

migrants  
organise

# A VIEW FROM THE FRONTLINE OF THE ASYLUM LEGAL AID CRISIS

MARCH 2026



**Migrants Organise provides a platform for refugees and migrants to organise for dignity and justice.**



**We build communities of welcome through a combination of support for individuals and grassroots organising.**

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Registered office: 196 Freston Rd, London W10 6TT.

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## INTRODUCTION

*"It is very hard and stressful; you think you're alone in the jungle",  
survey feedback, February 2026<sup>1</sup>*

Migrants Organise is a registered charity based in London which runs organising work and a Community Programme, which is overseen by a qualified social worker.

The Community Programme specialises in working with people with complex needs and is funded by a local authority to offer drop-in advice sessions in asylum hotels in the local area.

In the past the charity's experience was that people seeking asylum generally had a legal representative funded by legal aid and therefore Migrants Organise focussed on helping especially vulnerable people to communicate with their lawyer or to change lawyers, and on helping with social welfare issues through a programme of befriending, classes and 1:1 support work. Substantive immigration advice usually only had to be provided by the charity in human rights cases because people seeking asylum could access mainstream legal aid.

However, due to the legal aid crisis, so few people can now find a legal representative that staff at Migrants Organise are having to spend hours every week picking up the pieces of legal cases that have reached a crisis point, where there is real risk of an imminent miscarriage of justice. This has substantially reduced the charity's capacity to undertake other work, such as

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<sup>1</sup> Feedback and opinion survey undertaken from members of the Community Programme by staff at Migrants Organise in February 2026

accompanying people to appointments, housing conditions work and helping people granted status with educational or employment mentoring.

This policy paper is a view from the frontline explaining the crisis in access to justice that staff are seeing in practice.

The crisis documented here is a direct consequence of Hostile Environment policies that extends beyond immigration enforcement into the deliberate erosion of the support structures that enable people to assert their rights. The collapse of legal aid since the Legal Aid, Sentencing and Punishment of Offenders Act 2012, accelerated by three decades of fee stagnation, is the result of sustained political choices. The result is a legal system whose formal protections are becoming increasingly theoretical for those who cannot pay privately.

Migrants Organise's response to this crisis has emerged from an inability to secure timely legal aid representation for people who already had confirmation that they qualify for legal aid. In early 2024, Migrants Organise's rate for successfully matching people to an immigration lawyer was as low as 1.3%.

In response to this systemic injustice, over the past three years, the organisation has built infrastructure for more than 200 legal and advice workers, caseworkers, solicitors, barristers, immigration advisers and academics to come together to share resources, develop shared demands and take joint action.

Alongside this, a group Migrants Organise hosts called the Hope and Justice Collective brings together migrant and refugee community members from across London who are directly affected by the collapse of legal representation and who are organising collectively for change. The evidence in this report comes from Migrants Organise's casework, but it speaks to a crisis that the charity's entire network confronts every day.

The access crisis is compounded by a separate, related problem: the declining quality of what legal aid remains available. Migrants Organise 2025 report 'Threadbare: The Quality of Immigration Legal Aid', produced jointly with Haringey Migrant Support Centre, NACCOM, Refugee Action and South London Refugee Association, found that experiences of good-quality legal aid are increasingly rare, with 86% of respondents identifying poor communication from legal representatives as a significant problem.

As one legal aid solicitor told the research team: *"Quality legal aid is the bedrock of having access to justice... for many people that we work with, it's very clear that it'd be near impossible to properly argue their cases to the Home Office or to the Courts without good representatives."*<sup>2</sup>

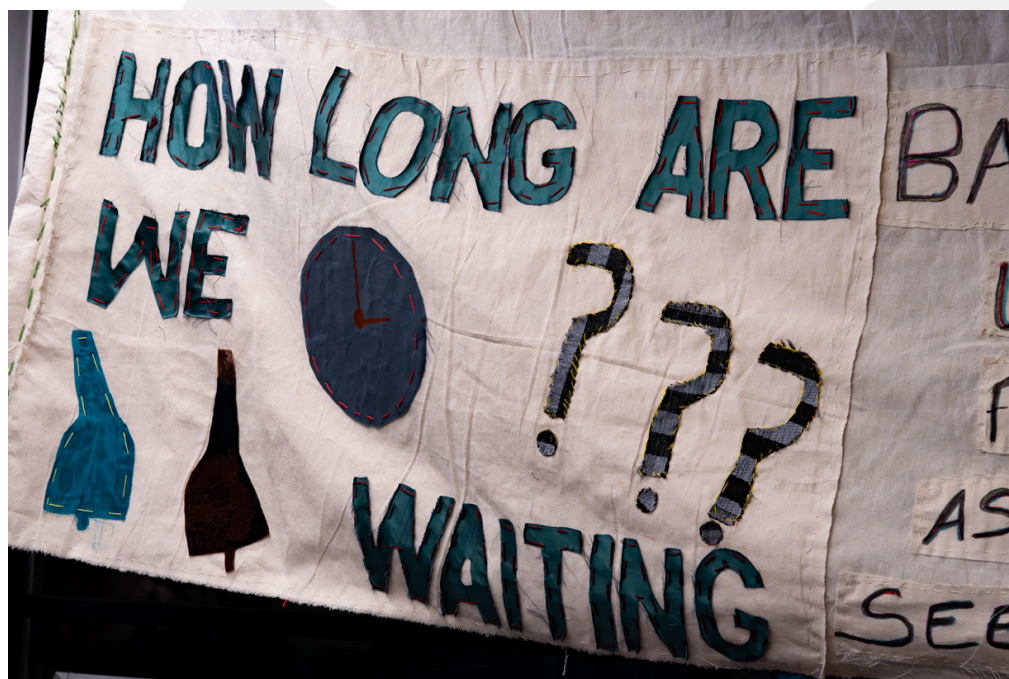


Photo of Migrants Organise member's art work, 2024

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<sup>2</sup> See: 'Threadbare: the quality of immigration legal aid' 2025, Migrants Organise: <https://www.migrantsorganise.org/app/uploads/2025/04/Threadbare-Quality-of-Immigration-Legal-Aid-2025.pdf>

