

Legal advice survey of immigration detainees across the UK detention estate

Summary: Surveys 1-10

	2015 May (136) SURVEY 10	2014 Nov (119) SURVEY 9	2014 May (125) SURVEY 8	2013 Nov (141) SURVEY 7	2013 May (111) SURVEY 6	2012 Nov (93) SURVEY 5	2012 May (144) SURVEY 4	2011 Nov (131) SURVEY 3	2011 May (147) SURVEY 2	2010 Nov (134) SURVEY 1
Proportion of detainees with legal representation										
% of all detainees interviewed with a legal representative at the time of the survey	50%	47%	55%	49%	43%	79%	69%	69%	65%	51%
• % of those who have a rep who are using a private (fee-paying) solicitor ¹	38%	38%	44%	48%	33%	25%	25%	30%	27%	32%
• % of those with a rep who are using a legal aid solicitor ²	62%	62%	54%	52%	67%	75%	75%	70%	73%	68%
• % of those with a rep who are using a mixture of legal aid and private ³	7%	0%	3%							
% of detainees interviewed with no legal representative at the time of the survey (they may have had a representative at a previous point in their detention history).	50%	53%	45%	51%	57%	21%	31%	31%	35%	49%
% of the sample that had never had a legal representative while in detention	11%	30%	15%	23%	26%	9%	14%	9%	12%	19%
Awareness of the Legal Aid Agency legal advice surgeries										
% of detainees interviewed who were aware they could apply for free immigration advice in their IRC	88%	84%	92%	89%	90%	89%	88%	84%	42%	53%
% of detainees interviewed who had taken part in at least one 30 minute session with one of the contracted advice providers ⁴	62%	66%	64%	75%	77%	72%	69%	65%	49%	61%
% of those who had a DDA appointment who were subsequently taken on as a client by the contracted advice provider.	43%	37%	43%	48%	27%	67%	52%	52%	64%	14%

¹ This group does not include those respondents who report they are reliant on a mixture of legal aid and private advice for their immigration matters.

² Ditto.

³ During Survey 8 respondents began telling us that both legal aid and fee paying advice providers are working on their immigration/detention case. Questions to such respondents on the application of the legal aid means test and precisely how instructions are given are beyond the scope of this survey.

⁴ Some respondents had met a legal aid provider at the Legal Aid Agency legal advice surgery but were unaware that it operated as a regular scheme, hence the possibility in these surveys of a lower awareness rate than appointment rate. Other respondents were aware of the scheme but had chosen not to use it because, for example, they were already paying for legal advice.

% of those who had made a DDA appointment who were still uncertain, when interviewed, whether they had been taken on as a client or not, or were waiting to hear back from the advice provider, or were waiting to attend their appointment.	7%	5%	19%	7%	24%	9%	7%	8%	11%	
% of those who had a DDA appointment who were not taken on as a client by the contracted advice provider, or who chose not to take up the service e.g. because they already had a solicitor.	44%	63%	39%	35%	40%	19%	41%	40%	25%	77%
% of the entire sample that was taken on as a client by the contracted advice provider after their DDA advice session.	27%	24%	27%	36%	21%	48%	36%	34%	31%	8%

Delay in getting appointment at legal advice surgery

% of those detainees who made a DDA appointment who waited more than one week to see an advisor. ⁵	77%	82%	60%	62%	69%	61%	47%	29%	32%	
Of these:	25%	9%	26%	30%	38%	31%	20%	12%	11%	
% delayed 2 weeks or 2 weeks to date										
% delayed 3 weeks or 3 weeks to date	4%	11%	13%	10%	21%	19%	15%	4%	10%	
% delayed 4 weeks or 4 weeks to date	5%	11%	3%	3%	8%	8%	8%	8%	6%	
% delayed more than 4 weeks	5%	11%	1%	2%	2%	5%	4%	5%	4%	

