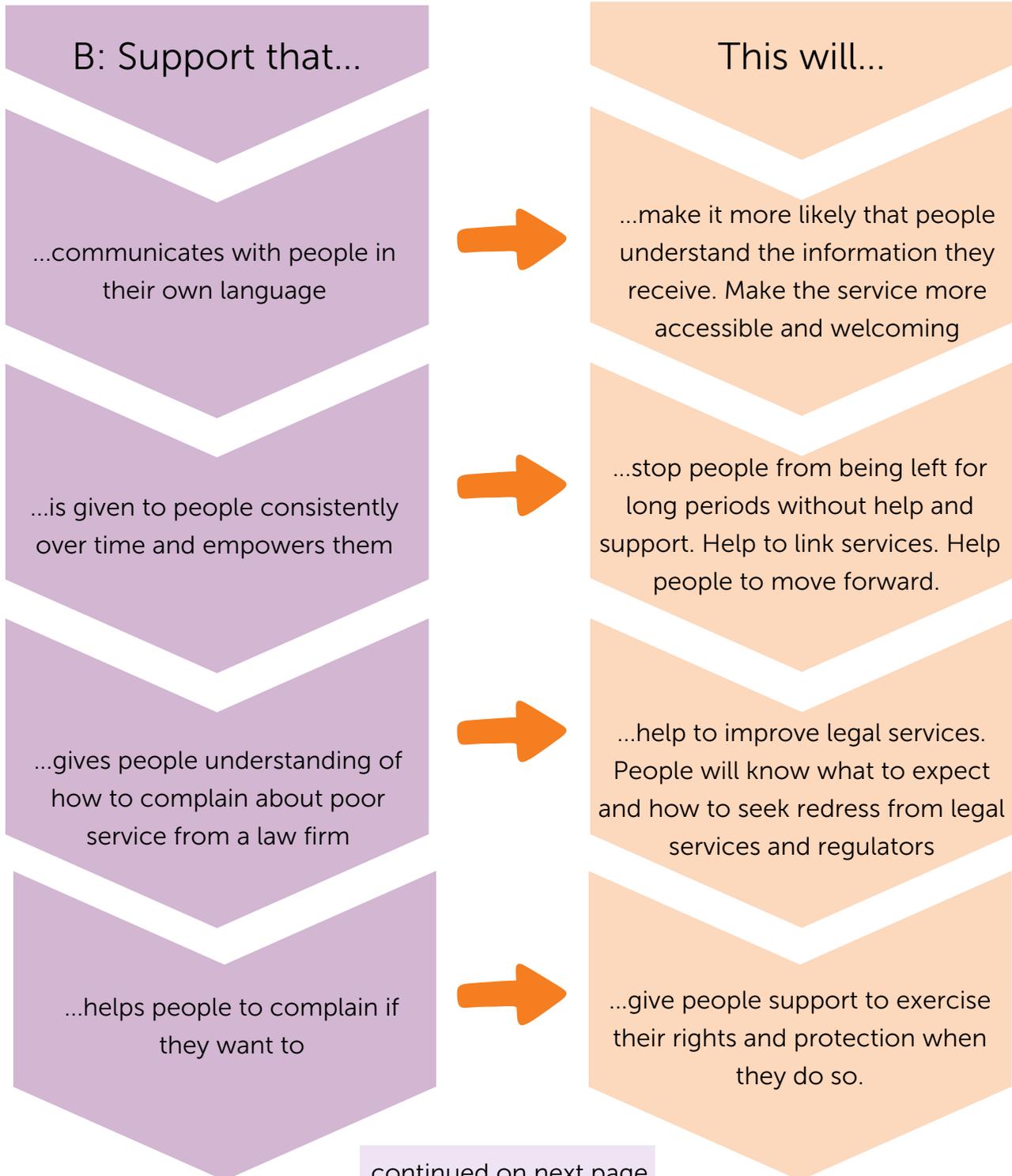
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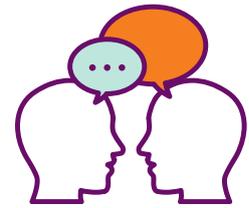


