

How to Get Information and Advice to Help with Your Immigration Case

This guide is meant to support people who need legal advice and information after moving to the UK. Immigration law is complicated so getting professional advice is important. The guide gives tips on where and how to get this advice. This guide should not be used as a replacement for professional advice. If you try to deal with your case by yourself you may make mistakes. So, it is important to get the help of a legal adviser or solicitor to handle your case in the best way possible.



This resource was created for the Family Reunion Integration Service of the British Red Cross, in Birmingham by students studying Public Legal Education at the University of Warwick School of Law in 2020-2021.

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Blue boxes give general information and guidance.



Orange boxes with text and  above them are notes of caution. This means they point out things to watch out for.



Green boxes with text and  above them are top tips. These give helpful extra information.



Yellow boxes with text and  above them are explanations. These tell you what a term means or what an organisation does.



The computer  means there is a website you can visit by using the link (which is underlined).

Finding Reliable Information



Finding reliable information

The Internet can be a great place to find information. However, it is important to be careful and make sure that the information you find is reliable. Here a few tips that can help you find accurate legal information:

- A good starting place to find reliable legal information and advice is the gov.uk website which provides information about the government and its services.
- Websites such as Citizens Advice (www.citizensadvice.org.uk) and Advicenow (www.advicenow.org.uk) provide reliable and detailed information about the law and different in a way that can be easier to understand.
- Lastly, discussion forums and other forms of social media such as Facebook and Whatsapp often spread wrong information and misinform people.

If you receive or see any information on any social media platforms, double check the information to see if it is reliable.



Note of caution

The gov.uk is a source of primary information however, it is not the final word for advice, If you do have a question about anything on the website, please ask an adviser not the Home Office.



Top Tip

Information on immigration

Information on immigration can be hard to find. This is one good resource you can check:

<https://righttoremain.org.uk/>

Finding Reliable Information

These are some questions to ask when you are searching for reliable information online.

What kind of website is it? What kind of URL does the website have?

There are different kinds of websites online, Websites ending with “gov.uk” and “org.uk” tend to provide more reliable information. Discussion forums and social media are not reliable sources of information and they often spread wrong information.

Who has written or provided the information on the website?

Check who has written the information. If you cannot identify who has written the information, it would be best to look for another source.

Is the website a source you can trust?

Check if the information is up to date. If you are not sure about the reliability of the information, you can check other websites to see if you are able to find the same information. If you are, then it is likely that it is accurate. If a website is trying to sell you a service, it is possible that the information might not be reliable.

Does the information you are searching for apply to where you live?

Check to see if the information you find is appropriate or suitable to where you live. For example, if you are searching for information that applies to England, it is best to type in England during your initial search.



<https://www.advicenow.org.uk/know-hows/top-tips-finding-and-using-online-resources>

Finding Trustworthy Legal Advice

Top tip: Get professional help



Immigration and asylum work is complicated. It can be easy to make mistakes if you do the work alone. This could even mean you have your application denied. Therefore, it is best to get help from a legal adviser or solicitor.

Top tip: Recommendations



Recommendations of solicitors and advisers from family and friends can be helpful. You should still check they are trustworthy. This guide should help with that.

There are three options for funding professional help.

1. Legal Aid. 2. Exceptional Case Funding. 3. Paying for it yourself.



1. Legal Aid

If you are facing a certain type of legal problem and your income is low, then you might be able to get legal aid. This would mean the government helps pay for the cost of advice and representation (for example your solicitor). Legal aid does not help with all immigration issues. It is available for asylum claims (including humanitarian protection claims), victims of modern slavery and victims of trafficking. It is also available in domestic violence cases. In England and Wales it is not available for other immigration issues (such as Family Reunification cases and deportation appeals).



2. Exceptional Case Funding

Legal aid is not available in all cases (such as Family Reunification cases). In cases where legal aid is not offered exceptional case funding may be available. The government gives this support if you cannot afford to pay for professional help yourself **and** if your situation means it would be unfair for you not to access support. It is best to get help from a solicitor or immigration advisor when apply, but you can also apply for this funding yourself,

Finding Trustworthy Legal Advice:

Legal aid



Note of caution

Not all solicitors and advisers work with legal aid - the website (*in step 1, below*) will help you find solicitors or advisers that do.

You can find out if you can get legal aid by contacting a legal aid provider. To do this follow these steps:

1. Go to this website:



<https://checklegalaid.service.gov.uk/find-a-legal-adviser?category=immigration>

GOV.UK Check if you can get legal aid

[Contact us](#) if you need help or would like to give feedback to improve this service

Find a legal aid adviser

Search for a legal adviser with a legal aid contract in England and Wales.

What happens next

Your adviser will check whether you qualify for legal aid **at no cost to you** by asking about your problem and your finances. In some cases you may need to pay a contribution towards your legal aid.

