



# Trusting the dice

Immigration Advice in Tower Hamlets

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TOYNBEE  
HALL



For a future without poverty

### Acknowledgements

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### Authors

Ceri Hutton and Sue Lukes

and community researchers:

Mohamed Saed Abdulkader

Rahana Choudhury

Ayaan Gulaid

Shuhena Sadia

ZhiMin Xiao

Abraham Zere

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*Trusting the Dice* is the report of research study commissioned by Toynbee Hall and funded by Unbound Philanthropy. The research sought to gather objective information about immigration advice provision in Tower Hamlets, looking both at the services provided and the demand ('the market') for such advice.

Driving the research was mounting anecdotal evidence that immigration advice was of very variable quality in the borough at a time when more and more people were having to pay for such advice as a result of legal aid reforms<sup>1</sup>. The research sought to amplify our current understanding in relation to:

- Consumers of advice. Though large-scale surveying was not within the scope of this research, the research provides an overview of trends in Tower Hamlets' demographic make up and matches this against the types of advice communities need drawing on evidence from people working in the borough.
- Supply of advice. The research gives a snapshot of current provision by gathering information on provider numbers where possible and then more specifically (through interviews with migrants and mystery shopping) on individual providers. We deliberately sought in this to achieve a balance, interviewing service users about both good and bad experiences.
- The experience of accessing advice. This was the main focus of the research. Users' experiences were gathered through interview and then supplemented through controlled mystery shopping exercises by a community research team. It explored a range of issues from access and costing issues, drivers towards service use, quality considerations and accuracy of advice given.

The research findings are based on a combination of interviews with:

- 29 key informants in Tower Hamlets, including representatives from London Borough of Tower Hamlets, Tower Hamlets Law Centre, Praxis, Limehouse Project and a range of other services.
- 66 interviews with Tower Hamlets 'residents'<sup>2</sup> who had used immigration services in the last 12 months (2013-14)
- 'Mystery shopping' visits<sup>3</sup> to 44 fee-charging providers of immigration advice.

The information gained from this was augmented and as far as possible cross-referenced by statistical and document reviews.

The research team was Ceri Hutton and Sue Lukes, and a team of six community researchers recruited and trained to undertake client and mystery shopping exercises.

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1 Legal Aid, Sentencing and Punishment of Offenders Act 2012 took immigration advice 'out of scope' of legal aid meaning that it is no longer funded and individuals have to pay.

2 Some informants were homeless – either literally, or staying with friends. However they were mainly based in Tower Hamlets

3 LB Tower Hamlets Research Briefing 2011-06 population key facts

4 There are some differences in how this is defined

5 i.e. they migrated to the UK from Hong Kong before it became Chinese, so we have subsumed them into the Chinese community here.

### Who needs immigration advice in Tower Hamlets?

- 1 A 2010 population survey estimated 47% of the borough's population as black and minority ethnic<sup>3</sup>. The census in 2011 put this at 55%<sup>4</sup>. 30% (75,300) were described as Bangladeshi (in the census this was 32%) and all other categories came in at under 3% apiece. A separate piece of borough research has estimated the ethnically Somali population as between 2-3% of the borough, a similar number to the Chinese. Other migrant populations of over 1,000 people are those from South Africa, Brazil, Nigeria, New Zealand, Hong Kong<sup>5</sup>, Pakistan, Lithuania, Vietnam and Turkey. Our interviews with key informants confirmed that migrants from Australia, the US, South Africa and New Zealand are more likely to be on the more affluent side of the poverty divide.
- 2 43% of the population were born outside the UK, which is average for London (and an increase from 35% in 2001), and about half of these arrived within the previous ten years. Those born in Bangladesh form the largest group of migrants (15% of the population and one third of the migrants)<sup>6</sup>.
- 3 Those providing immigration advice should fall either into the category of being solicitors (who are regulated by the Solicitors' Regulation Authority) or OISC advisers (who are regulated by the Office of the Immigration Commissioner up to Level 1 – 3, with level 1 being the most basic advice).
- 4 It is impossible to be precisely accurate in terms of provider numbers given that official lists are both impossible to search by borough and are in some cases out of date. This was particularly true of OISC registered advisers, where there is a considerable churn of those registering and those ceasing to provide advice.
- 5 Furthermore, Tower Hamlets residents do not necessarily use Tower Hamlets-based services. Six of those interviewed had definitely used services outside the borough as an active choice, usually because of language considerations or following recommendations of who was 'specialist' in their particular country or issue.
- 6 The research identified at least 127 providers operating in the borough as at September 2014. Of these, 17% were SRA regulated, 73% were OISC registered (or had OISC registered advisers) and 10% seemed to be operating 'below the radar', not regulated by any body.
- 7 There is some evidence to show that there has been an increase in OISC registered advisers since legal aid for immigration went out of scope. There was an increase of 29 OISC registered advisers between 2011 and 2013 in the E1 postcode, for example.
- 8 Since 2013, poor and more vulnerable clients are finding it increasingly difficult to access services. This is as a result of the reduced number of matter starts for legal aid across the borough, combined with an increased demand for services which is placing significant pressure on the few free advice services remaining in borough. This is resulting in a 'pinch point' with providers reporting a growing difficulty of finding advisers or solicitors to refer to who are qualified to OISC levels 2 and 3.

### Who is providing immigration advice in Tower Hamlets?

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6 All figures from LB Tower Hamlets research briefing on residents by country of birth published 2013

### How are people choosing their adviser?

- 9 People's choice of adviser is influenced by a range of factors. A minority will research who to go to and compare prices, but this was only mentioned in relation to the more standard areas of advice to do with e.g. student visas. Far stronger forces exist in terms of both family and community recommendation and media advertising. Some reported being referred to their advisers because they sought help at a voluntary sector agency such as the Red Cross or Toynbee Hall.
- 10 In the minds of clients, the notion of 'quality' is not linked to accreditation standards. It is more likely to be linked to cost, with free (voluntary sector) providers, where still in existence, reporting some frustrating correlation between an idea of 'payment' and 'quality'.

### What are people paying for advice?

- 11 Cost is a significant issue in accessing advice. Of those interviewed, 49% had borrowed money from family or friends in order to be able to pay their fees and a further 13% reported that though they had not borrowed money, they were experiencing significant hardship in trying to pay back fees required by their immigration advisers.
- 12 35% of users interviewed had changed advisers for one reason or another, most commonly because they are dissatisfied with the provision or the advice.
- 13 Six advisers who were visited as part of the mystery shopping exercise did not mention to the prospective 'client' (community researcher) that their case was eligible for legal aid.
- 14 There were several instances of clients paying considerable sums for cases which were hopeless. In one such example, a woman had paid out £7,400 to two advisers for a case which had not succeeded in regularising her status. In order to pay for this advice she had borrowed money from family and friends and cleaned houses.

### Is there good practice?

- 15 There are clearly some honest and high quality providers in borough. Three of those contacted through the mystery shopping exercise refused to take on cases where they knew that it was possible to get legal aid for the same advice elsewhere. There are also some providers with London-wide and even national reputations for high quality advice.

### What are the main concerns about current provision of immigration advice?

- 16** There are worrying examples of poor practice reported by voluntary sector providers when they take over cases from other private immigration advisers in borough. They see inaccurate and vague information on fees, promises of work which do not transpire, poor representations to the Home Office based on a 'begging letter' format with nil prospects of success and people being advised to pursue hopeless cases. They also reported worrying instances of status documents being withheld once issued if the client did not pay increased fees, or advisers disappearing entirely once payment had been handed over never to be heard of again.
- 17** Voluntary sector providers of immigration advice in the borough are increasingly few in number<sup>7</sup> and under considerable pressure. This is translating into difficulties for clients who are trying to access increasingly over-subscribed services, often with inadequate or inaccurate information about the quality and scope of the services they provide. Clients' problems are compounded by an absence of co-ordination amongst many voluntary sector providers: for example, services had closed but lists provided to the evaluators had not been updated to reflect this, and some providers said that they were still having clients referred to them in spite of the fact that they had not been providing immigration advice for a number of months.
- 18** The Mystery Shopping exercise demonstrated the extreme difficulty clients must have in locating quality immigration providers. Some of those still listed (including on OISC lists) were contacted for appointments and found to be no longer there, or no longer giving immigration advice. This was true of eight (out of 44) providers.
- 19** Of those visited, 13 (29%) gave cause for concern either by providing inaccurate advice, advising of good prospects of success (when in fact there were none) or by advising beyond their OISC competence (where they were Level 1 OISC registered but advising on an issue they were not qualified to give advice on).
- 20** Six (14%) of the providers did not inform the client that the advice they were requesting money for was advice which they could get elsewhere free by somebody offering legally-aided services.
- 21** One of the providers clearly advised the researcher to pursue an illegal course of action in order to bring over their fiancé.
- 22** The report provides ten case studies of clients who have received immigration advice which illustrate a range of difficulties. Together they paint a picture of clients ricocheting through a system, frequently with very little accurate information on which they can base a choice, and paying over the odds for advice which is sometimes either futile (because they do not have a case) or inaccurate and therefore damaging to any prospects they might have had.

<sup>7</sup> Tower Hamlets Law Centre, Praxis and Limehouse Project were the only ones mentioned as having paid immigration advisers/solicitors at the time of research.

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# Introduction

This research was commissioned by Toynbee Hall and funded by Unbound Philanthropy to get a picture of current immigration advice provision and demand ('the market') in Tower Hamlets.

Driving the research was mounting anecdotal evidence that immigration advice was of very variable quality in the borough, at a time when more and more people were having to pay for such advice as a result of legal aid reforms.<sup>8</sup>

This research sought to gather more objective and verified information about the quality of immigration advice provided.

It gathered information on:

## Who needs immigration advice in Tower Hamlets?

Though it was not possible to quantify this need without large-scale surveying (which was not within the scope of this research) it was possible to get a sense of trends in Tower Hamlets' demographic make up and match this against the types of advice which communities mainly need drawing on evidence from people working within borough.

## What is the supply of immigration advice within Tower Hamlets?

The research gives an overall view of current provision by gathering information on provider numbers where possible and then more specifically (through interviews with migrants and mystery shopping) on individual providers. We deliberately sought in this to achieve a balance, interviewing service users about both good and bad experiences.

## What is the experience of accessing and receiving advice in Tower Hamlets?

This was the main strand of primary research. We gathered a wide range of users' experiences through interview and supplemented that evidence through controlled mystery shopping exercises. It explored a range of issues from access and costing issues, drivers towards service use, quality considerations and accuracy of advice given.

**The main conclusions** to be drawn about current provision, and suggestions for future development based on these.

The research involved document review, interviews with key informants, interviews with clients recruited through a range of formal and informal networks and 'mystery shopping exercises'. The research team was Ceri Hutton and Sue Lukes, and a team of six community researchers recruited and trained to undertake client and mystery shopping exercises. Full methodology and list of interviewees is attached at Appendices A and B.

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<sup>8</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012 took immigration advice 'out of scope' of legal aid meaning that it is no longer funded and individuals have to pay.

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“ They said they were solicitors and they said we can help you and that is all I wanted. I trusted them like when I play the dice.<sup>9</sup>

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## About this report

This report has been drawn up by analysing all the data collected during the fieldwork outlined above.

**Section 1** provides a general overview of ‘The Market’ in Tower Hamlets. It looks at the communities needing advice in Tower Hamlets, gives information about immigration advice in general (what it covers and how it is regulated) and then provides an overview of what the research could conclude broadly about current provision levels of immigration advice (capacity and quality) within the borough. Appendix B supplements this section by providing more information on individual communities.

**Section 2** then gives an account of ‘the user experience’ drawing on the primary evidence generated through the interviews with clients and the mystery shopping. This looks at issues such as how clients are finding advice, what their experiences are and how much they are currently being charged for it.

**Section 3** finally draws some conclusions about the causes of problems detected through the research, and goes on to make suggestions about future advice provision which are intended to guide future service development in this area.

# 1 The Market for Immigration Advice

This section provides a broad overview of 'the market' for immigration advice in Tower Hamlets. The first part (1.1 *Who needs immigration advice*) looks at the profile of people who need immigration advice in borough ('the demand'). We provide some background on the history of Tower Hamlets as a 'migration borough', give an example of how advice needs change over time, an overview of the migrant population and an assessment of how far Tower Hamlets is typical of other places in terms of those seeking advice. Appendix C gives some more detail on the specific communities within borough, plus some case studies from those interviewed during the research to illustrate.

The second part (1.2 *What is immigration advice*) provides some basic information on definitions of immigration advice, its regulation, the notion of quality within it and some general information on fees and costings. The third part (1.3 *Who is providing immigration advice?*) provides a broad overview of the supply of immigration advice in borough.

## 1.1 Who needs immigration advice?

### Migration in Tower Hamlets from past to present

Tower Hamlets has been a focus for migration to London ever since the area became established on the border of the City of London.

Doug Saunders, the main populariser of the 'arrival city' theory, cites Tower Hamlets as an example of what makes a good one. He looked at the arrival and subsequent success of Bangladeshi migrants over the second half of the twentieth century, and his assessment of why that worked well could apply equally to communities that arrived before them (Flemish, Huguenot, Irish, Jewish) and to some extent those that have arrived alongside them and later.

*"Studies over the past decade show it is far easier for immigrants to start a small business in London than in other European cities. The explosion of curry-houses wasn't just a dining phenomenon, it was an investment in social mobility. Another key factor is citizenship: the people who arrived in the East End over the past 40 years, like the Eastern European Jews and French Huguenots before them, found it easy to become full citizens and participate fully in the economy and politics... They are people who came here with a project and we have removed the barriers to their success."*<sup>10</sup>

Tower Hamlets has been (and parts of it still are) one of the poorest areas of the UK as well as one of highest immigration. These two facts are linked. The majority of new migrants are relatively poor, and they gravitate towards areas where housing is cheap.

Increasingly, the borough is one of the most economically divided in the country, with a median income similar to the rest of London concealing the huge disparities within it. 20% earn less than £15,000 p.a. and 10% earn more than £100,000 p.a. One result of this is an inelastic housing market: rents and prices are dragged upwards by the high incidence of wealth, whilst poorer households are located in often overcrowded social housing.

There is some evidence from the census that communities hitherto based in the borough are moving out which may be a symptom of this housing issue. The proportion of those describing themselves as ethnically Bangladeshi (historically about a third of the borough including people born in the UK with Bangladeshi born parents or grandparents) has declined slightly, and they may be following previous waves of migrants towards outer east London. Other settled communities may be following suit: the 2011 figures show that the Vietnam-born population in Tower Hamlets actually declined by 38% to 1,109 over the previous ten years.

<sup>10</sup> Doug Saunders Evening Standard 16th September 2010

The arrivals the borough will host over the next period are therefore likely to be those who can afford to come and live in the gentrified areas around Canary Wharf and the City fringe or those arriving to join households already settled here. There is unlikely to be much room for the exiles and entrepreneurs that created the borough unless they are already rich or have family or close community in the borough.

Tower Hamlets also played a part in creating the law, regulations and practice that determine migration and which generate the need for immigration advice in the first place. The 1905 Aliens Act, which introduced formal immigration controls in the UK, was drafted in the wake of anti-semitic campaigning that focused on the large number of Jews arriving into the East End from Russia. Much later, Tower Hamlets officials and councillors allegedly supported the introduction of the 1988 Immigration Act which removed the right of family members to join British and Commonwealth citizens living in the UK as part of an attempt to reduce the numbers of applications by Bangladeshi residents for assistance as homeless.<sup>11 12</sup>

### How immigration advice needs change over time: case study of family migration

The changing pattern of immigration advice need is illustrated by the rules on family migration over the last few decades.

Before the 1988 Immigration Act Commonwealth citizens had the right to bring spouses and dependants to the UK to live with them with no restrictions. Those who then lived in Tower Hamlets (people from Bangladesh were the largest group of migrants) did not need complex advice, simply help filling in forms to apply for the relevant visas. However many had problems communicating in English and some had low literacy levels. Some also had problems proving their family relationships.

The significant advice need pre-1988 was therefore for relatively straightforward information in Sylheti and form-filling assistance, as well as sometimes contacts in Bangladesh and knowledge of its documentation and custom in relation to family records. As the Act's implementation approached, there was a rush to bring over family members before the 'gate closed'<sup>13</sup>. The 2011 census shows that 27% of Tower Hamlets' migrants (over 40,000 people) arrived in the UK before 1991 and many of those would be of this generation.

Once the 1988 Act came into effect, almost everyone had to show that they could 'accommodate and support' the family members they wanted to bring<sup>14</sup>. This had a significant impact on many in Tower Hamlets who were poor and/or inadequately housed, and may have fuelled moves further east where more housing was available. For those bringing in just a spouse, there was a need to ensure that the right proofs of income and housing were available, whilst others needed to appeal determinations made. The advice needed became more complex for those with families still in Bangladesh, with arguments made about room sizes, housing rights, and strategies involving bringing British citizen children over, getting larger housing and then reuniting the whole family.

Meanwhile, other changes affected the need for advice on family migration in borough. Other communities began to settle and by 2011, Tower Hamlets had the second highest proportion of Chinese born residents in the UK at 1.4% (3,522). It had also become a magnet for settlement from other countries: *"Tower Hamlets is ... ranked within the top 10 areas nationally for the proportion of the population born in the following countries: Spain, France, Italy, Somalia, Australia and Hong Kong."*<sup>15</sup>

11 <http://www.sociology.leeds.ac.uk/assets/files/research/cers/Working%20Paper%203.pdf>

12 Commission for Racial Equality (CRE). 1988. Homelessness and Discrimination, report into the London Borough of Tower Hamlets, London:CRE

13 This fuelled new housing demand and created a crisis of homelessness which became one of community relations and eventually resulted in significant political changes in the borough.

14 The exceptions were those who were EU citizens and people with refugee status, both of whom had a right to live in the UK with their family members.

15 Extract from LB Tower Hamlets Research Briefing 2013-06 Residents by country of birth

This is an interesting list which has implications for the need for family migration advice provision given that, for instance:

- There was a large increase in European migration to the UK between 2001 – 2011 principally from central and eastern Europe as new countries joined the EU. The number of borough residents born in European countries other than the UK trebled in size from 10,269 up to 29,363 – a rise of 186%. As a proportion of the population, European migrants now comprise 12 per cent of the borough's population, up from 5 per cent in 2001.<sup>16</sup> European citizens are unlikely to need advice about family immigration problems: they are protected by EU rules on freedom of movement that cover family members.
- Those born in Somalia are likely to have arrived as refugees or as secondary migrants with European citizenship. They may therefore also have rights to bring existing family members to the UK.<sup>17</sup> Somali communities are spread all over London and tend to seek advice from trusted sources including outside the borough. For members of the Somali community who were settled British citizens, they, like others, needed to show that they could accommodate and support any family members they wanted to bring to join them which will prove challenging for many.

Meanwhile, immigration (and the advice needs it generated) was becoming a more complex area. Immigration Acts were passed in 1993, 1996, 1999, 2002, 2004 (supplemented by the Human rights Act also passed in 2004 which consolidated the importance of the European Convention on Human Rights to UK lawmakers, including those working on immigration), 2006, 2007, 2008, 2009 and 2014. Many of the measures legislated were in response to case law and some to political pressure.

Whilst some new migrants were arriving in Tower Hamlets during this period, others were settling in and becoming established, and, as they did so, changing habits. For example, across the UK, younger generations looking for new ways to live were less likely to send 'home' for a marriage partner. Options for arranged marriages were narrowed by immigration rules and measures designed to combat forced marriage. This changed the 'need' for immigration advice.

