



THE
HARBOUR
PROJECT

Bristol Refugee Rights
Safety · Solidarity · Action for Change



Migrant Legal Project



**Bristol
Law
Centre**



Refugee Support
Devon



Public
Law
Project

Access to immigration legal aid in south-west England, 2024

New depths of an ocean of unmet need?

December 2024

Dr Jo Hynes & Joseph Summers





Public Law Project is an independent national legal charity.

We are researchers, lawyers, trainers, and public law policy experts.

Our aim is to make sure state decision-making is fair and lawful and that anyone can hold the state to account.

For over 30 years we have represented and supported people marginalised through poverty, discrimination, or disadvantage when they have been affected by unlawful state decision-making.

Public Law Project contributes and responds to consultations, policy proposals, and legislation to ensure public law remedies, access to justice, and the rule of law are not undermined.

We provide evidence to inquiries, reviews, statutory bodies, and parliamentary committees in relation to our areas of expertise, and we publish independent research and guides to increase understanding of public law.

Public Law Project's research and publications are available at:

www.publiclawproject.org.uk/resources-search/



Executive summary

Introduction

The past year has seen several significant events in immigration legal aid: the Ministry of Justice undertook a Review of Civil Legal Aid;¹ Duncan Lewis Solicitors brought a judicial review claim which was settled after the Lord Chancellor committed to a decision on a fee uplift for Controlled Immigration Work;² and, at the end of November, the government announced that they would consult on increasing legal aid fees for the housing and immigration sectors which could see an increase to immigration legal aid rates for the first time in nearly 30 years.³

Amidst these large-scale events, there has been a smaller scale approach to try to improve access to immigration legal aid in south-west England. Whilst legal aid advice deserts exist across the UK,⁴ as our report, *Access to immigration legal aid in 2023: An ocean of unmet need*,⁵ outlines, the south-west of England experiences a particularly acute shortage of legal aid provider capacity, with four providers closing or ceasing to offer legal aid services in the past two years. In 2022, Jo Wilding estimated that the region had a Primary Legal Aid Deficit of -1,165, caused by a lack of provision in the majority of the area and the concentration of the limited available provision in Bristol.⁶ The Legal Aid Agency (LAA) has recognised this issue and sought to address it through publishing a list of legal aid providers based outside of the south-west procurement area who may be able to provide remote immigration and asylum legal advice.⁷ As part of our ongoing research into the experiences of immigration legal aid services and sector sustainability, we conducted research into the operation of this immigration providers south-west support directory ('the directory').

1 Ministry of Justice, [Review of Civil Legal Aid](#).

2 Duncan Lewis, [Lord Chancellor Commits to November Decision on Legal Aid Rate Increase for Immigration and Asylum in response to claim brought by Duncan Lewis](#).

3 Ministry of Justice, [Historic increase in legal aid](#).

4 Law Society (2024) [Immigration and asylum – legal aid deserts](#); Wilding, J. (2022) [No Access to Justice: How Legal Aid Deserts Fail Refugees, Migrants and Our Communities](#).

5 Rourke, D., Cripwell, E., Summers, J. & Hynes, J. (2023) [Access to immigration legal aid in 2023: An ocean of unmet need](#).

6 Wilding, J. (2022) [No Access to Justice: How Legal Aid Deserts Fail Refugees, Migrants and Our Communities](#).

7 Legal Aid Agency, [Immigration providers south west support directory](#).



The aim of this research was to understand how effectively the directory was operating and its ability to address the significant shortfall in legal aid providers in the south-west. Our purpose has not been to criticise the firms listed on the directory, who are undoubtedly operating in extremely difficult circumstances, but rather to build a picture of their meaningful capacity to take referrals from south-west England. Research on remote immigration and asylum advice indicates that remote advice formats are not always appropriate in all circumstances, but that they may be more convenient for some people.⁸ This research sought to understand how effective the operation of a remote providers directory could be in addressing the legal aid crisis, notwithstanding its appropriateness and effectiveness in individual cases.

Key findings

Chipping away at the surface of potential provider capacity reveals new depths of unmet legal need in south-west England.

1. Across the six-month period of data collection, there was a consistent trend of limited provider capacity, particularly for asylum appeals. There was no month where 50% or more providers listed had capacity.
2. On average across all 12 rounds of calls, 20% of providers had capacity, but not for asylum appeals, and 11% of providers had capacity, including for asylum appeals.
3. Of the 23 providers who were always listed in the directory, 30% generally did not have capacity and 35% generally did have capacity. Often these providers would tell us that they needed to prioritise their current waiting lists of local clients.

