Established in 2020, the University of London’s Refugee Law Clinic is an innovative project providing pro bono legal advice for refugee clients. Our work provides some of the most disadvantaged communities in London with access to fair and equal legal representation, a basic human right which many asylum seekers in the UK struggle to find.

The clinic is supported by the Central University and by 10 of the University’s Member Institutions: Birkbeck, City, University of London, Goldsmiths, King’s College London, London Business School, London School of Economics (LSE), Queen Mary University of London, Royal Holloway, School of Oriental and African Studies (SOAS) and University College London (UCL). It is based on a model of Clinical Legal Education for the University’s diverse student body and facilitates practical experience for students working on real cases under the supervision of a qualified expert lawyer. Delivered in partnership with two law firms (Macfarlanes and Clifford Chance), the Refugee Law Clinic also provides the opportunity for lawyers to undertake pro bono work within the clinic.

The clinic’s main legal focus is on advising and preparing fresh claims for asylum, an area identified as underserviced in the current legal landscape, and it aims to complement the work of law firms and other service providers in London.

We were very pleased to obtain funding for two student internship positions over the summer months (through McLemore Konschnik LLP), and also to host Dr Nina Rabin (Director, Immigrant Family Legal Clinic, UCLA School of Law) through a Fulbright Scholarship to review clinic processes, share information and contribute to the clinic’s work.
CASE OUTCOMES TO DATE

The RLC has received over 160 referrals and has started work on more than 130 cases

49
Fresh claims submitted to the Home Office

16
Clients granted refugee protection

11
Granted another form of leave

8
Refused asylum but granted a right of appeal

3
Refused asylum with no right of appeal

11
Awaiting decisions from the Home Office

OTHER LEGAL WORK

This past year has seen the clinic take on a range of additional legal tasks, supporting our clients in an environment where legal advice is increasingly hard to access.

Most significantly this has involved undertaking appeals for six clients where their further submissions were refused with a right of appeal. It has become increasingly difficult to refer appeal work out to legal aid providers.

In addition, we have also undertaken a number of extra tasks and applications, including:

- Trafficking referrals, reconsideration letters and submissions to the NRM to support clients’ Conclusive Grounds and Appendix VTS (grant of leave) decisions.
- Statelessness applications.
- Applications for Asylum Support.
- Applications to extend grants of Discretionary Leave.
- Applications for various travel documents.
- An entry clearance application.
- Initiating various Pre-action Protocols against the Home Office.

All of this has been done in the context of reduced clinic capacity with our second Supervising Lawyer working part-time while we source further sustainable funding.
Since opening, the RLC has trained more than 200 University of London students and 150 commercial law firm volunteers to develop their skills in this area of law.

Volunteers usually work in groups of three or four on a case, under the supervision of our two expert Supervising Lawyers.

Volunteers develop and apply key legal skills including: direct client work and rapport building, drafting a range of documents and submissions, taking witness statements, interviewing and legal research.

The RLC supports students to further develop their skills and gain an independent qualification through the OISC (Office of Immigration Services Commissioner), with around 10% of students from the 2023-24 intake working towards this goal.

The RLC encourages law firm volunteers to develop a secondary specialisation in asylum law, through working on a number of clinic cases over time. A number of law firm volunteers have been engaged with the clinic for a number of years.

This year saw the expansion of our in-person training sessions for volunteers, with specialist workshops on ‘Drafting skills’ and ‘Trauma-informed Interviewing’ delivered twice each during the year. The clinic also hosted a number of guest lectures from experts in the field on specific issues relevant to clinic work - this year with sessions on ‘Gender-based asylum claims’ and ‘Statelessness and Nationality’.

One of our two summer interns in 2023, Ella Heilmann (SOAS), wrote:

‘I loved my time at the Refugee Law Clinic. The internship gave me a chance to develop my legal skills by researching caselaw and legislation, drafting witness statements, and assembling applications for leave to remain. In working so closely with supervising lawyers, I learned how to pull together different elements of a case into effective legal strategies that centred the clients’ needs. This gave me a real insight into the Clinic’s positive impact’.

Ella has continued her work with the clinic following her internship, and was recently ‘highly commended’ in the ‘Best Contribution by an Individual Student’ category at the 2024 LawWorks Student Pro Bono Awards.
Badu (name changed) is a Ghanian national whose application for asylum and humanitarian protection was refused by the Home Office in 2019. The Home Office did not accept he was gay nor that he would be at risk of harm on return because of this. His appeal against this decision was then dismissed as the Immigration Judge also did not accept Badu’s sexual identity due to finding inconsistencies in his evidence and not finding his account of previous harm credible.