Postcode

Search

2. Put in your postcode and press search

Postcode

Search

3. Next to the map will be a list of advisors

4. If you choose one to contact then they should talk to you about your case and whether you can get legal aid

Finding Trustworthy Legal Advice:

Exceptional case funding and extra support

Getting exceptional case funding:

Applying for exceptional case funding (ECF) is difficult, It is a good idea to get help from a solicitor or immigration advisor if possible.

If you cannot get help then you can apply on your own. This involves sending an application to the Legal Aid Agency (LAA). This can be done by email or post. The Legal Aid Agency will want: 1) information about your case 2) signed application forms and 3) proof of your financial status.

For extra information about what each of these three things involves you can contact the LAA. You can call them on: 0300 200 2020. You can email them on: contactECC@legalaid.gsi.gov.uk. You can post your questions to:

Exceptional Case Funding Team

Legal Aid Agency (8.51)

102 Petty France

London SW1H 9AJ

If you would like some extra support, you might be able to get some help locally, for example from a local Law Centre. Law Centres are organisations which defend the legal rights of people who cannot afford a lawyer. Check this link to see if there is a Law Centre close to you:

<https://www.lawcentres.org.uk/about-law-centres/law-centres-on-google-maps/geographically>



Top tip: Local Advice



Refugee and Migrant Centre Birmingham

<https://rmcentre.org.uk/>

Coventry Refugee and Migrant Centre

<https://www.covrefugee.org/>

Central England Law Centre

<https://www.centralenglandlc.org.uk/>

Finding Trustworthy Legal Advice

Solicitor

If you cannot get legal aid or exceptional case funding then you can also pay for your solicitor or adviser. How much you will pay your solicitor or adviser will depend on the details of your case and the prices they offer.

How to find a trustworthy solicitor:

The Solicitor's Regulation Authority (SRA) have a list of solicitors in England and Wales that are regulated by them.

This means that the SRA check to make sure these solicitors are trustworthy and give good advice.

To find a solicitor on the SRA's list, you can use the 'Find a solicitor' tool at:



<https://solicitors.lawsociety.org.uk/>

The website should look like this.

Select 'immigration and changing countries' to find a solicitor to help with legal issues about moving to the UK.



What is a solicitor?

A solicitor is someone who can help with people legal issues. Some solicitors are trained in immigration law. These are the people that can help you with legal issues about moving to the UK.



Top tips:

Costs

1. Because costs can vary it is also worth checking how much different solicitors and advisers cost.
2. A solicitor or adviser that costs more money is not always better.

Finding Trustworthy Legal Advice Immigration Adviser



Top tip: No Promises

Even a very good solicitor or immigration adviser cannot promise to win your case, as they do not decide the result.



What is an immigration adviser?

An immigration adviser can give you help with immigration and asylum issues. They have to complete tests before they can give advice. They are regulated at three different levels. Each level of advisor can provide help with different issues.

You can find out what issues each level of adviser can help with at:

<https://www.gov.uk/find-an-immigration-adviser/what-advisers-can-do>



How to find a trustworthy immigration adviser

The Office of the Immigration Services Commissioner (OISC) keep a list of immigration advisers that are regulated by them.

If a person is giving immigration advice and is not regulated by the OISC (and they are not a solicitor) then they may be committing a crime.

To find an immigration adviser on OISC's list, you can use the 'Adviser Finder' tool at:



https://home.oisc.gov.uk/adviser_finder/finder.aspx

The website should look like this.

Adviser Finder

The Adviser Finder lists advisers who are regulated by the OISC. Other advisers who provide immigration advice and services, such as practising solicitors, barristers and legal executives, are not found on this list.
The information contained in the adviser finder is dependent on regulated advisers informing us of changes to their status.

Location and/or Type of Advice **Organisation and/or Adviser**

Search by Location and/or Type of Advice

You can search for a regulated immigration adviser by entering the information into at least of the boxes. The more boxes you complete, the more specific the results will be.

Postcode or Location **Maximum distance from Location (miles)**
 5 10 25 50 100

Type of Advice **Maximum of Immigration**

All Levels **All Categories**
(Which level of advice do I need?)

Fee Charging or Not Fee Charging **Gender**
 Both Either

Meeting With A Solicitor/Adviser

Questions

It is perfectly normal for you and your solicitor or adviser to ask each other a lot of questions. Prepare a list of questions before your appointment or your call. Here are a few questions you can ask your solicitor or adviser:

- How long will my case take?
- When should you expect to hear back from them? How frequently will they contact you?
- What stage is your case in or what is going on with your case?
- How much will my case cost? Can I apply for legal aid?
- What do you require me to do?

Talking to a solicitor or adviser can feel scary but remember they are there to help you.

If you do not understand something, let your solicitor or adviser know. Take notes of the things/processes you did not understand and ask them.

If you are having difficulty understanding, then you could ask for an interpreter if it would help you.