In 2012, new rules (which do not require primary legislation) established a minimum income threshold of £18,600 for those bringing in a spouse. Those affected by this new rule were no longer only the 'traditional' bride from back home brought into families with no wage but also the so-called 'gap year brides'.<sup>18</sup> These are people who had met British prospective partners through travel, study or work abroad, and who wanted to live with them in the UK but then find that lack of job or wages makes this difficult or impossible. Some, in fact, may use their rights as European citizens to go to other EU countries, work, marry there and then return to the UK with enhanced rights.<sup>19</sup>

Finally, on April 1st 2013, the government reformed legal aid, making substantial cuts to what would be available for immigration advice. Help for those with family migration problems was one of the cuts. Now those who want to bring a spouse, child or adult dependant, whatever their means, have to pay for immigration advice if they need it.

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<sup>16</sup> *ibid*

<sup>17</sup> Although Somali born residents may well have other immigration problems involving asylum applications or later family formation

<sup>18</sup> About twice as many women as men apply for family visas each year, but this applies equally to grooms, civil partners and cohabitantes

<sup>19</sup> This is the 'Surinder Singh' route, so called after the determining case on it

## Who needs immigration advice in Tower Hamlets?

External factors drive changing needs for advice

Over time, the need for immigration advice in the borough has evolved due to a complex mix of factors:

- Arrivals: those who have already arrived in the borough have sorted out their immigration problems enough to get there, but they may then need to extend or regularise their stay
- Family structures and needs: new migrants may have left family behind and want to bring them. They and their children may also look to form families with partners from 'back home'.
- Changes in the law which create or close down opportunities for migration, or create new needs for advice
- International factors which influence migration flows such as war, the economy, human rights abuses and climate change.
- Increasing mobility, especially among young people which creates new expectations and opportunities.
- Economics, especially wage levels and wealth in the borough which frame where people can get advice (in that some can pay for it and some cannot)

## Current population of borough

The borough's 2010 population survey estimated 47% of the borough's population as black and minority ethnic<sup>20</sup> and the census in 2011 put this at 55%.<sup>21</sup> 30% (75,300) were described as Bangladeshi (in the census this was 32%) and all other categories came in at under 3% apiece. A separate piece of borough research has estimated the ethnically Somali population as between 2-3% of the borough, a similar number to the Chinese. Data on migrants is fairly similar:

*'In addition to those born in Bangladesh, the Census identifies a further 20 migrant groups with populations of more than 1,000. Considered together, these groups comprise almost three quarters of the whole migrant population. The largest are: India, China, Italy, France, Somalia, Ireland, Poland, Australia, Germany, the US and Spain – each numbering between 2,000-4,000 residents, and comprising 1-2 per cent of the borough's population'*<sup>22</sup>

Other migrant populations of over 1,000 people are those from South Africa, Brazil, Nigeria, New Zealand, Hong Kong<sup>23</sup>, Pakistan, Lithuania, Vietnam and Turkey. Our interviews with key informants confirmed that migrants from Australia, the US, South Africa and New Zealand are more likely to be on the more affluent side of the poverty divide.

An appendix detailing the history of migrant communities in the borough is attached at Appendix B.

<sup>20</sup> LB Tower Hamlets Research Briefing 2011-06 population key facts

<sup>21</sup> There are some differences in how this is defined

<sup>22</sup> From LB Tower Hamlets Research Briefing 2013-06 Residents by country of birth

<sup>23</sup> i.e. they migrated to the UK from Hong Kong before it became Chinese, so we have subsumed them into the Chinese community here.

### Growth and change within the population

Census data from 2011 shows that Tower Hamlets was the fastest growing local authority area in the UK, with an increase of 24.6% in its population to 254,100 since 2001. This increase has, however, been created by a relatively high rate of 'natural change' (i.e. birth rate vs death rate) rather than the continuing arrival of new migrants. The numbers moving into the borough have been almost perfectly balanced by the numbers moving out, and in 2009/10 there was in fact a net outflow of international migrants (28,300 left the borough and 28,000 arrived).

There is a lot of churn in the population. 43% of the population were born outside the UK, which is average for London (and an increase from 35% in 2001), and about half of these arrived within the previous ten years. Those born in Bangladesh form the largest group of migrants (15% of the population and one third of the migrants)<sup>24</sup>.

There are other indicators which indicate a growing population of people from migrant backgrounds, and particularly those with needs in relation to language, poverty. One such indicator comes from looking at who is accessing the London Clinic, a pan-London project run by Doctors of the World and based in Tower Hamlets (at Praxis). It is a free drop-in clinic run by volunteer doctors providing support in accessing healthcare and predominantly providing services to migrants with insecure status:

*'...56 per cent of users [of the London Clinic] from Tower Hamlets were classified as 'Undocumented', 17 per cent were on short-stay visa and 15 per cent were asylum seekers. Of the 299 users from Tower Hamlets, only 24 users (8 per cent) had a right to stay in the country. More importantly, users were asked if they had registered with a GP. Only 11 per cent of users said they had some kind of registration with the GP while an overwhelming majority, 89 per cent, stated that they had not.'*<sup>25</sup>

Another indicator - Flag 4 data<sup>26</sup> - shows that there has been a steady increase in the rate of GP registrations since 2007 i.e. more people born overseas have been registering year on year.

This data was examined by the Joint Strategic Needs Assessment in Tower Hamlets and shows that in mid-2010 there were 13,552 Flag 4s recorded in Tower Hamlets which equates to a rate of 57 per 1,000 population - the highest that it has been for the 10 years data has been available.

NINo<sup>27</sup> registrations also give an idea of the growth rate in relation to economic migrants. There were over 15,000 of these between 2012 – 2014, predominantly from Italy, Spain and France. In simple terms what both the Flag 4 and NINo indicators mean is that the population of new migrants would seem to be growing, against all expectations.

### Is Tower Hamlets typical of wider trends in immigration advice?

It is difficult to regard any particular area of the UK as 'representative'. London, as perhaps the most hyper-diverse city in the world, presents important differences to the rest of the UK. Similarly Tower Hamlets has a unique configuration of communities and the advice needs will vary in key ways from other areas.

The need for immigration advice is at one level simple. People need advice about asylum claims, regularisation, family reunion, EU rights, work or student visas. What makes the picture more complex, however, are the factors of trust, community, history and language which sit alongside the more 'logical' factors of quality, accessibility or availability and underpin decision-making by people looking for advice. Here the migration history of each community plays a significant role.

Tower Hamlets is characterised by the presence of its largest migrant and ethnic minority community, the Bangladeshis. They have shaped the development of one of the greatest concentrations of immigration advisers in the UK. These function within a network of recommendation, referral, family and sometimes nepotism that has had both a positive and negative influence on provision. Some advisers can start as translators and form-fillers, and over

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24 All figures from LB Tower Hamlets research briefing on residents by country of birth published 2013

25 Migrants' Access to Health: Factsheet (Tower Hamlets Joint Strategic Needs Assessment 2013 – 2014)

26 Flag 4 is the code given to any new patient registering to a GP whose previous address is overseas. It is calculated as a rate per 1,000 residents to illustrate the proportion of new residents in the borough.

27 National Insurance number

time develop areas of expertise (real and/or advertised) in response to community demand.

However, such advisers may not, as the research shows, be as well geared up for Tower Hamlets' other communities. Those communities tend to range wider for their immigration advice as the research shows, and have more difficulty finding providers who they can trust.

Will these needs change? They certainly have done over the years as a result of legal changes

and changes within communities. Both legal and community changes look set to continue. The tightening of immigration controls also changes the immigration advice need. Britain's relationship with Europe may also change again. 2004 and 2007 saw effective regularisation of many migrants as their countries of citizenship joined the EU. It is assumed that the process would reverse were Britain to leave the EU or the EU to revise the rules on free movement. The key to any future advice provision is going to be flexibility.

## 1.2 What is immigration advice?

What does the term 'immigration advice' mean?

The 1999 Immigration Act defines 'immigration advice' as providing advice or services in relation to:

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>a. a claim for asylum</li> <li>b. an application for:             <ul style="list-style-type: none"> <li>i. or for the variation of, entry clearance or leave to enter or remain in the UK</li> <li>ii. an immigration employment document</li> </ul> </li> <li>c. unlawful entry into the United Kingdom</li> <li>d. nationality and citizenship under the law of the United Kingdom</li> <li>e. citizenship of the European Union</li> <li>f. admission to member states under community law</li> </ul> | <ul style="list-style-type: none"> <li>g. residence in a member state in accordance with rights conferred by or under community law</li> <li>h. removal or deportation from the United Kingdom</li> <li>i. an application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997</li> <li>j. an appeal against, or an application for judicial review in relation to any decision taken in connection with a matter referred to in paragraphs (a) to (i)<sup>28</sup></li> </ul> |
|--|---|

Immigration advice is regulated in the UK, and so, unlike other advice, is fairly closely defined and regulated. It covers any advice about entering or remaining in the country or about bringing someone else in. The Act makes a distinction between advice and assistance and 'services'. 'Services' includes making representations to courts, tribunals, ministers or government departments.

Anyone providing immigration advice or services in the course of a business<sup>29</sup> must now be registered with the Office of the Immigration Services Commissioner (OISC)<sup>30</sup> unless they are regulated by another approved regulator. The main group of advisers providing immigration advice legally who are not OISC registered are qualified and registered solicitors and barristers and legal executives as they are regulated by their own professional bodies.

<sup>28</sup> Immigration Act 1999 S82

<sup>29</sup> This includes voluntary organisations, volunteers etc as well as commercial enterprises and workers

<sup>30</sup> Until recently, non profit providers were "exempted" from registration although they still had to meet the relevant standards. Exemption was from fees, rather than from regulation itself. It has now been replaced by a simple fee waiver.

## 1 The Market for Immigration Advice

OISC allows registration at three levels which define what you can (and cannot) provide:

Level 1: basic immigration advice within the Immigration Rules	<p>Excludes all advice about making asylum applications and is essentially simple form filling for non complex areas of law i.e.</p> <ul style="list-style-type: none"> <li>• basic applications within the Immigration Rules e.g. work visas, student visas, extensions of these visas basic family applications and extensions</li> <li>• notifying the UKBA of a change of address</li> <li>• extension of Temporary Admission (which is generally granted to asylum seekers while they wait for a decision)</li> <li>• applications for permission to work</li> <li>• travel document applications for someone granted Humanitarian Protection/Exceptional Leave to Remain (these are generally granted to people who have applied for asylum)</li> <li>• settlement (protection route) applications (these applications are made by people who have refugee status or humanitarian protection who can get indefinite leave to remain after five years)</li> </ul>
Level 2: more complex casework, including applications outside the Immigration Rules	Includes all asylum and human rights applications, refugee family reunions, basic bail for immigration detainees, discretionary and complex applications, representations to the Home Office, lodging appeals
Level 3: appeals	Includes all the above plus representation at Immigration Tribunal hearings and specialist casework

OISC regulated advisers cannot represent in Judicial Reviews, which are often the only way to challenge Home Office decisions. The regulatory system outlined above makes no mention of applications to confirm rights to reside under European law, which would normally come under levels 1 or 2.

Competence at each level is tested via multiple choice questions and scenarios and all advisers must pass DBS checks. Individuals and firms must also meet operational standards which cover business planning, relevant insurances, adequate financial systems including proper care of clients' money, client care and a publicly available, written set of fees for services. Unless the fee is waived, registration also costs money.

OISC Registration fees

Level	Number of advisers	Regulation fee
1	Not Applicable	£575
2 and 3	1 to 4	£1,750
2 and 3	5 to 9	£1,960
2 and 3	10 and over	£2,370

Once registered, advisers have to complete annual CPD points available free as part of the registration package<sup>31</sup>. They also have to register annually and pay an annual fee to OISC, unless they can show that they are providing immigration advice services free (as is the case with some charities, for instance).<sup>32</sup>

Those allowed to provide immigration advice outside OISC's regulatory framework are generally governed by another regulatory framework which establishes their own professional standards. Immigration advisers who are not OISC registered will be regulated by the Solicitors Regulation Authority which requires that: "you have the resources, skills and procedures to carry out your clients' instructions; the service you provide to clients is competent, delivered in a timely manner and takes account of your clients' needs and circumstances."<sup>33</sup>

Professionally qualified and regulated solicitors and barristers who provide immigration advice do not have to pass any tests of 'immigration competence'. However, solicitors holding legal aid contracts must be accredited to provide immigration or asylum advice at the relevant level, which is achieved via a testing system run by the Law Society. These map, to some degree, on to the OISC levels. Few solicitors in Tower Hamlets have chosen to get such accreditation unless they also hold a legal aid contract in immigration.

NGOs<sup>34</sup> providing immigration advice are also subject to scrutiny by funders, commissioners, their boards and sometimes their users. Those interviewed during the research were aware of the restraints imposed on them by OISC registration:

*'We are OISC level 2 which means we can provide work on initial applications to the Home Office and up to lodging appeals, but we cannot represent at appeal and tribunal. So we can help with basic asylum applications and non-asylum applications. There's a limited amount of work we can do in relation to detention - can provide level 1 advice in detention, but we can't make deport appeals though we can request written reviews of deportation decisions. We can't touch Judicial Review.'*<sup>35</sup>

*'I am only OISC level 1 which means I have to be very careful I don't over-step the mark on advice giving. I need to be closely supervised'*<sup>36</sup>

Key informants report that the experience of registering with OISC can be time-consuming.

*'Registering takes time – anything up to a year. OISC seem to have a high staff turnover – we have had several people taking forward our application just in the last year. It's very bureaucratic, a lot of different bits and pieces we had to submit in terms of policies and personal development plans and training records, and CRB<sup>37</sup> which can't be more than six months old and a huge number of forms to fill in.'*<sup>38</sup>

At the end of 2013, there were 3,568 OISC regulated advisers in the UK, including just over 500 new ones registered that year, replacing a similar number who had left the register. 857 of these were exempt, i.e. not fee charging.<sup>39</sup> In the post codes covered by Tower Hamlets there was a more mixed picture which is considered in Section 1.3.

31 For more information see <https://www.gov.uk/government/publications/how-to-become-a-regulated-immigration-adviser/how-to-become-a-regulated-immigration-adviser--2#applying-for-the-correct-level> and <https://www.gov.uk/government/publications/how-to-become-a-regulated-immigration-adviser/how-to-become-a-regulated-immigration-adviser--2#application-process>

32 The rules on this changed during the research. Previously so-called OISC 'exempted' organisations had to gain accreditation but providing they were providing free advice and not charging were 'exempt' from submitting the annual form and fee to OISC. From November 2014 all exempted organisations have to submit an annual registration form and show that they still qualify to be exempt from the annual fee. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/372543/OISC\\_NEWSLETTER\\_issue\\_43-Special\\_issue-FINAL1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/372543/OISC_NEWSLETTER_issue_43-Special_issue-FINAL1.pdf)

33 SRA code of conduct 2011

34 Non-governmental organisations, mainly charities such as Toynbee Hall

35 Key informant

36 Key informant

37 Now DBS (Disclosure and Barring) checks

38 Key informant

39 From FOI request to OISC

### Regulation and its link to quality

Though it is an offence to provide immigration advice unless registered, several informants, both clients and others working in the field, told us that they felt there was little quality control in place once registration had happened. Indeed in the process of mystery shopping, we came across several providers who were on the current OISC register but no longer existed, which indicates minimally the difficulty in keeping up with changes of circumstance.

Both OISC registration processes and the systems in place for legal professionals are based on setting a minimum standard below which provider should not go. Neither system goes beyond that to 'rate' providers in any way, or enable potential users to decide which providers would be best to deal with their problem or with them. There is no independent evaluation of 'success rates' for instance, though arguments against these would be that they are difficult to measure usefully, since raw data may tell against perfectly good providers who are willing to take on risky cases. Rating providers is also contentious, and agencies are actively barred from making recommendations as to 'quality lawyers' in the interests of preserving open competition and avoiding favouritism. However, people working with migrants, particularly vulnerable migrants, get to know who are the providers who will fight their client's corner and will be up to date and committed and they will try to get their clients seen by those at any cost rather than leave it to chance.

Names and role descriptions can also be confusing. Anyone can call themselves a 'lawyer' (as opposed to a solicitor or barrister, which they cannot call themselves legally) or an 'adviser'. In the course of mystery shopping we encountered a few firms or practising individuals with lengthy qualifications after their name which, on examination, were either meaningless or untraceable (where they claimed connection to an Inn of Court, for instance).

There has been more research and comment on the quality of asylum advice than the broader area of immigration advice (which includes asylum). Asylum advice is less in demand in Tower Hamlets than many other areas of immigration advice). Their conclusions are however largely applicable to other areas of immigration advice. The Legal Services Consumer Panel concluded in 2012<sup>40</sup> that *"it appears that existing channels for finding an advisor are not effective."* They found asylum systems complex, the cases themselves also complex and that many people seeking asylum advice were vulnerable as consumers. They concluded that: *"These factors combine to imply a risk of serious consumer detriment"*<sup>41</sup>

One of the challenges of poor quality immigration advice is that the disaffected consumer may be left coping with the fallout from the poor advice and fighting to stay in the UK. Several clients we interviewed had spent a lot of money, known they had received poor advice but did not know what to do about it and felt too vulnerable to complain so just moved on. Such clients are not likely to be able to mount effective complaints or seek redress, and there is anyway little which would compensate for deportation or removal.

However there is a strong sense amongst those providing quality services, including NGOs<sup>42</sup>, of what quality immigration advice looks like. They recognise this as being an enhanced provision from the minimal standards set through regulation.

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40 <http://www.legalservicesconsumerpanel.org.uk/ourwork/vulnerableconsumers/2012%2010%2010%20Immigration%20desk%20research%20and%20scoping%20final.pdf>

41 *ibid*

42 NGOs interviewed for the research were asked to identify critical success factors for quality. Other studies have also identified such factors, for example A Fighting Chance by Hutton C. and Harris J. for Comic Relief (2014) which identifies very similar success factors.

Amongst the most important critical success factors are:

- Detailed, in depth appointment taking time to get to know the client and work out their immigration history. This can take time, involve chasing papers and gathering evidence, and also require in more vulnerable cases the creation of trust, particularly where disclosure of sensitive or compromising (in the client's view) information is needed.
- Clear advice on the range of options available to the client, including if necessary a discussion about the pros and cons of each and the prospects for success based on experience and evidence.
- Setting of clear boundaries around both the work which can be done (and cannot be done) and being clear what is and is not possible.
- Clear fee quotation from the beginning, if a fee is involved, indicating the total price which will be paid. Linked to this, clear indication of what is a fee and what is a 'cost incurred' in the form of e.g. expert report, Home Office fee.
- Providing written copies of any advice given, and any applications submitted.
- Regular updating on the case
- Ensuring that the client's needs are viewed holistically and assisting them with this if possible. For example, with homeless clients or those without recourse to public funds, ensuring that not only their immigration issue but also their housing and welfare issues are dealt with. Time and time again voluntary sector workers in particular stress that the separation of immigration from other issues is often as impossible as it is counter-productive: failure to resolve such issues can lead to a client disengaging or worse.

## What advice do you have to pay for?

Before 2013, those who could not pay for legal services could get expert legal advice on most immigration problems from commercial solicitors, NGOs and some OISC regulated commercial firms on most aspects of immigration under legal aid. There were restrictions on how much could be provided, and providers risked their contracts if they failed to achieve a certain level of 'success'.

Since April 2013, legal aid has ceased being available for most types of immigration and most immigration advice is therefore now delivered in a commercial market.

Only those making applications related to asylum, trafficking and domestic violence (and able to pass the stringent means tests) can get legal aid to make their applications, run appeals or make further representations. Such legal aid is restricted, with the basic rate paid being the equivalent of a few hours work on an asylum case, for example. There is growing evidence<sup>43</sup> that such time allocations are insufficient for potentially complex cases involving a traumatized and vulnerable client. Legal aid can only be provided by lawyers with a contract to do so, and to get one they have to be accredited to the relevant level on the Law Society scheme.