## EXECUTIVE SUMMARY

Migrants Organise is a charity that runs a Community Programme which offers outreach support, casework and activities for people seeking asylum.

This paper draws on the day-to-day experience of staff at the charity to document what happens when an asylum system designed around legally represented claimants operates in circumstances where representation is no longer available to large numbers of people.

Since legal aid cuts in 2012 and the prolonged failure to uprate fees in line with inflation, the immigration and asylum legal aid sector has contracted sharply. Firms have closed departments, restricted new cases, or declined to undertake appeal work. There is no sign of this trend reversing following the government's uplift in immigration legal aid fees in December 2025. Now asylum decision-making has accelerated and initial grant rates have fallen. The result is a steep rise in refusals requiring complex appeals at a time when legal representation is least available.

By the time cases reach the appeal stage:

- Many appellants have never had legal advice.
- Others have received poor quality representation.
- Some are dropped by lawyers at the point of refusal.
- Many are unable to secure new representation within the 14-day appeal deadline.

The First-tier Tribunal is itself under systemic pressure to reduce backlogs and judges are reluctant to adjourn cases so that appellants can obtain lawyers. Unrepresented people are therefore frequently required to proceed in complex, adversarial hearings against experienced Home Office lawyers.

The asylum process in the United Kingdom is legally complex and procedurally demanding. It assumes that claimants will be able to:

- Understand technical legal tests and definitions;
- Identify and gather relevant evidence in acceptable formats;
- Submit corrections within five working days of interview;
- Commission expert medical and country evidence where required;
- Draft coherent grounds of appeal and skeleton arguments; and
- Navigate digital systems and tribunal directions.

In practice, these are tasks ordinarily undertaken by regulated legal representatives. Moreover, many people seeking asylum are destitute, traumatised, digitally excluded, and have limited English. Some are illiterate. Many have complex health needs. Without representation interview records go uncorrected, relevant evidence is never identified or obtained, refusal decisions are poorly understood, appeal deadlines are missed and hearings proceed without witness statements, expert reports or structured legal arguments.

Charities such as Migrants Organise provide vital procedural and safeguarding support, but they are not funded or accredited to replace full legal representation at scale.

This paper documents repeated instances of:

- Interviews conducted without appropriate interpretation;
- Disabled or traumatised individuals being required to proceed without adjustments;
- Refusal decisions sent electronically to accounts claimants cannot access;
- Appeals listed despite ongoing efforts to obtain representation; and

- Claims dismissed for lack of expert evidence that an unrepresented appellant could never realistically obtain.

Where well-founded claims fail, the consequences are severe: eviction from asylum support, street homelessness, detention, and potential removal to places where people are at risk of persecution or serious harm.

There is an increasing dissonance between the formal guarantees of fairness in the asylum system and the lived experience of those navigating it without representation.



## THE LEGAL AID CONTEXT

*"Fighting an immigration case without a lawyer is very stressful and frustrating, it is very much unfair that most legal aid lawyers are no longer accepting new clients and it's a struggle to pay for a lawyer given that most persons don't have access to public funds. This can have an impact on your mental health and risks your chance of getting positive results from the Home Office", survey feedback, February 2026*

Following the legal aid cuts in 2012 and the failure to keep fees in line with inflation, the immigration and asylum legal aid sector has withered. In some cases this has been a process of de-skilling, with legal aid work increasingly undertaken by the most junior members of staff from a law firm. However there are also firms shutting down their legal aid departments altogether or limiting the number of cases they can take on. The legal aid crisis is extremely well documented elsewhere so will not be described in detail here.<sup>3</sup>

For a time, the true scale of this crisis was suppressed for front-line charities because there was a Home Office decision-making backlog and, while asylum and modern slavery decisions were not being made, the fact that people were

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<sup>3</sup> See: No access to justice 2: Mapping the UK's continuing immigration and asylum legal advice crisis, Dr Jo Wilding, 2025, available online at:

<https://justice-together.org.uk/wp-content/uploads/2025/06/No-Access-to-Justice-Report-2025.pdf> and Securing access to justice: the need for legal aid in immigration, joint briefing from 71

organisations, 2024, available online at:

<https://www.migrantsorganise.org/app/uploads/2024/10/Access-to-Justice-Joint-Briefing-Sept-2024-71-Orgs.pdf>

going unrepresented was not impacting as much on advice services.<sup>4</sup> However under the Rishi Sunak government there was a push to 'clear the backlog' and asylum decisions began to finally be made in volume. Initially the impact of the legal aid crisis was still surprisingly limited, because people from several nationalities were sent a questionnaire to complete and then granted refugee status.<sup>5</sup> After a high number of grants, however, organisations began to see decisions on the more complex cases, which were often refusals that needed appealing. Decisions are now being made more rapidly and simultaneously the grant rate has plummeted, dropping from 76% in 2022 to 45% in the year ending September 2024.<sup>6</sup>

Refusals of asylum claims can usually be appealed to the First-tier Tribunal for a hearing in front of an independent judge. However, the First-tier Tribunal has faced its own related crisis, being expected to process the sudden and vastly increased number of refused decisions made by the Home Office. As a result the First-tier Tribunal now has a case backlog and has come under intense political criticism and the government has made a commitment that it will be replaced.<sup>7</sup> There is therefore considerable systemic pressure for the Tribunal to process appeals quickly.

