

“NO ONE IS HELPING YOU – YOU’RE ALONE”: COMMUNITY CONSULTATION ON THE LEGAL AID CRISIS AND DESTITUTION

Summary

Cuts to legal aid provision over the last 14 years have created a severe shortage of immigration advice, and the quality of the advice that is available has declined. Amidst the Hostile Environment, the legal aid crisis is a key driver of destitution. We therefore carried out a community consultation with people experiencing destitution and frontline organisations supporting them, to understand the lived experiences of the legal aid crisis.

Key findings were:

- Because many are left to navigate the immigration and asylum system without any legal representation, they are more likely to become destitute, and will find it harder to escape destitution;
- People may feel forced to raise money for private solicitors, which, with all legal sources of income closed off, exposes people to risk of exploitation;
- Some in the asylum system fear that legal aid lawyers are not impartial, because they are government-funded;
- Those who can access lawyers, whether legal aid or private, often see failures of communication and failures of trust which damage their case;
- People can feel exploited by solicitors.

The legal aid crisis is therefore a central dimension of the ‘slow violence’ of destitution. Participants called for an increase in provision: not just more legal aid lawyers, but more lawyers with the relevant expertise, and who could show empathy.

Even within the legal aid crisis, our consultation identified missed opportunities where an early intervention could have made a significant difference. Short of system-wide change, participants therefore wanted to see:

- Guidance on how to work with lawyers and how to hold them to account;
- More information and support for navigating the immigration system;
- Mechanisms for providing feedback on lawyers.

Introduction

One of the key drivers of migrant destitution is the difficulty accessing high-quality free immigration advice. Immigration law is extremely complex and the system is very difficult to navigate without expert advice and representation. Cuts to legal aid funding under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, compounding an already chronically underfunded sector, have created a deep legal aid crisis, with severe shortages and declining quality of advice.

Underlying statistics about a worsening legal aid desert in our region are lived experiences of searching for years to find a legal lawyer while destitute, of getting into debt to fund a private lawyer, of being failed by a lawyer and remaining trapped in destitution. The legal aid crisis can therefore be considered a further dimension of the 'slow violence' of destitution.

Of the hundreds of people accessing the GM Migrant Destitution Fund every month, many might have avoided destitution had they been able to access quality legal advice:

- Among 136 people accessing the fund in 2024–5 following an asylum refusal, **just under half** had not appealed their refusal – which might have happened because they had no solicitor or because they were let down by their solicitor.
- Of those whose case had gone to appeal and been dismissed, **51% had no solicitor**, just **32% had a legal aid solicitor**, and **17%** had used **a private lawyer**.

Lack of access to quality legal advice also makes it significantly harder to escape destitution:

- In 2024–25, of 272 people accessing the Migrant Destitution Fund without leave to remain who had no pending application with the Home Office, just **10% reported having a solicitor**.

We therefore carried out a community consultation into lived experiences of the legal aid crisis – what happens when people don't have a solicitor; experiences with legal aid or private solicitors; and what needs to change. We held two group discussions, attended by 7 people, in community settings, where people with experience of the legal aid crisis and destitution came together to share experiences and their views on what needs to happen. We also conducted a survey with our referral partners, who, as frontline organisations working directly with people affected, witness the effects of the legal aid crisis firsthand. Respondents included representatives from homeless charities and charities supporting people with a range of immigration issues, including one organisation engaging with people in asylum hotels.



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We also invited people to write on postcards prepared by Migrants Organise to deliver to the Ministry of Justice as part of an action to push the government to take action for better access to justice.

Denied access to legal aid

I spent 3 or 4 years without a lawyer – I was going to lots of different charities, they all just said 'It's not easy right now.'

Lots of organisations will give you a list of solicitors to contact, but no one will help you.

When my case was rejected they gave me list of lawyers. I went everywhere. I sent my papers and they wouldn't return them.

Everyone agreed that it is becoming increasingly difficult to find a legal aid solicitor, especially for more complex matters – including appeals, fresh asylum claims or family life applications. As legal aid is not automatically available for many immigration matters – including human rights applications – people need to apply for 'exceptional case funding', and survey respondents reported that lawyers may not take the case on without this already being in place.

- **Pushed into destitution – and trapped in destitution**

Participants explained that the complexity of the system makes legal representation essential, especially as rules and processes are constantly changing, highlighting in particular:

- For people seeking asylum, the substantive interview with the Home Office is a key part of their case, especially as documentary evidence may be

lacking. The interview can often be a hostile and retraumatizing experience. Without adequate preparation from a legal representative, people may not know what to expect from the interview, and may find it hard to correct any mistakes afterwards.