⁸ Hynes, J. (2024) [Remote immigration and asylum advice: what we know and what we need to know.](#)



Acknowledgements

We would like to extend our thanks to all the providers on the immigration providers south-west support directory for responding to our queries, as well as to the refugee support organisations in the south-west who worked closely with us on this research, including sharing with us how successfully they were able to make referrals to providers on this directory. These organisations were:

Bristol Law Centre

Bristol Refugee Rights

Devon and Cornwall Refugee Support

Migrant Legal Project

Portland Global Friendship Group

Refugee Support Devon

The Harbour Project

We would also like thank Andy Kirk,⁹ who shared his data visualisation expertise with us and much improved this report as a result.

⁹ Andy Kirk, [Visualising Data](#).



Contents

Executive summary	3
Introduction	3
Key findings	4
Acknowledgements	5
Contents	6
Monitoring the capacity of the immigration providers south-west support directory	7
Data collection	8
Overall picture of provider capacity	9
New civil legal aid contracts	13
Conclusion	15



Monitoring the capacity of the immigration providers south-west support directory

The immigration providers south-west support directory was first published on 1 November 2023 and since then has been updated generally on a weekly basis. It is a list of legal aid providers based outside of the south-west procurement area who may be able to provide remote immigration and asylum legal advice. Between 14 February and 1 August 2024, Public Law Project have called all the providers on this list to ask them about their capacity to take on new clients. We made these calls twice per month soon after a new list was published, apart from in June and August when we only called once. If a provider did not respond to our call, we followed up with an email to the listed email address asking the same questions. This generated 12 rounds of call data with an overall average response rate of 71% of providers responding to our calls or emails.

The purpose of the exercise was to understand how much capacity the providers on the list had and to be able to alert refugee support organisations to the ones that did have capacity. We worked with a number of refugee support organisations in the south-west to help them place their clients with providers on the list, thereby reducing the time they needed to spend calling providers and simultaneously giving us valuable data on the operation of the directory.

We followed a script each time we called and asked 3 questions to each provider:

1. Do you have capacity to take on any new immigration legal aid clients?
2. If not now, are you likely to have any capacity within the next two weeks?
3. Are there any types of legal aid work that you are not taking on? For example, do you have capacity to take on asylum appeals?

This exercise produced quantitative data based on provider responses to these three questions, as well as qualitative data in the form of incidental insights that providers shared with us as part of our brief calls with them and which we recorded as quotes.

Following each round of these calls, the findings were shared with the refugee support organisations for them to prioritise the providers with capacity in their referral calls.



Data collection

Over the six-month period we monitored the directory, **there was an average of 31 providers listed**. During this time, ten providers left the list and three of these rejoined the list in a later list update.

