

**The LSC free legal advice scheme (DDA)  
BID bulletin for immigration detainees No 30  
March 2010**

**In brief...**

**Who is this bulletin for?**

This bulletin is for people held in the UK under immigration powers in detention centres and prisons. It may also be useful for individuals and organisations supporting migrants and asylum seekers in detention.

**What information will this bulletin give me?**

This bulletin explains how to get free legal advice from the Detention Duty Advisor (also called DDA). In some detention centres the DDA is just called LSC legal advisor. The bulletin explains how to get advice and which issues the advisor is able to help with. It also briefly explains how you can make a complaint about your legal representative, or the DDA.

**What is the Detention Duty Advice Scheme (DDA)?**

The DDA scheme was set up by the Legal Services Commission (LSC) following criticism that detainees lacked access to legal advice in detention centres.

The project provides free legal representation for those held in immigration detention. The LSC is the organisation which is responsible for providing free legal advice for those who cannot afford to pay. This is known as "legal aid".

**How do I get an appointment?**

Before you can see an advisor through the DDA you have to sign up on a list. The way you do this will depend on your detention centre

Unless otherwise stated below, to book an appointment you need to go to the library at your detention centre to ask for the DDA or the LCS legal advisor. See below for details of when the service is run at each centre.

**Brook House IRC**

The advisor is available on Tuesdays and Thursdays.

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Please also check whether BID has written other bulletins of relevance to you.***

Bail for Immigration Detainees (BID) is registered in England as a limited company number 3803669.  
Registered address: 28 Commercial St, London, E1 6LS. Registered charity number 1077187.  
Exempted by the OISC reference number N200100147

### **Campsfield IRC**

The advisor is available on Tuesdays and Thursdays.

### **Colnbrook IRC**

The advisor is available on Tuesdays and Thursdays.

### **Dover IRC**

The advisor is available on Tuesdays and Thursdays

### **Harmondsworth IRC**

The advisor is available on Tuesdays and Thursdays.

### **Lindholme IRC**

The advisor is available on Tuesdays and Thursdays.

### **Oakington IRC**

Every person in Oakington will see a DDA advisor from the Immigration Advisory Service (IAS) when they first arrive. If you have not been seen ask for the IAS in the library, or call BID.

### **Tinsley House IRC**

The advisor is available on Tuesdays and Thursdays.

### **Yarl's Wood IRC**

The advisor is available on Tuesdays and Thursdays.

### **Haslar**

To book an appointment you need to go to the *welfare officer*. The advisor is available on Tuesdays.

### **Dungavel.**

There is no DDA service in Dungavel, but you can ask for a list of solicitors in the library.

### **How does the DDA scheme work?**

When you show up to your appointment you will have 30 minutes of advice with the DDA advisor. The advisor will be a legal caseworker or solicitor who will attend your detention centre. There is only one legal representative per centre each day. This means that you may not see the same person if you have a second appointment.

The DDA advisor will look through your documents and decide whether they can take on your case. It is important that you bring all your documents with you as the advisor may not be able to help you without looking at your papers. The advisor may not be able to tell you whether they can take on your case straight away and will in any case write to you after your meeting to tell you how they can help you.

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In order to make their decision the DDA advisor has to apply a “merits test” and a “financial means test”. This means that they will have to show that you cannot afford to pay for representation, and that your case has a good chance of succeeding. If your case has only a borderline chance of success (i.e. a 50/50 chance) they will have to show that it also raises human rights issues, which is usually the case in an asylum matter. If your case passes both tests, the DDA advisor will either take your case on, or refer it to another lawyer who can help.

If the DDA advisor agrees to take on your case it means that you do not have to represent yourself in that part of your case.

### **How can the DDA help me?**

The DDA may be able to help with your immigration or bail case. You should go to the DDA if:

- you do not have a legal representative acting for you; or
- you have a legal representative who refused to make a bail application for you; or
- you have a legal representative, but you are not happy with the way they help you and you have already made a complaint

It is unlikely that the DDA will take on your case if you already have a legal representative. If you are not happy with your legal representative it is important that you first discuss the problems with them, and if necessary make a complaint. We have explained below how you can make a complaint.

Please also refer to BID’s bulletin No. 29 if you have a solicitor who has refused to provide you with legal aid representation at a bail hearing.

### **Can the DDA help me apply for bail?**

Yes, the DDA should help you make an application for bail. When you go to see the DDA advisor you should ask him or her to also consider taking on your bail case.

Even if your immigration or asylum case does not pass the merits test, the DDA advisor should consider representing you in an application for bail. If your legal representative, or the DDA advisor, decides not to help with a bail application, you should:

- Write to your legal representative, or DDA to request reasons for their refusal
- Your legal representative or the DDA advisor should issue you with a CW4 form. This will include their reasons for refusing to grant you legal aid for a bail application. If the legal representative has not issued you with this form you should ask them to send you one.
- Refer to BID’s bulletin on your rights to a CW4 (legal aid) appeal.
- Contact BID and we can help you make an application for bail to represent yourself.

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## **I am not happy with my legal representative. Can the DDA help me?**

The DDA is unlikely to help you if you already have a legal representative. If you are not happy with the way your legal representative is helping you, you should:

- Write to your representative and explain why you are unhappy with their help.
- If you do not receive a response to your letter, you can make a formal complaint to Legal Complaints Service and copy your complaint to the Legal Services Commission. Alternatively, you can make a complaint to the Office for the Immigration Services Commissioner.
- If you do not receive a response to your letter, take a copy of your letter to the DDA and ask if they can help any further.
- Be aware that even if your legal representative has refused to grant you legal aid for a bail application, they should not close your file as long as you remain in detention and you have not been moved to a detention centre that is too far away from them.

## **I have already seen the DDA, but I do not feel they were helpful. What do I do now?**

The DDA has to apply a merits test and a financial test (see above) to decide whether they can take on your case. However, if you are not happy with the way the DDA has treated your case you can do the following:

- If you get an appointment, but the DDA advisor cannot take on your case you should ask him or her to give you reasons for their decision in writing.
- If the DDA advisor has agreed to take on your case, but stops representing you, you should ask for the reasons for their decision. If they can show that there is less than 50% chance of winning your case they are allowed to stop representing you.
- Contact BID and we will send you a list of other solicitors you can try to contact.

## **Who is BID and why has it produced this bulletin?**

This bulletin has been written by an independent charity called Bail for Immigration Detainees or BID. BID is not part of the Home Office. BID works with asylum seekers and migrants in detention centres and prisons to help them get out of detention. We provide information and advice as well as assisting people to make their own bail applications. We are opposed to the use of detention for immigration purposes and we challenge the government about its detention policies.

## **Who can I contact for more information on this issue?**

If you have questions concerning this bulletin or about securing your release from detention you can contact one of BID's offices.

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If you are detained in Campsfield House, Lindholme or Brook house, you can contact BID's office in Oxford, by telephoning 0845 330 4536 or faxing 0845 330 4537.

If you are detained in Colnbrook, Haslar or Dover, you can contact BID's office in Portsmouth, by telephoning 02392816633 or faxing 02392821529. If you are detained in any of the other detention centres, you can contact BID's office in London, by telephoning 0207 2473590 or faxing 0207 247 3550.

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