



Asylum seekers denied justice due to crisis in legal aid funding

A year after swingeing cuts to legal aid for asylum and immigration cases, compelling evidence demonstrates systemic injustice for vulnerable asylum seekers.

Justice Denied: Asylum and Immigration Legal Aid – a System in Crisis, published by Bail for Immigration Detainees (BiD) and Asylum Aid is based on 78 submissions from individuals and organisations across England and Wales. It exposes a system which denies asylum seekers the chance to present or defend their case adequately, for want of access to essential legal advice.

Impacts of the cuts, introduced by the Department for Constitutional Affairs in April 2004, include:

- Torture survivors, detainees, victims of traffickers, unaccompanied children unable to obtain legal advice and representation
- Reputable legal practitioners driven out of business, while rogue firms flourish
- Areas of the country left with little or no publicly funded specialist legal provision
- Asylum applicants, who are prohibited from working, being asked to pay for advice: some are driven to work illegally in order to meet legal fees
- Destitution as Home Office support is cut off, when cases fail after poor or absent legal representation
- The non-profit sector struggling to pick up the pieces
- Arbitrary time limits on work imposed by the Legal Services Commission, leaving representatives unable to obtain vital material to support their client's case.

“The evidence submitted to us shows a depressingly similar story across England and Wales,” says Maurice Wren, Coordinator of Asylum Aid. “The asylum process is a legal minefield and yet we are systematically denying people the right to a fair hearing.”

Sarah Cutler, Policy Officer at BiD, says “Asylum seekers who are badly represented or cannot find publicly funded legal representation are facing removal from the UK without key facts in their cases even being considered by the Home Office or the courts, placing them at risk of further persecution or even death. And those in detention are unable to exercise their legal right to a bail application.”

The report calls for the new parliament to take urgent action to address these problems, and raises concerns that the situation will be exacerbated by the further restrictions to legal aid for asylum appeals that came into force in April 2005.

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Notes to Editors

1. BiD is a small independent charity that prepares and presents free bail applications on behalf of those detained under Immigration Act powers, and campaigns against the use of immigration detention. BiD does not receive public funding, and assists detainees for free. See: www.biduk.org
2. Asylum Aid is a charity that provides free legal advice and representation to people seeking protection from persecution and human rights abuses abroad and that campaigns for a fair asylum system in the UK. www.asylumaid.org.uk