

WHAT TO EXPECT FROM YOUR LEGAL REPRESENTATIVE -

1: TYPES OF LEGAL REPRESENTATION

DIFFERENT WAYS OF GETTING LEGAL ADVICE

LEGAL AID	PRO-BONO	PRIVATE	Regulation
<p>Legal aid means your solicitor is paid for by the government.</p> <p>Whether you can get legal aid is decided on conditions called 'merits' and 'means'.</p> <p>Most asylum seekers should automatically qualify for legal aid.</p> <p>Legal Aid will also cover costs for interpreters for solicitor meetings and expert reports.</p> <p>Legal aid lawyers are usually highly regulated to ensure quality.</p>	<p>This means a solicitor provides their services free of charge.</p> <p>It is hard to find a solicitor who provides pro bono work</p>	<p>You have to pay the solicitor for their service and this can be very expensive.</p> <p>It also means you have to pay for interpreters for meetings with your solicitor or any expert reports yourself.</p> <p>It might be quicker to get a private solicitor but it does NOT mean that they will provide a better service!</p>	<p>Legal reps must be regulated to give advice. They have professional duties enforceable by their regulator (for solicitors,</p>

this is the [SRA](#). For immigration advisors/caseworkers, this is the [OISC](#)

Advantages of legal aid solicitors

- More regulated: legal aid solicitors must take an exam on immigration and asylum law every 3 years
- Cost protection: you will pay no litigation costs to the Home office if you lose an appeal or judicial review.

It is highly recommended that you use a legal aid lawyer. If you are ineligible or you cannot find a legal aid lawyer with capacity, ask for recommendations for private lawyers from people or organisations you trust. Ensure you always demand and receive a receipt for each payment you make.

2: THINGS TO DO– ADVICE FOR YOU

Before your first meeting

- **Check that your lawyer is regulated**
 - Ask them who their regulator is and their registration number
- What should you have ready?
 - All of the relevant documents, printed. Have a pencil and paper to take notes. Prepare a list of questions to ask the legal rep as well as provide the details of your case
- What should you ask?
 - Know the legal rep's first name how they would like to be contacted then ask legal rep to write down your file reference number for you
 - Ask when you can expect to receive the subsequent letter they are obliged to provide, and specify how you would like this communicated (by post or email— **whatsapp is not a common way to communicate with a legal rep**). Make sure you both agree on **when** and **how** you will next communicate with each other and **who is responsible for reaching out**.

During the course of the meetings (general advice)

- Ask for copies of documents—never give anyone an original document without being

provided with a copy of it. Keep all papers organized

- Do everything requested by the legal rep in a timely manner. Make sure to attend appointments on time. If there are circumstances out of your control, and you will be late/have to cancel, let them know.
- Keep your address, email, and telephone number up to date. The legal rep must provide evidence of a change of address to the home office within 10 days of the change. Ask your legal rep for confirmation they have updated your address with home office
- Only telephone with a good reason; provide your full name and file reference with the firm. When sending emails: Include your full name and file reference in subject.
- Do not drop into your legal rep's office unannounced.

3- YOUR LEGAL REPRESENTATIVE'S DUTIES TO YOU

General Duties that apply:

- Act in your best interests
- Keep your case confidential
- Behave honestly towards everyone (not just you!)
- Give you competent advice and representation
- Meet deadlines
- Be up front about their fees and charges if paid on a private basis
- Do the work you have paid them to do
- Keep you informed of progress
- Treat you with dignity and respect

What to expect during your interactions

- If funded by legal aid, they must provide an interpreter if needed
- You should be advised on the following:
 - your chances of success
 - Any procedures you must follow and any evidence you will need to get
 - Meet you in a confidential space (not a public place like a coffee shop!)
 - Tell you if you **can** get legal aid (they do not have to offer to do your case on a legally aided basis, but must tell you if available).
 - Explain any documents they ask you to sign and give you a copy.
- To provide letter early on in the case setting out
 - Their name, contact details, and qualifications (solicitor / immigration caseworker), and accreditation level and the name of their supervisor
 - Complaints Procedure - so you can complain if something goes wrong
 - A summary of your case (your instructions)
 - Their advice explained in standard English rather than technical legal language.
 - Agreed next steps -any actions you or they will take as well as agreed time frames for next steps
 - Details of any fees, or of how your case is funded
- Must provide updates on case at regular intervals: expect to hear from them every six months. If you do not, contact them and ask for written update
- Provide you with copies of your statement and file records. Always ask to receive a copy of any documents at the time it is produced!

5: WHAT TO DO WHEN THINGS GO WRONG

You have the right to complain. All Legal Reps must have a Complaints Procedure that clients can use. You are entitled to ask for a copy of the Complaints Procedure.

You will need in the first instance to either complain directly to the Legal Rep working on your case, to their **supervisor**, or to the person in the organisation responsible for complaints handling. The names of the supervisor and the complaints handler should be included in the letter you received from your Legal Rep at the beginning of your case.

Keep your complaint polite, accurate, and evidenced as far as possible. If you are polite and clear in expressing your complaint, this will be the most effective way of correcting anything/resolving misunderstandings.

If having used your Legal Rep's Complaints Procedure, your complaint has not been dealt with, you should then contact the regulator for your Legal Rep – either the SRA or OISC.

If you have lost money paid to a solicitor, it may be possible to obtain compensation for that loss from the SRA compensation fund - <https://www.sra.org.uk/consumers/compensation-fund/>

It is important that you pursue a complaint if your case has been damaged by the action or inaction of a Legal Rep. The Home Office or the Immigration Appeal Tribunal are entitled to require evidence that a complaint was made if you later rely on a Legal Rep's mistake to explain any shortcoming in your case or its history.

6: WHAT YOUR LEGAL REP CANNOT DO:

- Knowingly mislead the Home Office, a third party, or a Tribunal or Court. This includes putting forward a case that they know to be inaccurate or lodging an appeal or judicial review that they know has no merit or which, for instance, is only being lodged to maintain access to support or accommodation. This includes submitting documentation that they know not to be genuine.
- Make up a case for you or tell you what to say – they can tell you what is important for you to emphasize in your account.
- Communicate with third parties about your case without your authority. If you ask a friend or a family member to contact your Legal Rep on your behalf the Legal Rep will not be able to discuss your case with them or provide any information to them unless you have provided express authorisation for this in advance.
- Home Office delay – your Legal Rep cannot get the Home Office to prioritize your case without third party evidence that the delay is causing detriment to you. If there is a good reason why decision making in your case needs to go faster and you have evidence for this, then your Legal Rep. should take steps to ensure that the Home Office is notified.

7: RED FLAGS:

- No receipts for payments made to privately funded representatives.
- A requirement to pay in cash - Legal Reps will usually prefer that you don't pay cash.
- Meetings taking place in public places, not the Legal Rep's office.
- Receiving no letters at all from your Legal Rep
- Not receiving copies of communications with the Home Office and a copy of the proof of submission of your application or appeal
- A legal rep **promising** success