Legal Representation for children and young people

It is essential that you have legal representation. This briefing will help you to understand what having legal representation means and what it involves. The briefing includes:

- Essential facts
- Legal aid
- How to find a legal representative
- What to expect from your legal representative
- What to do if something goes wrong with your legal representation
- Role of local authority

Essential facts

- Claiming asylum in the UK is very complicated so you need a legal representative to help you

- Under strict UK Immigration rules, the Home Office is required to ensure a child has legal representation. If you do not have a legal representative you should consult your social worker immediately

- Your legal representative should be qualified to give immigration and asylum advice to ensure they provide you with accurate, up to date and safe legal advice

Legal Aid

- Legal aid is designed to help those who do not have the resources to access legal representation

* This briefing should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from a regulated legal adviser*
Legal aid is provided by the government. It will help you pay for legal representation (a solicitor) to act on your behalf so you should not have to worry about the legal costs of processing your asylum claim.

As a young person seeking asylum you are entitled to apply for legal aid and you should speak to your social worker if you have any problems with this.

**How do you find legal representation?**

- It is very important to have legal representation, but finding good, quality representation isn’t easy.

- Your legal representative will normally be a **solicitor** with expert knowledge of the legal system. A solicitor is trained specifically in law and has been approved by the authorities to advise you on the law and can take legal action on your behalf. They have a duty to keep information confidential unless they have been given consent to share it.

- The local authority responsible for your care and support has a legal duty to help you find a solicitor.

- The local authority can and should provide details of solicitors in the area, but they **cannot and must not** choose a solicitor for you or **tell you that you must use a specific solicitor**.

- If you agree, you should give consent to your social worker or another responsible adult to contact a solicitor of your own choosing to ask whether they can take on your case.

- The local authority (your social worker) will need to be able to provide clear information about your case to the solicitor in order for them to know how to best support you.

- Once a solicitor has been found, they will apply for legal aid to cover the costs of your application up to when a decision is made.

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Possible ways to find a solicitor

- The Law Society has a list of all solicitors
- Ministry of Justice (department in the government) allows you to search for legal aid representatives
- The Law Centres Network has information about local law centres. Law centres usually will give advice and representation to people living locally
- The Immigration Law Practitioners’ Association also has a list of solicitors you can use to find solicitors working near you

What should you expect from your legal representative?

- Your legal representative (solicitor) should have a good working knowledge of asylum and immigration law and understand the laws and policies that relate to children and young people and specifically to your claim
- Treat you with respect and sensitivity
- Use an interpreter to translate things into your language if necessary
- Keep appointments with you and respond to your calls as soon as they can
- Explain things clearly and if necessary, with the support of an interpreter who explains things in a language you understand - you should always ask if you do not understand something!
- Work with your responsible adult and other agencies supporting you
- Confidentiality (keep anything you want to remain private, as long as it does not put you in danger)
- Your legal representative will prepare your application on your behalf, take down your instructions by filling in the Statement of Evidence Form (SEF) and often prepare a separate statement to support the application
- The SEF is your written story asking for protection in the UK

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Attend your welfare (screening) interview and asylum (substantive) interview

Use an interpreter to explain
  - Their role
  - Your role in your asylum claim
  - How the asylum process works
  - Why your application is strong or weak

What to do if something goes wrong

You should be able to trust and speak to your legal representative about your asylum claim. However if you are not happy, there are some steps you can take:

- You should ask for a copy of the complaints process at the first meeting with your legal representative – even though you may never need to use it

- You should speak to your legal representative in the first instance unless you do not feel comfortable doing so

- The legal representative will inform their complaints partner where they work

- The complaints partner will get back to you and should respond within two working days to acknowledge the complaint

- You may be able to change to a different legal advisor if you have good reason to be unhappy with the support, but this is not easy. Speak to someone you trust about this if you are worried

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If you do not feel comfortable making a direct complaint to the legal representative or their employer, you should speak to your social worker or responsible adult

Role of local authority in legal matters

- The local authority responsible for your care, has a duty to provide practical support to find appropriate legal representation (solicitor)
- Your local authority can act as a responsible adult
- Your local authority can attend meetings with your solicitor but you can request a different responsible adult
- The local authority cannot give legal advice regarding your asylum claim. The local authority is a statutory body (authority set up by the government) but not an independent body (independent from the government)
- Local authorities should work in the best interests of a child

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