

Asylum Seekers' Views on the Legal Processes Involved in the Initial Asylum Application

Research Study Conducted for the Scottish Legal Aid Board Final Report

December 2010

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Acknowledgements

The research team would like to offer its sincere thanks to all the asylum seekers that gave up their time to participate in this study. It was clear that sharing their experiences with the research team was not always easy and we were often humbled by their experiences. We hope that this research can ultimately be used to assist other asylum seekers in the future.

We would also like to thank Gary Christie, Isabella Tabatabaeyan and their colleagues at the Scottish Refugee Council for their assistance with this research – it would have been impossible to undertake without their help.

Executive Summary

The Scottish Legal Aid Board commissioned Progressive to undertake research to explore the experiences of asylum seekers in accessing legal aid and legal advice up to and immediately after their Home Office substantive interview. The specific aims of the research were to:

- explore asylum seekers' awareness of the legal aid system
- understand asylum seekers' perceptions and experiences of accessing legal advice
- identify the key barriers to accessing services

It is important to note that the research sought to explore the experiences of asylum seekers and the barriers to accessing services they face within the context of the current asylum system. It was outwith the brief of the study to recommend changes to the current asylum system and any conclusions and recommendations are made in line with this brief.

Initially the research involved a scoping exercise of qualitative interviews with key stakeholders involved in asylum work in Glasgow to explore and understanding the process of claiming asylum and the key stages involved. The research with asylum seekers was then undertaken using a qualitative methodology. Research interviews were undertaken with 33 asylum seekers early on in their application process. Fourteen respondents also undertook a second interview with the research team after they had received their asylum decision.

Overall the research identified that there was a lack of a clear understanding of the key steps on the asylum claim process by asylum seeker respondents, a lack of clear knowledge about who can or should offer advice in terms of their legal application for asylum, a limited amount of time to access this from their solicitors and limited other sources from which to seek advice.

Many (but not all) asylum seeker respondents indicated that their solicitors were very supportive and were useful sources of information on the process of claiming asylum. However, respondents describing differences in the advice offered by solicitors (e.g. in relation to amending details with the Home Office), and respondents obtaining conflicting or unreliable advice and experiences from peers resulted in many examples of uncertainties in knowledge about the process of claiming asylum.

A key challenge of developing and disseminating additional information to asylum seekers to overcome these uncertainties is in ensuring that information can be delivered in such a way as to ensure that asylum seekers can take in and understand this information easily alongside all the other information they are provided with in the period immediately after they have claimed asylum.

Despite this challenge, the results suggest that there is clear scope to provide simple and straightforward information on the application process at key points in the asylum claim process (in particular when registering with a solicitors' firm). This should clearly describe the main stages of the application, possible outcomes and the role of applicants' solicitors. This would act to reassure applicants of the process and how they receive legal help and would also ensure that their expectations of the advice that can be offered by solicitors are not unrealistic.

In addition the result suggest that there may also be some benefit in developing a form of best practice guide or code of practice for solicitors in offering legal advice to asylum seekers around the initial asylum application. This could foster consistency in advice giving

practices by solicitors (within the constraints of the limited time periods and levels of legal aid available for the initial application).

1. Introduction and Objectives

The Scottish Legal Aid Board

- 1.1 The Scottish Legal Aid Board (the Board) is a non-departmental public body with responsibility for providing access to justice for those eligible and in need of it in a cost effective manner.
- 1.2 The Board has three strategic aims:
 - to deliver efficient, effective and value for money legal assistance services
 - to broaden access by exploring new ways of providing and supporting quality assured legal advice services
 - to contribute to the improvement and effective operation of the justice system.
- 1.3 In addition to these three strategic aims, the Board has a number of corporate aims that directly relate to the requirement for research with their applicants. These include:
 - improve the effectiveness of the delivery of its service while achieving a reasonable balance between cost and quality
 - communicate effectively with applicants, opponents, their advisors and other stakeholders in a clear, concise, timely, informative and pro-active manner
 - carry out research into the operation of legal assistance in Scotland and to consider and pilot new ways of delivering legal assistance
 - work collaboratively with other stakeholders in the justice system to improve its operation
 - provide sound advice to Scottish Ministers and the Scottish Parliament on the current operation and development of the provision of legal aid and its interaction with the wider justice system.
- 1.4 In line with these aims, the Board has undertaken a range of different research activities (both internally and using external partners) to inform policy development, implementation and evaluations, through a rolling three-year programme covering three broad themes of: stakeholder engagement, understanding the level and nature of legal aid provision, and improving operations. A key element of this research programme is their applicants' survey which seeks the views of legal aid applicants as to how the legal aid system is working and to identify areas where the system can be improved.
- 1.5 Due to the specific needs and challenges that face asylum seekers in accessing legal aid and legal advice the Board wished to commission specific research within this audience to explore their needs, as applicants of legal aid, in separate detail. In particular, the Board commissioned Progressive to undertake research to explore the experiences of asylum seekers in accessing legal aid and the judicial system. Specifically, the Board was interested in exploring and understanding asylum seekers' interactions with the judicial system up to and after their Home Office substantive interview (i.e. not including the appeal stage), identifying any barriers to accessing services and exploring opportunities to ensure that asylum seekers can access legal aid and services as easily as possible.

Research Aims and Objectives

1.6 Specific aims for the research were to:

- explore asylum seekers' awareness of the legal aid system
- understand asylum seekers' perceptions and experiences of accessing legal advice, including their:
 - routes to accessing legal assistance (e.g. sourcing a solicitor)
 - understanding of the legal processes at each stage of their application / appeal (e.g. initial contact with solicitors, Home Office interviews, tribunals, judicial review etc)
 - understanding of the possible outcomes of each element
 - awareness of rights and complaints procedures
 - ability to distinguish between different stakeholders involved in the legal process, and their roles, (e.g. the Board, solicitors, Home Office etc)
 - nature and frequency of contact with solicitors and other stakeholders
- identify the barriers to accessing services, including:
 - key points in the process / contacts / stakeholders where asylum seekers' are concerned in relation to knowledge and understanding
 - areas / issues the asylum seekers require additional help and /or information

1.7 This research was not commissioned to make recommendations to change or to review the effectiveness of the current asylum system (this was deemed outwith the scope of this work). The research sought to explore asylum seekers' experiences and barriers to accessing services, and to make recommendations to overcome these barriers, within the current system.

2. Background: Information on the Initial Asylum Application Process – Feedback from Preliminary Interviews

2.1 In order to prepare for the research, Progressive undertook a series of preliminary interviews in late 2009 with representatives of the Board, the Scottish Refugee Council, the Scottish Induction Service (SIS), and with representatives from two legal practices involved in asylum and immigration work. The interviews were undertaken to provide the research team with an understanding of the initial application process and to provide guidance on the timings and duration of the process. These findings are presented in this short section.

