

Legal Support - not legal *advice*

Only people accredited (this means licensed) with a regulatory body such as the Office of the Immigration Services Commissioner (OISC) can give legal advice in asylum or immigration cases. It is illegal for anyone not accredited with one of the regulatory bodies of immigration advice to give immigration advice/legal advice as defined in section 82 v of the Immigration and Asylum Act 1999.

However, there are lots of things that friends or supporters can do to help someone with their legal case without providing legal advice. We call this help “legal support”. This guide is to help people who want to provide legal support around asylum / immigration processes do so safely and without stepping into providing legal advice.

What is legal advice?

Legal advice can be defined as the application of legal rules and principles to a specific set of facts that proposes a course of action. Legal advice is *specific, direct, and proposes a course of action*.

If you are not qualified to give legal advice, you can still share legal information. Legal information is factual, generic and does not address any one particular cause of action. For example, the information in the Right to Remain Toolkit.

Providing legal information about the asylum and immigration system is one form of legal support. This could be explaining how the system works, what the most recent country guidance case on a certain country is, or explaining what an “injunction” is. This is not providing legal advice; it is sharing information.

If you aren't a legal professional, you may not have the necessary up-to-date knowledge to provide correct advice. Wrong advice can be worse than no advice.

Even if the advice you are giving does not fall into the category of “legal advice”, remember that the person seeking the right to remain should be making all the decisions for themselves. Even if someone asks for your advice, try not to tell them what to do but instead give information about their options. You can give information about the benefits and risks of the various options, and then support them in making the decision themselves.

The next page has some examples of legal support that you can provide to people.

Examples of legal support

There are many things that people can do to provide legal support without giving legal advice. You can:

- provide general legal information (you can use our guide – the Right to Remain Toolkit).
- before somebody applies for asylum or immigration status, or while they are going through the process, you can sit down with them to go through the different stages and what can happen at each stage. You may want to use our Toolkit, materials available online, or your own personal or professional experience.
- Collect and/or research evidence on a country of origin or particular situation of the person you are supporting.
- use your contacts to ask an expert to write a report to support the legal case.
- help gather useful letters for the case – this might be from a school, Social Services, medical or mental health professionals, community groups.
- read someone's Home Office refusal letter or court judgment and point out which parts of their story are being doubted.
- find other case law or guidelines that these documents refer to.
- explain the meaning of technical terms in legal documents.
- type up what someone wants to say in response to a Home Office refusal, or other negative decision, especially if they find written English difficult.
- help someone talk to their lawyer or legal representative if they are not comfortable doing this themselves – make sure you have their consent (this means permission) to do so.
- help someone prepare for an asylum interview, asylum/human rights appeal, or judicial review hearing. This may be by providing emotional support, practical information about where they have to go and how to get there, explaining the lay-out and personnel of the court, or listening to someone give their testimony so that the first time they do this is not in a hostile setting
- help someone prepare a plan for in case they are detained, and agree a plan of action for if they are detained.
- visit someone if they are detained.

**For more information on legal support, see the Right to Remain Toolkit:
www.righttoremain.org.uk**