Response rate of providers across 12 rounds of calls

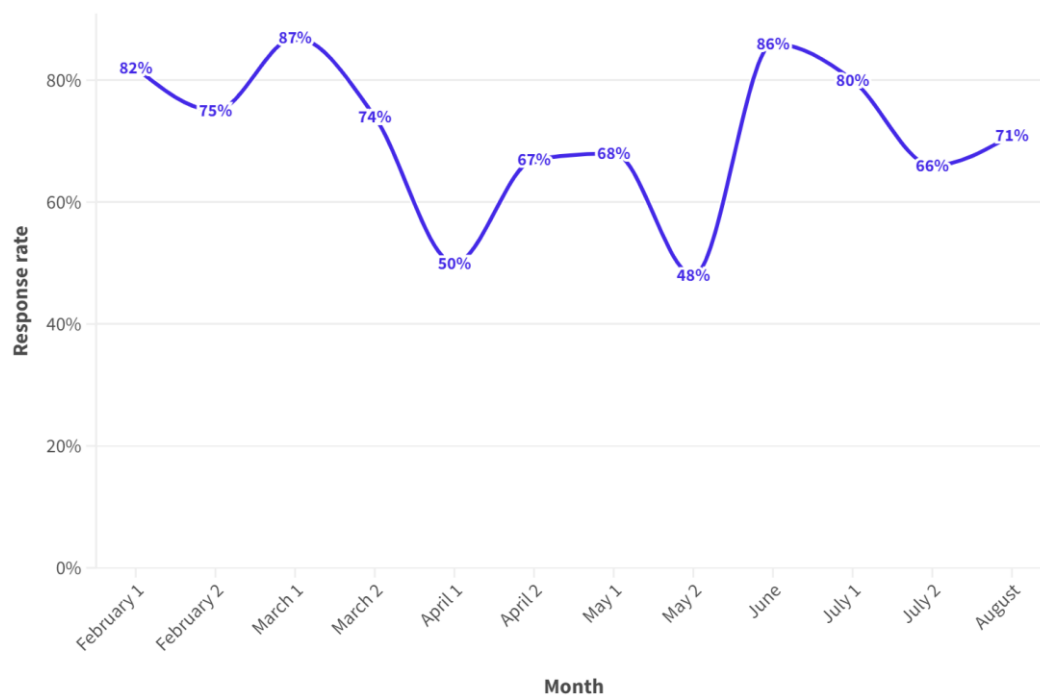


Figure 1: Response rate of providers across 12 rounds of calls.

Providers responded to our calls or follow up emails on average 71% of the time, although this varied month to month and dipped to 50% and 48% in April and May respectively, which may have been the result of the call round coinciding with school holidays and therefore periods of annual leave. The generally high response rate and strong trends within the responses indicates that this is a robust data set from which to infer capacity of providers on the list.



Overall picture of provider capacity

Provider capacity, February - August 2024

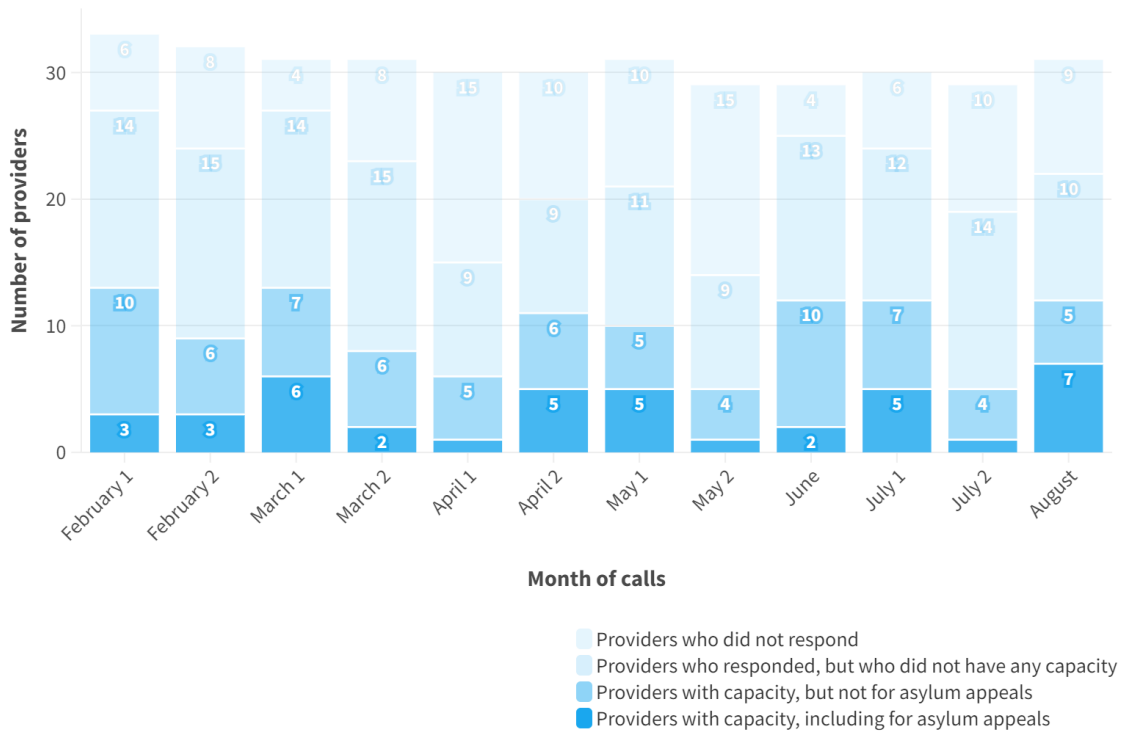


Figure 2: Provider capacity, February – August 2024.