- If people are refused, they may not understand the reasons why the Home Office has refused them, and what they need to do to address this either in an appeal or further submissions.
- As processes and forms are complicated and hard to access, especially for those with limited English, people may make mistakes, including:
 - Submitting the wrong application
 - Missing Home Office or court deadlines to submit documents
 - Missing appointments or hearings
- Without a solicitor, people may find it hard to keep records of information they have given the Home Office, meaning they risk providing inconsistent information. As the Home Office deem inconsistency to damage 'credibility', this increases the chance of refusal.

In addition to the increased chances of refusal, people seeking asylum without lawyers are more likely to have their claims 'treated as withdrawn' by the Home Office if they are deemed not to have stayed in contact with the Home Office, or failed to fulfil requirements like attending an interview or go to report. Once withdrawn, the asylum claim is no longer considered, and they lose entitlement to support – pushing them into destitution.

There are very limited accommodation options for people facing destitution – and often accommodation providers prioritise people with a clear a move-on plan. Without a solicitor, move-on options are much more limited, meaning that people are stuck in a catch-22 situation – with the additional insecurity of being homeless, it is even harder to find a solicitor.

UNPREPARED FOR THE ASYLUM INTERVIEW

Samir, a wheelchair user, who has faced nearly 20 years of destitution after being refused asylum without a solicitor, said:

*"In my case, in my interview, I didn't mention my disability. I thought they could see me, my condition, so I didn't need to explain it. When I got the refusal, they said "you didn't mention your disability, you should have described it". I was surprised. They didn't ask me a question about it. **I didn't have a solicitor then. If I did maybe he would explain that I had to describe my disability.**"*

MISSED OPPORTUNITY:

If Samir had been briefed about what the interview would entail, he could have proactively set out everything that he deemed relevant to his case - which could have affected the outcome.

Survey responses from frontline workers also stressed the emotional impacts of not being able to find legal representation:

People become lonely and feel helpless, and find it hard to persist in their efforts to re-apply.

Stressful.

They feel more lost in the system.

They feel like they are in limbo.

MISSED APPEAL

Cristina was refused asylum in 2019. She spoke little English and did not understand the system. She did not have a solicitor. She knew she had the right to appeal her refusal, but did not know how to do this without a solicitor.

“No one gave advice. No one is helping you, telling you what to do – you’re alone.”

As she did not appeal, she was evicted from her accommodation. To escape destitution, she knew that she needed to make a fresh claim for asylum, but she didn’t know what that involved. A friend from her country who had got refugee status helped her read the refusal letter – no one else had explained to her why she had been refused.

So she went on searching for a lawyer – but this was even harder now she was destitute, as she was struggling to get by from day to day. Eventually, she found a solicitor – although they are based in London – and she is now gathering evidence for her fresh asylum claim.

MISSED OPPORTUNITIES:

- Cristina did not need a lawyer representing her in order to lodge the appeal: if she had been given information or advice about **how to lodge the appeal by herself**, this could have bought her time to find a lawyer to represent her in court.
- Even without a lawyer, if she had been **briefed on the kind of evidence** she needed for a fresh claim earlier, she could have started to gather evidence for straight away. This in turn could have made it easier to find a lawyer.

Alternatives to legal aid

People unable to access a legal aid solicitor may seek to educate themselves about the system as best they can. One participant reported using ChatGPT to guide her through the process. [The Right to Remain Toolkit](#) provides expert, up-to-date information, available in different languages, about the immigration and asylum system. However, none of the people attending our events had heard of it. Of the survey respondents, only half actively signposted people to the resource. Even where people do use the Toolkit, this can never replace proper legal representation, that is personalised to the individual's own situation and needs.

For many unable to find a legal aid lawyer, finding a private lawyer may feel like the only option – but participants who are trapped in destitution highlight the impossibility of doing this.

No money, no lawyer... You can't get £2000 when you need money to eat!

With no source of income, people are therefore dependent on others to fund their legal costs. Survey respondents emphasised that this exposes people to risk as the money is raised from friends/family, loan sharks, through exploitative relationships or through working cash-in-hand.

Destitution makes people dependent on others for their most basic everyday needs – and thereby exposes them to risk of exploitation. This is part of its violence. Where people feel compelled to raise money to fund a private solicitor, the artificially-engineered legal aid crisis exacerbates this risk of exploitation.