In addition to this legal aid provision, there is OISC-registered advice which, where available is free from not-for-profit agencies. In Tower Hamlets the supply of this free OISC-registered immigration advice appears to be reducing and what still remains is increasingly stretched. There is also very limited pro bono provision from some lawyers though is for the most urgent cases by now as lawyers find themselves increasingly stretched by the legal aid changes.

The difficulties of accessing good quality immigration advice are therefore now compounded by cost. There is no guarantee of 'quality' through paying for legal advice, and indeed some of the most respected providers in Tower Hamlets and beyond are those who have developed substantial legal aid or pro bono work over the years. However, such supply is dwindling as we will see.

43 See for example <http://baringfoundation.org.uk/wp-content/uploads/2014/09/JusticeatRisk.pdf>

### 1.3 Who is providing immigration advice?

#### How many immigration advice providers are in Tower Hamlets?

As at September 2014 we found:

- 22 providers operating under SRA regulation based in borough providing immigration advice
- 92 OISC registered providers operating in borough
- 13 providers operating 'under the radar'.

However, it is difficult to be precise about the numbers of advice providers in borough for a range of reasons:

- The search facilities on both the Law Society and OISC websites do not allow you to search by borough, only postcode. There are a range of postcodes in Tower Hamlets and some of the prefixes (for instance, E1) are shared between Tower Hamlets and a neighbouring borough.
- Areas of high migrant concentration such as Tower Hamlets attract new commercial advice providers, whilst other providers go out of business for a range of reasons. It can take time for these changes (openings and closures) to be registered on official lists.
- Providers based in the borough are not necessarily catering only for borough residents. Indeed more specialist and established providers may have succeeded by extending their net more widely, some of them nationally.
- Conversely there are other providers based out of borough who residents access: we learnt of several examples of this amongst the Chinese, Eritrean and Algerian communities, for example.

That said, by searching OISC and Law Society websites, supplementing this with ILPA information and then further web search and high street trawling, we were able to confirm as at September 2014 at least 127<sup>44</sup> registered and/or existing<sup>45</sup> immigration advice providers in borough. Of these, approximately 20% are operating under regulation of the Solicitors' Regulation Authority whilst the remaining 80% (approximately 100) are either OISC regulated or operating 'under the radar'.

#### Range of providers and notable gaps

There are a wide range of providers of immigration advice in Tower Hamlets given the diversity of population and the economic and social differences in the borough. The 127 providers include the following.

##### Commercial providers of e.g. work visas and permits

Some providers clearly fall into the commercial bracket for clients with no problems in finding the money to pay. This is true of services offering help with work permits and visas for those wanting to come and work in the City, for instance, some of which are based in Tower Hamlets. Those were readily identifiable through the websites and were not the subject of this research given their client base.

This is the only category which is unlikely to be accessed by the poor and disadvantaged. The remaining categories would be.

##### Specialist providers which happen to be based in Tower Hamlets

There are a small number of acknowledged specialists in the field of immigration who coincidentally are based Tower Hamlets. This would include for instance BID (Bail for Immigration Detainees) which is a voluntary sector provider offering Level 3 OISC exempted advice to asylum seekers and migrants in detention

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44 This figure must be cited as an approximation. It is certainly the case that since analysing the lists it will have changed, and we know from the High Street Trawl and Mystery Shopping exercises that between September and November two firms disappeared.

45 We say 'registered and/or existing' because for some, the 'proof' of their existence is simply that they figure on an official website. Whereas others do not, but we know they are there because we visited them in the course of the research.

anywhere in the UK. On the commercial side, Elder Rahimi Solicitors is also based in Tower Hamlets and is a well known solicitors' firm specialising in all forms of immigration, including asylum, for which it has a legal aid contract. Like BID, its clientele is drawn from across London and beyond. Neither of these providers offer particular services to Tower Hamlets residents but are recognised experts in their fields.

#### Free services offering complex legal advice (OISC Level 2 +)

The provision of free Level 2 and Level 3 advice (by either OISC registered advisers or solicitors) was one of the most notable gaps in borough. Repeatedly informants reported only two places in borough where they would regularly send clients: Tower Hamlets Legal Centre and Praxis. Praxis has just got two Level 2 OISC accredited advisers which allows them to provide all services up to appeals, but it struggles to refer on a complex case to a solicitor which they normally seek to do as they do not currently have the capacity to carry a substantial caseload. Tower Hamlets Law Centre has only one immigration and asylum solicitor and has had to limit the amount of immigration advice it does to a minimum, provided either pro bono (very occasionally) or through a pilot scheme which seeks to charge some clients for immigration advice now not covered by legal aid.

#### Established and reputable law firms and advice providers

There are a small number of well regarded law firms and advice providers which provide services for clients in Tower Hamlets, including legally-aided advice and representation where still possible. Elder Rahimi is one of the best known of these, but a range of other firms were also mentioned by providers and clients alike. The mystery shopping exercise highlighted that some small legal practices are offering accurate and honest advice and in some cases refusing cases which they felt other firms could better take on. It is notable however that those who attended the New Residents and Refugees Forum

brainstormed the firms they would choose to refer to, and 7 of the 12 identified were located outside borough. This list included Tower Hamlets Law Centre, Hackney Law Centre and Islington Law Centre.

#### Lawyers and advisers in the 'hotspot' areas

There are a wide range of advisers and lawyers on the main Whitechapel and Mile End thoroughfares (or just off them) offering 'OISC accredited' advice of some kind. Any adviser can call themselves a lawyer, and users interviewed were often uncertain of the difference. The mystery shopping exercise showed that some of these are offering sensible, well-priced and informed advice. However a far larger proportion of those described by users or 'shopped' by researchers raised at least some concerns, including the provision of poor or inaccurate advice which could cost a person both money and their case prospects. Some firms are clearly one person operations - one firm visited is staffed by somebody practising as a barrister during the day, who provides immigration advice from their 'chambers' during the afternoon and evening. Another advisor visited with OISC Level 2 accreditation was operating from their home. Others had sprung up recently (to judge by Companies House registrations) and then disappeared, moved or changed name. In some cases, several advice providers were registered to the same address. The picture is confusing and shifting.

#### Basic free or subsidised advice.

There has been a marked decrease in free Level 1 OISC accredited advice and by now the only agency which seems to provide this is Llmehouse Project (see next section). There is a Nationality Checking Service<sup>46</sup> offered by the Council at the Register Office in Bow Road which charges modest fees. (£55 Per Adult and £25 Per Child), though no user mentioned this.

46 [http://www.towerhamlets.gov.uk/lgs/901-950/915\\_nationality\\_checking\\_servi.aspx](http://www.towerhamlets.gov.uk/lgs/901-950/915_nationality_checking_servi.aspx)

### Churn and change in the immigration advice field

This research took place at a time of substantial change for the immigration advice field and to a large extent provision is still finding its new level.

#### Level 1 'exempted' provision

We were told at the beginning of the fieldwork that there were a number of voluntary sector organisations providing free Level 1 advice in borough. In the event it seems that all but one of them have stopped providing such advice in the last year: Account 3, Bromley-by-Bow Centre and Island Advice<sup>47</sup>, to name but three. The only one we found still operating was Limehouse Project.

Such changes are partly a result of reductions in the provision of more complex legal advice. The closure or commercialisation of providers post-LASPO has reduced provision<sup>48</sup> and this builds on previous closures of two national charities - Refugee and Migrant Justice (in 2010) and Immigration Advisory Service (in 2011) - as a result of problems with legal aid funding

These closures have had repercussions around the immigration advice sector. At a practical level in Tower Hamlets, what they means is that whereas those providing Level 1 advice previously knew that, were the case to get more complex, they could refer on to other advisers, this is now no longer the case. This accounts in part for the reduction in Level 1 OISC-exempted provision.

#### Change for those delivering legally-aided advice

Providers previously holding a legal aid contract for immigration and asylum advice are now only able to offer legally-aided advice on asylum. This has resulted in some firms ceasing to hold a legal aid contract in immigration and asylum at all as this work is no longer viable. Some firms have closed altogether. A search on the government website<sup>49</sup>

for legal aid contract holders around E1 reveals a handful in the Tower Hamlets area.

Those continuing to maintain this contract face a choice with their previous immigration clients: to charge them, to give them pro bono advice or to seek to offer reduced rates in order to maintain some level of service, particularly to the destitute and vulnerable.

Law centres in particular are now in a difficult position. Traditionally the place where the poor and destitute can seek advice, they now have to explain they can no longer help. Tower Hamlets Law Centre and others<sup>50</sup> are trialling new ways of funding this work, either by getting charitable funding to subsidise it, or by setting up new charging or social enterprise schemes offering fixed fee services and transparent low cost fee structures. Tower Hamlets Law Centre reports that this is difficult, however, particularly given that several of the areas where people need help require Home Office fees on top of anything the law centre could charge. "Clients are finding it difficult - the Leave To Remain Home Office fee is £600<sup>51</sup>, and you have to pay for each dependent. It's really expensive. They keep increasing them every year. Given this, if a client can't afford it we will reduce our fee"<sup>52</sup> It is also difficult to explain to a destitute client who has been told by their friends or community that 'the law centre will help' that it now has to charge for what was once free.

#### Increase and change amongst OISC registered providers

Figures on total numbers of OISC registered advisers in Tower Hamlets were only available from OISC up to the end of 2013. The statistics<sup>53</sup> are interesting however as they show both an increase in provision and some indication of the degree of 'churn' in the sector.

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47 Island Advice confirmed that they had one OISC accredited advisor at Level 1 but that owing to pressures of time they now do very little immigration advice and they are mainly passing on all immigration enquiries to Praxis or Tower Hamlets Law Centre

48 See for example: <http://thejusticegap.com/2014/07/access-denied-one-year-legal-aid-cuts/>

49 <http://find-legaladvice.justice.gov.uk/search.php?searchtype=location&searchtext=E1&sea>

50 Islington Law Centre and Rochdale Law Centre for instance

51 In fact these fees have recently been increased even further: indefinite leave to remain is due to cost £1,500 from April 2015, and leave to remain as a family member between £956 and £2141

52 Key informant

53 Freedom of Information request to OISC

Information by post code area shows an increase in the numbers of OISC registered and exempted advisers from the end of 2011 to the end of 2013 in Tower Hamlets.<sup>54</sup> In the Whitechapel (E1) area in particular, numbers of advisers increased from 148 at the end of 2011 to 177 at the end of 2013, an increase of 29 in all. Other post code areas showed more modest increases.

As interesting is the degree of 'churn' amongst OISC registered advisers, with 33 new OISC registered advisers (i.e. fee charging) advisers in E1 during 2013, but with only 14 fee charging advisers leaving the market, a net increase of 19 fee charging advisers.

This resonates with the picture drawn by several key informants of an increasingly populated fee-charging immigration advice market, driven substantially by the disappearance of legally-aided advice. It also confirms the experience of mystery shopping: out of the 75 providers listed on the OISC or Law Society listings we tried to visit, five of them had ceased to exist and we could not trace them. This is a market in considerable flux.

#### Reduction in other services

Other changes in Tower Hamlets which were mentioned included:

- East London Community Advice Service used to have funding to provide immigration advice to anyone but this has now contracted and they are able to provide only OISC Level 1 advice for Waltham Forest residents only. They therefore have to turn away the (by now) few referrals they still get from Tower Hamlets postcode areas.
- Oxford House (which provided immigration advice) closed down to evolve into a new arts and community space, and its service was taken on by Island Advice who have now, however, had to reduce it now to virtually zero
- Toynbee Hall had one immigration solicitor at its Free Legal Advice Centre sessions, but since they left has not been able to provide this advice.

- It was not clear what the CAB was providing in terms of advice<sup>55</sup>, though a few users reported that they had been referred to Praxis from the CAB. So it would appear that they are not giving advice but referring on.

#### Acute difficulty of referrals in the current system

A functioning network of immigration advice providers will allow easy referral when a provider does not have the specialism or capacity to take on a (sometimes urgent) case. It was clear that two significant factors are preventing efficient referrals.

The first is lack of up to date information. Most providers we spoke with (both those providing immigration advice and those which are not) are unclear about who is providing what, to what level. We learnt of several instances where people are still referring clients to services which are no longer able to help. One agency told us that they refer 'all their immigration cases' to a law firm which, when we phoned them, said they did not provide any immigration advice at all, and had not done for several years. Lists we reviewed were out of date, and increasingly so as more change happens across the field.

The second is lack of capacity. Agencies seeking to help poor and destitute clients by referring to Level 2 and particularly Level 3 advisers described this as increasingly a question of "begging and calling in favours"<sup>56</sup> as firms are unable to take on anything more at all. One result is that clients who cannot afford to pay are waiting, sometimes for long periods, until some slack appears amongst the few still prepared to take them on. Another result is that people are increasingly 'borough-blind', travelling long distances to access support anywhere they can find it.

This inability to refer on people who cannot afford to pay was the biggest problem identified. Over-stayers and people needing to regularise their stay are ricocheting around a system where increasingly doors are shut. As one provider put it starkly: "What is the gap? The gap is that there is no provision. We are operating at over capacity and turning away people on a regular basis."<sup>57</sup>

<sup>54</sup> Analysing these statistics is difficult as Tower Hamlets shares the postcodes E1, E2, E3, E9, E15 and E20 with neighbouring boroughs to some extent. Only E14, E77 and E98 are exclusively in Tower Hamlets. However, it is reasonable given the known concentrations of immigration advisers in, in particular, E1 to assume that a substantial proportion of OISC advisers are within Tower Hamlets and a trawl of named firms on the OISC website confirms this.

<sup>55</sup> We were unable to reach anybody at the CAB in spite of repeated attempts to do so

<sup>56</sup> Key informant interview

<sup>57</sup> Key informant interview

# The User Experience

This section looks at users' experience of immigration advice in Tower Hamlets, drawing on the 66 interviews we did with individuals who had sought advice since May 2013, as well as the 75 mystery shopping visits to 44 providers.

**Section 2.1** provides an overview of the people we spoke with in terms of their age, country of origin and length of stay in the UK.

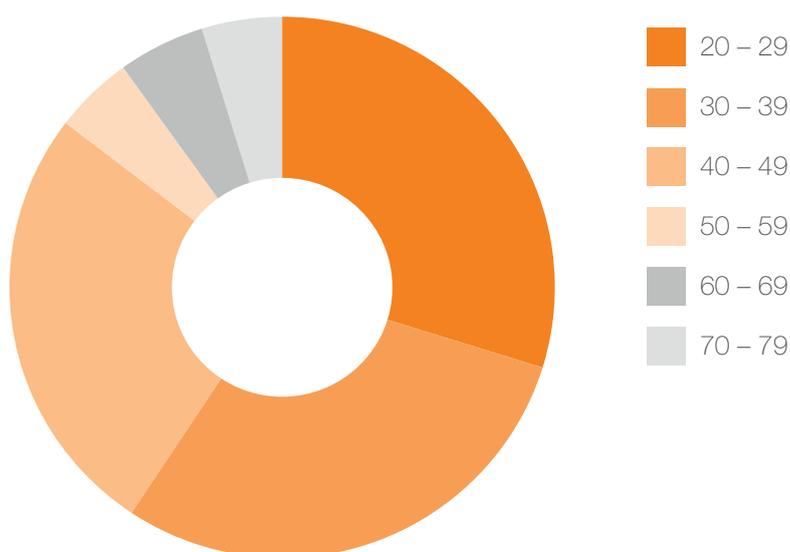
**Section 2.2** looks at why users chose the advisers they did and tracks their journey from why they seek, find and assess advice. We include here what users told us about the cost of services and how far this figures in their decision-making.

**Section 2.3** looks more broadly at the quality of advice provision, drawing on users' views and interpreting what they told us in the light of good practice. We provide examples of good and bad practice drawing both on their own reports and on the evidence gathered through the Mystery Shopping exercise.

## 2.1 Who did we speak to? <sup>58</sup>

We interviewed 32 men and 34 women about their experiences of immigration advice. We sought to ensure a broad spread of age, experience and country of origin by asking for potential interviewees through a range of different networks and organisations.

### Age profile of clients interviewed

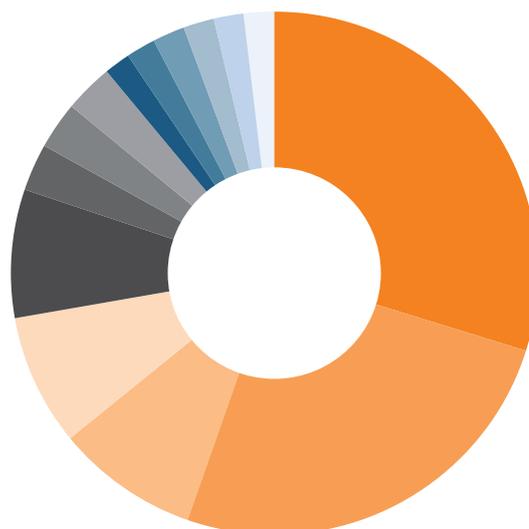
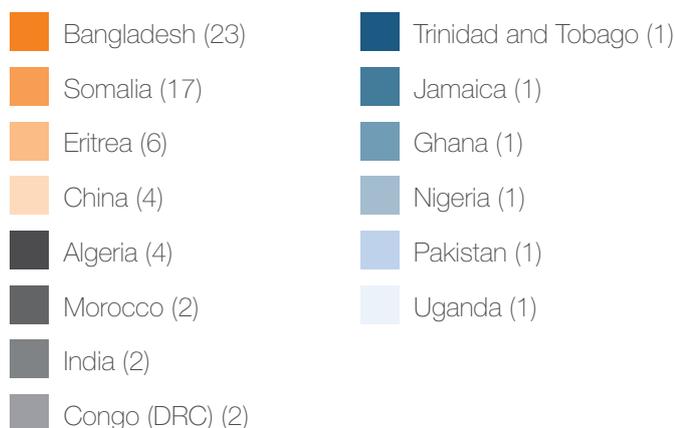


The majority of those interviewed (= 40) were under 40 years old. The majority of people in this age bracket were Bangladeshi, followed by Somali and Eritreans. Eighteen people were in their forties, three in their fifties and there were two respondents in both their sixties and their seventies. One did not tell us their age.

Respondents had a wide range of countries of origin, as shown in the following chart.

<sup>58</sup> Some condensed descriptions of the stories of those interviewed are attached at Appendix D.

### Country of Origin of those interviewed



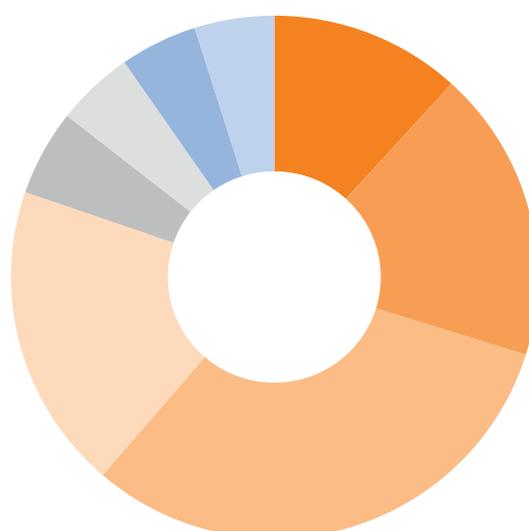
The interviews reflected well the demographic profile of Tower Hamlets with the majority of respondents coming from the Bangladeshi and then the Somali community. There were also, however, a spread of other countries of origin including four Chinese respondents and six from North Africa (Morocco and Algeria).

