

Supporting Immigration Advice Amidst Financial Challenges: Local Authorities' Funding Initiatives

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Summary and key takeaways

This briefing discusses the challenges facing the provision of immigration legal advice in the UK and proposes a solution through Local Authorities' funding initiatives. Drawing from existing research, this briefing:

1. Emphasises the importance of immigration legal advice to contribute to the objectives of the Global Compact for Safe, Orderly and Regular Migration adopted by UN Member States in 2018.
2. Discusses the state of immigration advice provision in the UK and the challenges faced by immigration advice providers, including insufficient legal aid funding, saturated capacity, and policy changes increasing demand.
3. Highlights the potential role of Local Authorities in funding immigration advice. While financial challenges may deter Local Authorities from considering funding immigration advice, research indicates that providing this support can be cost-effective, prevent destitution and benefit public health.

We conclude by positing that having Local Authorities funding immigration advice aligns with the objectives of the Global Compact and can be part of a counterintuitive, yet radical, approach to address Local Authorities' financial challenges.

Immigration legal advice is vital for “safe, orderly, and regular migration”

Legal aid is meant to support people with no or little income to cover the costs of legal advice (Right to Remain, [n.d.](#)). The government allocates funds for legal aid and pays legal aid fees directly to legal advice providers (Right to Remain, [n.d.](#)). Immigration advice is advice given to individuals in relation to various matters, including but not limited to asylum claims, visa applications and any conditions associated with immigration status, citizenship applications, family reunion, or deportation (Advice Services Alliance, [2004](#)). A wide range of people may therefore be in need of immigration advice, including but not limited to:

- Asylum seekers claiming asylum or appealing against asylum decisions
- Refugees wishing to reunite with their families or applying for permanent residence
- Individuals in detention centres and those at risk of deportation
- Undocumented migrants in the process of regularising their residence
- Long-standing residents wishing to apply for citizenship
- Individuals applying for permanent residence
- Family members applying for family visas
- International students who may wish to move from student visas to work visas
- Those affected by changes in immigration laws and policies

In 2018, the UN Member States, including the UK, finalised and adopted the [Global Compact for Safe, Orderly and Regular Migration](#), the first-ever UN global agreement on a common approach to international migration. While not legally binding, the Global Compact recognises that to foster “safe, orderly and regular migration”, enhancing availability and flexibility of pathways for regular and safe migration is fundamental.

These pathways may include:

- Labour mobility schemes through “flexible, convertible and non-discriminatory visa and permit options, such as for permanent and temporary work, multiple-entry study, business, visit, investment and entrepreneurship” (UN, [2018](#), p. 11)
- Family reunification procedures to promote migrants and refugees’ right to family life and the best interests of children
- Academic and student mobility schemes

- Resettlement—that is, “the transfer of vulnerable refugees from the country where they sought protection to a third country granting them permission to stay” (UNHCR, [2018](#))
- Humanitarian admission programmes whereby governments grant asylum seekers admission and allow them to apply for refugee status after their arrival (Wood, [2020](#))
- Community sponsorship schemes whereby governments grant visas to refugees whilst groups of people or organisations provide the financial, social, and emotional support to welcome and integrate (Bond and Kwadrans, [2019](#))

Yet enhancing availability and flexibility of pathways for regular migration is not enough as the provision of legal aid in the destination country is also vital. Objective 7 of the Global Compact is to “address and reduce vulnerabilities in migration” (UN, [2018](#), p. 14). To address this commitment, the Global Compact (UN, [2018](#), p. 15) recognises the following actions as key:

Ensure migrants have access to public or affordable independent legal assistance and representation in legal proceedings that affect them [...] [and] develop accessible and expedient procedures that facilitate transitions from one status to another and inform migrants of their rights and obligations, so as to prevent migrants from falling into an irregular status in the country of destination, to reduce precariousness of status and related vulnerabilities, as well as to enable individual status assessments for migrants, including for those who have fallen out of regular status, without fear of arbitrary expulsion.

Immigration advice in the UK: “An ocean of unmet need”

In 2023, the Public Law Project, a charity conducting research and providing legal representation to marginalised communities, published a report on the state of immigration advice in the UK, describing how “individuals in need of legal aid are finding themselves adrift in an ocean of unmet need” (Rourke et al., [2023](#), p. 4).

In the UK, legal aid provision varies across devolved nations. In England and Wales, legal aid is available for asylum claims, but it is typically no longer available for non-asylum immigration matters. Legal aid is still available for individuals whose human rights would be breached if they did not get funding for a lawyer through the Exceptional Case Funding

(ECF) scheme (Hudak and Marshall, [2021](#)). Applying for ECF, however, remains “an additional and complex process that advisers must go through to get legal aid for their clients, or that individuals must navigate themselves where they are unable to find a provider to make an application on their behalf” (Hudak and Marshall, [2021](#), p. 4). In contrast, legal aid is still available for non-asylum immigration cases in Scotland and Northern Ireland.