Provider capacity (percentages), February - August 2024

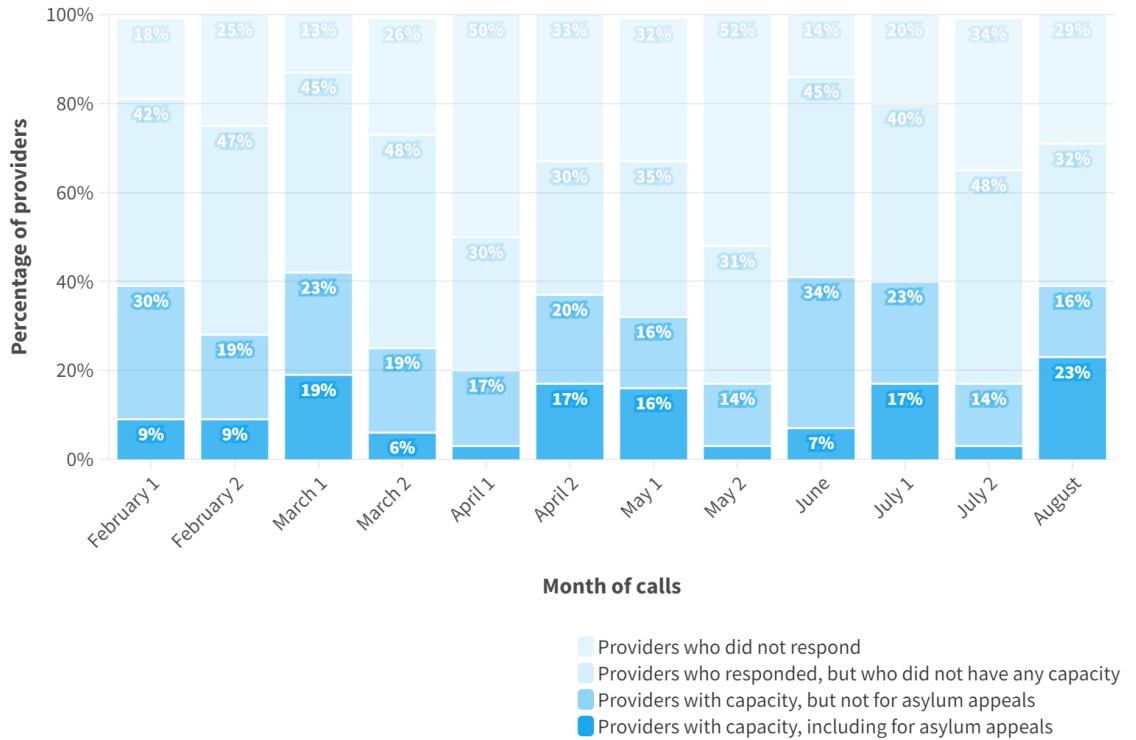


Figure 3: Provider capacity (percentages), February – August 2024.

Note: The percentages have been rounded to the nearest whole number, which is why February 1, March 2, May 1 and July 2 total only 99% rather than 100%. April 1, May 2, and July 2 all recorded only one provider (3% of the listed providers for the respective month) with capacity, including for asylum appeals.

Across the six-month period of data collection, there was a **consistent trend of limited provider capacity, particularly for asylum appeals**. There was no month where provider capacity, taken as both those providers with capacity, but not for asylum appeals, and those providers with capacity, including for asylum appeals, reached 50% of the providers listed. This represents something of a ‘mirage’ of capacity – on the face of the directory, it looks like there are a range of providers able to take on cases, but digging into providers’ actual capacity reveals it to often be non-existent, particularly if you dig further into their capacity for asylum appeals.

Average provider capacity, February - August 2024

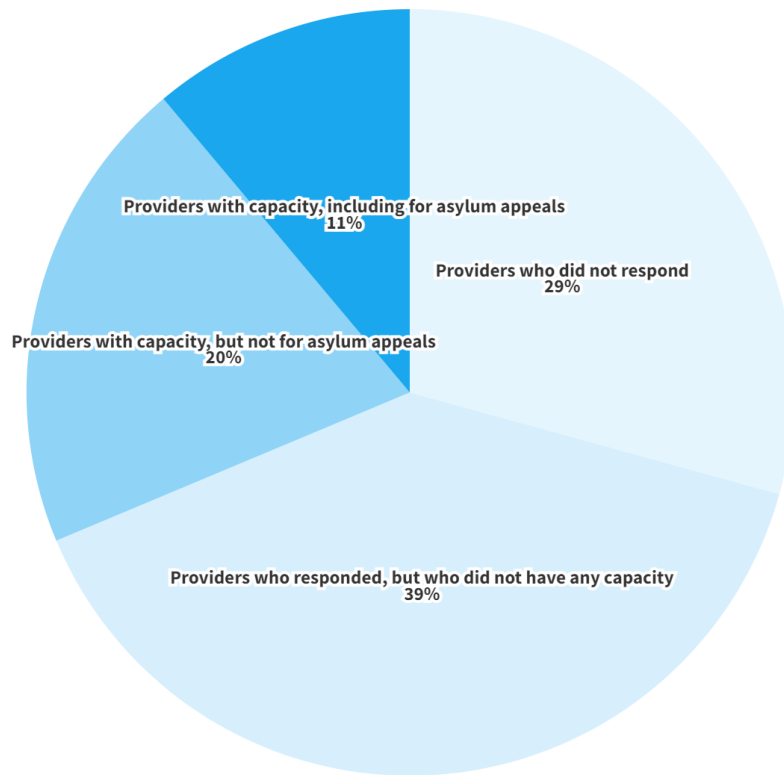


Figure 4: Average provider capacity, February – August 2024.

There was a low average rate of capacity, and a particularly low average rate of capacity to take on asylum appeals. On average across all 12 rounds of calls, **20% of providers had capacity, but not for asylum appeals, and 11% of providers had capacity, including for asylum appeals.** An average of 68% of providers across the 12 rounds of calls either did not have capacity or did not respond.

Where providers did not respond to our calls or follow up emails, this itself perhaps indicates a lack of capacity. If we were unable to make contact with a provider, it is likely that a client or an organisation working on behalf of clients would struggle to make contact with these providers as well, in effect rendering the provider unable take on referrals.

Prevailing responses of the providers who were always listed

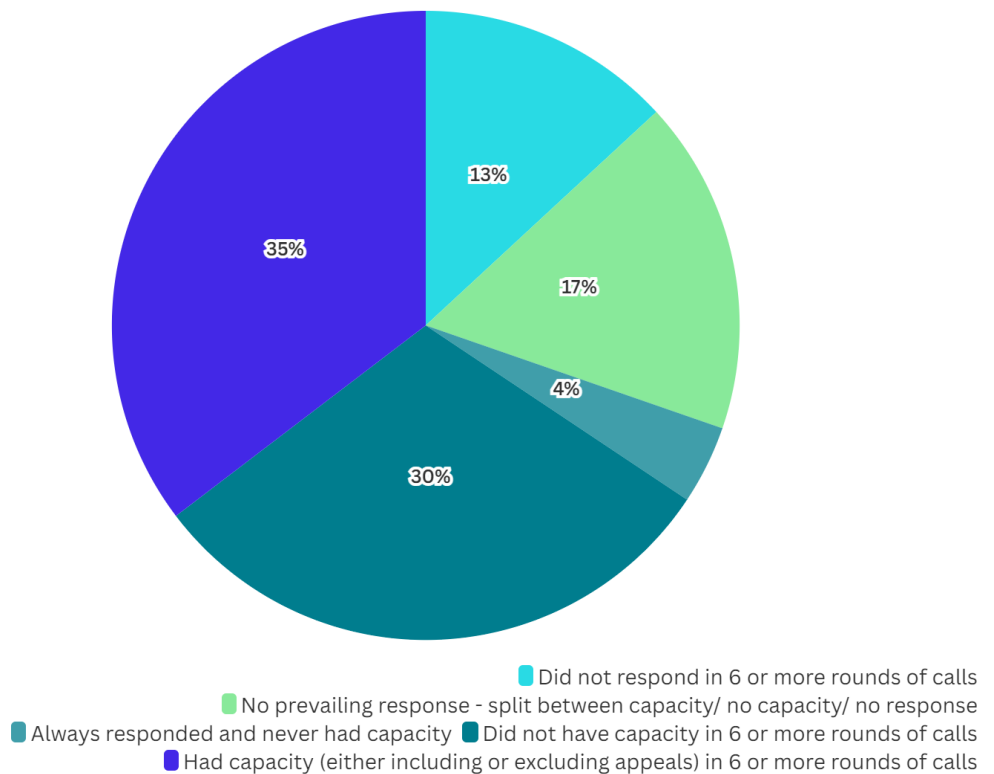


Figure 5: Prevailing responses of the providers who were always listed.

If we take just the 23 providers who were listed for all six months as an indication of the providers most likely to have capacity, **the picture remains broadly consistent to that given by the whole list, with 30% generally not having capacity and 35% generally having capacity.** Of the providers who were always listed but generally did not have capacity, three providers told us in 11 calls that they did not have capacity, and for one round of calls either did not respond or did not have capacity. One of these three providers told us that they ‘were inundated as soon as we went on this list, we haven’t caught up’. In addition, one provider who was always listed never had capacity (and always responded to tell us this) and said that they needed to prioritise taking on local clients.