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<sup>4</sup> A summary of this issue is available at 'The UK's asylum backlog', 28 April 2025, The University of Oxford Migration Observatory, online at:

<https://migrationobservatory.ox.ac.uk/resources/briefings/the-uks-asylum-backlog/>

<sup>5</sup> The questionnaire itself came in for criticism because of the challenges it posed to unrepresented claimants, see: 'An inspection of asylum casework, June–October 2023', ICIBI, February 2024, available online at:

[https://assets.publishing.service.gov.uk/media/65e06d45f1cab36b60fc47ad/An\\_inspection\\_of\\_asylum\\_casework\\_June\\_to\\_October\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65e06d45f1cab36b60fc47ad/An_inspection_of_asylum_casework_June_to_October_2023.pdf)

<sup>6</sup> See: Briefing: the sorry state of the UK asylum system, Colin Yeo and Sonia Lenegan, 16 January 2026.

<sup>7</sup> The government's response to the Tribunal's backlog 'Tribunal system reforms to speed up asylum decisions', 24 August 2025 is available online at:

<https://www.gov.uk/government/news/tribunal-system-reforms-to-speed-up-asylum-decisions>. A more detailed analysis of this 'backlog shift' is set out in barrister Colin Yeo's 'Briefing: the sorry state of the UK asylum system', 16 January 2026, available online at:

<https://freemovement.org.uk/briefing-the-sorry-state-of-the-uk-asylum-system/>

Immigration advice firms that had accumulated a high number of pre-decision claims during the backlog then faced a capacity crisis as many cases all at once required time-consuming (and for the lawyers, extremely poorly and slowly paid) legal aid appeals. Some firms took the decision that the money was insufficient and ceased acting in legal aid appeals. This included the largest legal aid firm operating at that time. Others still undertook their existing client's appeals, but then could not take on new cases.

By the time they reach the appeal stage, a considerable proportion of appellants have never had legal representation or legal advice at all, some have had very poor-quality representation (which may have caused more harm than good<sup>8</sup>) and a small number may have had good or good-enough representation from firms which then refuse to act in appeals. What this means is that unrepresented appeal cases are often in a very poor state, with a lot of factual, legal and evidential information missing or confused. There is also a risk that people will be unable to lodge their appeal in time, or at all, unless they access advice from a charity within the tight appeal timeframe (14 days).

Providing immigration legal advice is regulated and it can be a criminal offence to give advice without the right accreditation. As a result only specific individuals can give immigration advice to people seeking asylum, which severely limits the help available from charities as many are not regulated or have few employees who are. In general there is no charity that Migrants Organise can refer people onto for more immigration advice than Migrants Organise itself can provide, although from time to time a law centre will take on an individual case.

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<sup>8</sup> See: 'Threadbare: the quality of immigration legal aid' 2025, Migrants Organise: <https://www.migrantsorganise.org/app/uploads/2025/04/Threadbare-Quality-of-Immigration-Legal-Aid-2025.pdf>

## A SYSTEM DESIGNED FOR REPRESENTED PEOPLE

Feedback from people seeking asylum working with Migrants Organise has overwhelmingly been that they cannot manage the asylum process without legal help.

The asylum system relies on people being legally represented. Very limited explanation is provided at any stage directly to claimants about the process, about the legal tests and about the expectations from claimants. The language used, for example in the screening interview, is pro forma and does not explain how the UK defines concepts like 'refugee' and 'humanitarian protection'.<sup>9</sup>

Home Office asylum decision-makers undertake very limited investigations of their own before making an asylum decision, relying for example on limited country information research using Google searches. The UK system places the responsibility for establishing the claim on the claimant and so generally the Home Office will refuse a case if the claimant does not supply evidence the caseworker believes could and should have been provided.<sup>10</sup> An unrepresented claimant will commonly have no idea what evidence is relevant and what formats of evidence are seen as acceptable and reliable.

In addition, a key part of what makes the asylum process procedurally fair is that after a person's substantive interview they are provided with a copy of

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<sup>9</sup> The 2023 UNHCR audit 'Asylum screening in the UK' recommended early access to legal advice as instrumental in a fair asylum process and criticised the Home Office for not doing more to ensure asylum seekers had early access to legal help, available online at: [https://www.unhcr.org/uk/sites/uk/files/2023-06/asylum\\_screening\\_in\\_the\\_uk.pdf](https://www.unhcr.org/uk/sites/uk/files/2023-06/asylum_screening_in_the_uk.pdf)

<sup>10</sup> *MAH (Egypt) v Secretary of State for the Home Department* [2023] EWCA Civ 216 at para [86]: "the absence of corroborative evidence can, depending on the circumstances, be of some evidential value: if, for example, it could reasonably have been obtained and there is no good reason for not obtaining it"

the interview record with time to send corrections and clarifications.<sup>11</sup> This presumes that people have a lawyer who can go through the interview with them in a language they understand. Claimants may also be asked to submit specific pieces of evidence following the substantive interview. The timeframe for providing corrections and/or additional evidence is usually only five working days, which leaves very little time for unrepresented claimants to seek outside support reviewing the transcript or obtaining evidence.