Key Stages in the Initial Application Process

2.2 Based on these preliminary discussions, the key stages in the initial application for asylum process were identified as follows:

- *Claim of Asylum*
 - Screening interview (applicant 'into system' and issued with id)
- *Relocation to Scottish Induction Service*
 - Accommodation provided
 - Core briefing (by SIS staff) – provides overview on all stages of asylum process – covers, but does not focus on, legal aspects. SIS provide list of legal practitioners
- *Applicant registers with solicitor*
 - SIS may call law firm to register on behalf of applicant
- *Dispersal briefing (by SIS staff)*
- *First interview with solicitor*
 - Complete registration with practice, brief review of case, gather/request any written evidence to support claim
- *Home Office papers posted to applicant*
 - Provides date of Home Office interview
- *Second interview with solicitor*
 - More detailed discussion of case, review of screening interview preparation for the substantive Home Office interview
- **HOME OFFICE INTERVIEW**
- *Review of HO interview with solicitor*
 - Discuss transcript of interview
- **INITIAL ASYLUM DECISION**
- Review decision with solicitor
 - Decision on appeal (if necessary)

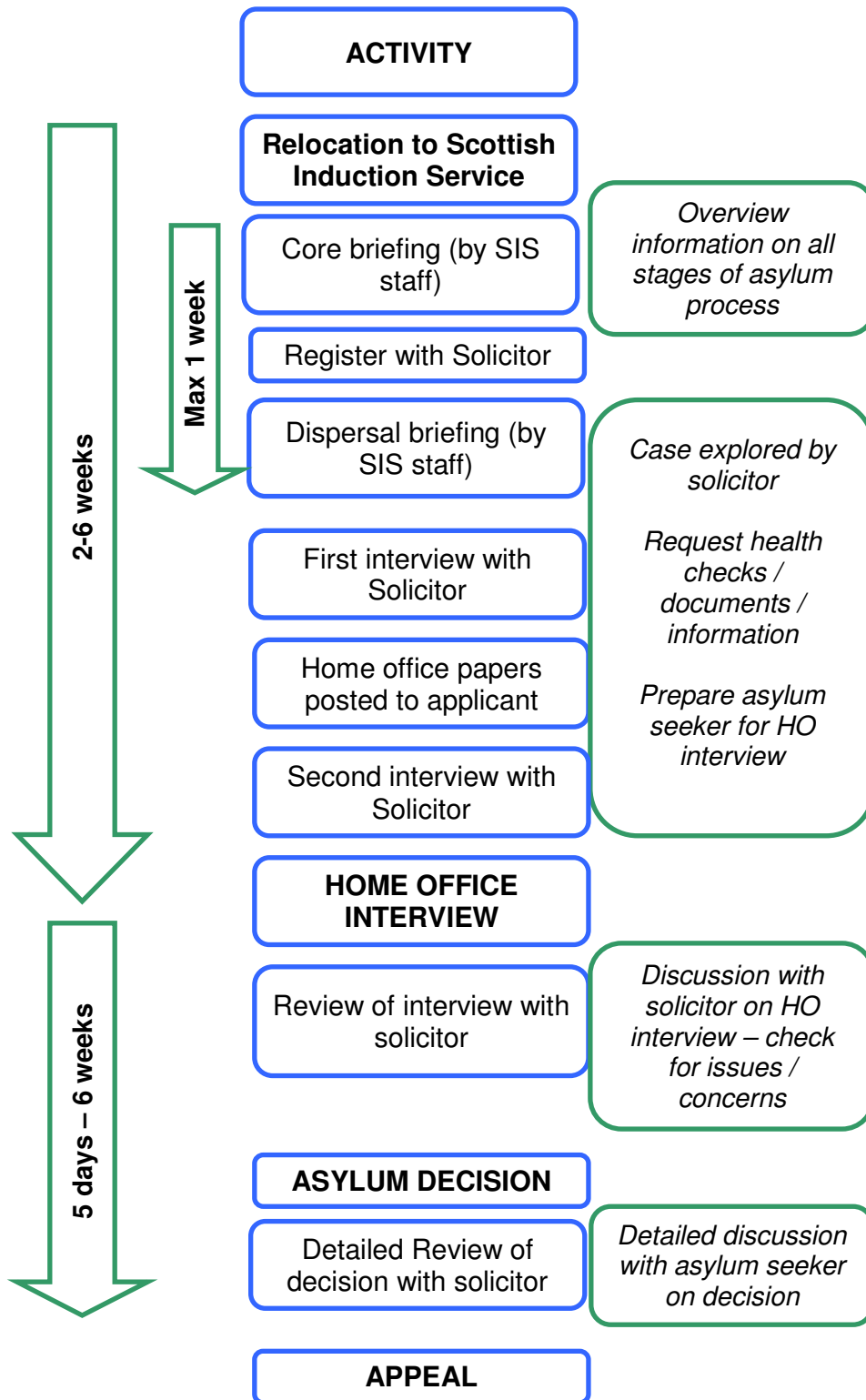
2.3 Based on the preliminary scoping work the research team received differing information on the typical overall duration of the process. It was indicated that applicants were taking anything from two to six weeks from arrival to receive their Home Office interview. The length of time for the decision to be made and for this to be reviewed with their solicitor was also suggested to vary, taking anything from one to up to six weeks. This resulted in an overall process that was described at the time of undertaking the scoping interviews as ranging in duration from 5 weeks to over 12 weeks.

2.4 Communications undertaken by the Board with UKBA indicated that the UKBA aim to conduct the Home Office interview within 2 weeks of the applicants' arrival in UK, but that this is dependent on medical issues, availability of interpreters and so on. At the

time of the scoping interviews it was clear that respondents felt that this period was not being achieved, with the time to interview typically taking much longer.

2.5 Figure 2.1 below presents a schematic showing these stages and timings.

Figure 2.1. Initial Asylum Application Process and Timings Based on Scoping Interviews



Contact with the Scottish Induction Service

- 2.6 Asylum seekers, having undertaken a 'screening interview' after claiming asylum, are relocated to Glasgow's Scottish Induction Service (SIS). The SIS is run by the Scottish Refugee Council and provides information and assistance for newly arrived asylum seekers. Upon arrival at the SIS, asylum seekers are provided with:
- a core briefing (with 48hrs of arriving at the SIS), during which they are:
 - provided with information on all stages of the asylum process using Home Office briefing documentation, including:
 - that they have a Home Office Case Owner
 - their right to interpreters
 - the timeline of decision making (within 28 days)
 - that they can have access to childcare for interviews
 - that the SIS can book solicitors' appointments for them
 - basic information on the legal process
 - a dispersal briefing (within one week of the core briefing), during which asylum seekers are informed of the processes, procedures and support available for their dispersal into the community
- 2.7 The SIS is not able to provide legal advice to asylum seekers – it is the duty of solicitors to inform them of the details of their procedure. All that is provided by the SIS are lists of solicitors (containing contact details of 16 practices involved in asylum work) and basic information sheets on the process. There is no scope to discuss case specific details with SIS staff. SIS staff indicated that in the vast majority of cases that they contact solicitors of behalf of the clients to ensure that they instruct a legal representative as soon as possible.
- 2.8 The issue of legal aid is raised very briefly in the Home Office briefing documents (used in the SIS briefings) in relation to the right to have legal advice on their application, but there is no formal discussion of the legal aid process as part of the briefings.
- 2.9 Asylum seekers have the opportunity to 'drop in' to the induction service to ask for additional advice – although interviews with SIS staff indicated that this is very rarely in relation to the legal process – more typically this relates to accommodation and financial issues. The SIS staff indicated that they felt that, based on their experience, all asylum seekers at least contact or visit a solicitor to register themselves with a firm in advance of their Home Office interview.

Legal Advice from Solicitors

- 2.10 The preliminary scoping discussions with two legal practitioners involved in asylum work indicated that it would normally be expected that an asylum seeker would meet twice with their solicitor in advance of their Home Office interview. The first meeting would typically be a short meeting to register the client with the practice, briefly discuss the process and their claim, and to ask the client to obtain any additional information that may assist in the claim. The second interview would typically be a longer interview during which the solicitor would undertake a more detailed discussion of the case, review the screening interview transcripts and prepare the client for the substantive Home Office interview.
- 2.11 After the Home Office interview has been undertaken, the asylum seeker brings notes and recordings from the meeting to their solicitor for review. At this point the

solicitor reviews the interview transcript and is able to contact the Home Office should there be any concerns with the interview.