The availability of legal aid does not ensure access to it due to the challenges facing the UK legal aid sector, including:

- Legal aid fees do not meet the cost of providing legal aid, with providers having to rely on mixed funding by drawing from private or charitable income and the goodwill of staff working extra, unpaid hours (Rourke et al., [2023](#))
- Providers’ capacity is saturated, leading to legal aid providers prioritising the cases of those most in need and resulting in referrals made by third sector organisations going unanswered (Rourke et al., [2023](#); Wilding, [2022](#); Refugee Action, [2018](#); Wilding et al., [2021](#); Grant, [2020](#))
- Legal aid provision is declining due to underpay in the sector and is uneven across territory, resulting in areas with more legal aid providers facing demand pressures from surrounding areas (Wilding, [2022](#); Rourke et al., [2023](#); Justice Together Initiative, [2023](#))

Various policies contributed to the collapse of the UK legal advice sector, including the introduction in England and Wales of the Graduated Fee Scheme (GFS) for legal aid work in 2006, which funds legal representation for individual ‘units’ of work, rather than paying representatives at an hourly rate (Refugee Action, [2018](#)). Furthermore, in England and Wales, the 2012 Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act lowered the threshold for financial eligibility and reduced the types of cases for which legal aid is available (Refugee Action, [2018](#); WS Society, [2023](#)). In 2023, The Scottish Government ([2023](#)) agreed to a £11 million package to increase legal aid fees for lawyers. Whilst welcomed, this has been criticised as a “short-term plaster” (The Law Society of Scotland, [2022](#)) that will not address systemic issues of underfunding, overstretched lawyers, and “legal advice deserts” (WS Society, [2023](#)). Northern Ireland sets a fixed yearly budget for legal aid. The Law Society of Northern Ireland and the Bar of Northern Ireland argue that ([2023](#)) a fixed budget for a highly variable demand-led service compromises access to justice.

Furthermore, the recent series of policy changes to the asylum and immigration system are increasing the need for immigration advice (Right to Remain, [2023](#); Public Law Project, [2023](#); The Law Society, [2023](#); NRP Network, [2023](#)). For example:

- Following Brexit and the end of freedom of movement in the UK in 2020, EU/EEA citizens residing in the UK found themselves having to apply for the EU Settlement Status (EUSS) in order to maintain regular residence, with vulnerable EU/EEA citizens needing assistance to apply for the EUSS (Turcatti and Vargas-Silva, [2022](#)). The changes to the right to remain for EU nationals also created new vulnerabilities for UK residents who had previously not needed to consult legal advice to live and work in the UK (O'Carroll, [2023](#)). Worse case scenarios have seen EU nationals unexpectedly refused entry into the UK (O'Carroll, [2024](#)).
- The Nationality and Borders Act that came into effect in June 2022 treats asylum claims as inadmissible if a person seeking asylum was previously present in, or had a connection to, a third country the Home Office considers safe (NAO, [2023](#)), exacerbating issues related to insecure status.
- The 2023 Streamlined Asylum Processing policy resulted in questionnaires being sent to individuals with outstanding asylum claims, who needed assistance to complete them (Right to Remain, [2023](#)).

Local Authorities funding immigration advice in financially difficult times

Local Authorities in the UK can play a key role in regulating migration by funding immigration advice (Wilding, [2023](#); NRP Network, [2023](#)). In fact, some are already doing it. In 2023, Justice Together Initiative (JTI) published a report exploring the extent and nature of existing Local Authority commissioning for immigration legal advice (Wilding, [2023](#)). The author sent out a Freedom of Information request to 205 Local Authorities in England, Wales, and Scotland. Of these, 153 responded and 59 said they fund or commissioned legal advice in some form. Figure 1 presents the typology of immigration advice funding models used by Local Authorities developed by Wilding ([2023](#)).



Figure 1. Typology of immigration advice funding models adopted by Local Authorities in the UK (Retrieved from Wilding, [2023](#), p. 9)

Given the financial challenges Local Authorities across the UK are facing, funding immigration advice may not, at first, be perceived as a priority for local government. In our [Winter 2024 UK Economic Outlook](#), Shaw (2024, p. 1) writes:

There is a crisis unfolding across local government which has far-reaching implications that are not fully understood. Since 2021, seven Local Authorities in England have issued what is formally known as a Section 114 but popularly dubbed a 'bankruptcy notice'. This is historically unprecedented.