Though we did not ask about the economic status of those interviewed some volunteered information about their backgrounds. Some were long established UK residents with homes and jobs who were typically seeking to bring over a family member, others were recently arrived on student visas with family in the UK or back home who could send them money to pay for advice, and others were in low paid work, probably surviving at least in part on the goodwill of family and friends but able to borrow money to try and sort a range of immigration issues. Others, however, were destitute and rough sleeping with no access to money whatsoever, whilst others reported a range of insecure living conditions ranging from living with friends, staying in hostels and being in accommodation arrangements involving domestic servitude.

Respondents reported being resident in the UK for variable lengths of time, ranging from one year to 55 years. Some of the most compelling cases of need were amongst those who had been here for 6 – 15 years (nearly half those interviewed), who had found themselves in situations unravelling because of the breakdown of relationships, loss of work or simple realisation that an immigration status they had thought to

be regulated had not been. There were also a number of failed asylum seekers in this age range. There was need amongst the older and 'established' as well, however: a man in his early 60s had been here for 28 years and found himself without job, proof of residence and on the streets after years as an international businessman. Another elderly resident reported that they were trying to bring their wife over after years of trying, and now in his seventies he was losing hope.

### Length of time in the UK



### 2.2 The choices people are making

#### Reasons for seeking immigration advice

People reported a range of reasons for seeking advice.

Some were looking for limited professional input **to clarify a process they largely understand**. This was mainly true of individuals who needed help with extensions for student visas or work permits, or with applications for nationality. Often these clients had done research themselves prior to trying to find advice to support or confirm their actions.

“

*“I came into the UK on a spouse visa, but I was not originally made permanent. I have children here and wanted to be permanent.”*

*(Bangladeshi respondent)*

*“I wanted to apply for a citizen’s partner resident card through my partner. It’s not very straightforward since we are not married. She is from [name of European country]. They need a lot of documents to prove everything. It’s an EAA2 application form, and I believe they are obliged to respond within six months.”* *(Bangladeshi respondent)*

*“It’s slightly complicated, but I needed a bit of help to sort out some slight irregularities in compliance with the maximum number of days spent outside the UK caused by the demands of my student course, which required me to do an internship abroad.”* *(Chinese respondent)*

*“I came as a student, completed my studies and had been on a work visa and wanted to extend my stay.”* *(Bangladeshi respondent)*

*“I came to get advice and support with a passport application for my 2 year old child. I was worried as the Home Office might ask me why I had not applied for my child until then – I myself have limited Leave to Remain.”* *(Somali respondent)*

Others have **more complex immigration issues** and want more input. Their immigration issues have mainly arisen as a result of a change in their relationship or marriage status, having children or wanting to reunite with elderly relatives who need their support. People in these positions were varyingly aware and confident about their prospects for success and need help in sorting out their situation, obtaining papers and getting clearer about what their options are.

“

*“I came to the UK as a refugee, and it took a long time to get full residency. Then I needed to apply for my children to come but when they arrived they were given a one year visitor visa. So I had to fight for them to stay with me in the UK”*

*(Somali respondent)*

*“I arrived in the UK on a spouse visa 10 years ago, but when my relationship broke down my wife decided not to support my application for ILR. I am now effectively an illegal immigrant since my spouse visa ran out, and need help to stay in this country.”* *(Bangladeshi respondent)*

*“I came to the UK in 1996 and have full refugee status. I returned to Somalia to visit my family where I met a woman who I got engaged to and then married. I wanted to bring her and her children over to this country.”* *(Somali respondent)*

*“I got married to a British citizen back in 2003 – we wanted to have kids together. But our relationship broke down and I got divorced. My visa has expired and I am also very depressed because my marriage has gone out of the window. I meet lots of people in my kind of situation – some want to go back home as they can’t sort their immigration problems and are sick of living like this.”* *(Algerian respondent)*

”

”

We also interviewed a number of **people who were ‘vulnerable’ in some way**. Some were victims of domestic abuse trying to sort their lives out and get away from their abuser, part of which involved sorting their immigration status. Some reported that they had found themselves in the UK under false pretences, trapped as domestic slaves, and in some cases clearly trafficked to the UK specifically for this purpose. They were now, prompted either by an event (e.g. being arrested by the police), abuse or a chance encounter with somebody who was trying to help them, attempting to get out of their situation. Some were now homeless (either literally or ‘sofa surfing’), rendered such by a chain of often confusing events which normally involving a failed asylum application, overstaying an original visa, or sometimes the loss of papers proving their identity and right to remain in the UK.

“

*“One of my long distance relatives sponsored me to come and join them in the UK, but then they started to treat me like a domestic servant which I was not happy about. I came as a visitor I think but due to the family not letting me go I have become an over stayer. I want to see if I have any rights in this country” (Bangladeshi respondent)*

*“I have been here for 22 years and am a refugee but my ex-partner stole my papers. I am trying to get hold of these” (Congolesse respondent)*

*“I fled a forced marriage, came over here as an artist on a visa and have now been here for nearly 12 years. I have no papers.” (Bangladeshi respondent)*

*“I am a businessman, I have been here for over 28 years. But nobody believes me. I never believed that I could end up sleeping on cardboard. The bosses [Street Outreach team] have now put me in contact with Praxis and now the government is asking me to prove that I have been here for over 20 years and I have never been in prison.” (Chinese respondent)*

*“I have no idea what is happening. My previous lawyer was not good and they rejected my asylum claim so I came to London from Sheffield. I haven't got any papers and I don't know what is happening. A friend in my hostel told me to come here. I think they are sending me to Manchester tomorrow.” (Congolesse respondent)*

”

### Background information which influences choice

People in need of immigration advice are not blank slates. They bring to the task of choosing an adviser a range of views and opinions about what constitutes 'quality' as well as a range of information or interpretation of the context and rules surrounding immigration. An interesting example of this involved Scotland. Four people mentioned that they had been looking to the Scottish referendum vote to see whether or not Scotland might prove a better place to try and settle in than London if it went independent.

Such views can influence their choices, not always for the better. For example, several overstayers reported that they had heard that if they managed to survive for 10 years, they would then stand a better chance of getting regularised. Survival in this instance involved, for some, rough sleeping or insecure and sometimes exploitative living arrangements but all the same they were making a calculated choice that after two, three or four more years (depending on how long they had by now been in the UK) they would then be able to go and find immigration advice and become independent and 'legal' again. For most, this prospect was linked to a desire to work.

Unfortunately here their choices are based on incorrect information. The length of stay required has now been extended from 14 to 20 years, and so those eking out such existences are doing so without, for the moment, much hope of an end in sight. They need somebody to tell them this, but as yet nobody has.

Users also act on the basis of circulating information about providers. Island Advice, for instance, told us that: "we do not get as many immigration enquiries as we used to as people have got to know that we don't get funding for this any more."

Organisations build up 'trust capital' in relation to this group who for obvious reasons are sensitive to those who will treat them well and not judge them on the basis of their immigration status. The more vulnerable clients reported that Praxis and the Law Centre are the places which they go to and recommend to others.

### Careful research and comparison

A small but significant number of people had researched their immigration issue, found out what they felt was the best way forward, gained comparative quotes from various providers and then made a choice based on that information.

“

*[Name of advisor] is from my community and I know that he deals with immigration issues and people from the community go there for immigration related issues. I didn't bother looking for legal aid as I heard from friends that legal aid for family reunion stopped in April 2013.<sup>59</sup> I travelled outside Tower Hamlets, I didn't even consider there as none of them are known [to my community] and I chose this solicitor because he has a reputation in the community. I compared three different solicitors and got three different quotes: in the Croydon area (£250-700), in Wembley (£500) and Brixton (£550)."*

*(Eritrean respondent)*

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*I was also searching other solicitors who can help me. Also I was also doing my own researches on the issue online to see if my application would be successful before paying money to the solicitors. Information is available in the website of the Home Office on similar issues."* *(Bangladeshi respondent)*

”

These were mainly people pursuing an application they knew they were entitled to and wanted to check, normally from the more settled (Bangladeshi) community.

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<sup>59</sup> Legal aid for family reunion was stopped in 2013 as it was deemed to be 'too straightforward' to merit public funding. Many disagree, for example the Red Cross: <http://www.redcross.org.uk/Aboutus/Advocacy/Refugees/Legal-aid-and-family-reunion>

## Why users chose the providers they did

We asked respondents to tell us why they had chosen the providers they had. There were a range of drivers.

“

*“My uncle advised me to go, they knew each other and felt they would give good advice.”*

*(Bangladeshi respondent)*

*“Our family accountant recommended them and mentioned that other people have had good experience with this firm. It was also quite near.”*

*(Bangladeshi respondent)*

*“We chose this advisor as my husband’s cousin recommended them, and as I just wanted to seek advice as soon as possible I didn’t really go looking for any other advisors so just stayed with this one.”*

*(Bangladeshi respondent)*

”

## Recommendation from a trusted other

Recommendations of family, friends and trusted professionals figure strongly in people’s choices. Women in particular often felt they had no choice but to go with the service recommended by their (male) family member.

## Recommendation from ‘the community’

Interestingly, some people differentiated between ‘community advice’ and ‘family advice’: a Somali woman, for instance, chose her first advisor because of a recommendation from a friend but then was dissatisfied and so went to the one recommended by ‘the community’. It is hard to disentangle how preferences are linked to genuine expertise (as with some Eritrean recommendations who recommend to lawyers with specialist country expertise) from community loyalty and preference (as would seem to be the case with some Bangladeshi recommendations). Both good and bad practice were reported in both.

<sup>60</sup> Key informant interview

Community extends also to faith community, of course, and we were told that “lawyers approach the mosques, for example the Somali mosque in Mile End Road. What the advisers usually do is send somebody to the Mosque like a drop in –they have somebody who is there for half a day or a couple of hours, and they look at cases and potentially take them on”.<sup>60</sup>

## Media advertising

Several Bangladeshi respondents reported they had found and chosen their advisor via an advertisement in the press, or more frequently on Bangladeshi TV. They described adverts and programmes in which advisors from the community answer common issues.

“

*“I saw this solicitor on this TV channel and collected his details which were displayed on the TV. He looked very smart on the TV and I was impressed by his explanation and decided to visit him. A friend of mine recommended me to watch the TV program – it’s the STV channel that is broadcast in London in Bangladeshi.”*

*(Bangladeshi respondent)*

*“He looks very qualified on the TV. In the advertisement it also says he is barrister. On the TV he looked an expert on the subject.”*

*(Bangladeshi respondent)*

”

One woman living as a domestic servant found the TV a lifeline.

“

*“As the family did not let me go out I started seeking advice from a Bengali channel on TV while the family were out. I called up twice and spoke to one of the advisers who was giving advice live on TV. I chose this adviser because I had no choice; I was under pressure and just wanted to contact an adviser.”*

*(Bangladeshi respondent)*

”

## 2 The User Experience

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### Information or referral from another support agency

Some go to advisors (via sometimes quite circuitous routes) via a support agency which makes a referral or recommendation. Various ones were mentioned, including Providence Row housing association, Toynbee Hall, a health visitor, a psychiatrist, the Child Poverty Action Group and, twice, the CAB (in 2013).

“

*The health visitor recommended that I contact Praxis, I come here several times, at the beginning, they could not help her but later on, they accepted me.” (Chinese respondent)*

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*“Praxis told me about the Child Poverty Action Group. I learned that many people from the community have visited them and they all have a very good experience”. (Eritrean respondent)*

---

*“My caseworker said I need to seek legal advice so as to get healthier and stable in my life. I didn't choose my lawyer - my psychiatrist chose for me. I had no choice. (Algerian respondent)*

”

One respondent described the process of trying to find help to make a fresh claim for asylum from the streets where he was then living:

“

*I was looking for any other charity that could help me with my asylum application. I then went to British Red Cross, Refugee Council and Hackney Migrants Resource Centre for advice and help. In July 2014 I came to see Praxis. Praxis is based in Tower Hamlets near Bethnal Green station. I obtained a document from Refugee Council titled “Drop in Centres and other services in London for asylum seekers and refugees” from Refugee Council. Praxis is included in the list. The document provides information on services Praxis offers and its contact details. I saw it was not far from where I have been sleeping rough and this is the reason why I chose to visit Praxis. I also asked some members of the Eritrean community who also suggested Praxis. (Eritrean respondent)*

”

Being in contact with services where outreach helped them move on

A small number had been attending or heard of places where there were 'lawyers' present, and had used that encounter to think about how to take their immigration issue forward.

“

*There is a lawyer who comes and gives information and advice in a nice suit at an OSCA advice session specially for the elderly community. He was the one who helped me. I went to [name of solicitor] as well but they wanted me to pay and I can't afford that.* (Bangladeshi respondent)

*"I know someone who is a cook at this community place with lots of facilities. They have a free legal advice clinic so I got some advice from there."*<sup>61</sup>

(Moroccan respondent)

*"I went to Account 3 because it is a women only organisation. It was the only one I knew about. They told me where to go.* (Somali respondent)

”

### Chance recommendation

Chance inevitably plays a part.

“

*I met a man in Peckham Mosque who happened to be the solicitor's father. He told me to go to his son who was a solicitor. You know when you are in need you tell your problems to people and they might sometimes help.* (Algerian respondent)

*"I got to know them through their friend. He was their [the advisor's] delivery man delivering letters for them. And he is also friend of mine as well. My friend told me they deal with such legal matters and I had no help.* (Somali respondent)

”

### Where does geographical proximity figure in advice choices?

Broadly, reputation, recommendation or research trumps proximity. Though many mentioned geographic proximity, it was only a primary consideration in a small number of cases where no other factors influenced their choice. A typical comment was:

“

*I went to [name of lawyer]. He is reputable in our community. There were nearer lawyers but they are not very reputable.* (Bangladeshi respondent)

”

One person only described literally walking in off the streets:

“

*I walked in as I was walking back after shopping. It was near to where I lived so I went to see them. I know there are a lot of firms in Tower Hamlets but I didn't want to look around too much.*

(Bangladeshi respondent)

”

This also means that people will travel further to get what they think is better, more expert advice if this is recommended by their community or their own researches.

This is particularly true of course for those seeking the scarce free advice who were prepared to travel long distances to get it. For those the notion of 'borough' is not relevant and referrals to and from agencies such as Praxis happen on a pan-London basis.

<sup>61</sup> This was LawWorks at St. Hilda's, and this was the only mention of it by interviewees. It does not do immigration advice (see <http://lawworks.org.uk/sthildaslegaladvice>) but this interviewee got some pointers as to where to go.

## 2 The User Experience

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### How easy was it to find an immigration advisor?

Those with money or access to money can find an advisor in Tower Hamlets. Even if they do not have a case, there was evidence that they can find somebody to do some work on their behalf and charge them for it. This is a problem as people may be sold advice under false pretences. Some of the case studies in the next section illustrate this.

This is particularly true of the Bangladeshi community, but other nationalities also described how they had managed to find people to give them advice which seems to have been useless or worse, actively harmful for their prospects of success provided they could pay, sometimes handsomely.

That said, it was notable in the Mystery Shopping exercise how easy it was for some researchers to get access to lawyers, whereas the Chinese and Somali researchers had more difficulty. One of the first questions asked researchers by advisors was often “Who sent you here?” and there were some experiences of profound suspicion and even aggression if there was no answer to that and people said they had just ‘dropped in’. The male researchers had more difficulties than the female researchers in this regard.

Certain communities seem routinely to go outside borough if they can pay: Chinese respondents are going to Chinese-speaking advisers if they need legal advice and having both good and bad experiences in the process. Eritrean community members are also travelling outside borough to access ‘community specialist’ advice.

Difficulties in finding advisers arise because of predictable reasons: when people don’t have connections, are newly arrived, don’t speak the languages spoken on the streets or are in situations of such vulnerability that they are isolated and frightened (such as domestic slavery or abuse). A newly-arrived Eritrean respondent described the experience of trying to work out who could help:

“

*There is a charity in Whitechapel road which has helped my friend before with similar case, but I could not get hold of them after trying a couple of times. I also know of Toynbee Hall but I was told they only work in the evening and was not suitable for me. Some of the members of the community go to Praxis. Some of them go to South London Eritrean community centre who has supported them to acquire passport. Information is not easy to get hold of in my community. If I had a legal issue I would go to Brixton (Eritrean respondent)*

”

Other difficulties mentioned were lack of free advice and lack of interpretation. Algerian and Moroccan respondents described how they had to get English-speaking friends to take them to whatever adviser might take them on, and almost universally their experiences were then poor. There are also problems with people being ‘sold’ what they think is initially free advice, but then realising that this only applies to the initial consultation at which point they either have to leave, or fork out if they can.

The other worrying factor was that in some cases desperate clients had clearly gone to lawyers asking for help and been potentially eligible for legal aid, but not been referred on. A woman from the Bangladeshi community with no money or English but with experience of sustained domestic violence visited two solicitors and was told that they could not help her and her case was hopeless. In fact, she may have been eligible for legal aid. Other people describe an experience of ricocheting around a system from one refusal to another, and only by chance receiving information which can help.

“

*I phoned some places which said they were free but then they weren't when you spoke to them. I contacted many, many firms. My lifeline was the probation service and getting to Toynbee Hall, who then sent me to Praxis. (Ugandan respondent)*

”

## How people judge 'quality'

Very few clients understand or even know about the regulatory systems in place, let alone check them out. Mainly people described taking at face value some indication of professionalism or qualification. Calling yourself a lawyer, displaying a certificate on the wall and looking professional all help form an impression of competence which may or may not be justified.

“

*I trusted them because my friend said they were good and they looked real. They were in an office and they wore nice suits.” (Algerian respondent)*

*“They both had certificate on the wall that said LLB qualified solicitor. And also the friend who recommended told us they were qualified solicitors to give immigration advice. I am not aware of any controls or regulations.”*

*(Bangladeshi respondent)*

*“LLB (Hons) qualified Principal Solicitor, Barrister of Middle Temple, and Commissioner of Oaths. This is what was written on their card so I know they are qualified.” (Bangladeshi respondent)*

”

The mystery shopping exercises were interesting in relation to quality. Some of those interviewed had long descriptions and titles, clearly designed to impress whilst others were briefer. Researchers asked whether they were qualified solicitors and there were responses which fudged this answer. One OISC Level 1 accredited firm was asked about quality and “whether they were a lawyer” and answered that “there is no difference between a solicitor and a lawyer”.

The difficulties for the consumer in assessing quality is illustrated by a lengthy explanation given by one adviser to a researcher during the Mystery Shopping who asked whether they were qualified to deal with the case they had outlined (bringing over an elderly relative to live with them).

“

*Now you are asking whether we have qualified solicitors, well this is a solicitors firm, so obviously we can't be running a firm without qualified staff, so don't worry there will be qualified people who carry out the work on your behalf. But don't unqualified people know what to do? There are many qualified people on the streets looking for work, so what did you think about the advice I just gave? Did you feel I am qualified? Do you feel I know at least something? If you feel I had been able to explain things well and you feel I can carry out the work then you will give me the work, if not then obviously you can go to other solicitors who may be more or better qualified but it will cost you more... I am probably less qualified than others so I would charge a bit less than them, but as long as you get your job done that's what matters isn't it? If we can do the job you pay, if we cannot carry out a good job you won't pay simple as that. You check out our services and pay us after you feel happy with us <sup>62</sup>*

”

People mainly have no notion that they can seek redress for poor advice or have any rights at all in relation to the service they are using or purchasing. Only seven people out of the 66 interviewed had been helped to understand the complaints process. The providers where this was reported included Praxis and Tower Hamlets Law Centre and only three others. Even those who had recognised that they had engaged sub-standard advisers (such as the woman who found herself represented by a lawyer who had not even read her case file notes when she got to court) often feel trapped. The only thing to do in such circumstances, is to leave and try their luck elsewhere, often at some considerable cost.

“

*They said they were solicitors and they said we can help you and that is all I wanted. I didn't bother them or mess with them. I trusted them like when I play the dice.*

”

<sup>62</sup> Translation of a transcription from a recorded interview with an adviser during the mystery shopping exercise.