Top tip: Fee Waivers

There can be different government fees for your application. If you cannot afford these fees then ask your solicitor or adviser about fee-waivers. You might be able to get a fee-waiver meaning you do not have to pay.



Top tip: Delays

There are many different reasons you might not be hearing from your solicitor or adviser, maybe they are waiting to hear from The Home Office. This is why it is important to ask what they expect to happen next and when you should hear from them.

Meeting With A Solicitor/Adviser

Keeping documents organised:

Being organised from the beginning can save you a lot of time and stress. Keeping your documents organised and in a safe place ensures that you will be able to provide the necessary documents when required.

To keep your documents organised, you can start by creating a checklist according to your own needs. For example, you can create a checklist to check if you have all the required documents for your case.

Have copies of important original documents such as your passport and keep them in a file or a secure place.

Keep the details of your solicitor or adviser's email and their contact details in a safe place or store it in your phone.

Top tip: Pause before signing

Before you sign anything that is required of you, make sure you ask and understand what it is that you are signing.



Top tip: Family reunification checklist

For a supporting document checklist for family reunification, refer to the British Red Cross '*Applying for Refugee Family Reunion*' guide, page 21.



Top tip: Important dates

Make note of important dates. Such as when your leave to remain runs out and when you can apply for an extension (sometimes you can only apply 1 month before).



Note of caution:

If you give any documents to a solicitor or adviser, make sure you get a note or a receipt from them and keep it safe place.

Complaints About A Solicitor

Sometimes you might have a serious issue with a solicitor. Before making a complaint, it is important to think carefully as to why you want to complain.

How to make a complaint:

1. Usually, you should make a complaint directly to the law firm. You should give up to 8 weeks for the law firm to resolve your complaint.
2. If you're still unhappy after complaining to the law firm then FREE HELP is available. The type of complaint you have will determine what you do next. There are two options: the Legal Ombudsman or the Solicitor's Regulation Authority (SRA).



Legal Ombudsman

The Legal Ombudsman deals with complaints about poor customer service. For example:

- Your solicitor overcharged you
- Your solicitor stopped responding to you or gave you unclear advice
- Your solicitor did not give back your documents



Solicitor's Regulation Authority (SRA)

The SRA deals with complaints about dishonesty and professional misconduct. For example:

- Someone who claims to be a solicitor when they are not
- You were treated unfairly because of your ethnicity, race, age etc.
- You were given false information

Note of caution:

Before making a complaint to the Legal Ombudsman, you must have complained to the law firm first and been issued with a final response letter. However, for complaints to the SRA this is not required.

The Legal Ombudsman and the SRA are not a law firm, therefore they do not provide legal advice.

Complaints About A Solicitor

Time limit: Legal Ombudsman

You have 6 months to contact the Legal Ombudsman from the date of your solicitor's final response letter.

For more information and the complaints form please visit:

<https://www.legalombudsman.org.uk/information-centre/consumer-resources/complaining-to-a-service-provider/>

Time limit: Solicitor

Regulation Authority (SRA)

There is no time limit to bring your complaint to the SRA. However, it is always better to bring your complaint as soon as possible.

For more information and the complaint form please visit:

<https://www.sra.org.uk/consumers/problems/report-solicitor/>



Top tip: Extra support to complete your complaint application

You can ask your family or friends to help you complete the complaint letter. Alternatively, if you are vulnerable and unable to get help, you may be able to contact the Legal Ombudsman or the SRA and get support from them when completing your application. It may also be possible to complete the complaint application in a different language to English.

For more information contact the

Legal Ombudsman on:

0300 555 0333 or email

enquiries@legalombudsman.org.uk

For more information contact

the SRA on: 0370 606 2555 or

email contactcentre@sra.org.uk

Potential solutions:

Example solutions from the Legal Ombudsman include:

- A refund or reduced legal fees
- Your documents returned
- Compensation if you have lost out or been badly treated

Example solutions from the SRA include:

- Striking a solicitor off the roll
- Closing down the solicitor's firm
- Compensation, if you have lost out financially

Complaints About An Immigration Adviser

Sometimes you may have a serious issue with your immigration advisor. Perhaps you believe they have given you bad advice or treated you unfairly. You can complain to the OISC if you want to.

How to complain online

1. Go to the website: <https://www.gov.uk/government/publications/oiscs-complaints-scheme-complaints-form-english>
2. Download the complaints form in the best language for you
3. Fill it in with as much detail as possible.
4. Save the form as a PDF
5. Send the form along with any documents that are relevant via email to complaints@oisc.gov.uk



How to complain if you can't get online

You can get the complaints form from this address:

Office of the Immigration Services Commissioner,
5th Floor 21 Bloomsbury Street,
London WC1B 3HF
(telephone 0345 000 0046)

or get it from other OISC Registered Organisations (like the organisation your advisor works for)

You can then send the paper version of the complaints form by post to:

Office of the Immigration Services Commissioner,
5th Floor 21 Bloomsbury Street,
London WC1B 3HF