Shaw (2024) provides a succinct yet poignant analysis of the crisis Local Authorities are facing, how they are coping with it, and how the Government has responded. The Government's stance has long been that Local Authorities' financial challenges are a result of 'localised mismanagement'. Yet there is not sufficient evidence to suggest this is the case. A more likely explanation is the significant cuts to Local Authority funding in the last 14 years. Grant funding from central government—one of the three main sources of funding for local government—was reduced by 40 per cent between 2010 and 2020 (Atkins & Hoddinott, 2020). Local authorities have attempted to adapt to this change through inviting voluntary resignations, reducing corporate costs and increasing charges for local services. Whilst some Local Authorities received extra, emergency funding from the Government during the pandemic, not all did so. Additionally, inflationary pressures have also threatened local authority budgets.

Despite the crisis, Local Authorities maintain statutory duties towards certain populations, such as children in care or rough sleepers (Wilding, 2023; NRP Network, 2023). Local Authorities are expected to provide accommodation and financial assistance to, for example, families with No Recourse to Public Funds (NRP) with children who would otherwise be homeless or destitute (Leon, 2023). Insecure and irregular migration status can push people and families into destitution, while aggravating health, care and other needs (Dickson & Rosen, 2020). All this results in Local Authorities having to provide services to meet these needs, thereby increasing their costs. As observed by Wilding (2023, p. 4):

One household with dependents costs a Local Authority on average £17,151.2. One adult or household to whom there is a duty under care provisions costs an average of £18,401. Funding a refuge place for a person with no recourse to public funds, where there is a duty under child-related provisions, may cost £10,000 for three months, or £40,000

per year. Failing to regularise status for a child in care before they turn 18 may cost up to £21,541 per year for support, rising to a total of over £138,686 over six years for support, accommodation, legal fees, Home Office fees and Immigration Health Surcharge.

Research clearly indicates that funding immigration advice can be cost effective for Local Authorities (Wilding, [2023](#)). Funding immigration advice can act as an upstream measure that prevents people and families from falling into destitution, as regularised status is a precondition for accessing the labour market and housing (Wilding, [2023](#)). Furthermore, supporting families to find a way out of destitution does involve at times access to specialistic immigration advice (The Scottish Government, [2019](#); Wilding, [2023](#)). For Wilding ([2023](#), p. 3), “it’s a no brainer”:

There is a clear cost benefit in all of the Local Authority funded or commissioned immigration advice schemes which are considered in this report, where they had evaluated this. These savings come from obtaining immigration status and / or access to public funds for individuals to whom the Local Authority has a duty (a child or an adult with care needs). Other cited benefits include better public health and community cohesion, with associated financial savings though these are harder to quantify.

Importantly, funding immigration advice may mean that Local Authorities can then have better and more resources to provide better and more adequate support for destitute migrant families. The crisis Local Authorities are facing means that support for populations such as NRFP families facing destitution can be severely inadequate (Singh et al., [2023](#)). As powerfully captured by Abi Brunswick ([2024](#)), the Director of the charity Shadows:

Councils provide tiny subsistence payments; often around £40 per person, per week, despite case law confirming that anything below £49 is likely to be unlawful. Accommodation is often inadequate, with families living for months or years in hotels or overcrowded rooms in shared houses, often in states of disrepair with damp and infestations. Councils are forced to fund this support out of their social care budgets and are unable to recoup the money from central government.

Finally, it is worth remembering that the introduction of bespoke and global resettlement schemes to aid the admission of displaced groups of people (e.g., Syrians, Afghans, Ukrainians, Hongkongers) since 2015 and other policy changes to the immigration and asylum system have positioned Local Authorities as key providers of integration and resettlement support for migrants and refugees (Broadhead, [2022](#)). Ensuring fair access to immigration advice remains a crucial dimension of resettlement and integration support.

Conclusion

Local authorities are struggling to stay afloat. In this context, it may appear difficult to prioritise funding advice for immigration, although such advice is key to upholding the Global Compact for Safe, Orderly and Regular Migration. Yet our briefing provides a different narrative. While we acknowledge the challenges local authorities are facing, existing research clearly indicates that funding immigration advice can be cost-effective and can prevent destitution and benefit public health, representing an essential upstream solution to the financial pressures facing local authorities. In our [Winter 2024 UK Economic Outlook](#), Shaw ([2004](#), p. 4) suggests that increasing funds may not be a sufficient measure to revitalise Local Authorities and highlights how “*the crisis facing authorities also provides the opportunity for a more radical revision of the purpose they serve and the value they add*”. This could entail promoting place-based public services where spending is tracked, collaboration between agencies is promoted, and communities are empowered to actively participate in decision-making, contributing to local and central government accountability and new cultures. Perhaps, having Local Authorities at the forefront of contributing to upholding and working towards the objectives of the Global Compact for Safe, Orderly and Regular Migration by funding immigration advice can be part of this radical revision.

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