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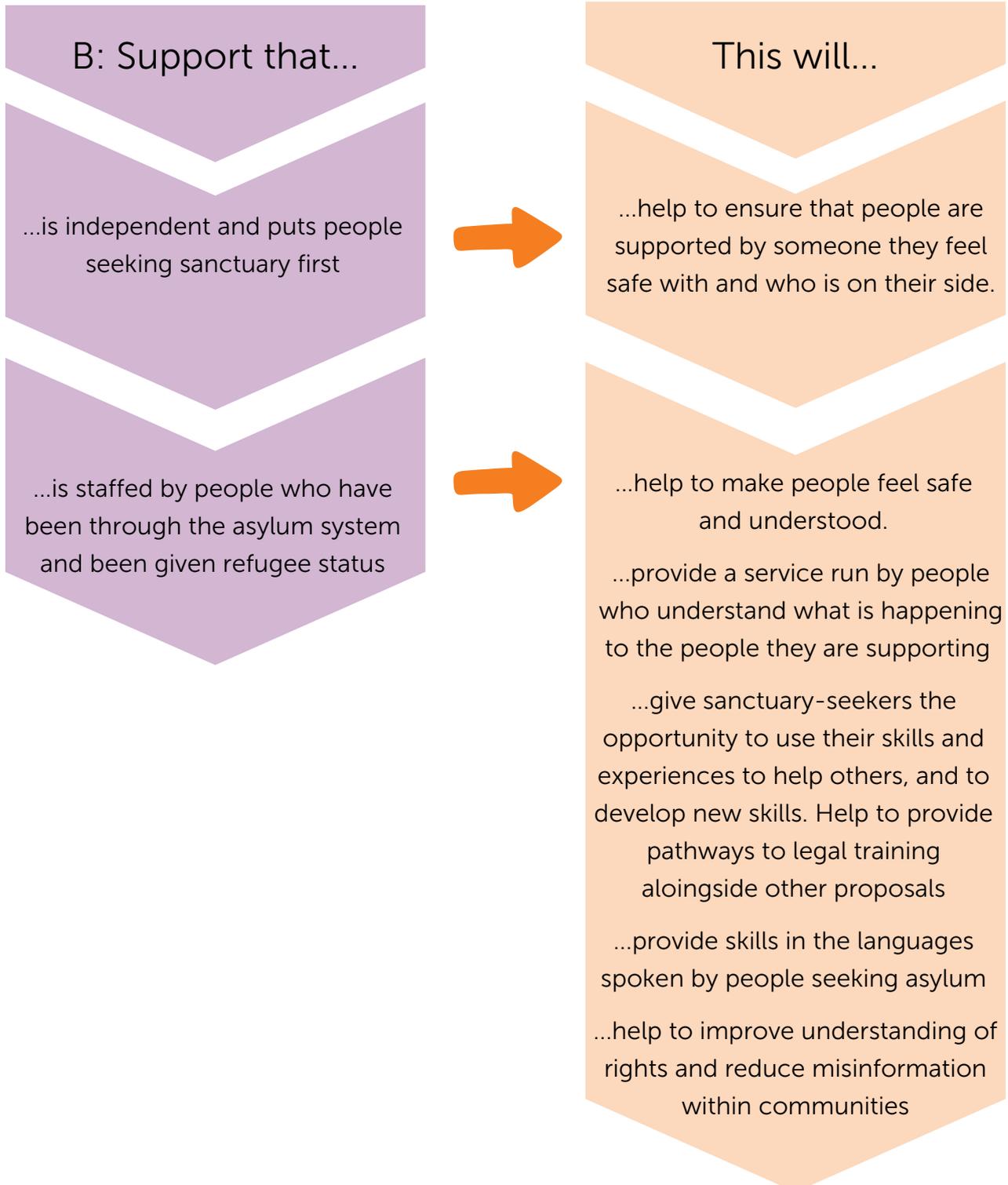


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The Working Group recommends:



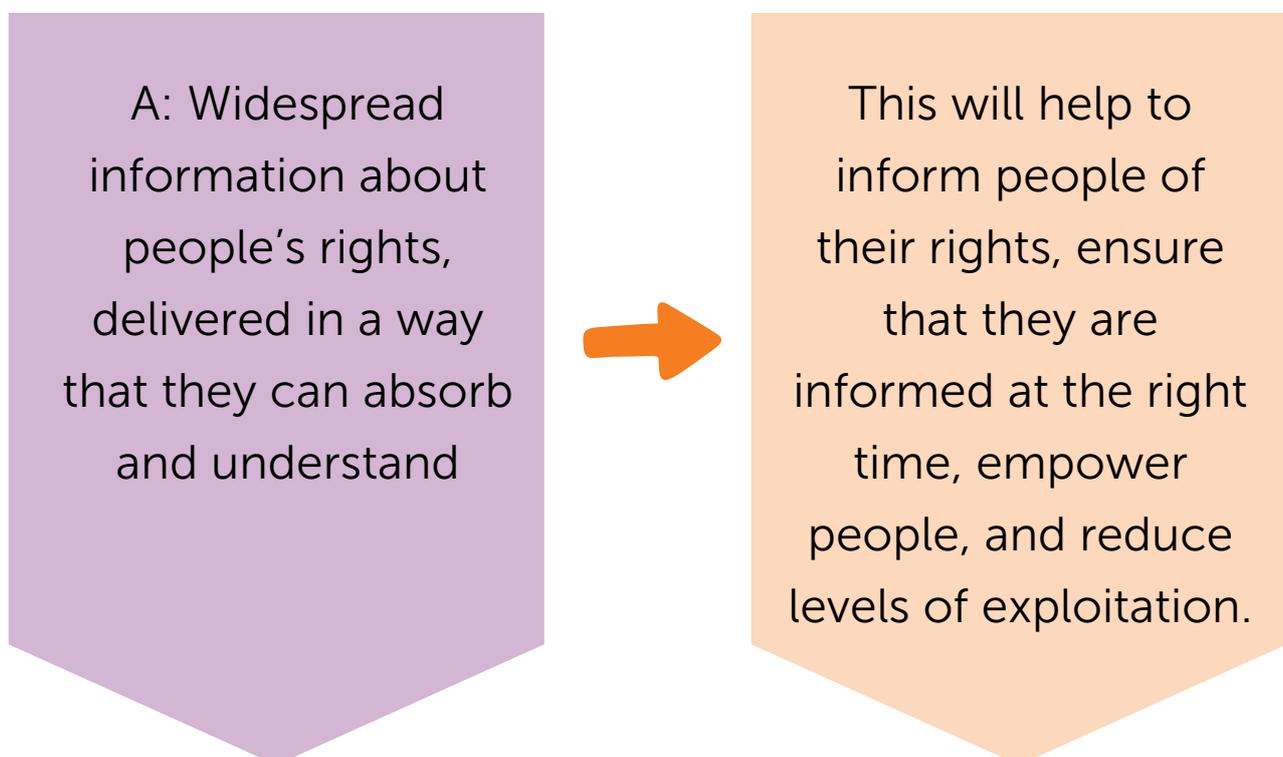
## 2.4 Inform people about their rights



People often don't know that they need legal help when they first arrive in the UK to seek sanctuary. Not knowing that you need legal assistance is a fundamental barrier to accessing justice.

Most of the people who participated in the research did not know their rights. Often, they did not know that they had rights at all.

The Working Group recommends:



### 2.4.1 Proposals for rights information

Trauma and anxiety require creative approaches to giving information.

As well as the integrated rights and support service set out in 2.3 above, the Working Group recommends that sanctuary seekers receive widespread information about their rights. They developed proposals for how and where rights information should be given to sanctuary seekers to maximise its impact.

Key issues highlighted in the research and by the group are:



### See 2.3.1

The points made in 2.3.1 about trauma, information overload, language, and trust, all contribute to people's lack of rights knowledge. Clear and repeated information is needed.

### Knowledge

Because legal aid is free, people believe that they have no choices. They don't know the responsibilities their legal representatives have, or what they should expect as clients.

### Timing

People should know their rights before they see a legal representative.  
People should know that they need a legal representative at the earliest opportunity.