Bail applications

% of detainees interviewed with a legal advisor at the time of interview that had had one or more bail applications made for them by their legal advisor.	33%	41%	46%	30%	44%	34%	42%	32%	42%	44%
One bail application	59%	25%	26%	13%	25%	18%				
Two bail applications	18%	10%	17%	12%	15%	12%				
Three or more bail applications	23%	5%	6%	7%	4%	6%				
% of detainees with a legal advisor at the time of interview whose legal rep had not made a bail application made for them ⁶	67%	59%	54%	74%	56%	66%	58%	68%	58%	56%

⁵ For those responses where a respondent told us there was a delay in getting a DDA appointment but had cited a period of one week or less, this response was changed to 'no delay'.

⁶ This includes those cases where provision by the Home Office of a Section 4(1)(c) bail address was pending, licence-related approval of the address from the probation service was pending, a legal representative had only recently been instructed, a first bail application was currently in preparation, and cases where a legal representative not willing to run bail without a surety. We decided against a 'not yet' category, even though that was the sentiment of some of the responses, because it is not possible to determine the intention of the advice provider, and given the delays with Home Office Section 4 (1)(c) bail accommodation provision, 'not yet' essentially means 'no'. Some respondents reported that applications for Temporary Admission had been made on their behalf, but these are not counted in this exercise.

Losing a legal representative as a result of transfer between IRCs										
% of detainees interviewed who had lost their legal representative on one or more occasion as the result of a transfer between IRCs.	20% ⁷	n/a ⁸	10% ⁹	6% ¹⁰	27% ¹¹	23% ¹²	12%	20%	32%	23%
Immigration advice in prison										
% of detainees interviewed who came to detention from serving a sentence in prison	47%	35%	37%	26%	32%	62%	59%	53%	65%	60%
Of these % who received immigration advice while they were in prison (includes only advice from immigration lawyer, CAB, BID)	20%	26%	13%	24%	23%	26%	21%	32%	58%	22%
% of those detainees who had served a custodial sentence but had received no independent immigration legal advice while they were in prison (this category includes those who told us their legal advice came from UKBA, a prison officer, other prisoners, or a criminal solicitor).	53%	74%	87%	76%	77%	74%	79%	68%	42%	78%

⁷ In Survey 10, n=14 lost their legal representative once following a transfer to a different IRC, n=4 lost their legal representative twice following a transfer, n=6 on three occasions, and n=2 lost their legal representative this way four times as a result of transfer within the IRC estate.

⁸ Insufficient data collected.

⁹ In Survey 8, n=7 had lost their representative once following a transfer to a different place of detention, n=2 had lost a legal representative twice on transfer, and n=3 had lost their legal representative three times following transfer.

¹⁰ In Survey 7, n=6 lost their legal representative once following a transfer to a different IRC, n=2 lost a legal representative twice on transfer, and n=1 lost their legal representative four times.

¹¹ In Survey 6, n=18 lost their legal representative once following a transfer to a different IRC, n=8 lost a legal representative twice after transfer, and n=4 detainees lost their legal representative this way on three occasions.

¹² In Survey 5, n=14 lost their representative following transfer once, for n=5 this happened twice, and for n=2 three times.