*First payment I informally looked after a friend's child.
Second payment – friends helped with the money. ... At each stage the lawyer was asking for more money. I got the money by the grace of God.*

Experiences with solicitors

Solicitors these days, they don't have empathy.

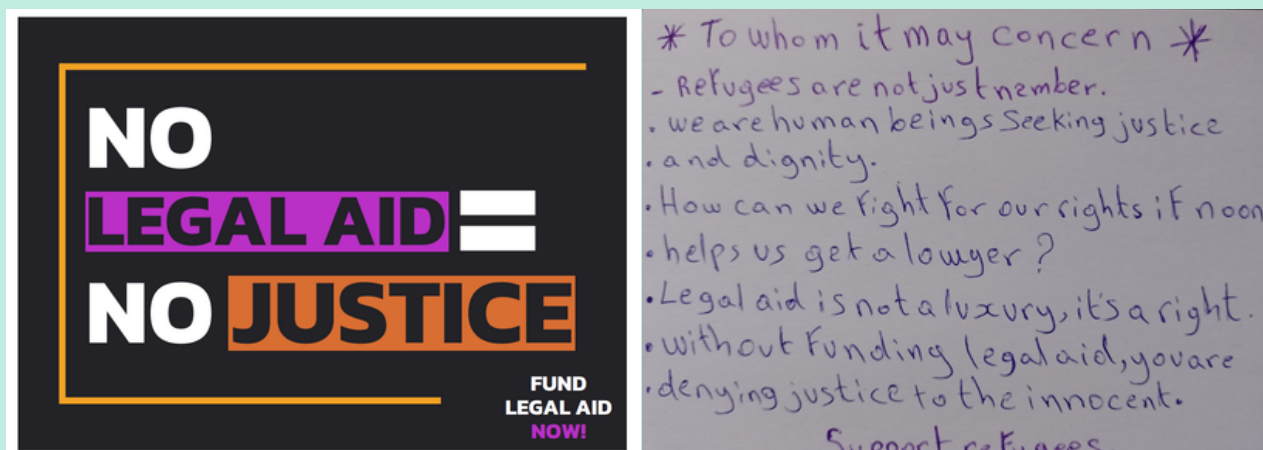
The Migrants Organise report [Threadbare: The quality of immigration legal aid](#) identifies as measures of good-quality legal aid work communication,

ownership and trust. Beyond the shortage of solicitors, the legal aid crisis also means that these qualities are in short supply: for legal aid solicitors, high-quality, time-intensive work is not economically viable; and participants saw themselves as open to exploitation by private solicitors who know that people have nowhere else to turn.

[Good solicitors] are very responsive and shows that they actually care for their clients, and that they are not just a number, and most importantly, they treat asylum seekers as human beings – survey respondent

We heard a handful of positive experiences both from legal aid and, in one case, a private lawyer. However, a far more common theme was that people feel let down by their solicitors, whether private or legal aid. This feeling may not always be due to poor practice: even with expert legal representation, the hostility of government policy means that cases will not always succeed, and it is understandable that people may hold their lawyers responsible.

However, often it is due to lawyers limiting the work they do on a case because of money constraints, or because they have opened too many new cases in order to keep funding coming in. For example, we heard about instances of legal aid lawyers dropping cases at appeal, leaving people “stranded”. This could be a reflection that the case is not strong enough to succeed in court – but it may also be because many firms consider that appeals do not pay well enough for the work required.



• Failures of communication

There was a widespread feeling that the expectations of the lawyer’s role are not clear. When lawyers do not keep people updated about their case, this can damage trust. Sometimes, this may be because the case is moving slowly – if for example someone is waiting for an appeal. Survey respondents highlighted that people can get frustrated with the solicitor during this wait – although

there is nothing concrete that can be done. However, there are other examples where contact is not made at a crucial moment. Failures of communication can leave people in the dark about their decision. We heard about a lawyer missing a Home Office refusal, meaning that they missed the deadline to lodge an appeal.

Battles of getting money, slowness of progress, call and she's busy, she doesn't get back, always told wait there and over a year passes. Just to talk to her is half the battle. Organisations are calling on my behalf.

- **Failures of trust**

Participants also reported that among some people seeking asylum, there is a mistrust of legal aid solicitors because they are government funded: it is felt that they will not stand up for people against another government department. This particular concern is unfounded – since legal aid is funded by the Ministry of Justice, not the Home Office, and lawyers remain independent of the government.

However, participants highlighted other areas where trust was breached, especially where lawyers prepared cases inadequately or made mistakes. For example, people might be asked to provide entirely generic evidence rather than material directly relating to their case.