### How cost figures in decision making

For people with no money at all, finding free services drives their journey round the system, and if they cannot find those then they can do nothing.

“

*I tried to find a lawyer several times. There was this office in Shepherds Bush which asked me £1,000 in 2006. I heard there some good lawyers but could not access them because they ask money. And I didn't work, no rights to work, no money at all. My life was day to day. Finding the money was most problems. And also finding the right solicitor to trust. Nowadays you cannot trust people after what happened to my brother.*

*(Algerian respondent)*

”

For those with money or access to it, cost figures in people's decisions but perhaps not as much as expected. This is partly because some advisors do not come clean about the charges they will ask when first they see the client. There were several examples of people who had been 'hooked in' by free or cheap consultations, only then to find themselves charged every time they go in.

“

*It was £30 check fee. Then it was different fee always. They said they have to use a barrister. £500 first then another £300 and the £500 for barrister and another £500 for solicitor. Yes, they increased the fee always. They kept saying if I don't pay they will not send my file to Home Office or send to court and it will cost twice the amount.*

*(Algerian respondent)*

”

49% (32) of those paying for advice reported having to borrow the money from family, friends or in some instances family overseas. A further 14% (9 people) reported hardship in managing to find the funds necessary and having to scrimp and save from low salaries to make payments. Several were paying back debts by working long hours in informal work as their status had not been regularised as promised through the advice. Attempts to get a refund were both rare and futile.

Some feel price is a guarantee of success, and this can be a challenge for those giving free or legally aided advice. “I have heard people say directly to my face that you will get a better representation if you pay – it's a cultural mindset. And if we say 'they are lying to you – you have no hope' because we have assessed the case, they don't believe us – they believe if they pay, it will produce the results”<sup>63</sup> Those providing free advice must counter the impression that what they are providing is sub-standard when the opposite is in fact often the case: “I feel that the clients we see are thinking 'this must be bad as this must be free immigration advice'. I have heard anecdotally that 'you are going to get better advice paid for'.”<sup>64</sup>

“

*I considered the Law centre, but Somali people told me If I pay a lawyer it will be much quicker and that the law centre were slow*<sup>65</sup>

*(Somali respondent)*

”

One Somali client who was eligible for legal aid paid money for her family reunion and got nowhere. “I thought my application would be successful because I paid so much money to try and get them here” She subsequently went to the law centre and her case was successfully resolved, at no cost.

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63 Key informant interview

64 Key informant

65 Delays in case progression are normally caused by delays in responses from the Home Office which all lawyers have to deal with equally.

## Do people change adviser?

About a third of people interviewed (23) had changed adviser for one reason or another. They are sometimes referred when the case requires it, or they move of their own volition if they are not happy with the advice, or sometimes they are simply abandoned by their first solicitor and have to find somebody else to take up their case. For example, one person's adviser had moved away from the borough and it was too far to travel, so reluctantly she had had to find somebody else.

There is also clearly a market in second opinions. A few people had phoned three or four providers to get quotes. But in the main 'second opinions' involved trying to triangulate whether the first adviser was roughly right. Again, this has implications for voluntary sector services who will be trying to be honest, even when prospects of the case are poor. It was clear that some advisers had been chosen because they said what the client wanted to hear, rather than what was accurate, had gained a client as a result, and had then proceeded with the case, sometimes with costly and/or damaging results.

### How much are people paying for immigration advice?

Key informants reported that they were often dismayed at the amounts which clients reported paying to sort their issues prior to coming to their (free) service, even for very basic support in filling out forms:

“

*We see several clients who have gone to a High Street commercial provider and they received a poor quality of service. This includes level 1 and 2 – but we notice poor quality particularly under level 1. Things like submitting without checking their full eligibility. In a few cases the client lost their fee to the Home Office, which normally they don't refund. So the client was financially losing out. Also the level of fees they charge for their work is astonishing – I don't know how they get away with it, just to complete a citizenship form or a British passport application form. I have heard for instance that a client had been charged up to £800 to complete a citizenship form. Similarly to complete a British passport application - £300 to £400 being charged. And then the spouse settlement application is up to £800 – these are very simple. And then they pay the Home Office fee as well. And the providers are not doing it well.*<sup>66</sup>

”

Some fees quoted during the mystery shopping exercise seemed reasonable, but it was not clear whether there were unquoted, 'hidden' costs down the line. Judging from clients interviewed there often are.

Tower Hamlets Law Centre is trying to establish a transparent costing structure for immigration advice now out of scope. “We try and do a fixed fee – we think clients like to know what they are going to have to pay. It depends on the complexity of it. We have a broad structure, for a very simple application it ranges from £200 upwards. Most standard work would be £400. Leave to remain for instance is about £400. An EEA application which is straightforward is £250, naturalisation would be £250. Though nothing is that straightforward any more as many cases are getting bigger and bigger. But clients are finding it difficult as have to pay the Home Office fee as well. The leave to remain Home Office fee is £600<sup>67</sup>, and then they have to pay for each dependent. It's really expensive and they keep increasing them every year. If an appeal is involved we try to charge £500. But if a client finds it difficult we will reduce our fee”<sup>68</sup>

In some instances, advisers are taking on cases which could be taken forward via legal aid. One Somali woman found lawyers who agreed to take on her case and charged her a fee of £350 per child. She also paid £1,500 per child in order to submit the papers herself for her children. She was not happy with their service as it did not succeed, and she eventually ended up going to the law centre (for free) and now has leave for her children.

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<sup>66</sup> Key informant interview

<sup>67</sup> In fact these fees have recently been increased even further: indefinite leave to remain is due to cost £1,500 from April 2015, and leave to remain as a family member between £956 and £2141

<sup>68</sup> Key informant

Another Bangladeshi woman had been to two solicitors who had charged her both times to try and regularise her status, with no success. Her experience was as follows:

“

*The advisor did not put anything in writing regarding the fee payments. They usually told me over the telephone before the appointment, to make any necessary arrangements and take the money with me along to the appointment.*

**1st advisor (SRA regulated)**

Initial advice- free  
 1st session-£1000  
 2nd session-£500  
 3rd session-£250  
 4th session-£250  
 5th session--£950

**2nd advisor (OISC regulated)**

She had an initial appointment with them but then had to pay them £250 up front to get to send letter to home office and check documents

1st session-£250  
 2nd session-£500  
 3rd session-£700  
 4th session-£3000

*In total I paid the 1st solicitor £2950 and the 2nd solicitor £4450 so altogether I paid £7400. They also asked me to pay another, bigger fee - about £5000 - so that they can appeal and accompany me to the court to present my case.*

*But I did not go ahead with the appeal. I did not have any money. I had to borrow from people I know like my friends and neighbours. It was not easy at all I also went round to people's houses cleaning for them to earn some money to put towards my case. My husband also borrowed money from his friends and worked part time to earn some money. I borrowed from a lot of friends and people I met during my stay in the UK for the last 12 years.*

”

### 2.3 Examples of good practice

Some advisers are providing good advice with integrity and, if they are charging, doing so reasonably. About half of those we interviewed felt that their adviser had 'done right by them' and had broadly given them what they expected - this includes clients who attended voluntary sector providers such as Praxis and Tower Hamlets Law Centre. In a few instances advisers had also turned down work which could have brought them money when they spotted that the client was eligible for legal aid elsewhere.

The mystery shopping exercise showed up such examples of good practice. The following are summary reports of visits where the scenario of having an elderly aunt to come over to the UK from Bangladesh was explored. This case is unlikely to succeed except in very particular circumstances, knowledge of which was what the mystery shopping exercise was designed to explore.

#### Case Review Notes From Mystery Shopping Visit

**Provider one assessment:** decent advice on difficulty of case and how might change in future. £350 – 500 charge + application fee of £500. One of few places visited that mentioned the application fee but actually for an adult dependant the fee is £1,850 and for a visitor more like £100 which are the two options here. So accurate advice, not misleading, but fee information inaccurate.

**Provider two assessment:** good advice on complexity, told that it was not hopeful, the possible option of a visitor visa explored. Explained well.

The mystery shopping also revealed examples of:

- A provider who, when given a case which was potentially eligible for legal aid, advised the client to go and find a firm which provided this rather than take it on themselves and charge
- Advisers who correctly assessed the chances of an case to bring over a fiancé where the person earned only £15,000 as very slim and thus advised not to pursue on this basis
- Advisers who gave detailed and comprehensive advice on a family reunion case (which may be eligible for legal aid) and/or referred clients on because the issue or country specialism was not something they felt they knew enough about to give a good service
- Advisers who were clearly aware about the limitations of their OISC Level 1 status and told the mystery shoppers that they would have to refer on.

Some respondents also reported being happy with their advisers.

“

*When I saw him on the appointment date, we had an extensive discussion which lasted more than 1 hr and we went through all the application process and produced family reunion support letter. He then asked me to read the document and return to him the next day. He then produced the application package to be sent to Uganda. He asked me the following documents: Status documents, screening interview document, email sent to my wife, letters sent to my wife, contacting my wife over the phone evidence, status of my wife in Uganda, Financial support I sent to her etc. He already mentioned the payment over the phone regarding the payment. He charged me £550. I paid all the money when he made the application for me. He checked things with me. I felt in control. I got positive decision within three weeks of our application. When I learned that my wife was given visa, I let him know over the phone.” (Eritrean respondent)*

*“They said they would make an application for my children to join me in the UK, called family reunion. But first they need a detailed account of how and what dangers my children are in and my over all situation in the UK. I saw lawyer several times, relative always came with her, read out what they put, very easy to get hold of. £3,400 total £800 fee and £1300 per child HO fee. Community helped me by people giving me money for this to help me out in this difficult time. Very happy children were brought over all ok.*

*(Somali Respondent)*

”

“

*My experience was good – I wanted a visa extension. I walked in, booked appointment and the fee was reasonable. I was told to bring passport and visa details and college letters. They did everything they said they would do. I had four appointments – first 1.5 hours, then 30 mins, then twice just dropped off paperwork. No interpreter was needed as they spoke Bengali. I filled out form myself in the office, then they went through and helped correct mistakes. It was a Tier 4 visa extension application form. The advisor checked and helped me to make changes before signing the form. I felt they kept me up to date with progress. It was a bit difficult to get them on the phone, but I could walk in and get updates. They did tell me at the beginning how much it would cost. £200 solicitor fees and £400 application fees. And they stuck to their word. My father sent the money from Bangladesh. So now I can study and complete my degree. I’m very happy.” (Bangladeshi respondent)*

”

Clients can appreciate that they receive sound advice even if they do not get their desired result.

“

*They asked how I came to the UK and also asked me if I had any documents which they wanted to see. Unfortunately I did not have any documents at all as I ran away from the family. They hid my passport and documents. The solicitors told me that I don't have a good enough reason for the case as I don't have any documents but they will try to find a way. I visited them 4 times and they spent half an hour to 45 minutes each time. They explained to my friend – I don't read or write. They spoke my language. I didn't have to pay but they asked for fee for a lost passport and some applications - £500 in all [woman had had all documents taken via domestic slave situation]. My friend helps me and paid for me. The result was not good as my case was unsuccessful because it was not strong enough due to not having any documents. I took my lawyers advice and have decided to leave the country for good. Yes I was happy with the advice I received but not the outcome” (Bangladeshi respondent)*

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### 2.4 Examples of poor practice

#### Provider concerns

Advisors who pick up cases previously handled by other advisors are in a good position to assess previous advice given. This is particularly true for the most vulnerable clients who tend to be the ones who end up at the few free advisors left in borough. The following quotes illustrate the range of problems which may get uncovered at this point, and are all taken from key informant interviews.

#### Advised to pursue hopeless cases

“Tower Hamlets Law Centre often get clients who have not been advised of the merits of their case and have paid out lots to pursue hopeless cases. People who want to regularise. People who have medical needs. People who have mixed cases where some parts get legal aid (e.g. trafficking, DV and Article 3) and some parts don't (Article 8).”

#### Inaccurate or vague information on fees

“There's a big problem about the vagueness of fees, people drawn in by low fees but then find that they are paying more and more.”

#### Advisers disappearing having taken the money

“A couple of my clients said that they took the application and started it, maybe they get DLR, and after that they are supposed to see the same solicitor to gain ILR. But in the meantime they've change their office or disappeared and they can't find them, so they have lost their documents. Some have made payments meant to cover the work still to do but there's no record. They paid money to cover the appeal, for instance.”

#### Advisers taking on a case but without professional liability

“We have noticed that commercial private firm providers don't really represent the client. When they take on an immigration case they will either submit an application directly, rather than on behalf of client – so there is no liability – it doesn't affect them therefore with their professional liability. They put the client's address on. So there is no responsibility on customer care and client care in that sense. Also in assessment if they think there is no ground for appeal or little chance of winning the case they will still take it because of the fee they will charge. That's another problem.”

#### Promises of work which never transpire

“Clients tell us they were told that their advisor can guarantee status or make this kind of application if they pay £2000 – they manage to raise £500 for example initially, and the solicitor promises to do work but never does. Then they refuse to give the client a copy of their own file when they get disgruntled when they discover isn't good advice.”

#### Status documents being withheld

“In some cases solicitors have withheld status documents when and if been granted and has only given them back when client has gone with one of our staff to add muscle to insist that that happens”

### Poor and insubstantial representations

“We have seen many overstay cases where they have written a letter to the Home Office saying ‘this person has been here a long time, please let them stay’. We’ve seen copies of some representations to the Home Office which have been literally a prayer, praying to the Home Office that they allow the person to remain.”

### Fly-by-night advisers who disappear post-payment

“We are seeing lots of people who have had applications with people they believe to be solicitors but they have scanty details of people who made their application – mobile no only, very little paperwork about what kind of application has actually been made. No real understanding of what has been done on their behalf. Once the money paid they can’t get hold of them, and often they believe that the firm has folded or closed down and disappeared and they have had no notification of that. Most often no letterhead and usually they tell us that they have not had anything in writing.”

### People paying for cases which would have attracted legal aid

“We see people who have had some kind of case which could have been a domestic violence case (eligible for legal aid) but they have been paying for that.”

### Evidence of poor practice from mystery shopping

Community researchers made 75 visits to 44 listed advice providers (some of them received two or three visits).<sup>69</sup> Providers were selected having eliminated not for profit agencies and specifically targeting a mixture of those listed on OISC accredited lists, SRA lists and those which were not on either revealed through an initial high street trawl.

Researchers presented various scenarios, designed to test to some extent the knowledge of immigration advisers, and trained community researchers on these scenarios and how to ask questions around them. The mystery shopping revealed a number of points which gave us concern. Some topline findings were that:

- Eight providers out of the 44 (18%) either did not exist or no longer provided immigration advice in spite of being listed as such
- Thirteen of the providers visited (30%) gave cause for concern either by giving bad advice or because they advised beyond their OISC Level 1 competence
- Six of the providers (14%) did not mention legal aid when presented with a scenario which could attract legal aid.

#### Out of date listings and information

Out of the 44 providers approached, eight of them were no longer there, or said that they no longer did immigration advice. These agencies variously described themselves as legal associates, law partners, companies or immigration services. In one instance the buildings had literally disappeared, in another the advisers said that they no longer did immigration advice and referred on (to Tower Hamlets Law Centre, in that instance). All but one were still on the OISC register.

#### Unclear qualifications for the job

Mystery shoppers (researchers) asked what the qualifications were for providing advice. In three instances where the adviser described themselves as a 'lawyer' the researchers were told that 'lawyers and solicitors are the same thing'. Mystery shoppers were taking the same cases to registered advisers at levels 1, 2 and 3 and noticeably in some instances Level 1 advisers seemed to be advising beyond their OISC-prescribed competence. So for instance, one Level 1 adviser was given a case involving refugee family reunion on which they gave substantial advice, even though they are not allowed to cover asylum. The researcher's notes record, for this case which is eligible for legal aid:

*X said he was an immigration adviser but will prepare the entire document and a solicitor will check it before he sends it to the Home Office. X said he would take the case and make application to the Home Office on our behalf. X said the case would be successful if all relevant documents are supplied to him. X said he would need to double check as immigration rules have changed this year and X would have to study them. X said he really cared about the situation and will only charge me £500 - £600 for making the application and may ask for more if it does not succeed in the first instance. X could not give an estimate of the cost of the whole case. My observation is that X is not aware of the current issue relating to family reunion and was not confident to take the case.<sup>70</sup>*

Certainly in this case the advice given was not accurate and did not indicate the potential for legal aid, as well as overstepping the adviser's OISC-prescribed competence.

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<sup>69</sup> See Appendix A, Methodology. No visits were made to not-for-profit agencies.

<sup>70</sup> Researcher notes from Mystery Shopping exercise on Level 1 provider

### Reluctance to take on some clients or cases

One of the researchers was Chinese, and it was noticeable that they found much more difficulty in getting anybody to say they would take on their case. In addition the scenario they presented with (having a friend in detention) would attract legal aid for the detention element which was mentioned by no adviser. Only one adviser (of the 10 visited) gave sound advice about the poor prospects for the immigration case following their release from detention.

This also was true for the two Somali-speaking researchers when visiting providers who clearly geared their advice to the Bengali-speaking population in Tower Hamlets. At some providers the Bengali-speaking researchers were given full attention whilst the Somali-speaking researchers were told early on, sometimes by receptionists, that they were unlikely to be able to help.

Often providers seemed to be suspicious when first approached by some of the researchers and with several the first question asked was: "Who sent you?" Researchers were instructed to say that they had got their details from the relevant official listing, but this clearly did not allay the suspicions of some who refused to give advice (even though the consultation fee was offered). In some instances, requesting a receipt for payment was unwelcome with one provider saying that "This is not fair – I have given you a discount and now you want a receipt as well."

### Advice patchy on different issues

As providers were visited with different scenarios, it was possible to see that in some instances they gave good advice whereas in others they were not as up to date on the regulations.

Some providers were honest about their lack of knowledge of a particular issue. For instance, one SRA-regulated provider said, when asked about a case involving family reunion from a refugee camp, that they had never done a case like this before and they would recommend that they find somebody more experienced. This was unusual, however, and mainly providers seemed to be prepared to offer advice even if, as was the case with some, they sat there reading the updated regulations and then provided a rapid interpretation from what they found on a website (which was not always accurate advice). Another common feature in such cases was that a Level 1 adviser would say that they could take on the case, but then mention that they would refer to 'a friend'. In other words, they knew they were not competent to advise or take on the case, but they would seek help to take it forwards. One level 1 adviser, for example, said that they would refer to a 'friend' to help a Chinese detainee make a bail application and that they would charge £1,200 for this, not mentioning that this would be eligible for legal aid. They added that it would cost a further £1,200 if it proceeded to Judicial Review. This oversteps their competence and shows that they do not understand the process as well as committing a client to unnecessary expenditure.

## 2 The User Experience

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### Cost and legal aid issues

Advisers tended to set out a fee but in most cases this was an initial quote with the message that they would then have to see what it would cost. This tallies with client experiences and provider testimonials who report that clients start with a case, but then are often surprised by mounting costs as it progresses.