If a claimant is unrepresented and has limited ability to engage with the proceedings, then the entire claim can be determined without them ever knowing what the requirements are for them to succeed. It is common for people who are refused to have no understanding of the reason, because they did not understand the process or the decision.

After a negative decision any appeal is adversarial, with the Home Office focussed on persuading a judge to dismiss the appellant's appeal.

In response to a February 2026 survey, a torture survivor with a Turkish political asylum claim said: *"The appeal process without a lawyer is like being in a dark room. Certain things need to be done, but if I do something wrong, I could lose everything. Words I can't understand were determining my fate. Speaking in court, I feel so small inside. It's as if everyone else knows the rules, and I am the only one who doesn't know them."*

A Syrian mother said: *"I have been an asylum seeker in the United Kingdom for seven months. Unfortunately, during this time I have not been able to find a lawyer to represent me. This has made the appeals process extremely difficult and stressful for me. Going through the appeals process without legal representation has felt overwhelming and unfair. I did not fully understand the legal procedures, the required documents, or how to properly present my case. I constantly felt anxious that I might make mistakes that could affect*

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<sup>11</sup> A process explored eg in *R (Dirshe) v Secretary of State for the Home Department* [2005] EWCA Civ 421

*my future. It is very hard to defend yourself in such a complex legal system without professional guidance. Not having a lawyer has caused delays, confusion, and emotional distress. I believe that having legal representation would make a significant difference, as a lawyer can explain the process clearly, prepare the necessary evidence, and ensure that my case is presented properly and fairly."*

## **NO SYSTEM FOR DISABLED ADULTS LEFT UNREPRESENTED**

*"I don't know what to do, [I need] a lawyer, I tried so hard, I emailed everyone, but nothing worked for me. I am in a lot of trouble. [...] I try hard. No one listens to my concerns. My problems don't let me sleep. I don't know what to do", survey feedback, February 2026*

There is limited scope to obtain reasonable adjustments for disabled and vulnerable people in the asylum process. For example Migrants Organise worked with one young man from Sudan in March 2025 who was too unwell to cope with an asylum interview. He had been trafficked as a child and suffers extremely severe trauma symptoms which impact on his memory and on his ability to speak about his past.

The Home Office were informed he could not cope with an interview, but they interviewed him anyway and it went disastrously: he said he 'did not know' or 'could not answer' to the questions. Staff at Migrants Organise tried to take a witness statement from him to submit within the five-day evidence window after the interview, but he could not cope with this either.

The Home Office did not allow time for him to obtain medical or therapeutic treatment before being interviewed, nor did they allow any kind of collaborative or multi-agency approach to obtaining the evidence needed for

his asylum claim. The only realistic option to prevent a refusal was for a legal aid representative to commission a medico-legal report which could be relied on instead of an asylum interview, but this was not initially possible as he was unrepresented.

In the end it was only by begging a specialist solicitor to intervene that Migrants Organise ensured the young man obtained the necessary medical report. He was then granted Humanitarian Protection without needing to go through a further interview.

In other similar cases, however, the Home Office has gone on to refuse the claim. For example in January 2025 a member of staff from Migrants Organise emailed the Home Office ahead of an asylum interview to request a specialist interpreter and reasonable adjustments, explaining:

*"we had real difficulties communicating. He did not understand any compound or more complex factual questions, even when I rephrased them, sometimes several times. It may be that he is someone who particularly struggles with an interview context or it may be that this was due to the lack of interpreter (which I felt confident contributed to the difficulties anyway). I would be grateful if the content of this email could please be placed before the interviewer so that they are aware of this issue and can factor in needing considerable extra time to understand him into their scheduling plans. He is unrepresented and - based on the experiences of myself and my colleagues (who have been working with him for a longer time) is unlikely to be able to explain his case in an oral interview. I can provide him with outreach legal assistance, so if there are issues that seem very confused or which remain unclear following his substantive interview, please do make a request for further information in writing and I can help him to respond. He has been able to respond well to written requests for information from us in the past."*

The interpreter requested was not provided and the interview went extremely poorly. Migrants Organise casework staff responded within the five-day correction window by email:

*"Unfortunately we can see that despite our request for an interpreter to be booked, which was followed up when his supporting evidence was submitted, this was not done and the interview was conducted in English, which is not a language he speaks with adequate fluency for an asylum interview.*

*As a result the asylum interview is incredibly low quality and confused. Mr XXX has had a go at trying to make some corrections (extensive - attached) but he is unrepresented and has not had a chance to go through the interview record properly with an interpreter, so it is likely if he did so a legal rep would take other points and clarifications.*

*Please do not attach weight to the substantive asylum interview record, which was based on a procedurally unfair interview undertaken in the absence of an interpreter. Please either disregard that interview and reinterview with an interpreter or send written follow up questions and decide his claim on the basis of his written answers and the other material.* [Emphasis in the original]

The Home Office went on to refuse the gentleman's claim with no reference to the supporting evidence he had submitted before or after his interview and only by reference to allegedly inadequate answers he gave at interview. The refusal decision did not engage with the heart of his claim and his case is now subject to an appeal.