- 2.12 Once the decision on the application has been made a meeting between the applicant and the solicitor will occur to go over the decision. Appeal is then lodged if required or requested.
- 2.13 It is important to note that it was highlighted in the interviews with solicitors that the precise nature of the contact can vary and that it is not always possible to have full detailed discussions with clients in advance of their Home Office interviews. This was described as occurring when there is a very short period of time available between solicitors first coming into contact with asylum seekers and the date of their Home Office interview. The short time period also presented challenges in accessing / requesting all the relevant documents that may be required to support an asylum application (e.g. health checks, forms from overseas, birth certificates etc.). It is also important to note that the Board does not fund solicitors to attend the Home Office interview with the asylum seeker unless there are exceptional circumstances; i.e. the client was a minor or suffered from mental health problems. The level of funding available for the solicitors through legal aid is limited to advice and assistance at this initial stage of the application.

3. Methodology: Research with Asylum Seekers

3.1 In order to fully assess the levels of engagement and satisfaction with the process the research was designed to consult with asylum seekers both before and after they have had their substantive Home Office interview, ideally after they have discussed the decision with their solicitor. This was based on the timeline provided by the scoping interviews. As a result, the research was undertaken the following approach outlined in the table below.

Table 3.1 Target Research Plan

Stage	Duration	Location	Target Interviews	No.	Incentives
Pre- Home Office Interviews	20 minutes, immediately after SIS briefing	SIS	30		No
Post Decision / debrief with solicitor	30-45 minutes. Respondents called in specifically	SRC	20		Yes

3.2 The first interview, undertaken at the time of the dispersal briefing sought to:

- Build relationship with respondents
- Understand their expectations of the asylum process
- Explore awareness of legal support (both staffing, financial and information based)
 - Understand their expectations, awareness of costs, eligibility for legal aid etc.
- Understand their experiences so far
 - Have they tried to access advice /legal representation already?
- Explore awareness of different agencies / roles
- Explore sources of knowledge and information on the process/ their rights from immediate sources and beyond the HO and the SIS
- Recruit for second interview

3.3 These interviews were held in the SIS offices and lasted approximately 20 minutes (although some were much longer – up to one hour due to respondents desire to describe their experiences before and on arrival to the UK). At this stage many participants typically did not have a detailed knowledge of the asylum process, as a result the interviewing focused on the participants’ expectations of the process and the legal (and other) advice offered.

3.4 The second interview was scheduled to be undertaken after the full decision debrief with the applicants solicitor. Specific aims of the second round of interviewing were to explore:

- Satisfaction with services engaged with (solicitors, HO staff, Board etc)
- Retrospective understanding of the expectations of support and advice (i.e. did agencies / staff provide what they expected them to provide)
- Understanding and satisfaction of the whole application system
- Understanding of the role of the legal aid
- Recommendations for improvements / changes in terms of advice, information, guidance and support

- Intentions around and advice received re appeal routes (e.g. do they intend to appeal?)
- 3.5 Second interviews lasted approximately 20 - 45 minutes and were undertaken in the SRC building. This location was chosen as asylum seekers would not normally visit the SIS building after they have been dispersed and it was expected that they would be likely to be familiar with the SRC due to ongoing contact / support that is offered by the organisation.

Recruiting Respondents

- 3.6 Recruitment of respondents occurred in partnership with staff at the SIS. All potential participants were informed of the purpose and timings of the research via a participant information leaflet (published in 10 languages) that was presented at their core briefing by SIS staff. This enabled respondents to have time to consider if they wished to participate well in advance of the interview time. The leaflet also stressed that we would like to speak to respondents after they have received their decision, to explore how they have felt the process has progressed. This information was also presented to potential respondents verbally by the research team (via interpreters) immediately in advance of interviewing.
- 3.7 At the time of the dispersal briefing asylum seekers were asked, by staff undertaking the briefing, if they wished to participate in the research by and Progressive staff were on hand to undertake the initial interviews there and then.
- 3.8 At the end of the first round interview all respondents were asked if they would be willing to participate in the second round interview and were reminded that an incentive would be provided to cover their travel expenses and time. This information was presented in the information sheet in their language and all respondents were provided with an appointment sheet and directions to the SRC. All respondents who had a mobile phone were also asked to provide a telephone number to enable reminder telephone calls to be made.
- 3.9 Dates for second interviewing were set in line with expected duration for the Home Office interviews and solicitor debriefs (expected to be approximately 6 weeks after the initial interview). It was expected that not all respondents would be willing to be interviewed twice and as a result we set a target of 20 interviews for the second round.
- 3.10 Topic guides were developed by Progressive for each of the two stages and were approved by the Board / research advisory group (these are attached as Appendix A). In order to reassure respondents that the interview would not affect their claim and to encourage them to be open and honest in their interactions with the researchers, interviews were not audio recorded, but detailed notes were undertaken by the researchers both before and after the interviews to record data.
- 3.11 The majority of the interviews, as required, were undertaken via interpreters. These were arranged in collaboration with the SIS / SRC. Interviewing began in March 2010 and was completed in June 2010.

Amendments to the Planned Research Approach

- 3.12 Based on the number of applicants being processed by the SIS it was initially expected that the first round of research would be undertaken over three one-day

visits to the SIS, with interviews conducted immediately after the dispersal briefings by a team of three interviewers. However by the time that the interviewing began (March 2010) the number of asylum seekers going through the SIS had dropped dramatically. This meant that few briefings were being held and as a result fewer potential respondents were at the SIS for interview. To overcome this, and achieve the target number of interviews, first round interviewing was spread out over an extended period of approximately two and a half months, with one or two Progressive researchers being present on one half day per week (depending on the number of asylum seekers being briefed).

- 3.13 This reduction in the number of applicants seeking asylum also had a significant effect upon the timelines for application, with applications being processed far quicker than we had been expecting based on the scoping interviews. As we were interviewing respondents immediately after their briefing at the Scottish Induction Service (SIS), we expected that they would not have had their Home Office interview as they would be at a very early stage in the process. However, many of the asylum seekers indicated that they were having their Home Office interviews less than a week after arriving in Glasgow – in many cases before we had interviewed them at stage one. This suggests that by the time the research had begun, the UKBA were meeting their target of undertaking an interview with the applicant inside two weeks of arrival in the UK with a higher proportion of the asylum seekers being located to Glasgow.

Sample achieved

- 3.14 Table 2.2 overleaf presents the details of the interviews achieved. First round interviews were achieved with 33 respondents, and second round interviews achieved with 14 respondents.