<p>SURVEY 1 Sample of 134 detainees, every 4th open BID non-priority and non-family case, across all ten IRCs open at the date of survey. Detainees interviewed between 8th November 2010 and 17th December 2010. Brook House (17); Campsfield (7); Colnbrook (35); Dover (18); Dungavel (5); Harmondsworth (15); Haslar (7); Lindholme (6); Tinsley House (7); Yarl's Wood (17). 86% male (n=115), 14% female (n=19). 16% of detainees interviewed had been clients of RMJ when they closed down in June 2010 (n=21)</p>
<p>SURVEY 2 Sample of 147 detainees, every 4th open BID non-priority and non-family case, across all IRCs operational at the date of survey. Detainees interviewed between 3 May to 21st June. Detainees held in prisons, family cases, and other BID priority cases (those cases where we prepare a bail application and find a barrister to represent at bail hearing) were not included in the interview sample. 83% male, 17% female [male =122, female=25] Largest nationality groups: Jamaica (13), Nigeria (17), Pakistan (12), India (10), Zimbabwe (10), Algeria (9), Disputed/stateless (8), Somalia (8), DRC (7). Interviews were carried out as follows: Brook House (22); Campsfield (8); Colnbrook (27); Dover (18); Dungavel (3); Harmondsworth (40); Haslar (2); Lindholme (1); Morton Hall (1); Tinsley House (3); Yarl's Wood (25). Where are the delays in getting a DDA appointment? 2 weeks (Brook House), 3 weeks (Dover (3), Harmondsworth (2), Colnbrook, Brook House), 4 weeks (Harmondsworth (2), Dover, Yarl's Wood, Colnbrook), 5 weeks or more (Harmondsworth, Brook House, Dover)</p>
<p>SURVEY 3 Sample of 131 detainees, every 4th open BID non-priority and non-family case, across all IRCs operational at the date of survey. Detainees held in prisons, family cases, and other BID priority cases (those cases where we prepare a bail application and find a barrister to represent at bail hearing) were not included in the interview sample. Male 89% (n=117), female 11% (n=14) Main nationality groups: Iran (14), Nigeria (12), India (11), Algeria (9), Sierra Leone (5), Zimbabwe (5), Pakistan (5), Iraq (4), Ghana (4), Gambia (4). Interviews were carried out as follows: Brook House (18), Campsfield (2), Colnbrook (27), Dover (12), Harmondsworth (37), Lindholme (1), Morton Hall (9), Tinsley House (1), Yarl's Wood (13), not stated (3)</p>
<p>SURVEY 4 A total of 144 detainees were interviewed. Detainees held in prisons, family cases, and other BID priority cases (those cases where we prepare a bail application and find a barrister to represent at bail hearing) were not included in the interview sample. Male 88% (n=126), female 12% (n=18) Main nationality groups: India (17), Nigeria (11), Pakistan (11), Algeria (10), Jamaica (8), Zimbabwe (6), Afghanistan (5), Bangladesh (5), Ghanaian (5), Somali (4), Ugandan (4). Interviews were carried out as follows: Brook House (16), Campsfield (5), Colnbrook (26), Dover (9), Harmondsworth (32), Morton Hall (14), Haslar (6), Pennine House (1), Tinsley House (3), Yarl's Wood (21), not known (3).</p>
<p>SURVEY 5 A total of 93 detainees were interviewed between 20th November 2012 and 30th November 2012. The sample consisted of every 4th open BID non-priority and non-family case, across all IRCs operational at the date of survey. Detainees held in prisons, family cases, and other BID priority cases (those cases where we prepare a bail application and find a barrister to represent at bail hearing) were not included in the interview sample. Male 91% (n=85), female 9% (n=8) Main nationality groups: Nigeria (16), Algeria (10), India (10), Zimbabwe (6), Jamaica (5), Sri Lanka (4), Iraq (4), Ghana (3). Interviews were carried out as follows: Brook House (17), Campsfield (6), Colnbrook (10), Dover (14), Harmondsworth (17), Haslar (3), Morton Hall (14), Tinsley House (3), and Yarl's Wood (9). No interviews were carried out in Dungavel IRC.</p>
