

FACTSHEET

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Access to legal advice

Legal aid

People who are seeking asylum and are in receipt of asylum support are entitled to legal aid to assist them to prepare their claim for asylum, appeal and prepare further submission.

For other matters, asylum seekers and refugees have the same entitlement to legal aid and assistance as any UK national resident in Scotland. This includes:¹

- Applying for legal aid through the Scottish Legal Aid Board with regard to civil matters and children's legal assistance.
- Legal aid, if granted, which includes oral and written advice from a solicitor and any steps a person might appropriately take in order to apply Scots law to the circumstances.

Choosing an adviser

It is illegal for unqualified persons to provide immigration advice.

The provision of immigration advice by non-lawyers is regulated by the Office of the Immigration Services Commissioner.

The Office of the Immigration Services Commissioner (OISC) regulates immigration advisers, ensuring they are fit and competent and that they act in the best interest of their clients.

The OISC is an executive non-departmental public body, sponsored by the Home Office.

www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner

The OISC keeps a public directory of regulated advisers across the UK and publishes information on the level of competence for each level of registration.

www.gov.uk/government/publications/oisc-guidance-on-competence-2017

Lawyers and barristers who provide immigration advice are regulated by the Law Society of Scotland.

When to seek legal advice?

Qualified legal advice is essential for:

- Claiming asylum
- Appealing an asylum decision
- Preparing further submission on an asylum claim
- Applying for Family Reunion
- Applying for Travel Document and Certificate of Travel
- Understanding the conditions of leave to remain, e.g. risk of revocation
- Applying for extension of leave
- Applying for British Citizenship.

1. *Legal Aid (Scotland) Act 1986*, [www.legislation.gov.uk/ukpga/1986/47#commentary-key-d9f2921ec084e0f03c90f6325a629f31](http://www.legislation.gov.uk/ukpga/1986/47/commentary/key-d9f2921ec084e0f03c90f6325a629f31)

Additional Support

How to find an OISC regulated adviser

www.gov.uk/find-an-immigration-adviser

Scottish Refugee Council

Scottish Refugee Council's Services and Helpline can be contacted for advice – more information is available here

<https://www.scottishrefugeecouncil.org.uk/direct-support/>

British Red Cross

British Red Cross offices offer services to asylum seekers and refugees, including family tracing and family reunion

www.redcross.org.uk/get-help/get-help-as-a-refugee##