



NEWS RELEASE
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Save Refugee and Migrant Justice or face asylum chaos, Ministers warned

Victims of trafficking and 900 unaccompanied children will be among the 10,000 vulnerable people who will be left without legal representation unless the UK's leading asylum legal charity is saved from closure.

Later this week a host of leading figures will join a campaign to save Refugee and Migrant Justice (RMJ), the UK's leading specialist provider of free legal advice and representation to asylum seekers and other vulnerable migrants. The charity took on 11,000 new clients last year, including many from Afghanistan, Iraq, Iran and Zimbabwe.

RMJ is facing a cash crisis because a growing proportion of its legal aid work is now only paid upon completion – leaving it with a lack of funds. The problem has not been caused by spending cuts, but changes made to legal aid payments by the previous Government. Under these changes, payment for most legal work is being made once decisions are made on legal cases by the Home Office or Tribunals, resulting in a delay of up to two years before costs are reimbursed.

The crisis comes as the new coalition government has committed to speeding up the asylum system and reviewing the legal aid system.

Despite this, the Government recently told RMJ that it has to stick to the current legal aid payment system – including delayed payments - because it underpins a procurement exercise started but not completed by the previous Government. This exercise would lock in the current payment system, including delayed payments, for a further three years and ring fence them from the new Government review.

Caroline Slocock, Chief Executive of RMJ said:

“RMJ is not asking for new money, simply prompt payment of legal aid for the work it has carried out. Charities like us, which are an important to Prime Minister David Cameron's Big Society, cannot wait for up to two years for payment whilst the Home Office processes cases. We know that this is also causing other organisations difficulties as well as RMJ.

“The current legal aid payment system on asylum and immigration puts justice at risk. It fails to pay enough for the complex work needed to resolve asylum cases and pays too much for short units of advice that don't finish the job. This slows the

asylum system down and is wasteful, particularly when it results in two or more payments being made when a single fee might be all that is needed.

“The Government has said it can’t revisit the legal aid funding rules set by the last Government because new contracts are about to be issued under a process started before the election. They say it would cause too much disruption to stop this, as the new contracts take effect from October.

“We do hope the Government will reconsider and agree to take a genuinely fundamental look at legal aid in this area. Otherwise, the asylum system will face chaos, with 10,000 asylum seekers and victims of trafficking at risk, including 900 children. Charities like RMJ will also be forced out of work at a time when the new Government wants to open up the Big Society.

“Paying RMJ what it is due would buy the new Government time to take a long hard look at legal aid – and it would cost a lot less than closing us down and locking the current waste in for a further three years.”

Other not for profit organisations working in this field include Law Centres. Julie Bishop, Director of the Law Centres Federation, said:

“Many Law Centres continue to struggle with late payment of legal aid and the length of time it takes to get paid for immigration matters. Managing cash flow is a constant source of difficulty. On average Law Centre reserves have been reduced by 70% and, at some Law Centres, are now dangerously low.”

Alison Harvey, General Secretary of the Immigration Legal Aid Practitioners’ Association, also commented:

“The Immigration Law Practitioners’ Association has repeatedly called for a change to the stage billing arrangements. At first we were told that we were imagining the problem. Then we were told we were right, but that it would cost too much too soon to put things right. No one denies that the Legal Services Commission owes the money for work done; this is a question of cash-flow not of total expenditure, but there is a reluctance to pay what is owed in any timely fashion.

“Firms and organisations providing representation to refugees and migrants cannot be expected to pay staff and overheads and to their own bills for services such as medical reports, interpreters etc. and not receive a penny in. They are carrying the Legal Services’ Commission’s debt. Ironically the bigger the firm is, and thus the more it approximates to the ‘Carter’ model championed by the Legal Services Commission, the bigger the debt it will carry.”

RMJ believes there is scope to spend the existing money in the legal aid budget for asylum and immigration more wisely, freeing up resources to pay providers fairly and promptly. Under the existing legal aid system, a single fee per case can be paid to all asylum and immigration providers irrespective of time spent or quality. This

means short legal advice work, which cannot resolve the case, is given the same payment as the more time-consuming work which is needed in order to prepare essential evidence which enables a sound decision to be taken.

A Legal Services Commission (LSC) response to a Freedom of Information Request shows that 29% of asylum and 32% of immigration cases at the initial decision making stage were closed after relatively little work. These cases are bringing in over twice the income that was payable under the previous payment rates. Yet quality work is comparatively under-funded.

By simply getting cases right first time and paying properly for one thorough, quality piece of work, the Government could save millions of pounds each year. It could also afford to pay providers promptly for work, rather than leaving them out of pocket.

Notes to editors: About RMJ

Refugee and Migrant Justice is the largest specialist national provider of legal representation to asylum seekers and other vulnerable migrants. RMJ was awarded the Liberty/Justice Human Rights Award in 2005, in particular for its litigation work with Zimbabwean asylum seekers.

Since opening as the Refugee Legal Centre by the Conservative government in 1992, RMJ has helped 110,000 vulnerable people seeking asylum or human rights protection. Before that, RMJ was part of the United Kingdom Immigrants Advisory Service, and was directly funded by the Government, but was set up by the then Conservative Government in 1992 as an independent charity to help asylum seekers and migrants.

RMJ employs 336 staff in 13 locations across England. It also runs outreach clinics in 10 detention centres and in other locations across England and Wales.

RMJ needs to be paid £1.8m over six months in order to survive – yet the cost of closure to the taxpayer would be in excess of £2m because the Government would need to pay RMJ and a second provider to take its cases on. The £1.8m consists of money which is owed to RMJ. It is not seeking additional money.

RMJ is extremely cost efficient. Over the last two years, the income received per client has dropped by 46% costs per client have fallen by 41%. The hourly rate for this specialist legal work is around £50 and has not been uprated for inflation since 2001.

Read about some of RMJ's high profile cases here:

<http://www.independent.co.uk/news/uk/home-news/return-gay-man-to-uk-smith-ordered-1626489.html>

<http://www.guardian.co.uk/uk/2010/feb/19/kurd-asylum-seeker-repatriation-iraq>

<http://www.guardian.co.uk/world/2005/oct/14/immigration.immigrationandpublicservices>

RMJ's groundbreaking reports have challenged government policy and raised public awareness of serious human rights issues including transportation of migrant children in caged vans, and the traumatic 'illegal entrant interviews' for children.

Download our groundbreaking reports *Does Every Child Matter?* and *Safe at Last?* here:

http://refugee-migrant-justice.org.uk/?page_id=10

Visit our website: <http://www.rmj.org.uk/>

Legal Aid

The delayed payments of legal aid are affecting other areas of legally aided work. In May 2010 the Law Society had to write to major clearing banks warning them of the sudden cash flow problem caused by the LSC payment delays for work before the higher courts, which has been caused by staff cuts at the LSC as well as closer scrutiny of bills.

For more details on this, click here:

<http://www.lawsociety.org.uk/newsandevents/news/view=newsarticle.law?NEWSID=427849>

Interview opportunities

To speak to Caroline Slocock, chief executive of Refugee and Migrant Justice, please contact Alex Valk, media and communications officer, at avalk@rmj.org.uk or call 07989 569 988.