Table 3.2 Sample Achieved

Gender	Nation	Language	Length of Time in UK	Undertaken Home Office Interview at time of first interview	Attended second interview	Status at Second Interview
M	Malaysia	English	In and out of country since 2000 - recently re- entered	Y	N	-
M	Palestine	Arabic	new in country	Y	N	-
M	Syria	Arabic	new in country	Y	N	-
M	Sudan	Arabic	new in country	Y	N	-
M	Iran	Sorani	new in country	Y	Y	Pending decision, but aware of date
M	Ghana	English	9 years	Y	Y	Refused and Appealing
F	Eritrea	Tigrinian	new in country	Y	Y	Granted Asylum
F	Eritrea	Tigrinian	new in country	Y	Y	Granted Asylum
F	Eritrea	Tigrinian	new in country	N	Y	Granted Asylum
M	Iran	Sorani	new in country	Y	Y	Refused and Appealing
M	Zimbabwe	English	6 years (visa recently expired)	Y	Y	Granted Asylum
M	Guinea	French	new in country	N	N	-
M	Pakistan	English	3.5 years	On long term appeal	Y	On long term appeal
M	Eritrea	Amharic	new in country	N	N	-
M	Guinea	English	2 years	Y	N	-
F	Eritrea	English	6 years (arrived as minor with adult who claimed asylum)	N	Y	No HO interview yet
F	Nigeria	English	2.5 years	Y	N	-
F	Eastern Europe / Middle East	English	3 years	N	N	-
M	Eastern Europe / Middle East	English	9 months	N	N	-
F	Chinese	Mandarin	4 years (at appeal stage)	On long term appeal	Y	On long term appeal
F	Sierra Leone	English	7 months	N	N	-
F	Eritrea	Tigrinian	new in country	Y	N	-
M	Pakistan	English	3 years (at appeal)	Y	N	-
F	Chinese	Mandarin	6 months	N	N	-
F	Chinese	Mandarin	1.5 years	N	N	-
F	Chinese	Mandarin	2 years	N	Y	At second appeal stage
F	Lesotho	English	new in country	N	N	-
F	Zimbabwe	English	4 years	N	N	-
M	Pakistan	English	10 years	On long term appeal	N	-
F	Kuwait	Arabic	new in country	N	N	-
M	Palestine	Arabic	new in country	N	Y	Pending
M	Sudan	Arabic	new in country	Y	Y	Granted Asylum
M	Sudan	Arabic	new in country	Y	Y	Granted Asylum

3.15 Table 3.2 shows that of the 33 first round interviewees, almost half (16 respondents) had already had their Home Office substantive interviews by the time the research interview was undertaken (i.e. within one week of their arrival at the Scottish Induction Service), with 14 still to have their interviews (many of these had Home Office interviews scheduled over the subsequent few days). There were also 3 respondents who were in the process of long term applications for asylum but had been relocated to the SIS due to a change in their circumstances.

- 3.16 At the time of the second round interviews, four of the 14 respondents had been granted asylum, three had been refused and were in the process of appealing (one of these was already at the second stage), three were waiting to hear their decisions, and two were undergoing a continual appeal process (that had begun before the round one interviews).
- 3.17 All research undertaken in compliance with the MRS Code of Conduct and in line with ISO 20252. It should be noted that, due to the small sample sizes involved and the methods of respondent selection, qualitative research findings do not provide statistically robust data. This type of research does, however, facilitate valid and extremely valuable insight and understanding.

4. Research Findings

4.1 This research centred around a need to explore the experiences of asylum seekers in accessing legal aid and the judicial system up to and immediately after their Home Office substantive interview. Before discussing the research findings in relation to this in detail, it is important to consider the context within which asylum seekers have to explore and understand the UK legal system.

Context for learning about the application for asylum

4.2 The Home Office substantive interview is the primary route through which asylum seekers' claims are assessed by the UKBA. The very short time period between engaging with the asylum system and participating in their Home Office interviews (in line with UKBA aims), meant that many asylum seekers that we spoke to as part of the research had their interviews within a few days of arriving in Glasgow. This timescale presents a very small window for a person seeking asylum to find out about the process they are undertaking, select and meet with their solicitors in advance of the Home Office interview and, in terms of the asylum seekers that were part of this research, meant that many respondents had had their Home Office interviews before they had received both of their briefings (core and dispersal) from the SIS.

4.3 It is of course also important to consider that all applicants are in the process of major life changes which are stressful and difficult in themselves, including:

- relocation to a new, unfamiliar residence, in a city (and in the majority of cases) country that is completely new to them
- language barriers – learning or being unable to communicate in English
- adapting to a new culture
- navigating a legislative system that they have limited or no knowledge of
- the fear of arrest or detention (based on their experiences in their home countries)

4.4 This presents a very challenging context in which asylum seekers have to learn about, and understand, the details of their applications and how and where they can gain support and legal advice. Given this context, it is not surprising that the respondents that participated in the research demonstrated varying levels of awareness and understanding of the application process. Many respondents found it difficult to describe any details of the process of their claim, indeed some respondents were clearly overwhelmed by their situation, the volume of information received and during interviewing found it difficult to concentrate and discuss things clearly.

4.5 This context has an impact on the ability of the asylum seekers to understand and become comfortable with the application process. The next section of this report provides details on how respondents described their understanding of the process.

Understanding of the application process and legal issues

4.6 As suggested above, knowledge of the detail of the application process was typically low or incomplete at the time of interviewing – even for some of those that had undertaken their Home Office interviews, had instructed, or had a meeting with, their solicitor and even for some respondents during their second research interviews. It

was often quite difficult to assess precisely the level of understanding that many respondents had in terms of the legal process as their ability to distinguish between, for example, questions relating to their screening interview and their Home Office substantive interview, was for some difficult. It was, however, clear that the level of awareness varied hugely across different respondents.

- 4.7 Most of the respondents at first interview could not provide a detailed understanding of the main steps (what happens after the HO interview, the right to appeal etc.) and exactly what their solicitor can and cannot do. Indeed, some respondents appeared to have adopted a very fatalistic approach to the process – just taking their claim step by step and following what they were instructed to do next at each stage (going to the solicitor, going to the interview, handing their forms in etc.). These respondents were typically unable to describe the overall process or describe what they were doing or why.
- 4.8 This lack of detailed knowledge perhaps reflects difficulties in understanding what is a relatively complex system, but could also be due to the fact that many respondents were expecting to just do what they were told due to expressed fears around being detained or arrested. (This fear often related to the culture of the country from which they had fled, but a small number of respondents mentioned that some of the UKBA letters and website stated that they could be ‘detained or arrested’, reinforcing fears.)
- 4.9 Although some were clearly fearful of arrest (with one Ghanaian commenting that “it was only when I spoke to my solicitor that I felt that I wasn’t going to be arrested in the middle of the night and taken away”) many of these respondents did not appear to be concerned about this lack of knowledge, with some finding it difficult to articulate any information needs or almost appearing disinterested in the detail.
- 4.10 There were, however, some respondents that were very concerned about a lack of knowledge, extremely worried about their application and what exactly would happen at each stage, and very eager to get as much information as possible on the process. In some cases, during the interview, respondents asked the interviewer (or the interpreter) to clarify information, explain the next steps, and explain the content of letters or to offer detail/ opinion on their chances of success. It was clear that these respondents were seeking more information and reassurance on the process of their application.

“I don’t understand the process, or the steps I will go through... I would like to know more about what to do regarding my case, what the relevant laws are, what the process is. I will ask the solicitor about this when we next meet... the solicitor is good, I feel comfortable with the solicitor” Eritrean Respondent

- 4.11 A small number of respondents at first interview could describe the overall process in detail. These were most likely to have undertaken their own research via the internet etc. and appeared comfortable with their understanding of each step. These respondents were also typically those that had been residing in the UK for a longer period of time before claiming asylum and therefore were more likely to be familiar with the UK and the legal system and could speak and read English.
- 4.12 Some respondents indicated that they could distinguish between the different stakeholders involved in the applications process (UKBA, Solicitors, SRC, SIS, the Board etc.), but there were some limited comments that suggested that all of the stakeholders were perceived as being ‘part of the government’ and not necessarily ‘on their side’. Awareness of the Board was low with few being aware that the Board

paid for their legal advice, as was knowledge of the independent nature of the SRC / SIS. However, it is important to note that, given the contact points with the research respondents at both first and second round interviewing, contact with these agencies was limited.

How did respondents find out about the legal processes of their claim?

