MY Response – call for evidence: review of Civil Legal Aid

Summary

1. Migration Yorkshire provides strategic leadership and local support across the Yorkshire and Humber region. We work with national, regional and local partners to ensure that the region can deal with, and benefit from, migration. Our role includes the Strategic Migration Partnership function for the Yorkshire and Humber region.

2. We welcome the opportunity to respond to this call for evidence. This response was informed by our experience of strategic coordination work including our asylum enabling work as a Strategic Migration Partnership and our role in managing the Refugee Integration Service in Yorkshire and Humber. The Refugee Integration Service was a multi-partner regional refugee integration programme which operated from January 2019 to December 2023. From January 2021 to December 2023 this included the provision of a refugee family reunion legal clinic delivered by Sheffield Hallam University Refugee Rights Hub.

We've also drawn upon findings from our policy and research work on migration and integration. Our response to the call for evidence is summarised as follows.

3. We would like to highlight the gap in legal aid provision for refugee family reunion advice and the difficulty faced by refugees accessing advice and support to enable them reunited with family. This has a negative impact on integration, financial security, and wellbeing.

4. We chose only to respond to questions in the call for evidence that we feel able to. These include questions **1**, **2**, **5**, **9** and **13**.

Question 1.1.D (Immigration and Asylum). Do you have any suggestions of changes – both short-term and longer-term changes – that could improve each of the following categories of law?

5. Our suggestion to improve immigration and asylum law would be bring refugee family reunion law into the scope of Civil Legal Aid. This would enable newly granted refugees to access advice more easily and result in families being reunited earlier. This ultimately is beneficial for integration of new arrivals as it enables refugees to have their family support network around them, focus on other integration needs such as employment and education, and improves mental health and wellbeing for refugees all putting them in a more favourable position to adapt

and integrate into a new community.

Question 2 - What are the civil legal aid issues that are specific to your local area? Please provide any specific evidence or data you have that supports your response.

6. In Yorkshire and Humber, we found a lack of provision of legal advice for refugee family reunion in Yorkshire and Humber and these are findings corroborated by Refugee Action's report on immigration advice provision.1 As refugee family reunion is not within the scope of legal aid, we had feedback from partner agencies over challenges accessing advice and support to make applications. We mapped free advice provision and found a scarcity of pro bono advice available, an inability for newly granted refugees to afford private legal assistance and a lack of support from legal providers to support individuals to apply for Exceptional Case Funding. In most areas in Yorkshire and Humber there is no advice provision for refugee family reunion. Consequently, Migration Yorkshire partnered with Sheffield Hallam University to provide free legal advice to this group via the Refugee Integration Service, funded by the Asylum, Migration and Integration Fund until December 2023. Between January 2021 and December 2023, the service offered free legal advice to newly granted refugees across Yorkshire and Humber, supporting 122 beneficiaries seeking to be reunited with family members.

7. Most beneficiaries of the project were newly granted refugees from the asylum process, however our work supporting local authorities through the Afghan Schemes also found a need for many separated Afghan families to access advice on family reunification. Moreover, some categories of arrivals were found to be ineligible for refugee family reunion due to differing rights and entitlements attached to their status based on the pathway they arrived. The complexity of the matter has meant that many resettled Afghans in Yorkshire and Humber have required specialist immigration advice around family reunification.

Question 5. What do you think are the possible downstream benefits of civil legal aid? The term 'downstream benefits' is used to describe the cost savings, other benefits to government and wider societal benefits when eligible individuals have access to legally aided advice and representation. Please provide any specific evidence or data you have that supports your response.

8. Through the Refugee Integration Service and asylum enabling work we are aware that many refugees would benefit from being able to access legal aid funded family reunion advice due to the precarious financial position many newly granted refugees find themselves in. Following the transition from asylum support to mainstream benefits and housing, many new refugees have little income to pay for private legal advice and due to integration

needs including learning English and barriers accessing employment, it can take many years for individuals to find themselves in a more stable financial position to be able to afford private legal fees, the costs of transport for family arrivals and suitable accommodation in place for arrivals. Many refugees have left family behind in precarious circumstances in third countries or their country of origin and so it is often a priority to start the process of reunification to safeguard loved ones. Research from the Red Cross highlights that due to the financial constraints many are forced to live below the poverty line to save money for advice, often borrowing money and incurring debts.2 Further, we have heard anecdotally of people ending up losing large sums of money to disreputable and unauthorised advisers, and/or spending money to travel to London to access advice, creating further hardship.

9. The availability of legal aid for refugee family reunion would enable more vulnerable refugees to be reunited, whilst also allowing newly granted refugees to focus on other integration needs like learning English, accessing employment and training. Further research by the British Red Cross in 2015 has suggested that the absence of family reunification may negatively impact integration of refugee sponsors. 3

Question 9 - What barriers/obstacles do you think individuals encounter when attempting to access civil legal aid? Please provide any specific evidence or data

you have that supports your response.

10. The lack of available legal providers, both private and pro bono who are experienced in advising on refugee family reunion and able to invest time supporting with application for exceptional case funding has been fed back in our region from partners. Individuals living in smaller towns have more difficulty finding legal advice compared to those living in larger cities due to a lack of immigration firms and regulated advisers in their area. We mapped refugee family reunion provision in 2020 prior to the establishment of the Refugee Integration Service, and again at the end of 2023 to understand what provision is available in Yorkshire and Humber. Currently in Yorkshire and Humber we have 15 council areas all considered asylum dispersal areas, with 9 long established asylum dispersal populations. However, there is only one established refugee family reunion law project which serves the Sheffield area only. While there are a few charities offering advice on a pro bono or private basis with very limited capacity elsewhere, generally provision is severely limited.

Question 13. How do you think that the Exceptional Case Funding scheme is currently working, and are there any ways in which it could be improved? Please provide any specific evidence or data you have that supports your response.

11. We understand from our RIS partner who assisted many refugees to apply for Exceptional Case Funding (ECF), that applications can be time consuming and unappealing for immigration law firms. If possible, either a simplification of the ECF process or the addition of refugee family reunion within the scope of legal aid would remove unnecessary administrative barriers to accessing advice for people.

About us

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