In another case a family of several adults claimed asylum based on a fear of gang violence. One family member had problems with a gang which led to them all being displaced. In the asylum system each adult relative's claim is registered separately. All members of the family had significant medical needs.

The family were unrepresented and in May 2024 their claims were accidentally withdrawn leaving them all at risk of street homelessness. Access to medical evidence was sparse because the family struggled to access healthcare. Their current GP was also not willing to be involved with the Home Office, for example refusing a request for a medical letter to document a historic gunshot injury on the basis that this was outside the scope of his role.

When staff from Migrants Organise asked for the claims to be reinstated, linked together and for a lead applicant only to be interviewed, the claims were reinstated, but none of the other requests were even acknowledged. The barriers to the cases progressing successfully seemed insuperable and staff from the charity were spending hours most weeks trying to firefight deadlines and problems as one by one the Home Office invited each family member to interview with no coordination or reference to previous correspondence. Eventually in November 2024 a legal aid solicitor offered to take on their cases, but it is a firm which as a matter of policy does not act in appeals, so if the claims are ultimately refused the family will once again be left unrepresented.

### **THE OUTREACH WORK OF MIGRANTS ORGANISE IN ASYLUM HOTELS**

*"Trying to go through the appeal process without a lawyer feels very hard and worrying. You feel as if there is no solution and you're just stuck in the same place for the longest time. It feels impossible like a never ending race. You feel hopeless and scared that you may have to return home to danger", survey feedback, February 2026*

In March 2024, Migrants Organise's Community Programme secured funding from a London local authority to provide casework support to people seeking

asylum accommodated in asylum accommodation hotel sites in that borough.

Weekly drop-in sessions typically serve 50–60 people across the asylum hotel sites. Since April 2024, Migrants Organise has supported over 1,000 hotel residents (excluding dependants) across 4,675 appointments. In 2025 alone, 730 residents have been supported (excluding dependents).

The casework is wide-ranging. It includes technical matters such as relocation requests, alongside destitution support and assistance accessing healthcare and education. All hotel residents have been assessed by the Home Office as destitute, and many require help with basic necessities such as clothing. While vulnerability is prevalent within this cohort due to displacement, many individuals face additional and serious challenges. Levels of education, literacy and digital literacy vary widely, and some residents speak no English. Poor mental health is common, often linked to experiences of torture, trafficking or other trauma, compounded by prolonged uncertainty and substandard living conditions. Symptoms such as insomnia, anxiety, low mood, memory difficulties and intrusive flashbacks frequently affect people's ability to engage with the asylum process.

Drop-in staff, only some of whom are regulated to provide immigration advice, offer basic pre-decision information about the asylum system. However, there is a clear distinction between providing general information and delivering legal representation.

The drop-in environment offers limited privacy and time. Typically, staff provide a list of legal aid solicitors with no guarantee of their capacity, an overview of the asylum process or weblinks to the Right to Remain website<sup>12</sup>, and brief tailored guidance on specific procedural steps. Interpreters can be contacted by phone for more detailed discussions, but conversations are

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<sup>12</sup> <https://righttoremain.org.uk/toolkit/>

often conducted in English, sometimes relying on Google Translate or other residents for assistance.

## **THE LIMITS OF OUTREACH SUPPORT**

The asylum process generally involves a screening interview, one or more substantive interviews, and a decision. Claimants may submit evidence at any stage and are given an opportunity to correct interview records before a decision is made. In practice, outreach support for unrepresented individuals is largely procedural.

Staff may help ensure attendance at interviews, request interview transcripts, and assist with submitting corrections or additional evidence within the Home Office's five-day deadline. However, this typically involves helping a person send documents they have gathered themselves, rather than reviewing interviews in detail or proactively collecting evidence. There is no funding available for translation where a person is unrepresented, and untranslated documents are often disregarded by the Home Office.

Outreach staff do not take full witness statements, research country conditions, or gather supporting evidence. These are core functions of a legal representative. Very straightforward claims—such as those involving documented Eritrean nationals facing indefinite military conscription—may still succeed without representation. However, increasingly few claims fall into this category.

Recent changes to Home Office country guidance have replaced presumptive grants of protection for several groups with requirements for detailed, individualised assessments, including in cases involving Albanian trafficking victims and claims relating to Libya, Afghanistan and Syria. As a result, more cases are treated as complex. In the absence of representation, outcomes may depend heavily on the skill of the interviewer and the initiative of the

decision-maker. Applicants who are articulate and educated are modestly more likely to navigate the process successfully. It is common to see refusal letters that are brief, poorly reasoned and/or contain factual errors.

## **REFUSALS AND LOSS OF SUPPORT**

Negative decisions are usually sent by email. Many individuals miss these communications due to limited digital access or literacy, or because decisions are sent to incorrect email addresses or not sent at all. Some only become aware of a refusal when they receive a discontinuation letter terminating their asylum support, effectively notifying them of impending homelessness. In such cases, Migrants Organise must request a copy of the refusal decision before any appeal can be lodged.

Even where individuals were represented under legal aid at the initial stage, some are dropped by their lawyers at appeal stage—particularly if the firm does not undertake legal aid appeals, which is increasingly common due to the fee structure being considered unsustainable. Some are asked to pay substantial private fees. Others are told their appeal lacks ‘merit’, sometimes where deficiencies stem from inadequate preparation by that same lawyer before refusal. Individuals may be left unrepresented shortly before, or even after, the 14-day appeal deadline, sometimes without receiving a copy of the refusal decision from the lawyer.

## **LODGING AN APPEAL WITHOUT LEGAL REPRESENTATION**

Lodging an appeal is itself complex. It requires applying for a fee exemption which can require several emails. Migrants Organise staff may assist with filing the appeal and drafting a standard email to legal aid solicitors. However, the

likelihood of an unrepresented person securing competent legal representation quickly is extremely low.

Once an appeal is lodged, communication with the Tribunal can be irregular. Many appellants struggle to access the online appeals portal or understand correspondence. Standard directions require appellants to submit their 'reasons' for appealing/grounds of appeal, followed by a bundle of evidence and a skeleton argument. Unrepresented appellants often cannot articulate legal grounds beyond stating that they fear return. Preparing a meaningful evidence bundle for an asylum appeal is almost always beyond the abilities of an unrepresented appellant and drafting skeleton arguments is usually a technical piece of work undertaken by a specialist barrister.

Staff at Migrants Organise spend hours trying to reassure people that their appeal is progressing normally, helping them log in to the appeal portal, regain access to the portal after losing their log in details or gain access to the email account they need for two-factor authentication. While this is going on it can feel to staff like watching a car-crash in slow motion, because it is crystal clear that all the case preparation work that needs to be done for the appeal to be ready to proceed is not taking place.

## **NO SUBSTITUTE FOR LEGAL REPRESENTATION ON APPEAL**

Limited charity support cannot plug the gap left by the legal aid shortage. Common scenarios which a lawyer is needed in order to navigate include:

- A very vulnerable appellant cannot explain themselves without a lot of assistance, whether due to poor mental health, lack of education, the very complex factual history of the case or another reason, and without

a lawyer taking a proper witness statement their case is completely unclear;

- Linked to the above, the Home Office has made adverse credibility allegations based on alleged differences in interviews or events that are said to be implausible and a lawyer would be needed to take full instructions and address these discrepancies. This would usually be through a witness statement clarifying the position and if necessary also filing supporting country information and/or a medico-legal report showing a medical reason for the difference in evidence;
- The Home Office has criticised the appellant for not supplying evidence from abroad or said that documentary evidence from their country is unreliable, in which case evidence may need to be traced from abroad using a reliable and provable chain of custody and may need to be authenticated by a document expert;
- The Home Office has said a country is safe, for example due to allegedly having a functioning police force, and detailed and very specific country information is needed from different, reliable sources or from a country expert to show why the country is not safe for someone with the appellant's profile or facing the form of persecution they fear;
- The Home Office has said that even if a person would face danger in their home area they could live somewhere else in the same country and a lawyer is needed to provide evidence that the risk would be present throughout the country and/or that internal relocation would be unreasonable because a person with the appellant's profile would face other risks such as gender-based violence or destitution. This can require very detailed medical and social welfare evidence alongside evidence about the socio-economic conditions in the country from different sources or from a country expert report; and

- The Home Office has not accepted that a person has a medical condition that requires treatment and is vulnerable to harm as a result, or has not accepted that their needs would be unmet in their home country. This again can require detailed medical, country and social welfare evidence.

Asylum law is legally complex, involving a split standard of proof and heavily-litigated definitions of key concepts such as Convention grounds, sufficiency of protection and internal relocation. Gender-based claims, sexual orientation claims, late disclosure issues and modern slavery cases present additional legal challenges. Expert reports are often necessary but are only available through legal aid, and rarely before refusal.

Identifying what evidence is required demands legal expertise, and instructing experts is governed by tribunal practice directions and requires specialist knowledge. Outreach staff do not have capacity or (for most members of staff) the training and advice accreditation to undertake this work. In one typical three-hour drop-in session, one staff member (either alone or with support from a volunteer) may see 12–20 people. Detailed appeal preparation is therefore not possible.

Even English-speaking appellants struggle to understand tribunal directions or prepare legal arguments. For particularly vulnerable individuals, meaningful engagement with the tribunal may be impossible. Desperation can lead some into debt—including to traffickers—to pay for private representation. More commonly, individuals remain unrepresented, repeatedly seeking legal aid while their mental health deteriorates.

Most hotel residents are only offered time-limited outreach support. However, Migrants Organise does reserve some capacity to escalate cases internally where there is a serious safeguarding concern or emergency. The threshold for this is high, given that vulnerability is the standard in the cohort of people the charity works with. Where a case is flagged for more complex work the charity can book a small number of people in to see a barrister, who provides more in-depth outreach appointments.

## **OUTREACH APPOINTMENTS WITH A BARRISTER AT MIGRANTS ORGANISE**

*"I am one of those people who applied for asylum in Great Britain, I want to tell you that if you apply for asylum and you do not have a lawyer, this is a very difficult process, a person cannot do everything right without a lawyer and a person can make mistakes a lot, as in my case it was very difficult, there was a lot of stress, but now I have a lawyer. After I found a lawyer, I feel confident and everything is going great. Everything is better with a lawyer!", survey feedback, February 2026*

One day each week, a small number of the residents who come into contact with Migrants Organise are offered an outreach legal appointment with a specialist immigration barrister, who also leads the charity's modern slavery work. For many, this is the first time they have had a sufficiently long and private appointment for a professional to take a basic history and review their papers in detail. These meetings usually take place in a private room at the Migrants Organise office, with a professional interpreter arranged where needed, allowing for a level of confidentiality and depth that is not possible in hotel drop-in sessions.

Demand for these appointments far exceeds capacity.

Where the barrister identifies an ongoing need for support, Migrants Organise places the person on its solicitor referral list and makes repeated referrals to legal aid providers on their behalf, typically every one to two weeks. In some cases, it takes over 100 referral attempts before a legal aid lawyer is secured.

There is no capacity to do this for everyone in the hotels who requires representation, so the referral list is necessarily limited to a smaller group for whom the charity is undertaking more intensive work.

These cases often involve complex modern slavery concerns, where the barrister prepares a detailed assessment for referral into the National Referral Mechanism, or asylum claims requiring specialist input to clarify what must be addressed in a solicitor referral. In other situations, there might be an urgent and escalating Home Office issue. For example, an asylum claim may have been treated as withdrawn due to a misunderstanding or inadvertent error by the claimant, triggering the risk of eviction from asylum accommodation. In such cases, the barrister assists in making urgent representations to have the claim reinstated.

A consistent feature of these appointments is the identification of serious, unmet healthcare needs. The barrister frequently sends safeguarding letters to GPs after consultations. The overall picture is of individuals progressing through the asylum system with minimal support and little effective safety net. In earlier times, when legal aid was more readily available, immigration lawyers commonly liaised with social workers and healthcare professionals regarding clients' welfare. There are often significant interactions between a person's health and their asylum claim: medical evidence may document torture injuries, corroborate trauma, or demonstrate vulnerability relevant to risk on return. Effective collaboration with legal representatives previously improved access to healthcare and strengthened the evidential basis of claims. In contrast, persistent barriers to accessing healthcare and lack of legal representation now undermine both people's wellbeing and their ability to substantiate their cases. At the same time, the Home Office and Tribunal frequently require detailed medical evidence that unrepresented individuals—already struggling to access primary care—are simply unable to obtain.

Another common reason for these outreach appointments is to assist someone in applying to adjourn an imminent appeal hearing while they attempt to secure representation. In these cases, it is typical to discover that

the person has never had their refusal decision properly explained, does not understand the reasons for refusal, and may never have reviewed key documents such as their substantive interview record. Learning the basis on which a person's claim was rejected can be profoundly distressing. Many believe that the issues relied upon in the refusal could have been clarified or addressed before the decision, had they received legal help.

## **THE RIGHT TO A FAIR TRIAL IN ASYLUM APPEALS**

*"Before the appeal, I was very scared and didn't know what my fate would be. Now, I'm still the same; I don't know anything and I don't know if I'll be able to get a lawyer in the future. I'm mentally confused and scared, and I don't know what the future holds", survey feedback, February 2026*

Under UK law there is a right to a fair trial and a constitutionally guaranteed right of access to the courts. Under human rights laws there is also a right to the real and effective protection of fundamental rights, which means they must be procedurally protected by a fair process that a person can effectively engage and participate with. The First-tier Tribunal also has an overriding objective to deal with cases fairly and justly.

However in practice Migrants Organise's experience is that these rights and objectives are significantly watered down by the day to day pressures on the Tribunal to deal with cases promptly and not have them sitting indefinitely in a backlog. Furthermore, judges are not allowed to 'step into the arena' in adversarial appeals, which means they must take a very hands-off approach.

Only very limited attempts are usually made by the Tribunal to engage with unrepresented asylum seekers before the Tribunal issues a 'non-compliance' direction and lists the case for final hearing, even if the appellant has no lawyer and has not been able to read or reply to the directions. Where a

hearing is listed it is possible to apply for an adjournment (a delay), but the Tribunal is often reluctant to grant these requests for unrepresented people seeking asylum.

There is a 2014 Presidential Guidance Note for the First-tier Tribunal which states that an adjournment request is unlikely to be granted if it: "does not show that anything material would be achieved by the delay, for example, where an appellant wants more time to instruct a legal representative but there is no evidence that funds or legal aid is available".<sup>13</sup>

As a result, where people cannot count on obtaining an adjournment due to the legal aid crisis they may be told that their hearing will go ahead, because there is no iron-clad guarantee that they could find a lawyer for a future date either.<sup>14</sup> Unfortunately people do then attend their hearings alone, often with disastrous consequences for their claims.

In a few claims Migrants Organise has seen that the person has managed to persuade the Tribunal judge that they are telling the truth. This is against considerable odds given they are subject to cross examination from a professional Home Office lawyer and have no lawyer or prepared witness statement of their own. Even in these cases, however, the judge has gone on to refuse the claim anyway because of a lack of country information evidence, which is beyond the unrepresented appellant's ability to provide.

For example in October 2025 an unrepresented Namibian man attending the drop-in sessions run by Migrants Organise was refused an adjournment to find a lawyer on the basis that the judge said he could manage because they would use simple and accessible language. The man managed to persuade

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<sup>13</sup> Presidential Guidance Note No1 of 2014

<sup>14</sup> The Immigration Law Practitioners' Association has previously written to the First-tier Tribunal President to express concern for the position of unrepresented appellants in asylum appeals, available online at:  
<https://ilpa.org.uk/ilpa-letter-to-judge-plimmer-re-supporting-litigants-in-person-in-the-legal-aid-crisis-8-april-2024/>

the judge that he was telling the truth and had been violently attacked by an extended family member in the past. The Judge went on to record that there was however no evidence about lack of police protection or problems with internal relocation and dismissed the case on that basis, stating:

*“He had not provided evidence of this because he did not have a solicitor, and did not know what evidence he needed to provide [...] It would be for the Appellant to prove that is not the case, and the Appellant has not produced any evidence of that”.*

Namibia is a country from which the UK receives relatively few asylum claims and about which, at that time, the Home Office had no published country information report or country guidance case. Without a legal representative to establish a sufficiently robust picture of the country situation this gentleman had no way to substantiate his claim.