- 4.13 Respondents typically found out about the process of their application from four key sources:
- Briefings at the SIS (where limited information on the detail of the process is provided)
 - Direct contact with solicitors (which may not come until after their Home Office interview)
 - Friends / family members / fellow residents in their accommodation (who may offer unreliable, inaccurate advice)
 - Internet sources (a small number of respondents indicated that they had accessed the UKBA website for information)
- 4.14 Respondents at first or second interview typically did not mention any other formal or official sources of advice that they would like to use, or had used, to find out about the process of their claim. However a small number did indicate that they had maintained the contact details of their interpreter and had actively spoken to them about their claim or asked them to call their solicitor's firm on their behalf (e.g. via telephone calls).
- 4.15 Respondents at the first interview that could describe a more detailed understanding of the claim process typically cited the briefings at the SIS as being useful in explaining it in general terms (e.g. that they had a right to a solicitor, and to appeal if their application was refused), but this briefing does not provide detail on exactly what advice could be offered and when by solicitors. Given that the first round research interviews were generally undertaken immediately after the briefing at the SIS it was perhaps surprising that so many respondents found it difficult to explain key basic elements of the process – but this may be a function of the volume of information that they have to absorb during this period.
- 4.16 The majority of respondents who had been able to see their solicitor in advance of their research interviews indicated that their solicitors were very useful in explaining the process. Those respondents that completed a second interview were of course able to describe the process that they went through, but again knowledge of what the next steps in the process could be and how much they had been informed by their solicitors was mixed across these respondents.
- 4.17 What was clear from the interviews is that respondents' fellow asylum seekers or residents are a major and influential source of advice and explanation. These sources can of course be inaccurate or conflicting, both in terms of the details of the process itself and in offering advice on how to negotiate the system. One Palestinian respondent indicated (like many others) that their solicitor had stressed to them the vital importance of telling the truth in the Home Office substantive interview, but he had been told by fellow residents that

“the only way to get your claim accepted is to lie – you must lie or you won't pass”. Palestinian Respondent

- 4.18 In addition, one respondent indicated that they had been informed by fellow asylum seekers that it was not important to see their solicitor before their interview.
- 4.19 This lack of detailed knowledge across respondents suggests that there is a clear need to provide, simply and clearly, some information to outline the key legal steps in their application to ensure that asylum seekers are correctly informed.

Suggested Recommendation: Develop a simple and clear information leaflet (as short as possible) to inform asylum seekers about the key **legal** stages of their application process, to be issued by legal firm on instructing a solicitor.

Routes to accessing legal assistance (i.e. sourcing a solicitor)

- 4.20 All respondents indicated that they had received the list of solicitors from the Scottish Induction Service, and many found it reassuring and helpful that this list was provided. However, some respondents had already chosen their solicitor in advance of receiving this information from the SIS (i.e. before they had received the list at the briefing), with choices being made on the basis of advice from fellow asylum seekers or residents in their accommodation.
- 4.21 A small number were using solicitors from outside the provided list – reasons for this included maintaining their contact with a solicitor that they had used when previously arrested in the UK, and using a solicitor from a different location who spoke their native language. Despite the problems this created in terms of not being able to see their solicitor, they did not wish to change to a local firm.
- 4.22 The limited time in which respondents had to choose their solicitors (due to the proximity of their Home Office substantive interviews) meant that some felt pressure to choose quickly and did not have the time to consider their decision, with one respondent commenting *“I didn’t have time to think it through so just went with first suggestion”*.

Frequency of contact with solicitors

- 4.23 The majority of respondents indicated that the level of contact they had with their solicitors was broadly in line with that described in the scoping interviews (i.e. approximately four meetings up to and including a debrief of the initial asylum decision – see figure 2.1). However, some respondents indicated a higher frequency of contact, with one Sudanese respondent indicating that he met with his solicitor four times before his interview and once afterwards. He had had his claim for asylum accepted and indicated at the time of second interview that he had made another appointment to go and see his solicitor to talk about his visa, laws and rights in the country.
- 4.24 One Eritrean respondent commented that they had received a telephone call from their solicitor after they had had their application granted to check that they had understood everything, and another was very positive about the frequency of advice that they had had from their solicitor in advance of the Home Office interview:

“He gave me three appointments inside two days- sometimes outside office hours – to make sure I was prepared” Sudanese Respondent

- 4.25 Perhaps unsurprisingly, of the respondents who undertook a second round interview, those who were successful in their applications for asylum were typically more

positive about the advice from their solicitors than those who were not granted asylum. One second round respondent who was less satisfied with his legal advice, and about to begin the appeal process, was almost resigned to not receiving the advice he would like and commented that:

"I don't blame them, but they should have more time for their clients"
Ghanaian Respondent

- 4.26 It was clear that the respondents who had a successful claim valued their legal advice. However, it is important to note that we cannot draw any conclusions on the extent to which the perceived quality and frequency of legal advice provided, affected the outcome of their claims.

Content of interactions with solicitors

- 4.27 All first and second round interviewees were asked about the content of their discussions with solicitors. Respondents reported that discussions (for those that could see their solicitor in advance of their HO interview) undertaken in advance of the HO interview typically focused on the importance of the Home Office interview, preparing them for this in terms of discussing the types of questions that would be asked, duration, and encouraging them to tell the truth. Most, but not all, mentioned that they had discussed the possible later stages of the application including that there would be a right to appeal.

"The solicitor gave me advice on how to answer questions in the home office interview: give the interpreter a chance to explain the questions, be precise in your answers, tell the truth, if in doubt make sure you understand the question before you answer." *Kurdish Respondent*

- 4.28 For the majority of respondents, contact with their solicitors was felt to be positive supportive and reassuring, a typical example of which is as follows:

"The solicitor was very good in directing me towards questions [in the HO interview] and preparing me...he emphasised need to be truthful...and gave me all the information I needed - my mind was prepared. [After the interview] I didn't feel like there was anything the solicitor had not discussed with me or prepared me for" *Nigerian Respondent*

"I think I was told enough about the interview" *Iranian Respondent*

- 4.29 However it is clear that not all respondents described the same level of advice from their solicitors. It is of course important to note that different respondents will be likely to have had vastly different expectations of the advice that they will receive, and given the time constraints in place, solicitors may not have been able to spend sufficient time with some applicants. However, many felt that greater advice could have been offered.
- 4.30 For some a lack of preparation and advice for the substantive Home Office interview was a major concern. One Guinean respondent felt that that the solicitor could have spent more time with him and prepared him better for the interview – he indicated that he was simply *"told to explain everything to the Home Office"*. A Malay respondent commented that their solicitor, after taking details, did not inform him of what to expect or when the HO interview would be (although the solicitor would not have been able to confirm this if a date had not been set). One other (Kurdish)

respondent mentioned that he was unhappy at not being told about the whole process and what could happen – feeling that he was being told about one step of the process at a time.

- 4.31 A Chinese respondent who was at the appeal stage by the time of her second interview was clearly very dissatisfied with the advice she had received, indicating that she at no point had had a clear understanding of what was required of her, did not really know what was happen during interviews with the Home Office, was unsure of what to do and clearly upset by the short timescales for decision making around appeal. This was made worse for her as she had been told on a number of occasions by her solicitors' firm that they did not have time to see her within required timescales, and she was left feeling that she did not have advice required through the process.
- 4.32 The time constraints in place may mean that it may simply not be possible to have an extended meeting with a solicitor in advance of the interviews to prepare asylum seekers fully. As a result, offering advice on the interview in written form may be an important option.

Suggested Recommendation: Develop a simple and clear information leaflet (as short as possible) to be issued upon instruction of solicitor outlining how to approach the Home Office substantive interview and what it involves¹

- 4.33 A key element where a marked difference in the experiences of respondents was identified was around the reviewing of the transcripts of the screening and the Home Office substantive interviews. Most, but not all respondents, mentioned this stage during their research interviews, with some respondents indicating that they were aware that this was a potentially important stage. In particular this relates to the limited timescales for reviewing the transcripts of their interviews (which asylum seekers take away with them after their interviews) with their solicitors (i.e. to be able to make an appeal against the content of their transcripts). It was clear that some respondents had clearly grasped the potential importance of this stage (with some respondents highlighting that there is a limited time in which inaccuracies can be changed or amendments can be made), whereas for others it was less important, or not acknowledged, as a key stage. It is of course important to note that the difference in understanding of this stage across respondents may not impact on their claims, as all solicitors should be aware of the importance of this stage.
- 4.34 One respondent commented that he had been refused the opportunity to speak face-to-face with his solicitor after his HO interview – the receptionist at the law firm told him that that he could not speak to his solicitor and that he must tell everything to the receptionist who would pass this information on. He left not knowing when he would be able to come back, and had no idea of the next steps. One other specifically asked to see their solicitor to review the forms and talk through her responses but was told by the solicitors that they did not have time to address this issue. The respondent then contacted an interpreter and asked them to phone the solicitor to discuss some mistakes in the transcript. The interpreter was told that these mistakes were not important and did not need to be corrected.
- 4.35 In other cases there was also a clear difference in the advice that respondents had been given in relation to amending the details that were recorded on their official

¹ The UKBA provides overview guidance on the substantive interview but does not describe the interview itself, the topics that would be covered, that a transcript will be made etc. See <http://www.ukba.homeoffice.gov.uk/asylum/process/asyluminterview/>

Home Office documentation. A number of respondents indicated that their solicitors were proactive in reviewing transcripts and writing to the Home Office to amend details that they felt were incorrect on their interview transcripts. One example of this was a Sudanese respondent indicating that his solicitor asked for information to be changed relating to towns / cities / borders of his city that had not been recorded accurately in his screening interview. In stark contrast to this, a Palestinian respondent indicated that when reviewing the transcripts of his screening interview he found that his birthdate was recorded incorrectly. Instead of having this corrected, his solicitor told him not to change this and only to do this if he had proof of correct date (this would not be easy for applicant). The respondent indicated that the solicitor explained that changing things could cause problems for the applicant in terms of his application.

- 4.36 It is important to note that the majority of respondents (both at the first and second round research interview stages) were satisfied with the work of their solicitors and felt that they were a trusted source of advice and assistance. Despite this, respondents described different experiences in terms of advice and levels of access to solicitors.
- 4.37 This would suggest that clarity is required on what advice can and cannot be offered to asylum seekers to enable them to know what they should expect in terms of legal advice, and what the limitations and constraints are, to manage expectations.

Suggested Recommendations: Develop a simple and clear information leaflet (as short as possible) to be issued at the first meeting with the solicitor describing exactly what solicitors can and cannot do to support applicants' claims, when this can be done, and highlight the constraints on advice. Brief solicitors to be consistent when describing the extent and the limits of their advice to asylum seekers.

Awareness of the legal aid system and their entitlements

- 4.38 The vast majority of respondents were not aware of the legal aid system or the Board, but all were aware that they would not have to pay for their legal advice. For many, paying for legal assistance was not a key concern or issue as it was understood that the 'the government' was paying for their application. Most had been told by their solicitors that they need not pay for help.
- 4.39 Although many mentioned signing forms in their solicitors' offices, not all were aware, or could recall, that these related to gaining legal aid. Furthermore, a lack of knowledge about the limitations of legal aid was clearly evident by many respondents. For example, one Zimbabwean respondent (who had claimed asylum after a student visa had expired) had misconceptions about the process suggesting that the reason he could not have a solicitor at his Home Office substantive interview was because there was not enough time to process the legal aid forms, and not because this is not covered by legal aid (this perception may have been reinforced because his letter from the UKBA describing the interview process and the detail on the UKBA website² states that a solicitor can be present).
- 4.40 Interestingly, one respondent (an Eritrean female) indicated that their solicitor was with them during their HO interview. Many respondents (who had not had their solicitors present at the HO interview) expressed a desire for this to be the case, with

² <http://www.ukba.homeoffice.gov.uk/asylum/process/asyluminterview/>

some indicating surprise that they would not be with them and suggesting that they would have felt more re-assured if they were there.

- 4.41 These variations in experience and misconceptions about the level of advice that can be offered through the legal aid system also highlight the requirement to provide clear information on the constraints of legal advice to asylum seekers.

Awareness of rights and complaints procedures

- 4.42 Knowledge and awareness of rights was limited, but almost all respondents (who required one) mentioned that they were aware of their right to have an interpreter for their interview and at meetings with their solicitors and some mentioned that they had the right to change the interpreter if they wished. Few mentioned knowing about complaints or how to complain about their solicitors or the interviews, although it appeared that a fear of authority, based on their experiences or culture in their own country and general anxiety about the impact complaints could have on their claim would have prevented them undertaking such action.
- 4.43 One example of this was described by a respondent who indicated that although he had approved his interpreter at the start of his HO interview. Half way through he realised that the interpreter could not understand his dialect properly – resulting in long conversations between the interviewers and the interpreter. Despite his growing concern about this he did not feel that he could stop the interview and request an alternative interpreter.

Post-decision

- 4.44 The second round interviews were scheduled to occur at a point in time when asylum seekers were to have had their decision reviewed by their solicitor and a decision to appeal to be made (if relevant). As discussed above (see para 3.15) due to the short time period between arrival at the SIS and their Home Office interviews almost half of the first round respondents had completed their Home Office interview the time of the first research interview and were able to discuss the Home Office interview and the level of legal advice offered by their solicitors. The second round research interviews therefore enabled issues around the understanding of the overall process and the experiences of asylum seekers around the decision to be explored.
- 4.45 The key overall finding from these second round research interviews was that respondents were, despite their experiences and opportunities to learn since the first research interview, typically still unable to describe in detail the next steps in the process. They could of course describe what had happened in terms of meeting with solicitors, but many highlighted that they were not sure of the details of what had happened, about the next steps or on the details what was currently happening. One Mandarin speaker (who had reached the second appeal stage by the time of her second interview) was very confused, indicating that:

“it is very confusing, I did not fully understand what I had to do and when...[or] what was required...in court I didn’t understand what was happening, I had a translator but they didn’t seem to go into too much detail” Chinese Respondent

- 4.46 Similarly, a respondent who had not yet had a decision on his claim commented that:

“I am not sure what they [the solicitor] have done so far, but I assume it will become apparent if I get to appeal” Palestinian Respondent

4.47 The Palestinian respondent quoted above (and others who had not yet received their decision on asylum) expressed concern over why their process was being delayed (relative to other asylum seekers who had received decisions quickly) and could not explain the reasons for this (relative) delay.

4.48 The speed at which the initial application typically occurs may be a factor in the different levels of understanding about the system. One (successful) English speaking applicant indicated that:

“it all happened very fast, but it didn’t leave me much time to get ready for the interview... everybody said to expect 2-3 weeks but then suddenly it was almost the next day – everyone was fast-tracked. I felt very sorry for those needing translators because it must be very hard to keep up with everything” Zimbabwean Respondent

4.49 One respondent (who had been granted asylum) commented that he had an appointment with his solicitor in the next few days, but he could not describe the purpose of the meeting. He, like others who had had their applications granted were also confused and worried about the next steps in the process, this typically related to issues such as:

- Being evicted / becoming homeless from their temporary accommodation (two respondents commented that they were told that they had to leave their accommodation within one month)
- Ability to access financial support, apply for jobs/ to college
- Learning the language
- Worries about bringing families over to the UK

4.50 Many of these are issues that are outwith the scope of the advice and support that solicitors will provide, but only one of these respondents identified that the SRC would be the place where they would expect to ask about these issues. This again highlights a need to be clear to asylum seekers about what solicitors can and cannot provide in terms of advice to ensure that asylum seekers can have realistic expectations about the role of their solicitor.

Limitations and suggestions for further research

4.51 Respondents’ comments on the standard and level of legal advice provided by solicitors are likely to have been influenced by the outcomes of their claims and also by their expectations of the level of legal advice that they should be offered. Respondents’ expectations may have been unrealistic or not have reflected the level of advice that can be offered by legal professionals or within the limitations of legal aid. There may therefore be some merit in undertaking a series of detailed interviews with solicitors and their secretarial or support staff to explore their impressions of interactions with asylum seekers. Gaining perspectives from solicitors will enable the experiences of asylum seekers to be compared and contrasted to those of their legal advisors. This will provide a more complete picture of how asylum seekers access justice and advice, and explore in greater depth the opportunities and scope to enhance the support offered to asylum seekers involved in the current system.

4.52 There may also be some merit in conducting research with representatives from other support agencies such as key staff at SRC to explore information requests by, and support offered to, asylum seekers. Interviews with Home Office case workers

may also highlight particular issues in terms of support and advice that have not been captured by this research.

- 4.53 The research process also highlighted the important role that interpreters have in the interactions between asylum seekers and other key stakeholders in the process. At many times during the research process interpreters discussed with researchers how the experiences of the respondent compared with other asylum seekers for whom they had translated and some asylum seekers mentioned contacting their interpreters independently to ask for advice. This highlighted the unique role that the interpreters have in the process. Interpreters could therefore prove an effective and insightful audience with which to explore the challenges of accessing legal advice and other support for asylum seekers.
- 4.54 This research was restricted to exploring the initial stage of the application for asylum and as a result did not explore the appeal stages. The frequency, detail and nature of legal advice offered to asylum seekers are likely to change for those that undergo the appeal stage. Therefore in order to fully explore the experiences of asylum seekers undergoing the appeal stages additional research would be advisable.
- 4.55 Finally, it is important to reiterate that the brief for this research did not include evaluating the current asylum system. As a result, the findings from the research, and the recommendations made, have not been developed to assess, review or suggest changes to this system. There may be findings within this research that could be utilised to that end, however this was outwith the scope of this research and this research does not explore this issue. Further work could be undertaken to explore this.

5. Summary and Conclusions

- 5.1 In general, it was very clear that the respondents' knowledge of the asylum claim process was, typically, imperfect. There was a lack of clear knowledge about the key legal steps of their application, a limited amount of time to access this from their solicitors and limited other sources from which to seek advice.
- 5.2 Many (but not all) respondents who had met with their solicitor indicated that their solicitors were very supportive and were useful sources of information on the process of claiming asylum. However, the short time period up to the Home Office substantive interview, differences in advice offered to different respondents, together with respondents obtaining conflicting or unreliable advice and experiences from peers (e.g. fellow residents or asylum seekers), resulted in a situation where there were many examples of uncertainties in knowledge about the details of the whole process of application.
- 5.3 For the majority, the asylum process was not understood in any great detail. Respondents reacted to this lack of knowledge in a range of ways, with some clearly very concerned and others adopting a fatalistic approach to negotiating the system – just taking things step by step and effectively 'doing what they were told' at each step. For some the lack of understanding of the system clearly contributed towards feelings of fear and anxiety over arrest.
- 5.4 These results suggest that, within the current asylum system, there is a clear scope to make information on the stages of the application process (including possible outcomes) and the role and the expectations that they should have of their solicitors, simpler and more readily available at an early stage.
- 5.5 The key challenge of developing and disseminating new information to assist asylum seekers' understanding of the process is ensuring that this information is delivered at the right time to ensure it can be absorbed alongside the other information asylum seekers are coming across in the early stages of their application. That said, distributing simple, clear guidance at key relevant contact points in the process should assist in helping asylum seekers to improve their understanding of the process, and be realistic about the expectation of the advice they can be offered by solicitors.
- 5.6 Information should highlight the expected nature of contact with solicitors, the contribution of solicitors and the scope and limitations of their advice at key points in relation to the asylum seeker's claim. It would act to reassure applicants of the process and how they receive help and also ensure that their expectations of the advice that can be offered are not unrealistic.
- 5.7 In line with this guidance there may also be some scope to develop some form of best practice guide or code of practice for solicitors in offering advice to asylum seekers around the initial asylum application (within the constraints of the limited time periods and levels of legal aid available for the initial application).
- 5.8 It is important to note that research could not conclude that there was a direct link between the outcomes of asylum seekers' claims and their levels of understanding of the legal processes or the perceived quality of legal advice offered. However, taking steps to improve asylum seekers' understanding of the legal elements of their claim will be likely to enhance the process for all involved in the application system.

5.9 Suggestions to enhance the knowledge and awareness of the asylum process for asylum seekers within the current system, along with dissemination points are presented in table 5.1 below.

Table 5.1 Suggested Recommendations

Information	Suggested Dissemination Point
Simple and clear information leaflet about the key legal stages of their application process	Upon instructing a solicitor – issued by practice
Information leaflet outlining how to approach the Home Office substantive interview	Upon instructing a solicitor – if no time to undertake full meeting in advance of interview
Simple and clear information leaflet describing exactly what solicitors can and cannot do in relation to advising applicants, when this can be done, and highlight the constraints on advice	First full meeting with the solicitor
Develop best practice and brief solicitors to be consistent when describing the extent and the limits of their advice to asylum seekers (in line with the above).	Direct to solicitors via the Law Society

Appendices

Appendix 1: Topic Guides

progressive

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**Scottish Legal Aid Board
Research with Asylum Seekers
Topic Guide – Round 1 Interviews
FINAL**

Overall Research Aims:

The overall aims for the research are to:

explore asylum seekers awareness of the Legal Aid system
understand asylum seekers' perceptions and experiences of accessing the judicial system, and
identify the barriers to accessing services.

Aims of First Round interviews:

The key aims of the first interviews will be to:

- build rapport and trust with respondents
- explore expectations of the process, current sources of knowledge & advice
- explore experiences of early contact with solicitors and other support agencies (if applicable)

IT IS EXPECTED THAT THESE INTERVIEWS WILL LAST 15-20 MINS.

Introduction/ warm up

- Welcome to the session
- Introduction by interviewer and explanation of Market Research Society Code of Conduct
- Confirmation that the research is being undertaken by independent researchers and will not affect claim for asylum in any way.
 - Researchers are not UKBA, SRC, SIS staff
- Explanation of rules of engagement of discussion: take part; not a test; no right or wrong answers; confidential;
- Introduction to topic: Exploring asylum seeker's experiences of accessing legal system up to their interview with the Home Office.
- Introduction to respondents: name, family situation (in UK or not?), country of origin

INTERVIEWER TO TAKE TIME TO REASSURE RESPONDENTS OF THE ABOVE, THAT THE RESEARCH IS NOT A TEST AND TO ENSURE THAT RESPONDENTS ARE CLEAR THAT RESEARCH WILL NOT AFFECT THEIR CLAIM FOR ASYLUM

Expectations of process

- Do you know when you will have your Home Office interview?
- What do you think will happen before then?
 - PROBE ON:
 - Meeting with solicitor; preparing for interview, getting documentation together etc.
- Are there any things that you want to find out more information about (in relation to your application for asylum)?
 - What is the most important thing that you want to find out more information about?
- Is there anything you are concerned about at the moment (in relation to your application for asylum)?
 - PROBE: getting good advice, paying for help, getting more information, understanding what will happen at the interview

Contact with solicitors

- Did you know that you have to register with a solicitor?
 - If yes, what do you expect them to do for you?
- Have you registered with a solicitor?
 - If not, why not?
 - If yes:
 - How did you choose the firm?
 - Have you met with them?

IF MET WITH SOLICITOR:

- How long did you meet with them for?
- Did your solicitor use an interpreter /translator? PROBE when used and what for and how that was perceived.
- What did you discuss?
 - Process/ application; preparing for the interviews etc .
- Did you have any conversation with your solicitor around how your legal advice might be paid for?
 - Where you asked about your financial circumstances by your solicitor?
 - Did the solicitor ask you to show him/her information on this? PROBE: state benefits, savings.
 - Where you asked to pay yourself for your legal assistance? PROBE: what and when did you pay? When did you find out that you would have to pay? For what reasons were you told you had to pay?
- Are you aware of the Scottish Legal Aid Board? Probe: How and when. Show logo.
 - Did you know that they can provide funding for legal advice around asylum cases (for those people who are eligible) ?
- Do you expect to meet with them again?

- When will this be?
- What do you think this will be about? What will be discussed?
- How long do you think the meeting will last?
- So far are you satisfied with the support that your solicitor has given you?
 - Why / why not?

IF NOT MET WITH SOLICITOR:

- When do you think you will meet with them?
- What do you think will be discussed?
- How long do you think the meeting will last?

Contact with other agencies / advisors

- Who else have you asked, or do you think you will ask for advice on your claim for asylum?
 - Who did you (or do you expect to) meet with / ask?
 - How did you find out about these agencies?
 - What sort of information are you / were you seeking. What were you trying to find out?
 - Why will you ask this person / group?

Summary / Wrap up

- Is there anything else that you would like more information on at this stage?
- Is there anything else that concerns you at the moment that we have not discussed?

EXPLAIN STEPS FOR ROUND 2:

- **INTERVIEW AT SRC OFFICES AFTER HOME OFFICE INTERVIEW**
- **THAT EXPENSES ARE TO BE COVERED FOR SECOND INTERVIEW (£15)**
- **ISSUE APPOINTMENT CARD & FREEPOST ENVELOPE**

Thank and Close

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Scottish Legal Aid Board Research with Asylum Seekers Topic Guide – Round 2 Interviews FINAL

Overall Research Aims:

The overall aims for the research are to:

explore asylum seekers awareness of the legal aid system
understand asylum seekers' perceptions and experiences of accessing the judicial system, and
identify the barriers to accessing services.

Aims of Second Round interviews:

The key aims of the second interviews will be to:

- explore experiences of the process, current sources of knowledge & advice
- explore experiences of contact with solicitors and other support agencies

IT IS EXPECTED THAT THESE INTERVIEWS WILL LAST APPROX 30 MINS.

Introduction/ warm up

- Welcome to the session
- Introduction by interviewer and explanation of Market Research Society Code of Conduct
- Confirmation that the research is being undertaken by independent researchers and will not affect claim for asylum in any way.
 - Researchers are not UKBA, SRC, SIS staff
- Explanation of rules of engagement of discussion: take part; not a test; no right or wrong answers; confidential;
- Introduction to topic: Exploring asylum seeker's experiences of accessing legal system up to their interview with the Home Office.
- Re-introduction from respondents: current situation, where they are living, how they are finding life in Glasgow etc.

INTERVIEWER TO TAKE TIME TO REASSURE RESPONDENTS OF THE ABOVE, THAT THE RESEARCH IS NOT A TEST AND TO ENSURE THAT RESPONDENTS ARE CLEAR THAT RESEARCH WILL NOT AFFECT THEIR CLAIM FOR ASYLUM

Current Status

- What stage are you at in your application for asylum? [Confirm that respondent has had their Home Office Interview]
 - Have you had your decision?
 - Have you discussed this with your solicitor?
 - IF REJECTED: Have you decided to appeal?

Overall impressions of process so far

INTERVIEWER TO CHECK NOTES FROM FIRST INTERVIEW:

- How does your experience of the process compare to what you were expecting?
 - PROBE TO RESPONSES FROM FIRST INTERVIEW
 - Are there any areas where you have been confused or not understood what was required?
 - Do you think you have had the opportunity to explain your case fully?
- Were there any things that you wanted to find out more information about (in relation to your application for asylum)?
 - What is the most important thing that you want to find out more information about?
- Did you understand what was going to happen at each stage?
 - Has anything happened that surprised you?

Contact with solicitors

- Was it easy for you to choose your solicitor?
 - How and why did you choose the firm?
- What has your solicitor done?
- How many times have you met with your solicitor and how long were the meetings?
 - When were these meetings (before / after home office interviews etc.)
 - Did your solicitor use an interpreter /translator? PROBE when and how that was perceived.
- What did you discuss at each meeting?
 - PROBE: levels of understanding, process/ application; preparing for the interviews etc.
- What legal support and advice was given and how did this compare to expectations?
 - Would you have liked more / less advice?
 - On what topics
 - At what times?
- Do you expect to meet with them again?
 - When will this be?
 - What do you think this will be about? What will be discussed?
 - How long do you think the meeting will last?
- Did you have any conversation with your solicitor around how your legal advice might be paid for?
 - Were you asked about your financial circumstances by your solicitor? When were you asked?

- Did the solicitor ask you to show him/her information on this? PROBE: state benefits, savings.
- Were you asked to pay yourself for your legal assistance? PROBE: what and when did you pay? When did you find out that you would have to pay? For what reasons were you told you had to pay?
- Are you aware of the Scottish Legal Aid Board? Probe: How and when. Show logo.
 - Did you know that they can provide funding for legal advice around asylum cases?
- Overall were you satisfied with the support that your solicitor has given you?
 - Why / why not?
- Will you use the same solicitor for your appeal? (if applicable)
 - Why / why not?
- Would you recommend your solicitor to other asylum seekers? Probe: why

Contact with other agencies / advisors

- Who else have you asked for advice on your claim for asylum?
 - Who did you meet with / ask?
 - How did you find out about these agencies?
 - What sort of information were you seeking? What were you trying to find out?
 - Why did you ask this person / group?

The Home Office Interview

- How prepared did you feel for your Home Office interview?
 - What did you do in advance to prepare?
 - Who did you discuss it with in advance
- Did you know what to expect?
 - E.g. who this interview was with, what happened, use of translator, how long the interview was etc.
- Do you think that you were well prepared for it?
 - Would you do anything differently if you could do it again?
- Were you happy with how the interview was conducted / and the questions that were asked?

Next Steps

- What do you think will happen next?
 - Are there any things that you want more information on?
 - Who will you get advice / help from?
- Is there anything you are concerned about at the moment (in relation to your application for asylum)?
 - PROBE: getting good advice, paying for help, getting more information, understanding what will happen at the interview

Summary / Wrap up

- If you could change anything about the process that you have been through (in terms of support, advice, information, meetings etc) what would you change?
- Is there anything else that you would like to have had more information on at any point in the process?
- Is there anything else that concerns you at the moment that we have not discussed?

Thank and Close