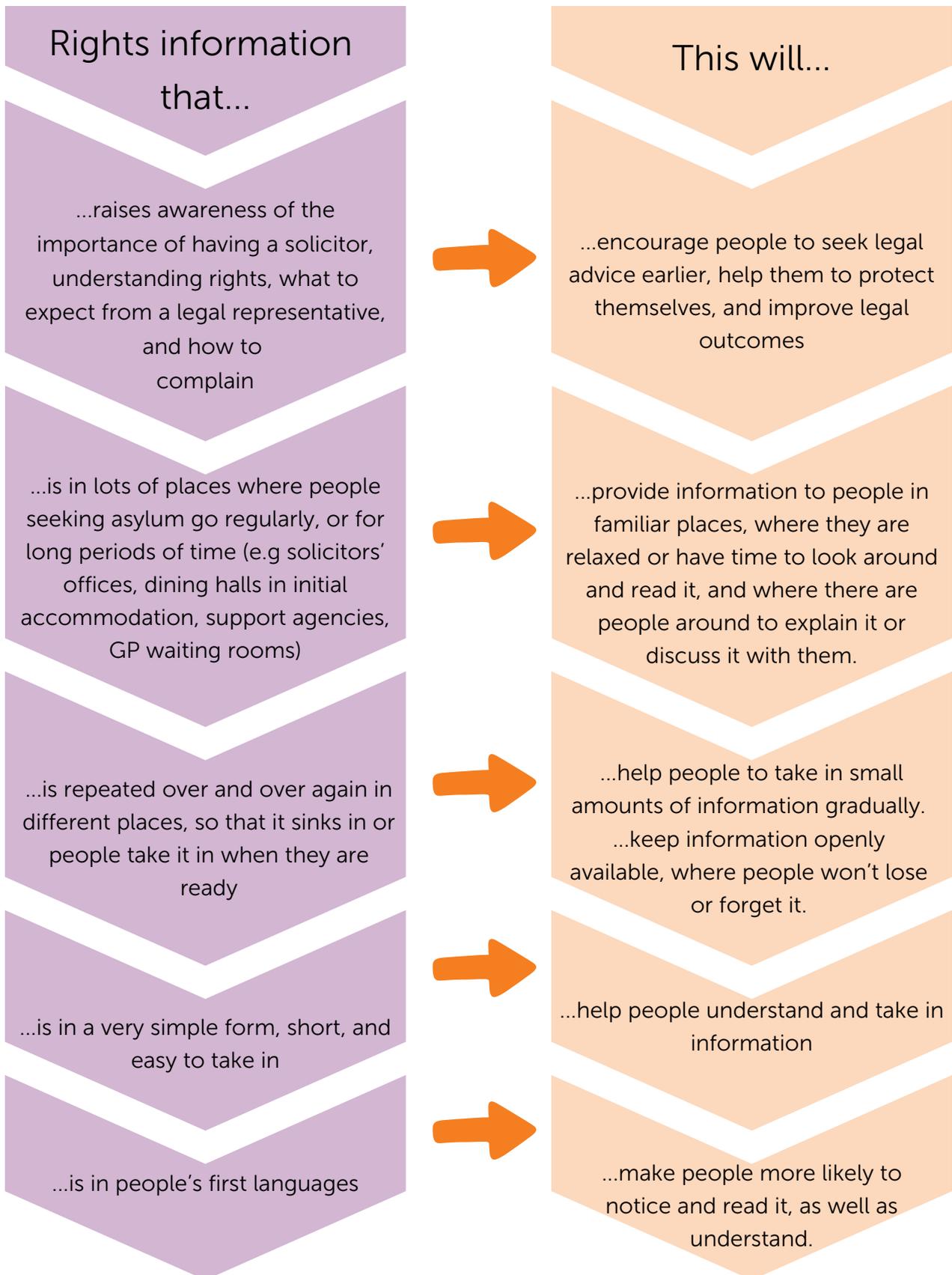
### Complaints

People often don't know that they have the right to complain, how to complain, what regulation is, who regulators are, or how and when to contact them.

### Exploitation

People often don't know who is legally allowed to give immigration legal advice, how to check if an advisor is genuine, or how to spot an unregulated advisor. The research found high levels of exploitation and people whose legal cases had been damaged.

The Working Group recommends:



## 2.5 Reform and extend Legal Aid

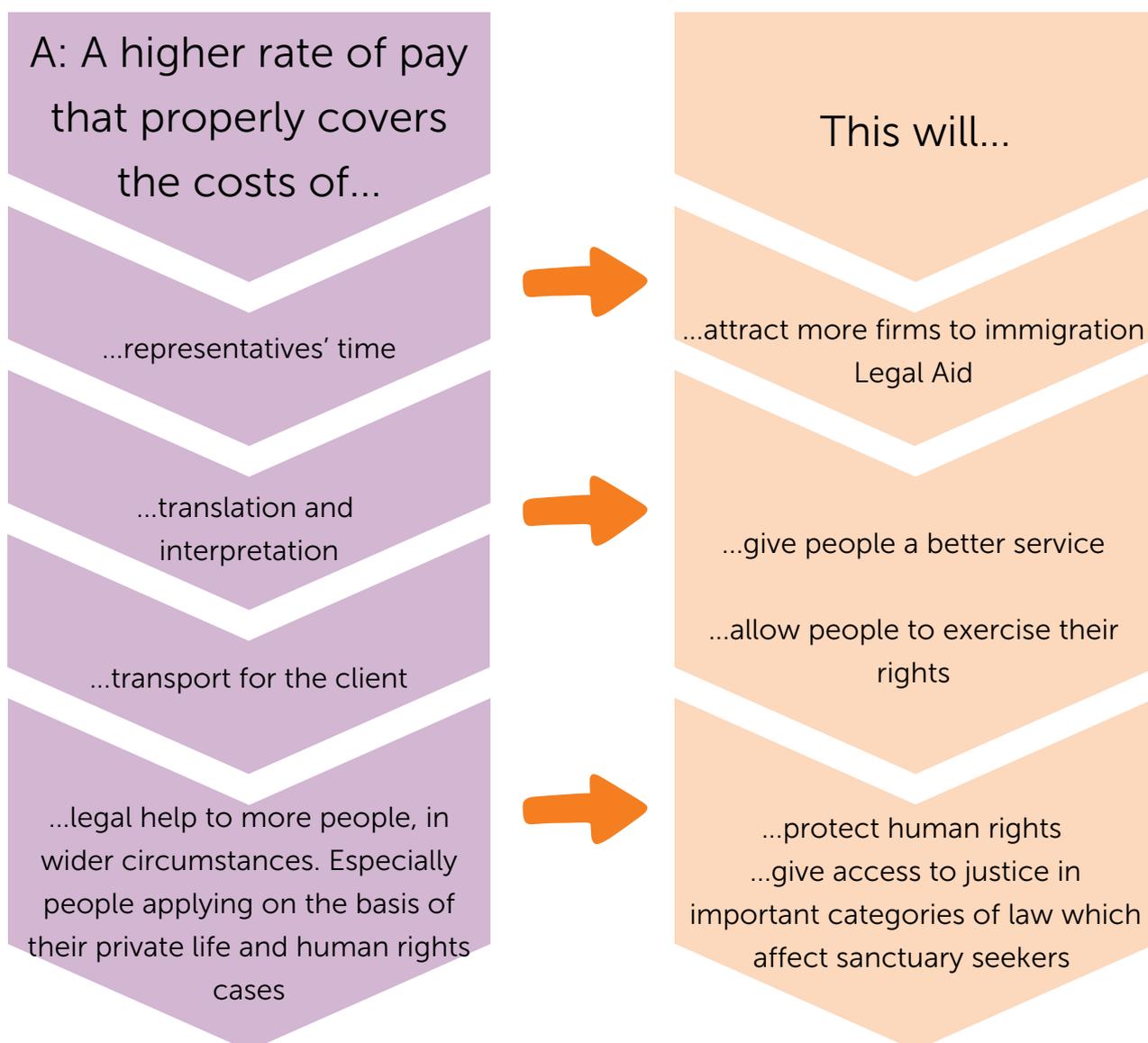


There are not enough immigration representatives available under Legal Aid. Legal Aid services have been cut so that valuable parts of the legal service are not consistently provided.

Legal aid solicitors often do not spend enough time with their clients or do all of the things that they are supposed to do. People are not empowered in their relationship with their solicitor. Solicitors often do not explain people's legal options or give them choice, as set out in the SRA Code of Conduct.

People often do not know what their solicitor is doing. Some solicitors do not do what they agreed to do, or what their client wants them to do. Many people who took part in the project said that they had not been given a copy of the client agreement, or that they could not remember signing one.

The Working Group recommends:





The Working Group recommends:



## 2.6 Connect people with legal services



People do not know what immigration law services are available, if they are taking cases, and where they are.

People seeking sanctuary are often given a list of law services and left to phone around advisors themselves. This can take days, weeks, or months. They may not have credit for phone calls or transport to travel to appointments. Often, they find that every advisor on the list is full and cannot take new cases. They often have to call and call every day. Sometimes people do not find a legal representative in time.

People need to know where firms are, who is taking cases on, and what they provide. Leaving people to find their own way adds stress, time, and frustration to an already difficult process. People need people to help them, not lists.

The Working Group recommends:

