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## The lack of capacity within the immigration legal aid sector: impact on HMSC's visitors (Statistics and case studies)

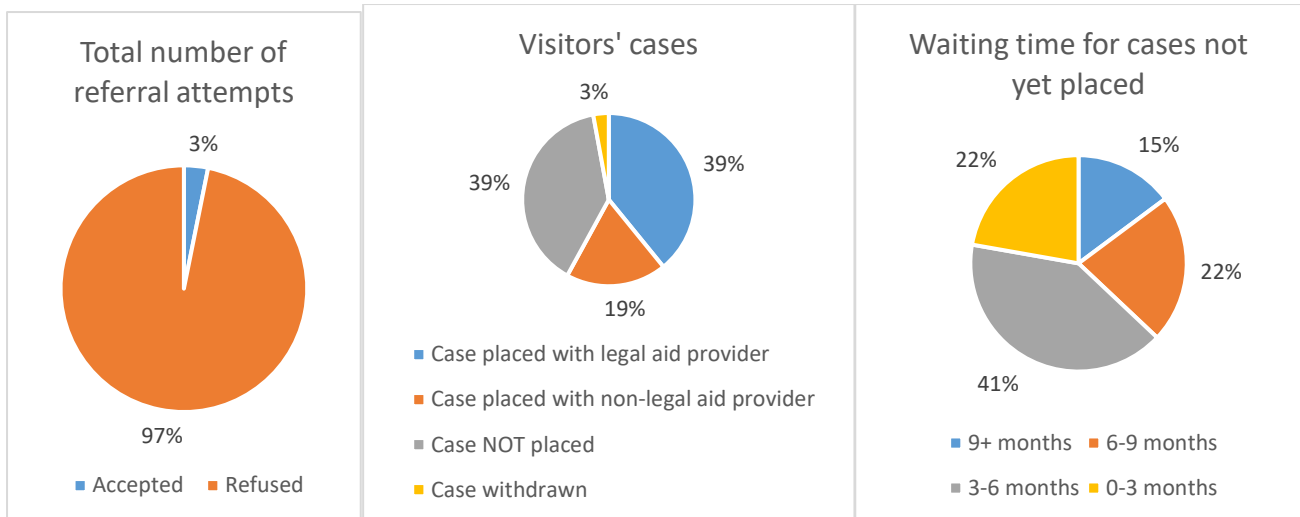
### Statistics for 01/12/2021 to 31/05/2022 (6 months)<sup>1</sup>

- Number of referrals attempted: **854 referrals<sup>2</sup>**
- Total number of cases we attempted to refer: **69 cases (visitors)**
- Average number of referrals attempted per visitor: **over 12 referrals per visitor**
- Number of legal aid firms we referred to: **43 legal aid firms**
- Referral outcomes, for 69 visitors
  - **27 cases accepted by legal aid providers, i.e. 39%**
  - 13 cases placed with non-legal aid providers, i.e. 19% (these referrals are not included in the 854 mentioned above)
  - 2 cases withdrawn (eg. voluntary return), i.e. 3%
  - **27 visitors still waiting on the list as of 31/05/22, i.e. 39%**
- **Percentage of referrals accepted: 3%** (27 of 854 referral attempts)  
**Only 1 referral out of 31 is successful in average.** This illustrates what a large body of work legal aid referrals is for a small charity like HMSC.
- Waiting time to be placed with a provider (either legal aid or not)
  - 90 days / 3 months in average
  - For cases that were placed: 45 days / 1.5 months in average
  - **For cases that weren't placed: 160 days / 5.3 months in average (and still waiting...)**
  - Out of the 27 visitors who are still on our waiting list, **37% have been waiting for more than 6 months** (10 visitors)

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<sup>1</sup> These statistics don't include cases that are placed directly with our partners, without any other referral attempted.

<sup>2</sup> Each case referred is counted as one referral. If we refer several cases to the same firm at the same time, they are counted as several referrals.



## **Two case studies: The impact of the lack of capacity in the legal aid sector**

### **Case 1**

FA is a Nigerian woman in her sixties. She approached HMSC at the beginning of July 2021 and was quickly identified as a victim of trafficking. She was immediately referred to the National Referral Mechanism (NRM) and she received a positive reasonable grounds decision. Since then, FA has been referred 30 times to Legal Aid solicitors and was unfortunately accepted by none of them. The first referral was dated 26 October 2021. This has an impact on her immigration status, but also her living conditions and her mental health. In terms of her living conditions, FA has no recourse to public funds. She lives in poverty and resorts to foodbanks. She might soon have no place to live as she cannot stay at her friends for long. The lack of legal aid support has meant that her destitution continues without state support which is revictimizing. As a long-time victim of modern slavery, the lack of a Legal Aid lawyer has also exacerbated her vulnerability. FA cannot read or write and requires an interpreter, she is very isolated and communications are difficult.

### **Case 2**

JZ has been in the UK for 10 years and has a British son. He was advised by Haringey Migrant Support Centre to make an application based on his relationship with his child. JZ has been referred 22 times to Legal Aid solicitors since he was granted Exceptional Case Funding and was accepted by none of them. The first referral was dated January 4, 2022. This impacts his living conditions and mental state. JZ is destitute and homeless. He stays on his friends' sofa or sleeps rough. Moreover, he has been served a notice of liability to removal from the UK which puts him in constant fear of removal. The lack of legal aid capacity has meant that JZ is forced to continue living in inhumane conditions and that his well-established human rights (family life) are endangered.