*They will charge around £500 for supporting during the application process, and can negotiate fees depending on the circumstances of the sponsor and also the work they need to do for us.<sup>71</sup>*

*He said the payment would be around £1000 for making the application on my behalf and he would try to request review if it does not succeed. But if it goes to court he said he would charge for the Barrister to represent in the court and other costs. He also said if this does not succeed he would not charge me for the refugee resettlement program except the administration cost.<sup>72</sup>*

Advice on legal aid was patchy. One adviser very clearly identified the potential to find free advice and advised therefore to go elsewhere, but most did not. More worryingly, some advisers were clearly confused or misinformed about the current position of eligibility:

After asking if there can be any reductions he said about discounts: well if you come to us then we can negotiate something, obviously we can't do it for free but you have to pay something, but we will consider it. There is no legal aid, there is no question of it, how long are you here in this country? Legal aid already dead, legal aid is only for people who see criminal law solicitors otherwise there is no legal aid, and your cousin won't qualify as she is earning a good income anyway, so no point even hoping for legal aid. And you will hardly find any solicitors in London who provide legal aid, no one is interested and no one does legal aid anymore.<sup>73</sup>

He said he does not do legal aid and even mentioned that Legal Aid no more exists for immigration cases like this. [COMMENTARY – IT DOES] When I told him 6 years ago my cousin did not pay anything when he claimed asylum, he said it was like that few years ago but now there is no more Legal Aid and advised us we have to raise the money for the issue<sup>74</sup>

### Inaccurate advice

There were several examples where researchers were offered inaccurate advice. At the most basic level, some providers made promises of “100% success, I promise” when in reality the prospects are slim to nil. The opposite was also true: one Level 3 adviser said there was no chance in relation to a family reunion case (when there is), asked questions about irrelevant matters, said that there was no longer legal aid for cases such as this (there was) and eventually said he would take the case for £850 in the first instance, though seemed reluctant to do so. The same scenario (family reunion from a refugee camp) was advised on by a Level 1 adviser and the notes show very inaccurate advice:

He said he is very qualified to take the case as he is very experienced on similar issues. He would make application as a family reunion. He felt that this case would be successful as the child's only blood brother is here in the UK and we can work on this to challenge any decisions they may give. He said he would need any evidence documents that are required to make the case strong. For this he would charge about £1000. If they reject our initial application and we will request for review and they will send us the reasons for rejection which he will challenge the decision. He also said he may take them to the Court and believed that positive decision would be made. He said if this fails he will make application through the Refugee resettlement program which will be made to the UN, The Home Office and also The Irish government. He said if the first does not succeed he would use the second option which he hoped would also be successful. I asked him why Irish Government? He said he is aware that the Irish Government helps refugees resettle through refugee resettlement program.<sup>75</sup>

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71 Researcher note, Mystery Shopping exercise

72 *ibid*

73 Researcher notes from Mystery Shopping exercise

74 Researcher notes from Mystery Shopping exercise

75 Researcher notes from Mystery Shopping exercise

This advice is inaccurate. They also promise to go to court which they cannot do as a Level 1 adviser and fail to mention legal aid being available. This adviser also said that they were confident that the case would succeed. They advised another researcher on another visit poorly as regards bringing over an elderly relative from Bangladesh.

Another Level 3 accredited provider pointed out (accurately) that an elderly aunt who the researcher want to bring from Bangladesh would be unlikely to get a settlement visa, but then advised to go for visitor visa which does not allow for longer term stay and is not really suitable for an elderly lady. They also wanted to charge (£800 for an application, £1200 for an appeal) whilst not mentioning the Home Office mandatory fee (£83), and suggested they would need to appeal if refused. There is no right of appeal against a family visitor visa refusal since 2013. So though the charges are fairly standard, this provider suggested work on an application that is arguably inappropriate as well as pursuing an appeal that cannot be made.

### Illegal advice

One Level 1 adviser clearly advised the researcher to do something illegal. The scenario was that they wanted to bring over their fiancé, but they only earned £15,000. The position on this is very straightforward: at present you need an annual income of £18,600 to bring your fiancé/es over and adequate accommodation. There is also an option of using the 'Surinder Singh'<sup>76</sup> route by going to other EU countries to live and work and then using the rights of workers in EU countries to live there with their husbands and wives.

This provider did not recommend the Surinder Singh route, but rather that she fake her earnings in order to appear to earn above the threshold required.

*X said that currently she (the researcher's sister) does not earn enough as you need to be earning over £18,000 [WRONG AMOUNT] But they said what I can do is make you self employed and register her with Inland Revenue. Pretend that she works at a Arabic childrens school as a teacher, in order to bring up her earnings to over £18,000. This will make sure that she will be able to bring her fiancé to the UK and will be very successful. X said that it will cost between £800 - £1,000 for the case work, and also to make her self employed and do all the paperwork for the inland revenue will cost between £ 250-£300 for an accountant to do this work. He said please advertise my firm to the Somali community and have me a few cards to give out.<sup>77</sup>*

This is clearly advising a client to do something illegal.

<sup>76</sup> <https://blogs.kent.ac.uk/eu-rights-clinic/2013/06/26/the-surinder-singh-route-understandingthe-law/>

<sup>77</sup> Researcher notes from Mystery Shopping exercise

### Client stories

Over half of the clients interviewed encountered poor provision in some way and there were some striking examples of inadequate customer service, inaccurate advice, high costs and personally damaging consequences of advice which clients shared. A spread of case studies illustrates some of the recurrent themes.

#### Case Study 1:

A Moroccan woman resident in UK for 9 years. Her immigration status has not been regularised, and she wanted to sort this so she can work. She encountered poor service, virtually no client contact, and was charged money for a case which on the present facts is unwinnable. Her 'lawyer' has disappeared.

The lawyer told me that within six months I would get five years residence. I only went twice to see them. They didn't respect you. They talked for five minutes maximum. He told me I didn't need to understand: 'that is our job'. I felt lost. I filled in forms but didn't understand them. He was busy and rushing all the time. I felt really bad, - it was very difficult to get hold of him, I would call maybe five times and only get through once. They asked me first for £400, then £200 and then £500 – it kept going up. He said it was because of the work. In the end I paid £1,500 or even more. He told me that if I didn't pay, he wouldn't give me back my documents. I had to borrow from my uncle to pay back. I haven't heard anything for a year now. In my view they are cheats, they just want the money'.

#### Case Study 2:

An Indian woman resident in UK for 9 years. She came here as a visitor but then became the victim of domestic violence and wanted advice regarding her stay here. The first two solicitors she visited were based in Tower Hamlets and charged her even though she was eligible for legal aid. The third, based outside Tower Hamlets, is taking her case forward funded by legal aid.

I went to two different solicitors before I ended up at Poppy project, who then referred me to another solicitor.

[Solicitor One] took relevant documents for my case. They said I will need to pay £500 in advance then they will say how much more, also said £60 per hour for consultation fees. They promised me a bright future and that they would be able to win my case but then didn't do much to help me. I went to see them four times, for 30 minutes to half an hour each time, and paid them £1,000. Then an application failed and they asked for another £1,000 to represent a court case. It was very hard, I had to borrow money from my cousin but they told me they could not take on the case if I could not pay. I then went to [Solicitor Two] who I saw six times, for lengthy appointments each time. They charged me £700. But nothing happened. Eventually somebody told me about Poppy Project who referred me to [Solicitor Three] who has been helping me with legal aid. For the first two solicitors they spoke my language, but with this solicitor now they don't but they always provide an interpreter for me. The first two solicitors did not keep me informed: this solicitor now keeps me informed. I am still waiting to hear the results. It has had a very bad impact on my life, I am stressed and on anti-depressants. But I'm happy thinking I may hear good news soon.





## Case Study 3:

A Bangladeshi man has been in the UK for 15 years. He was trafficked here originally and has been working illegally since then, moving addresses often owing to his status as an illegal immigrant. He has been to two solicitors and is now making an application for ILR on human rights grounds, but the advice he has received on this seems inaccurate (the 14 year residence rule was abolished and you now have to be here for 20 years) and the fees he is paying are causing him severe hardship.

*I wasn't happy with first solicitors, who said I didn't have a strong case. So I changed. The new solicitor was clearer in explanations, and said as I had been residing in the UK for more than 14 years now I could apply and win a human rights case. They are dealing with my case very well.*

*They asked me to take £40 on the 1st appointment. Then at the time of giving the next appointment they would mention how much to bring in. They do not tell you in the beginning how much the total cost will be for the case. I had to pay separately for the advice and the work carried out on my behalf. Each time they asked for the usual solicitor fees of £70 per appointment as well as money for the work they carry out in regards to my case. So I have paid:*

*Initial advice- £40  
1st appointment- £350 +£70  
2nd appointment-£350 +£70  
3rd appointment-£1200+£70*

*So that's £2,150 paid so far in total. I have had to borrow from a distant nephew and friends I made over the years. If for any reason the application is unsuccessful it will mean that I will have to continue to live in difficult conditions and earn less as no employer wants to pay you even the basic pay rate only because one has no legal status. People like me get only £2 an hour working about 54 hours a week. This is a very small amount to live on and maintain a normal life. I am now 47 years old but still have not married because I fear I will not be able to maintain a family being in my status. And also worry that I may get deported some day. If the case is successful then it will mean I can get married, work less hours and get paid good money, basically lead a normal happy life.*



## Case Study 4:

A man from Bangladesh came as a student, completed his studies and subsequently had been on work visa and wanted to extend his stay. They initially went to an adviser who made an application, but clearly wrongly, and he had to go to a second adviser to get this sorted out. He did not get his money back from the first adviser.

*I wanted to extend my visa, and the first adviser made the application but the Home office rejected our case. It advised us we could request a review though. So I then changed adviser and they have requested a review of the decision. The Home Office then reconsidered the decision and accepted my application to extend my visa. I paid the first adviser £300 and the second adviser £400 – if I had not gone to the second one, I think my case would not have succeeded. I think only highly qualified advisers should be allowed to operate and give quality advice. I had to borrow money from my friend to pay – I didn't have the money.*

*I paid £700 in total. The first adviser got £300 and didn't get his visa. The second was £400. If it was not for the second adviser, my case would not have succeeded. Thus highly qualified advisor should be allowed to operate and give quality advice.*

## 2 The User Experience

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### Case Study 5:

A woman from Bangladesh fled forced marriage, came in as a visitor and then over-stayed for 10 years. She is now trying to regularise her status. She had a solicitor in Tower Hamlets but they moved and she was unable to make the journey to see them so changed. It has not been suggested that she gets legal aid even though she has been pursuing an asylum application and she has been paying for the advice with great difficulty. Her case has been refused.

*My current adviser picked up on my existing case. My initial consultation with them was free, possibly because a friend referred me. Then I have had four sessions of 1 hour, 30 mins, 15 mins and 30 mins. They have not explained the process. They kept all documentation. Checked previous files and wrote a letter for her. They did not put any advice in writing and the only letter I have had was when they told me to go and see the Home Office. It's very difficult to get through on phone - usually it is switched off or engaged. Unfortunately I had to pay for my case. I assumed as I was an illegal immigrant I did not have the right to free legal help. It would have been great if I knew that someone in my situation met the criteria for free legal advice and help.*

*I paid the first solicitor £2,950 and the second solicitor £4,450. They have asked me to pay a bigger fee so that they can appeal and accompany me to the court to present my case. But I did not have the money. I have had to borrow from people I know like my friends and neighbours. It was not easy at all - I also went round to people's houses cleaning for them to earn some money to put towards my case. My husband also borrowed money from his friends and worked part time to earn some money. I borrowed from a lot of friends and people I met during my stay in the UK.*

*My problem is worse now, my application as an asylum seeker was refused and now I am just an illegal immigrant. I now have to go and sign regularly for the home office. I am living a very depressed life. I can not sleep peacefully at night as I don't know where I will end up the next day and how we will manage our daily living expenses. My husband's part time job is our bread and butter. I have a child and to make ends meet I still have to go round cleaning in peoples houses. We are living in extremely poor conditions. The advisor gave me hope that I will get asylum for my family to reside in the UK legally.*



### Case Study 6

A male student from the Caribbean has been here for 10 years with regularly extended visas, but now finds himself trying to request a discretionary extension from the Home Office in the course of which he has sought (and rejected) advice from several providers who have tried to charge him a lot of money. He has essentially researched and taken his case forward himself, including now having an appeal at Upper Tribunal, but feels the advice he has encountered has been basic, and had he paid the full amount, very expensive.

## Case Study 7

A Somali woman has been in the UK for 5 years where she married but before her visa expired she was divorced. She is waiting for the result, but her experience of advice has been that she has had little information and she thinks she has been inadequately represented.

*At first they make it easy everything and promise they will win the case.*

*They promised my case was straightforward and will get my papers within 6 months. But my application was delayed further and then I have had to go to court. I paid £500 and the other half when I get my papers from the Home Office. I lost count of what I had to pay. £30, £500, £300, £500 and another £500. I just kept paying thinking I will win the case. I couldn't withdraw from the case because I have already lost a lot. I have had to borrow money from friends – it has been difficult.*

*To be honest, I feel we never had enough time - it was always quick and less than 5 minutes.*

*I felt helpless and with no support. It was not easy at all to get hold of him because they would say he is in court case. You only see him when they want you to pay extra fee for some paper work. £30 first time just to check your case or file. You pay them even before you see the solicitor.*

*He said he was a solicitor but really when we had to go to court, I found out they were just two brothers working under their father's name. When we had to go to the court it was the father who had to come as he was the proper solicitor. When I met the father he didn't know my case. I was to change and demand my money back. But I was told to pay the court fee and appeal at the High Court.*

*I found the paid services very expensive, and they have not helped in a meaningful way. All that has happened has happened through my own initiative until I found Praxis, who is now helping me. I went to many firms. They asked to see my documents, which I brought with me when I went there. The larger firm I went to helped me understand the system a bit more, in terms of the legal system such as the tribunal system. I filled in all the forms myself. In fact, I acted on my own. The smaller firms could not even direct me to useful advice or which forms to use. They did not even know. I was particularly disappointed with one, they were simply interested in getting my money. Another one was very rude so I left.*

*Every time, I had to negotiate down the price. They initially wanted to charge more, which was £200 consultation fee for one hour. But I was able to get it down to £100 for about three hours. We discussed every aspect of the case. They told me it would be £3000 to £5000 for my case, but I ended up doing that by myself (without paying anything other than the consultation fee). I was able to network with other people. The last application costs about £600, the appeal for over £100. I checked that, I am not eligible for the waiver of application fees for the Home Office. service is so poor and disregarding, I feel like I am paying them to keep my passport. I had to borrow money from friends*

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### Case Study 8

A Chinese woman has been here for several years as a domestic slave. She came here to earn money, recommended by friends in China who arranged everything for her and has no idea what visa this was under. She thinks they said that she was visiting a non-existent daughter. She is no longer in touch with husband back home and thinks that she cannot now go home. She wants to regularise her status but has no idea where to turn. She has been charged money though is eligible for legal aid as a trafficking victim. Praxis is now helping her.

### Case Study 9

An Algerian man has been here for 10 years and is an over-stayer. He has heard that if you stay for 14 years then you can apply to stay in the country so has now gone to an adviser to try and regularise his status. His case is weak to non-existent (the 14 year rule has been changed to 20 years) but his case has been taken on by a solicitor who he is paying but who he has barely seen and who when he has seen him has been aggressive and threatening. All interpretation has been done by a friend who only has basic English.

They said 'don't worry we will sort out your problems. Then they asked me for my passport and £400 to pay. They promised me the government will sort out my problems because my case was complicated. However, the solicitor did nothing otherwise my situation wouldn't have been like this all these years.

I only saw them for 20 to 30 minutes. I was always upset I paid them £400 and nothing was done to show to the police. They didn't provide an interpreter. I always took someone with me to translate even that person used to speak little English. Just a little better than me. I just went there to sign lots of forms. The papers were for them to get money from the government and it was a lot of money. Sometimes they shouted at me for asking questions. I had no idea but all I saw was signing papers which had my name on it. They didn't keep me informed unless I contacted them. I was not happy and I was homeless at the time. It was very difficult. Sometimes when you go you find a new solicitor. In all I paid was £800. He said if I didn't pay then nothing was going to happen and threatened that they will catch me and the police will deport me, My friends helped me pay – I had to pay it back. I told them I will pay back when get papers.

*It is very challenging to work for them illegally. For instance, I sometimes work for them 24 hours a day, and they sometimes ask me to cook at midnight. I live in their corridor (in a foldable bed). I cannot eat the same food they eat at home, the wife asked me not to eat this or that, when I asked her what I could eat, she did not say anything. I have no status here, I did not apply for asylum and I overstayed my visa I think. I feel horrible when I see many police cars around. I don't even have a Chinese passport. All people I know are through a friend's introduction.*

*One firm in China Town promised a lot, but asked for £3000, which I could not afford. Then the next non-Chinese firm charged me £100. He asked me whether I contacted a Chinese firm before, I said yes. But he said I could get this work done for this for free and not charge you. But he said I can only help you with the appeal. However, the application was not successful. I don't know what has happened. Praxis is helping me now with support and accommodation.*

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#### Case Study 10

A Somali man has been over here for 16 years, has refugee status, and wants to bring over his children from Somalia. He has no money, and though he has gone to the law centre and the Citizens' Advice Bureau for help, the problem is that he has to pay fees to the Home Office for family reunion which he cannot afford. In this instance, the experience of the advice seems good but as there is no longer legal aid for his case, and as there is no support for family reunion fees of this nature, he is left without his family and with no idea how to see them again.

*I went to see the adviser myself and showed them my pasport and details of my income benefits. They told me to pay £200, but they didn't do anything. They told me they couldn't take on my case with legal aid. I went to the Advice Bureau but they didn't help as well. They explained to me twice, and each time they told me that they will only take my case if I pay the Home Office fees. They asked me to come back when I have the money. And I never went back. Where can I find that amount of money when I don't have work? So I have just stopped the whole thing of applying for my family.*

INTERVIEWER'S NOTE: this client was distressed about the interview as it evoked lost dreams of family reunion. The client asked I stop recording and end the interview. And so I did.

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## 3 Conclusions and suggestions

Looking across the research information gathered, we can draw some conclusions about the current state of immigration advice provision and how it might be improved. This final section summarises the main causes of poor immigration advice where this exists (3.1), and then some ideas and suggestions emerging from the research which could improve the situation for those who will continue to seek immigration advice now and into the future.

### 3.1 What underpins poor client experience?

#### Client desperation and fear

Not all clients are desperate, but many are, particularly those with the fewest options and most to lose. The evidence collected from user interviews showed a marked correlation between poor customer service amongst some commercial providers and the desperation of clients, particularly over-stayers and women who have been trafficked or experienced domestic abuse. Those not speaking English are particularly vulnerable. There were examples of exploitation reported where providers had taken money to progress a case they knew (or should have known) was hopeless, whilst simultaneously treating the customer poorly and sometimes abusively, shouting at them, telling them to shut up and taking their documents without explanation. In such instances it is quality not fee that can be jettisoned, and the reason unprofessional behaviour is tolerated by clients is simply fear of being reported to authorities.

#### Client shame

A slightly different issue is that of feelings of shame can put clients off both seeking advice or seeking redress for poor advice. Two clients (both from established communities) spoke about their 'shame' in having to go to a free advice centre and sit alongside other poor people queueing: this is no more or less than happens daily in job centres round the country, of course, but it was nevertheless a potential factor in discouraging clients to seek advice in the first place. The other strand to this was for clients who realise they have made the best efforts to choose an advisor (by researching or asking around) but who then realise they have made a mistake. A sense of shame or embarrassment at having got it wrong was described by several people and may be the reason why they often just pay up and move on to another advisor without complaint.

#### The power of invisible community networks and pressures

Community networks and pressures can cut both ways. On the one hand, there had been enormous benefit for some people interviewed in consulting with their community and taking recommendations from previous users. On the other hand, community advice may not accurately appraise and compare 'quality'. In some instances clients had clearly been advised to go to 'preferred' community advisers and received a sub-standard service. As ever, it depends on which bit of which community one is talking to. The most worrying examples reported by key informants and evidenced through the mystery shopping and user interviews were in the smaller, African communities, with some particularly striking examples of bad practice reported amongst Nigerian advisers.

