

### ABSTRACT

Scholarly literature on legal practitioners' crucial role in access to protection of forced migrants in the host country abounds. However, their other pivotal role, namely being key sites of information provision to refugees and asylum seekers, is rarely considered. As information enables access to protection, its possession becomes of utmost importance, especially at the time of large-scale migratory movements towards and within Europe. Drawing on findings from a recent qualitative research on legal and procedural information provision to asylum seekers in the UK, it is argued that the legal practitioners' widely recognised decisive, protection-mediating position in the asylum process needs to be complemented with another, similarly significant and consequential role, i.e. being major locales of procedural and legal information provision to refugees and asylum seekers. When representing their clients in the asylum process, legal practitioners informally and selectively educate asylum seekers about their material and procedural rights and obligations. Since official, up-to-date and comprehensive legal and procedural information on the asylum process in the UK is mainly available online, in written form, and in English, personal and oral information provision sessions through consultations with legal practitioners emerge as highly important platforms for conveying, acquiring and understanding information on asylum. This is in particular the case for those with limited English knowledge, who are IT illiterate, or otherwise find the asylum framework challenging to navigate. Yet, certain factors such as the severe cut in legal aid, or the practice of dispersing asylum seekers to various parts of the UK restrict access to legal representation, thus eroding the capacity of legal representatives to act as information provision points.

### INTRODUCTION

- **Getting up-to-date and understandable information** on legal and procedural aspects of asylum is **crucial** for asylum seekers (AS). Information ultimately enables access to protection in the adopted country.
- **Upon arrival** to the UK, AS have **limited knowledge** of legal and procedural aspects of asylum (Gilbert and Koser 2006), which may lead to failed asylum cases. For instance, in 2015 the initial refusal rate of asylum applications was 64%, whilst when appealed, 35% of appeals were allowed (Blinder 2016).

### WAYS OF INFORMATION PROVISION TO AS

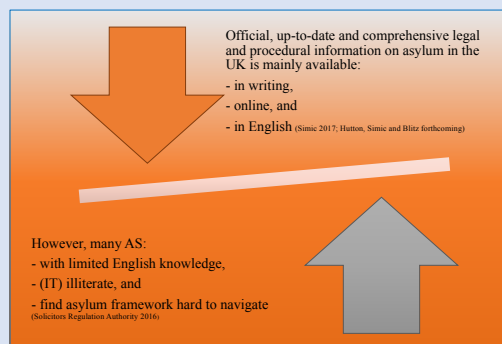
How is legal and procedural information on asylum provided to AS in the UK?



### METHODS

- Based on 'INFORM Legal and Procedural Information for Asylum Seekers in the European Union' Project, funded by the European Commission;
- To investigate how EU asylum framework re. legal and procedural information provision to AS has been put in place by 6 EU Member States, including the UK;
- Data collected in September 2016;
- 18 in-depth semi-structured interviews with stakeholders of 'refugee sector' (lawyers), NGO representatives, and AS who have claimed asylum in the UK in 2015 and 2016.

### EFFICIENT INFORMATION PROVISION?



### INFORMATION PROVISION BY LAWYERS

Lawyers can greatly assist in conveying asylum related information, as they can provide information typically:

- Personally;
- Orally;
- In one-to-one meetings;
- Sometimes in foreign languages understood by AS; and
- By explaining it (Scottish Legal Aid Board 2011).

### ARGUMENT

- Legal practitioners' pivotal formal role of **enhancing legal protection** of forced migrants is widely acknowledged (cf. Anderson and Conlan 2014).
- However, not enough attention on informal/semi-formal **role as information providing agents** in legal / procedural matters of asylum (Solicitors Regulation Authority 2016).
- Essential to **recognise lawyers'** semi-formal/informal, yet often **crucial role of information provision point** to AS regarding legal and procedural information of asylum, besides their main, formal role of legal protection.
- Yet, such role is **compromised chiefly by dispersal** of AS in different parts of the UK, where they might have limited access to legal representation (cf. Smart 2008).
- Also, **severe cut in legal aid** does not act as an incentive for lawyers to undertake asylum cases (Solicitors Regulation Authority 2016).
- The above main factors can significantly **reduce the likelihood to gain and understand** legal and procedural information related to the asylum process, with ultimate impact on the outcome of the asylum process.

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### REFERENCES

- Anderson, B. and Conlan, S. (2014) Providing Protection. Access to early legal advice for asylum seekers.
- Blinder, S. (2016) Migration to the UK: Asylum. Migration Observatory Briefing. University of Oxford. COMPAS.
- Hutton, J., Simic, A. and Blitz, B. K. (forthcoming) INFORM: Legal and Procedural Information for Asylum Seekers in the European Union. UK Country Report.
- Scottish Legal Aid Board (2011) Best Value Review: Immigration and Asylum.
- Siapera, E. (2004) Asylum Politics, the Internet, and the Public Sphere: The Case of UK Refugee Support Groups Online. *Javnost-The Public*, 11(1), 79-100.
- Simic, A. (2017) Content of the Category of 'Asylum Seeker' in the UK - Assumptions, Circumstantial Invisibility and the Need to Challenge such Approach. Conference Presentation at IMISCOE Spring Conference, Middlesex University, 17 February 2017.
- Smart, K. (2008) Access to Legal Advice for Dispersed Asylum Seekers. Asylum Support Partnership Policy Report. London. Solicitors Regulation Authority (2016) Quality of Legal Services for Asylum Seekers. Research Report.