<p>SURVEY 6 A total of 111 detainees were interviewed between 28th May 2013 and 17th June 2013. Detainees held in prisons, family cases, and other BID priority cases (those cases where we prepare a bail application and find a barrister to represent at bail hearing) were not included in the interview sample. The survey was administered by post to all BID prison-held detainee clients for the first time in June 2013, data was collated and analysed separately, and is not included here. Male 88% (n=98), female 12% (n=13) Main nationality groups: India (15), Pakistan (14), Nigeria (11), Bangladesh (10), Algeria (8), Jamaica (7), Cameroon (4). In total 36 nationalities represented in the sample. Interviews were carried out as follows: Brook House (21), Campsfield (11), Colnbrook (12), Dover (2), Harmondsworth (21), Haslar (8), Morton Hall (16), Tinsley House (3), and Yarl's Wood (15). No interviews were carried out in Dungavel IRC.</p>
<p>SURVEY 7. A total of 141 detainees were interviewed between 25th November and 20th December 2013. Detainees held in prisons, family cases, and other BID priority cases (those cases where we prepare a bail application and find a barrister to represent at bail hearing) were not included in the interview sample. The survey was also administered by post to all BID prison-held detainee clients; that data is not included here. Male 92% (n=130), female 8% (n=11). Main nationality groups: Nigeria (23), India (10), Pakistan (18), Jamaica (9), Bangladesh (7), Democratic Republic of Congo (6), Algeria (5), Morocco (5), Afghanistan (3), Rwanda (3). In total 38 nationalities were represented in the sample. Interviews were carried out as follows: Brook House (34), Campsfield (10), Colnbrook (13), Dover (8), Harmondsworth (17), Haslar (2), Morton Hall (26), Yarl's Wood (20), Tinsley House (3). No interviews were carried out in Dungavel IRC.</p>
<p>SURVEY 8. A total of 125 detainees were interviewed between 19th May and 13th June 2014. Detainees held in prisons, family cases, and other BID priority cases (those cases where we prepare a bail application and find a barrister to represent at bail hearing) were not included in the interview sample. The survey was also administered by post to all BID prison-held detainee clients; that data is not included here. Male 88% (n=110), female 12% (n=15). Main nationality groups: Pakistan (18), Nigeria (13), India (9), Jamaica (7), Albania (6), Iran (5), Zimbabwe (5), Sri Lanka (5), Palestine (5), Algeria (4), Bangladesh (4). In total 39 nationalities were represented in the sample, and one person told us they were stateless. Interviews were carried out as follows: Brook House (15), Colnbrook (31), Dover (8), Dungavel (2), Harmondsworth (24), Morton Hall (22), Yarl's Wood (17), Tinsley House (6). No interviews were carried out in Campsfield IRC or Haslar IRC.</p>
<p>SURVEY 9. A total of 119 detainees were interviewed between 19th November and 8th December 2014. Detainees held in prisons were not included in the interview sample. Male 85% (n=102), female 15% (n=18). Main nationality groups: Pakistan (20); Nigeria (18); India (16); Jamaica (7); Ghana (6); Zimbabwe (5); Morocco (5); The Gambia (4); Bangladesh (3); Somalia (3). In total 45 nationalities were represented in the sample. Interviews were carried out as follows: Brook House IRC (8); Campsfield IRC (5); Colnbrook IRC (21); Dover IRC (12); Harmondsworth IRC (20); Haslar IRC (5); Heathrow IRC (4) [this may refer to either Colnbrook IRC or Harmondsworth IRC which are now combined and run by Mitie as Heathrow IRC]; Morton Hall IRC (12); The Verne IRC (7); Pennine House STHF (1); Tinsley House (4); Yarl's Wood IRC (17); unstated (3).</p>
<p>SURVEY 10. A total of 136 detainees were interviewed between 21st May and 12th June 2015. Detainees held in prisons were not included in the interview sample. Male 85% (n=126), female 15% (n=10). Main nationality groups: Nigeria (21); Pakistan (14); India (13); Jamaica (6); Zimbabwe (5); Uganda (5); Afghanistan (5); Sri Lanka (5); Iran (5); Democratic Republic of Congo (5). In total 38 nationalities were represented in the sample. Interviews were carried out as follows: Brook House IRC (14); Campsfield IRC (8); Colnbrook IRC (9); Dover IRC (14); Harmondsworth IRC (33); Heathrow IRC (2) [this may refer to either Colnbrook IRC or Harmondsworth IRC which are now combined and run by Mitie as Heathrow IRC]; Morton Hall IRC (17); The Verne IRC (14); Tinsley House (8); Yarl's Wood IRC (12); unstated (5).</p>