#### Lack of up to date and co-ordinated information amongst voluntary sector providers

A failure to be clear about who is providing what in borough is confusing clients and compounding their difficulties of navigating the system. Some voluntary sector agencies noted that they did feel they knew who was now providing what services. It was also clear that any client would find it difficult to work out where to go from the referral lists or websites we were given which were out of date and misleading. Though it is difficult to keep track of who is providing what, particularly in a rapidly changing field, worrying examples were reported where voluntary sector providers are still referring clients to services which cannot help them. This makes matters worse for the client who will turn up somewhere, only to then be told that they need to go elsewhere, or that there is nowhere which can help them at all.

### Lack of responsiveness amongst voluntary sector providers

It was striking that it was difficult to get hold of a number of providers in Tower Hamlets. This may be partly a function of capacity, though those who did get back to us (some of them promptly) are also stretched to their limits coping with client need. We also noted that there were few people who attended the meeting to inform this research and those who came were the 'usual suspects' i.e. Praxis, Tower Hamlets Law Centre and the London Borough of Tower Hamlets. Key informants reported that the Council has done what it can to support the development of a cohesive advice sector and the preservation of core services where possible, but at present this may be fragmenting. Certainly from a user's perspective it would have been very discouraging to have had our experience of repeated attempts at contact with no response forthcoming.

### Rules on referral set by OISC

OISC rules for regulated advisers are that they cannot recommend to go to any particular solicitor and must instead offer a list. Some of the clients we spoke with had found this to be yet another hurdle when moving round a system in which they had no reliable markers for quality. To be handed a list of multiple advisers having finally found an agency which they felt they could trust can be dispiriting, they reported.

Whilst obviously the intention of these rules is to ensure that referrals do not happen on the basis of favouritism or incentive, it nevertheless poses a real barrier to access. Providers are rightly cautious: we learnt that one voluntary sector provider had been threatened with a complaint to OISC because it was claimed they were making referrals to a particular reputable local solicitor for financial gain.

### Lack of effective regulation and client redress

Whilst regulation has undoubtedly helped to winnow out some of the worst excesses of poor provision, it is also clear that there are OISC accredited advisers who are not providing quality information for a variety of reasons. Current regulation is therefore de facto regulation is not having the desired effect. Some advisers are either over-stepping their competence (but failing to tell the client this), or charging a lot for services which are sometimes poor, or providing advice on issues

which they know nothing about. In addition, a few providers are operating illegally and outside any regulatory framework - we found examples of at least six providers in this category who may or may not exist by the time this report is published. It is also clear that clients are, in the main, not being informed about potential avenues of redress or complaint and so do not know what to do if they find themselves in a situation where they realise they have received bad advice.

### Lack of capacity of Level 2 and 3 for the most vulnerable clients

There is an obvious dearth of provision at Level 2 and Level 3 for complex cases which are not legally aidable (Article 8, over-stayers) and where the clients cannot pay, or can pay very little. Some of these cases require considerable experience and specialism to unravel for the client's benefit, and at present there are simply no people there to do it. In terms of directing resources towards the greatest cause of hardship, this is the area which needs attention, though there is a key issue here that this work is potentially time-consuming and for the foreseeable future unable to attract any legal aid funding whatsoever.

### Lack of capacity at Level 1 which is 'exempted'

Similarly, there is a lack of capacity by exempted (non-fee charging) OISC advisers who can assist those who cannot afford to pay with various forms and processes which enable them to get vital documentation to which they are legally entitled, but which some are unable to do without help. Some of this work is being picked up by Limehouse Project or Praxis, but other than these clients are mainly going to fee charging advisers who may or may not do the job well or rip them off. This provision may be low level, but can avoid considerable distress and, down the line, problems. As one key informant put it: "We flag up to some clients who come and see us the fact that they are legally entitled to a piece of paper saying they are entitled to stay, but if people can't find somebody to help them for free they either can't get that piece of paper, or they have to pay a fee as well as fork out for the Home Office fees. That's why we often do that stuff now pro bono, but we can only do that for a few."

### 3.2 What could benefit users?

Though some of the barriers identified in Section 3.1 are not within local control (regulation, for example), some could be addressed to improve the current situation for users. Suggestions included:

#### Improving access and information for clients.

Having a co-ordinated approach to collecting and making available information on what providers do and what they can (and cannot) advise on is vital both for users and for agencies which want to refer. Up to date lists take time to collate and maintain, however, and some wondered whether this basic information function could not be extended to provide a basic quality mechanism for a network of advice providers into which providers could opt – a local 'kitemark'. Trading Standards in Tower Hamlets could be approached for advice or assistance on developing this.

#### Outreach (advice)

Holding sessions in trusted organisations which have a ready-made client base is a good idea. This is happening now to a very limited extent but could be expanded to make sure that there were more immigration sessions which clients can attend.

#### Outreach (information)

There is a need to outreach information as well as advice, to help people understand what good advice looks like and to start creating awareness within communities of what it is reasonable to expect from advisors, and what to look out for in terms of regulation. This may be possible through some written literature but given the client group needs to be largely through the spoken word, in appropriate languages. New Citizens' Legal Service been doing workshops looking at rights and good advice practice<sup>78</sup> and this example could be looked at and work, perhaps in tandem with them, developed.

#### 'Tough love triage'

To combat the sense of 'drifting' through a market with no clear sense of knowing what they want and their prospects for success, migrants with unclear immigration status need somebody to sort out and assess what their situation is and whether or not their case has a reasonable chance. Supporting the client to understand their situation, tell their story and explore their options takes time. At present, it is often being done poorly by advisors with an eye on their potential fee and thus short-changed or skipped entirely. Having experienced and accredited advisers who can look at the case, tell them their options, gather information they may need to look at in order to decide what the best route forward may be and advise them what to do if they have no legal case (voluntary return, living in destitution) is a great help to many clients and would save them potentially years of ricocheting around a system trying to get somebody – anybody - to take on their case. Such triage is skilled and those doing it would need to be constantly updated on the (ever-changing) immigration rules. This is being provided to a certain extent at present by Praxis but the need far outstrips current capacity.

#### Providing 'frontloading' support to enable referrals

Given that people offering specialist and complex advice for vulnerable and poor clients are so thin on the ground, it helps a client's prospects greatly if somebody qualified and who knows what they are doing can help them by gathering detailed statements, doing preliminary research and getting relevant documents before a potential lawyer is approached. The chances of them then being taken on by a lawyer are increased substantially as they do not have to invest that time. Praxis has found that, by improving their own immigration advice and getting further accredited to OISC level 2 that "counter-intuitively ... we are better at making referrals. Advisers are better now at getting the information a good

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<sup>78</sup> <http://www.citizensuk.org/2013/11/securing-quality-legal-advice-for-migrants/>

solicitor needs and gathering what they need to know on the merits of the case so it is in a good state for people to take them on. So our rate of referrals getting picked up is much better”

#### A fund to help people pay Home Office fees and legal ‘on costs’

Even if at present a further service was developed, there will be an ongoing need for clients to find fees to for citizenship, regularisation, family reunion and more besides. In addition, there are costs incurred in commissioning expert and medical reports which may ‘make or break’ a client’s case. A loan scheme to help with such fees was suggested.

#### Future services: points to note

There is a need to develop further services to cope with demand to meet the gaps in provision at Level 1 (for those doing basic form-filling and advice) and Level 2 and 3 for the more urgent and complicated cases. Those we interviewed stressed a number of points which should be taken into account if planning such a service.

- Working in partnership with other agencies, is vital, particularly other particularly the Council and key providers in borough, is vital
  - Gaining trust and recognition from the communities is vital as otherwise the informal networks of referral will not direct people towards the service
  - Gaining OISC accreditation takes time (anything up to a year)
  - Schemes relying on clients paying back the money are uncertain for a range of reasons, as there is no guarantee that a client will be able to pay their fee following the case.
- Fee-charging schemes are not, on the whole, generating anything like enough to cover their full costs and in the opinion of those we interviewed are unlikely to do so if their primary purpose is to help the poor and disadvantaged. The reason for this is that clients who are vulnerable and poor are unable to pay sufficiently to sustain a business, frequently require staggered, small payments, and whilst cross-subsidising from slightly wealthier clients may seem appealing, in practice it has proved difficult to earn enough to subsidise sufficiently to make it worth it.
  - In particular, cases which go to appeal will take costs well outside the means of most clients and potentially get into a considerable amount of work.

## Appendix A: Research Methodology

The research team were the lead researchers (Ceri Hutton and Sue Lukes) and a team of community researchers (Mohamed Saed Abdulkader, Rahana Choudhury, Ayaan Gulaid, Shuhena Sadia, ZhiMin Xiao and Abraham Zere) recruited to help with key elements of the research.

Adverts for these researcher roles were put out in June 2014, and interviews held in July 2014. We deliberately sought applications from people with knowledge of languages which were prevalent within migrant communities in Tower Hamlets, and were advised by key informants early on which these languages were. The six community researchers recruited were able to speak between them the following languages aside from English: Amharic, Arabic, Bengali, French, Hindi, Mandarin, Somali, Sylheti, Tigrinya and Urdu.

All community researchers attended a full day introductory training sessions into the research background, methodology and ethics, and then two further half day training sessions. All training sessions were planned and delivered by the two lead researchers and held at Toynbee Hall. Support was provided for the community researchers throughout by Ceri Hutton, who led on the research.

Fieldwork was conducted between June 2014 – early January 2015, and involved:

### 1 Document Review

Extensive review of statistics and available documentation on immigration advice and associated issues in Tower Hamlets and beyond. We have not provided a bibliography as several of the papers and briefings were provided to us in confidence, but where possible we have referenced information and citations in the footnotes.

### 2 Attendance at a meeting of the New Residents and Refugees Forum

This meeting was convened in late June 2014 to help scope and provide pointers for the research. It was attended by six representatives from Praxis, Tower Hamlets Law Centre, and the London Borough of Tower Hamlets.

### 3 Key informant interviews

We conducted a range of interviews with people who could contribute to building up a picture both of provision and need within the borough. In a few instances it was not possible to speak directly but we still gained useful information via email. A list of those consulted is attached at Appendix B.

It is worth noting that we tried to speak to several more agencies than we managed to speak with. Some were genuinely too busy or felt they had nothing to say, but others did not respond despite multiple attempts by phone and email. Unfortunately these included the CAB and the offices of the two Members of Parliament for the borough, who we contacted many times, and who we felt have had useful views to contribute.

### 4 Compiling lists of existing providers.

We looked at the official lists of providers' regulatory bodies (i.e. OISC<sup>79</sup>, Law Society), as well as ILPA<sup>80</sup>. We then supplemented these lists to try and get a picture of those who may not be regulated and/or listed<sup>81</sup> via google search and a 'high street trawl' exercise. This latter involved researchers walking up and down the main thoroughfares and physically visiting all immigration advisers they could find. We then compared and added these lists to the main database gathered from official sources.

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79 Office of the Immigration Services Commissioner, which is the key regulating body for immigration advice which is not provided by legal professionals

80 Immigration Law Practitioners' Association is a professional association the majority of whose members are barristers, solicitors and advocates practising in all aspects of immigration, asylum and nationality law. It is not a regulatory body.

81 Reasons for this might be that they had only recently applied and not yet been added to official lists, or might be that there were operating illegally i.e. 'under the radar'.

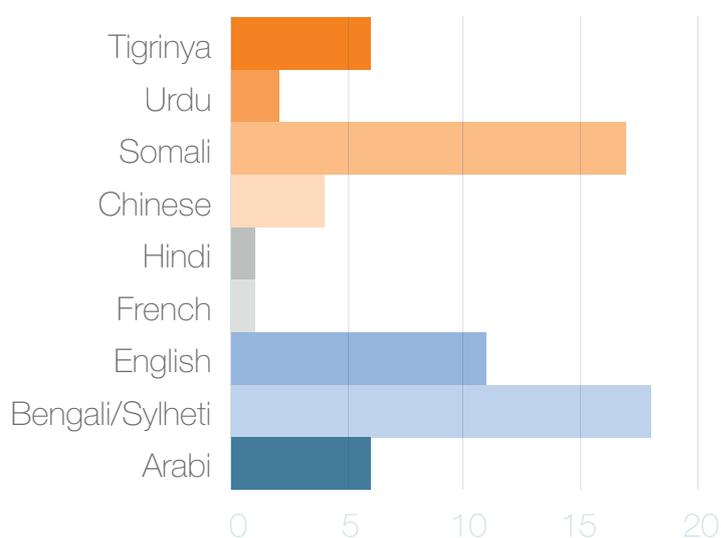
## 5 Interviews with individuals accessing immigration advice

We conducted 66 interviews with individuals who live in Tower Hamlets and had accessed immigration advice over the last 18 months (since May 2013 i.e. after the legal aid changes came into force). In most cases it was possible to ascertain that their advice experiences had been in Tower Hamlets, though with a few it was not<sup>82</sup>, and with some they had deliberately travelled out of borough to access advice for a range of reasons.

These interviews were all carried out by community researchers, who identified client informants through various means. Some people were identified through services, with Praxis being particularly helpful in forwarding our request to appropriate clients. Other individuals were identified through more informal networks via friends, colleagues, faith networks, community centres and in bars and cafes known to be hangouts of certain communities. Community researchers were deliberately recruited for, in part, their knowledge of the area and its networks.

Individuals were interviewed at a mutually convenient place and in a neutral, non-threatening environment. Idea Stores<sup>83</sup> were popular, and 39 interviews took place in a range of these in Canary Wharf, Chrisp Street, Poplar, Bow, Whitechapel and Watney Market. A further 14 interviews were conducted at Praxis, and the remaining 13 interviews took place in cafes and university buildings, Bromley-by-Bow Centre (2 interviews) and Toynbee Hall (1 interview). All interviewees were offered travel expenses and a small financial incentive for their time. Interviews were conducted in the language which most suited the interviewee. The following chart illustrates the languages used in interview.

Language used in migrant interviews (Total= 66)



## 6. 'Mystery Shopping visits' to existing providers

These took the form of 75 visits to 44 listed advice providers (some of them received two or three visits) by community researchers. We devised various scenarios designed to test to some extent the knowledge of immigration advisers and trained community researchers on these scenarios and how to ask questions around them. Visits were then made to a range of providers and notes taken or in some instances recordings made where permitted. Where initial consultation fees were required, these were paid. Visits were also designed to gain information more broadly on how the individuals were treated and how much the advice might cost. We deliberately balanced visits between those we believed to be providing quality advice, and those where information we had gathered was either thin, or seemed to indicate a potential cause for concern. We excluded all providers who were delivering advice under public funding mechanisms for ethical reasons so all surveyed providers were part of the commercial market, which is anyway the vast majority of the existing provision in Tower Hamlets.

<sup>82</sup> Individuals did not always remember the name of the firm or organisation they had been to, though normally could remember sufficient detail to place it in Tower Hamlets. In some instances they had clearly deliberately travelled outside borough to access advice: we included them in the sample as their experiences were relevant in terms of 'market forces'.

<sup>83</sup> <http://www.ideastore.co.uk> These are libraries developed by Tower Hamlets to include spaces for courses, computer usage etc. There are currently 8 of these.

## Appendix B: List of stakeholders consulted

Those who we interviewed over the phone or in meetings are marked with an asterisk. In a few cases we corresponded only, but where individuals provided useful data we have also listed these.

Advice UK	Wesley Harcourt*
BID (Bail for Immigration Detainees)	Pierre Makhoulouf*
Bromley by Bow Centre	Georgine Anthony
Citizens UK	Daniel Mackintosh*
Citizens UK	Sotez Chowdhury*
East London Community Law Service	Staff member *
Hackney Migrants' Centre	Helen Hibberd*
Island Advice Centre	Fatima Begum
Island Advice Centre	Steph Dickinson
Jagonari	Staff member*
Legal Advice Centre (University House)	Eddie Coppinger*
Limehouse Project	Farida Yesmin*
Limehouse Project	Fatema Takulder*
London Borough of Tower Hamlets	Maura Farrelly*
London Borough of Tower Hamlets	Fran Jones*
Ocean Somali Community Association (OSCA)	Abdi Hassan*
Ocean Somali Community Association (OSCA)	Sara Nahi*
Ocean Somali Community Association (OSCA)	Advisor*
Praxis	Alex Sutton*
Praxis	Bethan Lant*
Praxis	Mel Steele*
Providence Row	Leigh Andrews*
Street Outreach Team Manager (SORT), Tower Hamlets	Will Norman*
Tower Hamlets Law Centre (Interim CEO)	Beverley Campbell*
Tower Hamlets Law Centre	Baljit Dod*
Toynbee Hall	Daniel Bunn*
Toynbee Hall	Dolly Galvis*
Toynbee Hall	Emma Pheby*
Trading Standards, Tower Hamlets	Alan Richards*

## Appendix C: Tower Hamlets' migrant communities

This appendix gives an overview of the profiles and needs of the main communities now living in Tower Hamlets.

### The Bangladeshi community

This largely settled community of over 70,000 people still needs immigration and nationality advice, to:

- 1 Reunite families, bringing new spouses and elderly dependants to the UK
- 2 Sort out citizenship problems
- 3 Regularise the status of those who have lived undocumented within the community for some time, often working in local businesses or in relationships with more settled community members
- 4 Resolve problems created by trafficking, principally for labour
- 5 Seek asylum because of persecution in Bangladesh<sup>84</sup>

Of these, only the last two are eligible for limited legal aid.

It is worth noting that the first two types of advice needs listed above are generated from within the settled community, whereas large numbers of the other three types are to be expected from people attracted to the borough by the existence of that community. Most Bangladeshi asylum seekers' applications are refused, and they may then join the large numbers of former asylum seekers who become undocumented. It is likely therefore that a high proportion of the 80 Bangladeshi asylum seekers getting 'subsistence only support in 2014<sup>85</sup> are staying somewhere in the borough. This is because even if they were not staying in the borough before, once they need support or employment they are likely to gravitate towards areas where they may have friends or family

and can blend in. Bangladeshis who arrived as students and have then been caught by Home Office actions against possibly 'bogus' colleges are also likely either to be based in the borough or find their way there if in need.

The 2012 rules have affected those who want to bring in family members, and have made it virtually impossible to bring in adult dependants (mainly elderly parents). This is a common concern among the Bangladeshi community, many of whom arrived as young adults and now have parents who need care at home.

Tower Hamlets has a large concentration of commercial immigration advisers marketing largely to the Bangladeshi community which the research shows offer often fairly basic advice. Key informants told us about the problems faced, painting a picture of a large community on the fringes of which many live in insecurity, fear and poverty exacerbated for some by exploitation. Those who have been trafficked may face even more significant barriers to accessing advice or help. Some cases reported were:

- First generation Bangladeshi clients who want help with extensions of existing leave to remain, or in getting ILR<sup>86</sup>, or getting naturalisation at the end of the whole process, or travel document applications. None of these are legally aidable, but this is a relatively straightforward process. They are, however: 'very likely to get ripped off'<sup>87</sup>
- Over stayer. 'Another quite common local scenario is the single male Bangladeshi over stayer who has been here for ever who has been here anything between 10 – 20 years, but not long enough to try for long

<sup>84</sup> Bangladesh was the tenth country of origin of asylum applicants in the year to September 2014, with 787 applications. However only 15% of these applications typically result in a grant of leave. Home Office Immigration statistics July – September 2014.

<sup>85</sup> Home Office Immigration statistics July – September 2014.

