



Advice for All:  
Publicly Funded Legal  
Assistance in Scotland  
- The Way Forward

Scottish Executive

Response from:  
Scottish Refugee Council

September 2005

## 1 Introduction

- 1.1 The Scottish Executive has published consultation document which sets out its proposals for the way forward in Publicly Funded Legal Assistance in Scotland. It deals with publicly funded advice and services provided by lawyers and advice by non-lawyers in the public and voluntary sectors.
- 1.2 Scottish Refugee Council provides help and advice to those who have fled human rights abuses or other persecution in their homeland and now seek refuge in Scotland. We are a membership organisation that works independently and in partnership with others to provide support to refugees from arrival to settlement and integration into Scottish society. We campaign to ensure that the British government meets its international, legal and humanitarian obligations and to raise awareness of refugee issues.
- 1.3 Scottish Refugee Council appreciates being given the opportunity to contribute to the development of this important legislation through this consultation. Whilst we do not have the depth of legal expertise required to respond to this consultation in full, a number of issues have been raised that could affect asylum seekers and refugees in Scotland and we would like to take this opportunity to comment on them.

## 2 General responses to consultation document

- 2.1 Good quality legal representation is crucial in supporting asylum applications, and Scottish Refugee Council would welcome the provision of enhanced legal aid fees to reward specialist knowledge in this area. Preparing an asylum application is a demanding task requiring many hours of work. Providing enhanced fees for lawyers with experience of providing good quality asylum advice would help ensure that people are to continue to practice in this area.
- 2.2 Allocating legal aid funds to experienced advisors who are not legally qualified could extend the support that is currently available to asylum seekers and refugees, however these services must be closely regulated. Scottish Refugee Council welcomes the move towards providing legal aid funding to the people who are best qualified to provide advice within certain areas, but looks forward to the publication of a detailed account of how this would be regulated to ensure that high standards are met.
- 2.3 Scottish Refugee Council welcomes the Scottish Executive's commitment to ensuring that the most vulnerable sections of Scottish community are able to access legal aid when required, as outlined in the *Advice for All* consultation. We encourage this particularly because these moves will benefit refugees, many of whom remain in low paid employment. (Scottish Executive Social Research *Refugee & Asylum Seekers in Scotland: A Skills & Aspirations Audit*. 2004). Scottish Refugee Council hopes that the recent changes in refugee status as part of the Labour Government's five year immigration and asylum plan (whereby a refugee is not immediately granted indefinite leave to remain and may be removed after five years) will not impact upon the ability of some refugees to receive legal aid if required.

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- 2.4 We also urge the Scottish Executive to take into consideration the problems faced by people who are not fluent in English as part of this review. It is important to ensure that people are able to access good quality interpreting for sufficient lengths of time to support Legal Aid funded cases. A report by Amnesty International revealed that 50% of solicitors working on asylum cases in Glasgow believed that problems with interpreters could affect the outcome of an asylum seeker's case (Amnesty International. *By Word of Mouth*. 2003). However, good quality interpreting is not only crucial for asylum applicants, but also for refugees and other people from immigrant communities.
- 2.5 We trust that Scottish Executive will seek to protect asylum applicants' access to Legal Aid. A fair asylum system is predicated on access to legal aid, which allows asylum seekers to access the representation required to help them secure a future safe from persecution in Scotland.
- 2.6 Scottish Refugee Council would particularly welcome the opportunity to comment further on the aspects that affect refugees and asylum seekers in Scotland as the process progresses.

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