Badu was diagnosed with mental illness of a psychotic nature while in immigration detention and has required ongoing medical treatment since. The Immigration Judge accepted that he was being treated with medication for schizophrenia and PTSD/depression/panic attacks, however he noted that he did not have any expert evidence to assist in how that may have lead to credibility problems in his account. The Immigration Judge also did not consider whether medical treatment/medication would be available in Ghana.

Due to Badu’s mental health and memory problems, it was difficult to get a clear account from him of things that have happened in the past. There was therefore a concern that the account in the statement we were working on with the client may be different to previous accounts and that Badu’s inability to recall events would lead to numerous discrepancies in his evidence. The team of RLC volunteers became concerned about their ability to assist Badu and the credibility of his account. Badu had been through traumatic events, been diagnosed with schizophrenia and was very vulnerable. The Supervising Lawyer provided guidance to the team on how significant mental health issues and trauma can affect memory and ability to recall events, and we also referred to this in the further submissions we lodged on Badu’s behalf.

We confined Badu’s new statement to addressing the Judge’s findings and the new material and therefore only covered his sexual identity, relationships, mental health and updated evidence since his previous tribunal hearing. We were also able to obtain supporting statements from Badu’s partner and his partner’s mother. In the further submissions letter we also relied on country information demonstrating that the LGBTQI+ community is persecuted in Ghana. We also referred to how this impacted Badu’s ability to access mental health treatment in Ghana.

The further submissions (fresh claim) led to Badu being recognised as refugee and granted leave to remain for five years.
This year has seen a number of actual and proposed changes for the sector, with new laws and policies directly impacting our client group, and other new proposals likely to impact the organisation and management of the clinic.

Many of these changes require that measures are undertaken immediately in terms of our clients’ individual cases. However, the clinic has also been an active participant in many of the broader debates surrounding these policies and has:

- Worked with the Refugee Law Initiative to advocate directly to MPs around the 2023 Illegal Migration Bill.
- Responded to calls for evidence regarding the Legal Aid Review and, more recently, around proposed changes to the Office of Immigration Services Commissioner (OISC) fees structure.
- Contributed to research by UNHCR on further submissions in the UK.

The Refugee Law Clinic also facilitates a networks on fresh claims, including law clinics, law firms and organisations who work on these cases. Through this network the clinic aims to formulate a common response to measures introduced with policy changes and establish an ongoing space to support best practice in terms of the complex ‘fresh claim’ process.

In all of our advocacy work, we seek to highlight the importance of the fresh claims process as an essential part of the UK’s asylum system. From our clinic caseload, more than 70% of cases have been granted some form of leave (either initially or on appeal), allowing them to access other services and start building their life in the UK.
OTHER CLINIC ACTIVITIES

Conference presentations

• In 2023, the Refugee Law Clinic convened a panel at the Refugee Law Initiative’s 7th Annual Conference. The panel was entitled ‘The Impact of Law Clinics on Inequality and Fairness in National Refugee Protection’. This panel brought together four refugee/migration focussed law clinics to discuss the broader impact of our work, with two clinics from the United Kingdom, one from the United States and one from Italy.
• The clinic also participated in a panel of international refugee-focussed clinics at the 9th ENCLE (European Network for Clinical Legal Education) conference.

Developing links

• This year we hosted Dr Nina Rabin (Director, Immigrant Family Legal Clinic, UCLA School of Law) through a Fulbright Scholarship. Dr Rabin has extensive experience in developing and running clinics in the U.S. context. Her time with the Refugee Law Clinic was used to review clinic processes, share information and contribute to the clinic’s work. Dr Rabin shared useful resources around training and supervision from her experience, and the fellowship laid the groundwork for connection and future collaboration between the clinics.

Briefing Papers

The clinic has so far published four Briefing Papers on issues pertinent to our cases. These are publicly accessible for others in the sector to use as needed.

• No. 1: The Eritrean practice of the issuance of identity-proving documents with particular focus on the case of returnees from Ethiopia Daniel Mekonnen and Sara Palacios Arapiles
• No. 2: Applying the New Burden of Proof: Lessons from the Canadian Experience by Lorne Waldman
• No. 3: Language, Culture and Citizenship Among Amharic Speaking Eritreans and Changing Conditions for Eritreans in Ethiopia by Dr Jennifer Riggan
• No. 4: Governance of Migration by Decree: Legal Life of Afghan Migrants in Iran by Shamin Asghari
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The Refugee Law Clinic is grateful to receive donations to support the expansion and development of our work. Every gift makes a difference to our clients.

https://rli.sas.ac.uk/projects/refugee-law-clinic/support-refugee-law-clinic

FIND OUT MORE

https://rli.sas.ac.uk/refugee-law-clinic

Including details on our referral partners

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