One survey respondent cited a case where the barrister thought he was representing an entirely different case; the survey respondent wondered whether the client would have been better representing themselves.

In another example, a private lawyer submitted the wrong application, which the family only learnt when the case was refused a year later. They submitted a second application, by themselves, which was – after a further Home Office fee and a 2-year wait – successful.

Despite everything, no one we spoke to had considered complaining to their solicitor.

It's hard. It's a waste of time.

Who would I complain to? I think complaining to a lawyer is even harder than complaining to the Home Office.

NO COMMUNICATION

Mohamed has been in the UK for 10 years. When he first claimed asylum, the interpreter in his screening interview put him in touch with a solicitor. He had no contact from this solicitor and went into his substantive interview unprepared. Only after the interview did the solicitor call him and ask a few questions.

“Lawyers are supposed to tell you what they need from you, but they don’t do it. I didn’t know what asylum means before I arrived here. Most people don’t know.”

When he was refused asylum, the lawyer dropped his case. He looked for another legal aid lawyer, and was referred from one organisation to another. Eventually he was referred to a private lawyer.

“That’s where I paid £500, and she didn’t help. As soon as she got the money, no help.”

Eventually, he found a legal aid lawyer, who he described as “helpful – she tried to engage with my issue”. She did a fresh asylum claim for him – but this was refused. The firm dropped his case. Next, a friend paid for £1000 for a private solicitor, who was “crap”, he said.

“I think they did the wrong application, it didn’t have anything to do with my case.”

The solicitor failed to consult with him about the contents of the application – he just told him to attend the office the day before he was due to submit the application to the Home Office.

“I went and he wasn’t ready at all. He did human rights application, not an asylum claim, and it didn’t bear any relation to my case. He didn’t do anything with my case.”

He is now preparing a fresh asylum claim by himself, and has taught himself about what he needs to do.

MISSED OPPORTUNITIES:

- If Mohamed had been briefed about the asylum process and the role of the lawyer, he might have been able to **hold his lawyer to account** – potentially avoiding the refusal and the years of destitution that followed.
- With **transparency** over private solicitor fees, Mohamed might have avoided wasting money and, if briefed on the asylum process, could have put his energy into finding evidence for his case.

EXPLOITATION AND NO TRUST

Jane came to the UK on a student visa. She had a problem which made her not eligible for a graduate visa. Wishing to stay in the UK, she decided to switch route to a Health and Care Worker visa, but struggled to find a visa sponsor.

She found a lawyer, who suggested submitting a human rights application – although she did not meet the requirements, he said, it would “buy her time” while she found a sponsor.

She paid him £850 to fill in the application. He did not ask her for evidence, and ignored the evidence she provided.

“So I’m just putting in an empty application.”

The refusal came in just 3–4 months. Told that an appeal would cost a further £400, she said:

“Then I realised he’s all about the money – there’s no empathy, he’s just chasing after the money.”

By that point, she did not have any money to give, nor did she trust the lawyer. So she did the appeal herself, and was refused.

She has now lost trust in all lawyers:

“Solicitors these days, they don’t have empathy.”

MISSED OPPORTUNITIES:

Taking Jane’s money for an empty application that had no hope of succeeding amounted to **exploitation**. Even if Jane could access immigration advice now, her **lack of trust** would make it hard to engage.

This risk of exploitation by unscrupulous lawyers is created by the Hostile Environment, which puts up barriers and limits people’s options. However, several factors might have mitigated the risk:

- If Jane had, **early on**, received **honest and empathetic** immigration advice, this could have managed her expectations about what might be possible – making her less likely to turn to someone peddling false hope.
- Within communities, there needs to be:
 - **awareness** of the risk of exploitation;
 - feedback mechanisms to **publicly highlight** cases of malpractice
 - **support** for people at risk of such exploitation to come to terms with their options.

NO OWNERSHIP

Alice has been in the UK for 8 years with her two children, and has been refused asylum multiple times. She has had the same lawyer throughout but has only met him a couple of times. She says that he does not explain why she has been refused, and just blames the system. When he submits fresh asylum claims, she says that he does not consult with her on what to include.

“He can’t help the way he’s supposed to help. My children are asking ‘why did the lawyer write that? He supposed to ask us!’”

They were evicted from their asylum accommodation when both her children turned 18. Alice talked about the impact on her children, now aged 20 and 23. She said how her son is not shaving and doesn’t want to leave the house:

“Look at my life,” he says’.

Her children are now looking for a new solicitor.