New civil legal aid contracts

Since we conducted the calls on the operation of the immigration providers south-west support directory, there has been a civil contract procurement process. As a result of this, from October 2024, two providers entered the south-west procurement area and two providers exited the area. The offices of the now seven providers in the area are concentrated in Bristol, Plymouth, and Bournemouth, with three offices in each location.

Whilst there was no overall change in the number of providers as a result of the new contract, the two providers that entered the procurement area brought with them 1,150 nominal matter starts, increasing the total matter starts allocation for the area by 93%. However, this sudden increase in nominal matter starts is unlikely to represent a 93% increase in provider capacity. For example, the larger of the two new providers in the area (which now nominally accounts for 40% of capacity in the south-west procurement area overall and 82% of the increase in matter starts) houses eight of their nine offices in Regus co-working spaces, including the three in the south-west procurement area. We understand from support organisations that this provider is also often not responsive even when they have taken on cases. Furthermore, they are a new provider to the area meaning their matter start allocations are likely to be a particularly poor proxy for capacity: the providers' initial schedules reflect a self-selected upper-limit, with no penalty for 'under-performing', rather than being based on past performance.

On 9 October 2024 we made one additional round of calls after this new contract came in. There were 30 providers on the directory, of whom 20 (67%) responded to us. All of the providers on the directory at this time had also been listed at some point during our initial calling exercise. Six providers (30%) had capacity but not for asylum appeals, and one provider (5%) had capacity including for asylum appeals. These figures are broadly comparable to the trends in the data from the initial exercise, as reflected in Figure 3. This indicates that, at least in the immediate term, the new contract has not significantly changed how the directory is operating.

It is also worth noting that since we stopped monitoring the directory in August 2024, there has been a recent trend from November 2024 onwards towards fewer providers being listed on the directory, many of whom were not listed when we conducted the



initial research. In November 2024, there were generally eight providers listed on the directory, compared to an average of 31 when we conducted the research. This may be a result of the new civil legal aid contracts.



Conclusion

The week after we completed the research exercise in August 2024, the UK saw far-right riots aimed at asylum seekers and lawyers across the country. The aim of this research has not been to criticise the legal aid providers who have agreed to be on the immigration providers south-west support directory, but rather to reflect the difficult circumstances in which they are operating, and to better understand how the directory has been operating in practice.

The research presented here offers a small-scale snapshot of the depth of the legal aid crisis in one area of the UK that the LAA has recognised experiences particular difficulties in immigration legal aid provision. But it also speaks to the nation-wide crisis and connectedness of the issues that have precipitated it; the reason that shifting capacity from other parts of the UK to the south-west has not generated sufficient additional capacity is because there is a sector wide collapse in provider capacity. Across the six-month period of data collection, there was a consistent trend of limited provider capacity, particularly for asylum appeals. Chipping away at the surface of potential provider capacity has therefore revealed new depths of unmet legal need in south-west England.

In the context of the welcome announcement of a consultation which could see a £20 million investment in the housing and immigration legal aid sectors,¹⁰ it is a good time to consider what structural changes are needed alongside a fee uplift to put the legal aid sector on a sustainable footing and build sector capacity back up. The data here relating to the operation of the directory demonstrates that the challenges run deep and there is no immediate surplus capacity in the system to meet the level of demand, even with a much-needed injection of investment. Reducing the admin burdens on the LAA and providers; building in structures for good governance to improve data gathering and fee reviews; bringing Article 8 immigration cases back into scope of legal aid; strategies to target recruitment and retention in advice deserts – these would all help build a sustainable legal aid system and a lasting legacy of access to justice.

A year on from our report, *Access to immigration legal aid in 2023: An ocean of unmet*

10 Ministry of Justice, [Historic increase in legal aid](#)



need,¹¹ and the new Government has engaged with a fundamental cause of the collapse in legal aid by proposing a significant fee increase. Our research reveals new depths of the scale of the ocean of unmet need in immigration legal aid, but there is an opportunity for a different story a year on from now, should the Government also start addressing the long-term structural challenges alongside this fee uplift.

11 Rourke, D., Cripwell, E., Summers, J. & Hynes, J. (2023) [Access to immigration legal aid in 2023: An ocean of unmet need](#).



Public
Law
Project

The Public Law Project (PLP) is an independent national legal charity. Our mission is to improve public decision making and facilitate access to justice. We work through a combination of research and policy work, training and conferences, and providing second-tier support and legal casework including public interest litigation.

www.publiclawproject.org.uk