<sup>86</sup> Indefinite Leave to Remain

<sup>87</sup> Key informant interview

residence<sup>88</sup>, who came over on a six month visitor's visa, never regularised, has been working, and now wants to know if there's anything they can do to regularise. This is usually when the goodwill of 'the community' has run out, or they have lost their job. In those circumstances there is rarely anything we can do to help other than give decent advice on risks of working illegally, risk of immigration raids on Brick Lane kitchen sweatshops and advise them on the possibility of voluntary return and ways to obtain the limited support available."<sup>89</sup>

- People who have been mis-advised by 'the community'. 'One of my clients came to me who was British by descent. She came here on that basis. She has learning difficulties, wanted a British passport, and somebody in the community advised her to apply to become British and naturalise. She paid a huge fee. She came to me and I advised that she could make an application (for a passport) as she was British by descent. But then Home Office got back to me and said 'If she is British by descent, why did she naturalise?' The reason was that that is what she was advised. Unexpectedly the Home Office revoked that naturalisation and refunded her fee which was good of them."<sup>90</sup>

### **Bangladesh community: case studies of individuals interviewed<sup>91</sup>**

'A Bangladeshi woman came to the UK on a spouse visa some years ago, married and had four children and some grandchildren but her marriage broke down. She then met and married a man who was on a work visa, which he allowed to run out becoming undocumented for a couple of years. After their daughter was born they decided to sort out his status and applied successfully for a spouse visa because they wanted their daughter to have a stable family life'

'A British born Bangladeshi male has lived in the UK with all his family. In 2013 he went back home to Bangladesh with his family and married a Bangladeshi female. He applied for his partner to come and join him in the UK and left her pregnant. He returned to UK for work and also as he was the carer for his elderly sick parents. In February 2014 his wife gave birth to a girl. He also applied for her to join him with his partner. A spouse visa application was made for his partner and a right of abode for his daughter as she is born from a British father. It's now been over a year since he made his application for his partner and 8 months for his daughter but he has not yet heard anything from the Home Office. He is very upset that he isn't able to spend time with his newly wedded wife or his child. She is now growing up without her father."

"A Bangladeshi citizen entered the UK 15 years ago as a victim of human trafficking. For 14 years he struggled to make a living in the UK as he was an illegal immigrant. He worked as a very low paid employee and struggled to find a safe permanent place to live. He sought immigration advice many

88 The rules on long residence were changed in July 2012, and the period of leave has since then been extended to 20 years before a person can qualify for ILR where they have had periods of unlawful residence.

89 Key informant interview

90 Key informant interview

91 All case studies in this and subsequent 'boxes' are real descriptions of the clients we interviewed for the research.

times but no one was able to help him due to his immigration status. For a while he gave up and just tried to earn enough to eat. He is now 45+ but still single. He explained that no girl would want to marry someone in his status who has no home, no fixed or well-paid job and above all no status to remain in the country freely. In 2013<sup>92</sup> he started to seek immigration advice and found a solicitor who made an application for him as he had now been in the country for over 14 years. He now says he feels positive that life will bring him good changes now and is waiting for the results of his application. He hopes to get married and start a family soon as he has a status in the UK."

'A Bangladeshi student entered the UK on a tier 4 student visa four years ago. Half way through his studies the college he was attending shut down. This meant that if he wasn't continuing with his studies his student visa would come to an end and he would need to go back to his home country. He sought advice and was told to find himself another college who would take him on and that way he will be able to stay in the UK for study purpose. He then managed to get enrolled at another college but a year later his visa run out as it was for 3 years only. He did 2 years study with the first college but after the college shut down, instead of enrolling for a 3rd year direct entry he enrolled on a course that was the same as the one before. This means it's for another 3 years again. He had to see a solicitor again and get his student visa extended for this course. He was granted the visa and is now continuing with his studies.'

'A Bangladeshi citizen entered UK 7 years ago on a working visa. His work permit ran out one year later and he did not manage to find

another employer who could help him. He lived and worked illegally for 4 more years then met a Bangladeshi female student whom he fell in love with and got married to. She is also an over stayer as her visa also ran out. They now have a child but no legal status to remain in the UK. In April 2014 he decided to seek advice on how to remain in the UK legally and made a human rights application which included his wife and child too. Unfortunately they were refused. He now struggles to meet ends. He cannot feed his family and lives in fear of deportation. He feels very bad that his wife and child have a life of poverty because of him. He says no one wants to employ him because of his immigration status, and even when they do it's very low paid work.'

92 This is after the change in long residence rule came in. This individual had been advised by his lawyer that regularisation was likely and was still awaiting the outcome, however from the facts gathered it would appear that his case would not, as his adviser suggests, have good prospects for success until he has been here for 20 years. He has thus far paid £2,150 for the advice, all of which he has had to borrow.

### Indian and Pakistani communities

With 3,889 individuals recorded in 2011, the Indian born community in Tower Hamlets is one tenth the size of the Bangladeshi and the Pakistan-born community even smaller at 1,141. Both communities reflect the divisions within Tower Hamlets to a much greater extent than the Bangladeshi community. A significant number are the wealthy residents of the richest three wards who have been drawn to the borough by the finance and business centres of Canary Wharf and the city fringe. As a result, we heard of few cases of family migration problems (because the income limits for spouses and children affect only the lower paid in the UK population), apart from two that represented essentially citizenship fallout from the division of Pakistan and Bangladesh (i.e. people who were from families with mixed citizenships).

The economic status of the Pakistan-born community in the UK as a whole is, in some respects, more like that of those born in Bangladesh. Both have similar proportions of worklessness<sup>93</sup>, with a very high proportion of women not in paid work. Those based in Tower Hamlets are likely to follow similar patterns with the addition of a more highly paid workforce in richer areas.

Both Indian and Pakistani communities have other components. In the year to September 2014, India and Pakistan were in the top ten countries for the grant of study visas (approximately 13,000 and 5,000 respectively). As noted with the Bangladeshi community, some fallout may then occur as students drop out of their courses or colleges lose their licences to recruit overseas students, which may result in undocumented former students. We also know of Indian rough sleepers, some of whom have irregular immigration status, in both east and west London.

#### Indian community: case studies of individuals interviewed/reported

A man in his 70s born in Goa has lived here for 20 years. He is not sure if he is Portuguese or Indian. He has presented at both the Portuguese and Indian embassies and both refuse to acknowledge him as a citizen. We have managed to ascertain that he is from Goa as we have made contact with his family there. He was living in accommodation and working, and then his wife died, he went into unsecured accommodation, lost work, lost the case, couldn't keep the flat, and ended up on the street. Only at that point did the depth of the problem with his immigration status come to light. Fortunately the borough have been very reasonable and made allowances for him because of his age, but trying to resolve this case for him is a bureaucratic nightmare.<sup>94</sup>

An Indian woman in her thirties came over here 9 years ago. She married a British Citizen but then suffered domestic violence and had to flee. She has no papers, and is now trying to sort out her immigration status. She is depressed and on medication to deal with the stress.

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93 Of those aged 25 – retirement age, both come in at just under 50% according to the Labour Force Survey

94 Reported by key informant

## Chinese community

Tower Hamlets is the second largest area of settlement in the country for Chinese born. Those born in China are the third largest group of foreign born Tower Hamlets residents appearing in the 2011 census, with 3522 residents plus 1,218 born in Hong Kong. There are, however, many more people in the borough identifying as Chinese ethnicity, reflecting the long history of Chinese settlement around the docks.

The caveat to this is that there is very little literature on the UK Chinese community, often described as 'silent' or 'hidden'.<sup>95</sup> This reflects a long tradition of solving problems within community institutions rather than seeking outside help. The research found little on immigration problems from informants as a result, though we managed to interview four people from this community, two of them homeless.

Numbers in this community have been greatly increased in the last few years by the arrival of students. In the year to September 2014 over 64,000 UK visas were issued to Chinese students, making it the largest national group of foreign students studying in the UK. Like other students, within this group are likely to be some who become undocumented and we interviewed one of these. A small number of Chinese make asylum applications, 739 in the year to September 2014, but very few result in a grant of leave (62 in that year)<sup>96</sup>. This high refusal rate is an indicator of a likely population of undocumented migrants who disappear from sight and support following the refusal of their asylum application.

A further group of particular concern are those who have been trafficked. These may eventually apply for asylum if they can navigate their way to lawyers who will take on their case. Two of the migrant informants interviewed were certainly undocumented and one appears to have been trafficked, in that she believed that she was coming to work legally.

### Chinese community: case studies of individuals interviewed

A homeless Chinese man in his early 60s has been in the UK for 28 years. With a career as a businessman, he now finds himself without papers and following a series of twists and turns has ended up street homeless. He has been referred by a street outreach team to Praxis who is attempting to sort out his status and gain proof of residence. He is confused as to why people do not believe him.

A young Chinese woman came over here as a student with her boyfriend. They studied in various language schools. She has no other relatives in the UK. She got pregnant, and after she had a child her boyfriend left her. Her baby was diagnosed with a serious illness, and she often needs to take the baby to the hospital. Fortunately, the hospital is still willing to treat the baby, although they said they were unable to give her money for food and shelter. She is now living in a hostel with her baby and applying for asylum on the grounds of religious persecution.

A woman in her late forties from China came to the UK in 2005 in the hope of earning some money. Friends in China recommended that she come and arranged a visa for her – she has no idea what visa this was. When she arrived here she found herself living as a domestic slave for her boss. "It is very challenging to work for them illegally. For instance, I sometimes work for them 24 hours a day, and they sometimes ask me to cook at midnight. I live in their corridor (on a foldable bed). I cannot eat the same food they eat at home, the wife asked me not to eat this or that, when I asked her what I could eat, she did not say anything." She has no status here, and regrets bitterly not applying for asylum prior to 2007 as she believes she would have got it. She now cooks for others in private homes or cares for babies. She knows nobody and has no status. She says she is scared when she sees police cars around. Her passport has been taken away. "Once I sat with my boss in his car, the car was stopped. I was then arrested. The boss asked me to apply for asylum. I followed his advice. Every month, I went there to report". She cannot speak English. She has been to a solicitor who made an unsuccessful application, but she can afford virtually no money.

95 Cf <http://www.theguardian.com/commentsfree/2012/jan/11/british-chinese-racism>  
96 UK immigration statistics July – September 2014

## Somali community

Somalis are the largest single group of refugees in the UK. Tower Hamlets remains in the top ten local authority areas for percentages of Somali-born settlement and elected the UK's first Somali mayor in 2009. Somali links with Tower Hamlets span three centuries, although many of those who settled as sailors also maintained families back home. Later migration involved some family reunions, but mostly those brought by initial political unrest and then war.

Numbers of Somali residents have been increased by secondary migration from Europe, principally the Netherlands and Scandinavia: people who arrived there as refugees, got citizenship then used their new European rights to relocate to Britain to join communities here. Residents thus include first, second, third and fourth generation people describing themselves as Somali ethnicity, and Somalis are usually cited as the second largest ethnic minority group in Tower Hamlets.

Somali use of and need for immigration advice has been complicated by shifts in Home Office policy towards them as a group. At various times it has been policy to give them refugee status, to refuse them and grant periods of limited leave with fewer rights (including no rights to family reunion in the UK), to suspend decisions on asylum applications (sometimes for years) while considering how safe the different parts of what was Somalia are now, to leave refused applicants in limbo, or to seek to return them. The difficulty of providing up to date advice is compounded by the fact that Somalis constitute what is probably the poorest community in the UK, with low employment rates and associated problems of overcrowded, insecure housing, patchy educational attainment and low literacy levels especially among first generation women.

Key informants noted that there are a range of needs. OSCA<sup>97</sup> and other advice agencies report that they often deal with Somalis who are confused by a range of forms they may need to fill out in order to extend their leave to remain, gain a

spouse visa, or sponsor relatives to come to the UK. Reuniting families divided by the processes of war and flight is also a priority for some, though poverty and overcrowding make it difficult or impossible for those without full refugee status to pass the new tests to bring spouses and children over.

### Somali community: case studies of individuals interviewed

A Somali woman came to the UK in 2002 alone. For many years she tried to gain indefinite leave to remain in the UK in order to be able to apply for her two children to come and join her here. When she finally got residency she applied through family reunion process, or at least she thought this was what her lawyer was doing. The children made it to the UK, however very soon when she wanted to apply for official documents; she was told that her children have no rights here, and that they have been given 1 year visitor visa to visit their mother. She was horrified at this news and did not know what to do. [this case figures later as an example of poor advice]

A Somali man came to the UK as a refugee fleeing the civil war. He came to the UK alone. While his case was being processed he was sent to Scotland where he had a traumatic experience. He was physically abused and beaten up quite badly. Once he gained his refugee status he came down to London where he had family. He suffers from mental health problems due to the war experience back in Somalia, compounded by the attack in Scotland. Once he got his citizenship he applied for his wife and children to join him on family. He has gone to a lawyer based in Mile End Road recommended by friends. He paid them a lot of money as he had 11 children and a wife he wanted to bring over. The case is still ongoing no result as yet and he are feeling very worried and scared that Home office will refuse entry to his children.

A Somali man came to the UK in 1999 fleeing the war. He was given temporary stay for 3 years which then got extended for a another 3 and then for a another 2 . However nearing the end of the last extension unfortunately he experienced poor mental health. An incident occurred where he attacked a person which meant he was sent to prison for 3 years. Once he was released he

97 Ocean Somali Community Associa-

started to relapse in his mental health, which led to him being sectioned. At this point he has no legal status in this country because he was not in any state to deal with his immigration issues. He was the only one in his family living in the UK at the time, which led to him feeling lonely and overwhelmed. After some time his brother and sister came to the country and things started to feel better for him. They have now helped him to seek advice and a lawyer for his immigration issue.

A Somali man has been here for 26 years and has British citizenship. He has heard that his elderly mother, who has no other relations, is ill and he wants to bring her over to live with him.

### Migrants from EEA countries

Five of the top ten countries of birth of Tower Hamlets residents are in the European union.<sup>98</sup> We were told about almost no instances of people from these countries seeking advice with the exception of some Somali origin secondary migrants (see above). However, we did hear about advice needs, particularly of those who have come over to find work but fail to do so, then finding themselves with no recourse to public funds and often rough sleeping. As the rules on benefits and 'rights to reside' for European nationals are tightened, and the police and Home Office get tougher on homeless migrants, this is also generating some needs for this area of quite specialist advice.

*"London is sustaining a relatively large population of mainly men in those situations living in shared houses who are making ends meet one way or another. What happens is that when that fails for some reason or another, or when, whilst they are 'making do', they pick up support needs, usually around alcohol, they then end up on the streets. Once they have a support need or alcohol or drug dependency then they are not seen as a viable job seeker, so they can be supported in going back via a reconnection 'offer'. The Poles are fairly well catered for, but as yet there are not such good services for Roumanians."*<sup>99</sup>

### Latin American community

1,439 people living in Tower Hamlets on the day of the 2011 census were born in Brazil, and research places the borough in the top ten Latin American areas of London with 5.5% of London's Latin Americans (numbering over 100,000 in all) living there<sup>100</sup>. Numbers may have grown in the recent past because of the arrival of secondary migrants from Europe, this time mainly from Spain and Portugal in response to the conditions created by the recession. The same research found that most Latin Americans (70%) changed their immigration status after entry to the UK, which would indicate some level of demand for services to help with that. It is likely, however, that many go to other services across London for help with this, since only one local agency had a particular focus on or connection with the Latin American community.

*"Brazilians and Bolivians were the most likely to be irregular (38% and 36.5%) while Peruvians and Colombians were most likely to hold British passports (38% and 37%). EU passport ownership was highest among Brazilians (31%). Bolivians were the most likely to hold student visas (23%). These patterns reflect different routes of entry into the UK also linked with the fact that Colombians and Ecuadorians have been living in London for much longer than other nationalities such as Brazilians and Bolivians."*<sup>101</sup>

<sup>98</sup> Although many of those born in Germany are almost certainly British citizens born to soldiers serving there

<sup>99</sup> Key informant

<sup>100</sup> See No Longer Invisible <http://www.geog.qmul.ac.uk/latinamericansinlondon/>

<sup>101</sup> *ibid*

### Other African communities

Most of those who tick the 'African' box in ethnic monitoring in Tower Hamlets are probably Somali, but other Africans also settle here. In terms of country of birth, only Nigeria and South Africa have any significant numbers but advice agencies noticed Africans particularly among their most vulnerable clients.

*“One of the biggest group of vulnerable migrants who we try not to turn away are the undocumented, the vulnerable, the destitute – they might be typically an over stayer, somebody who came on a visitor’s visa, often to escape some form of egregious treatment in their country of origin but who didn’t have the wherewithal or knowledge or contacts to apply for asylum and thought they could muddle by. Then they have overstayed, perhaps got into bother, exhausted the goodwill of friends, family, community, and never resolved their immigration status, and may only now be starting to disclose some of the original issues which drove them to leave their country of origin such as violence or experiences they thought they would never have to deal with or reveal. Or perhaps they have had experiences in the UK as a result of their vulnerability – internal trafficking, labour or domestic exploitation, or transactional relationships where accommodation is given for childcare, sex, or labour. The majority of these African clients are women, many have children, many are vulnerable to sexual exploitation. Some of them have British children now who may have the basis of a claim under Zambrano, but they need help to do that, and even if and when they get a grant of leave it is going to be NRPF. Zambrano<sup>102</sup> cases in particular are almost all sub-Saharan African – Ghanaian, Ugandan, DRC, Sierra Leone.”<sup>103</sup>*

### African countries: case studies of individuals interviewed

A Ghanaian woman living in a difficult relationship in Ghana was subjected to domestic violence and ran away to live with her cousin. 10 years ago she entered UK as a visitor to 'try and find a better life' but did not return after her visa expired. She started to live as an over stayer. In 2008 she got into a relationship with an EU National. He applied for a spouse visa for her, and as she thought she now would have a legal status in the UK she started to work for the NHS as a health care assistant. She was then suspended from work when it was revealed that her status had not been regularised and served a brief prison sentence. She started to seek advice from a solicitor through a friend and managed to obtain her leave to remain now. She is now happy and looking for work

A Congolese woman was a victim of war and fled the war zone in August 1992. She entered the UK seeking asylum many years ago. She got married to a British man and had children. He applied for a spouse visa for her and she got her leave to remain. A few years later the relationship became violent. He was trying to kill her, took away her papers proving her leave to remain and denied her access to all friends and family. She finally decided to seek advice and help. Her local school was able to refer her to social services. She now lives in a refuge, and has a six months tenancy there. She has been referred by her refuge and is seeking advice from an advice agency at the moment. They have been helping her apply for her LTR again, which was stolen by her previous partner. She hopes for a good outcome of her case soon.

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<sup>102</sup> 'Zambrano' is the popular name given to a right to reside under European law that is given to the sole parent of a British child who otherwise would have to leave the UK.

<sup>103</sup> This right does not allow access to means tested benefits or social housing but does include permission to work

<sup>103</sup> Key informant

## Vietnamese community

Vietnamese people initially arrived in Tower Hamlets as refugees via the refugee programme of the 1970s and 80s. Residents now include their children and grandchildren. One corner of the borough, in Shoreditch, is known London-wide as a centre for Vietnamese catering and fashion businesses and also houses the more recently established Vietnamese nail bars.<sup>104</sup>

New arrivals do not necessarily have much to do with this established community, although they may get employment with them. Many arrive to study (over 3,000 student visas were issued to Vietnamese nationals in the year to September 2014), small numbers to apply for asylum and community organisations reckon large numbers manage as undocumented migrants. Certainly young people from Vietnam figure significantly among the trafficking cases reported by advisers across the country, particularly those trafficked for labour.

<sup>104</sup> Set up largely via transnational family networks by which US training is accessed and loans financed see <http://www.runnymedetrust.org/uploads/publications/pdfs/TheVietnameseCommunity-2007.pdf>

<sup>105</sup> <https://www.gov.uk/government/statistics/immigration-statistics-july-to-september-2014-datatables>

# Help us create a future without poverty

Toynbee Hall  
28 Commercial Street  
London E1 6LS  
Tel: +44 (0)20 7247 6943  
Email: [info@toynbeehall.org.uk](mailto:info@toynbeehall.org.uk)

[www.toynbeehall.org.uk](http://www.toynbeehall.org.uk)

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