MISSED OPPORTUNITIES:

- From the start, if Alice had had **information about the asylum process** and evidence required, she could have proactively **taken ownership** of her case.
- Once refused, she needed information and support to **hold her lawyer to account**, to ensure that she had a full understanding of why she had been refused and what she could do next.
- If it still proved impossible to get an acceptable service from her lawyer, she needed information and support to **change lawyer** following her first refusal. Even if finding a new lawyer had taken time, she could have avoided a cycle of repeated fresh claims which, if the evidence is weak or contradictory, may have damaged her long-term prospects of winning status.



ارجو من الدولة ان تدفع الاموال
الكافية للمحامين لكي يتسنى
لهم اشلام قضايا الجور اللائقين

The Arabic reads: ***“I hope the government pay enough money for lawyers so they can take on refugee cases.”***

The changes we need to see

Participants highlighted the wider harms caused by the Hostile Environment, including the stress of navigating bafflingly complex systems while struggling with destitution.

Immigrants are going through a lot... They're treating us like we're not humans – we've got feelings, we've got emotions... Can you let us breathe? We are humans!

The legal aid crisis compounds the violence of the Hostile Environment – people are not only more exposed to destitution, but the battle of engaging with the legal process causes its own harms. In addition to the added stress, and the risk of exploitation raising money from a private lawyer, participants considered themselves exposed to exploitation by solicitors:

We've got nowhere else to turn – we're an opportunity for them!

Participants were vocal about the changes we need to see. The key ask was around an **increase in provision**: not just more free lawyers, but more lawyers with the **relevant expertise**, and who could show **empathy**. This can be achieved through **central government** increasing legal aid funding, and extending its scope. **Local government** can also play a role through further investment in immigration advice for people at risk of or facing destitution.

As the postcard writer on p.7 put it:

We are human beings seeking justice and dignity... Legal aid is not a luxury, it's a right.

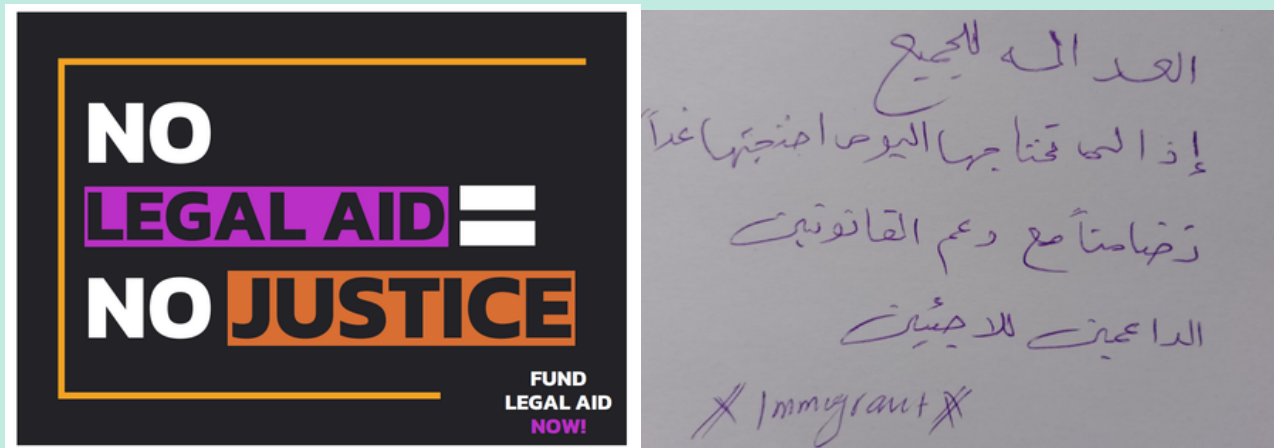
Short of system-wide change, participants and survey respondents also had ideas about what can be done from **within our communities** to mitigate the worst effects of the legal aid crisis:

- Guidance on the lawyer's role – clarity over what can be expected of the lawyer and what is the client's responsibility;
- Guidance on how to hold lawyers to account;
- Awareness of the risk of exploitation and malpractice;
- Support workers to help with evidence gathering;
- Access to clear information in different languages about options and processes to follow, including how to get hold of paperwork from different agencies;
- Mechanisms for providing feedback on the strengths and qualities of different lawyers.

None of these can make up for high-quality advice.

But if those encountering the legal aid crisis today could take some of opportunities missed in the case studies above, they might avoid the risk of falling into years of destitution.

We need someone to show a listening ear.



The Arabic reads: *“Justice for everyone: if you don’t need justice today, you might need it tomorrow.”*