Equally complex are cases where the Home Office does have a published country information policy, but one that is highly controversial, such as those regarding the security situation in Libya, the level of risk posed by the Taliban in Afghanistan or the risk of re-trafficking in Albania. In these cases an unrepresented appellant has no effective way to argue that the Home Office’s detailed country information reports are wrong unless they can commission their own report.

Migrants Organise saw one such case where the Home Office argued that an Afghan teenager would be safe in another part of Afghanistan even if the Taliban were hunting for him in his home area. The Home Office relied on a historic country guidance case based on the situation in Kabul before the Taliban takeover.

Any legal representative would have been able to argue why this was out of date and incorrect. The appellant attended his appeal hearing unrepresented and lost his appeal, although this decision was later overturned by the Upper Tribunal (more details below).

Where a well-founded asylum claim is dismissed on appeal, often, as here, due to the lack of specialist evidence such as country or medical evidence, then the result is likely to be a miscarriage of justice, unless the person can successfully appeal to the Upper Tribunal. A refused asylum seeker faces eviction from their asylum support accommodation, street homelessness and destitution, detention in an immigration detention centre and forced removal to their country of origin. If their claim was in fact well-founded then they will face persecution, human rights abuses and torture or death upon removal.

### **HELP FROM MIGRANTS ORGANISE TO APPEAL TO THE UPPER TRIBUNAL**

*"It is really hard going through the process without a lawyer even before the appeal stage. It's harder when it gets to the appeal stage as we do not know the law like lawyer even though we try to meet deadlines what we tend to submit isn't of good quality as we do not know which are the proper documents to include and the system is so persistent that you can do it without a lawyer they even send you links on how to go about it without a lawyer. And when it get to the court it's is way difficult as it's a first time experience for most of us and the whole atmosphere or place is just so intimidating given that both the judge and Home Office representative knows the law and are familiar with such settings. Had there been a lawyer with us that day I'm sure the pressure would be less", survey feedback, February 2026*

If the First-tier Tribunal dismisses an unrepresented person's appeal it is possible to try to appeal to the Upper Tribunal, but a person must first apply for permission to appeal from the First-tier or Upper Tribunal on the basis that the original judge made an error of law. This requires the most technical of legal arguments and there is no realistic prospect of most vulnerable people making these arguments without a lawyer. Where a new lawyer

assesses a claim at this stage it involves a lot of work upfront as they must review all the papers and any obvious country evidence that should have been made available to the judge.

Legal aid is limited for this work, because the legal aid rules say that any work done pre-permission will not be paid unless permission to appeal is granted. Legal aid lawyers working on hair-thin profit margins are generally unwilling to take on this kind of difficult and 'at risk' work for new clients. Migrants Organise has only ever managed to find legal aid solicitors at this stage in the rare instances where a barrister has agreed to draft the grounds and has been able to draw directly on a personal relationship with a solicitor and the exceptional circumstances of the case to persuade them to take it on.

Where the barrister working with Migrants Organise has drafted grounds of appeal for the appellant this has usually taken her a full day or two days of work which is either paid for by the charity or which she undertakes pro bono. Staff at the charity also have to assist in collecting the relevant papers. This work is therefore not scalable as it is extremely labour intensive. As an increasing number of unrepresented appellants have their cases heard in 2026, there will be no matching increase in capacity at Migrants Organise or anywhere else to advise on onward appeals to the Upper Tribunal.

Where the barrister working with Migrants Organise is available to draft grounds, the Upper Tribunal has been willing to step in to find that an appeal for an unrepresented appellant was procedurally unfair. In the case of *MB (Guinea)*<sup>15</sup> an Upper Tribunal Judge found a First-tier appeal procedurally unfair including for the reason that:

*"The Appellant, who is illiterate and without access to computers etc was therefore at a serious disadvantage, no matter how long he had been given to prepare. The only question that the Tribunal had to ask*

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<sup>15</sup> Upper Tribunal reference UI-2024-002765, 9 September 2024

*itself was whether it could justly dispose of the appeal without adjourning. I can see no evidence that this was the question it asked. That the lack of country background material was subsequently found to be determinative of the Appellant's claim illustrates how important this evidence potentially was. Nowhere is it apparent that the Tribunal considered this disadvantage."*

The case was set aside and sent back to the First-tier for rehearing. A similar finding was made in the case of MD (Guinea)<sup>16</sup>, where an Upper Tribunal Judge held:

*"The prejudice arising from the lack of proper interpretation aggravated the difficulties already faced by MD as a litigant in person. The issue of sufficiency of protection was worded in the Respondent's Review in a way that would have alerted a representative to its significance but not MD, and he was never asked such questions by the Judge as could have given him a fair opportunity to present his case. Adverse credibility points were taken that relied on a lack of evidence that MD could not reasonably have provided, and that he was given no opportunity to remedy or explain. MD was deprived of a fair hearing, and this was an error of law.*

*Contrary to [the Home Office lawyer's] submissions, I am unable to find that the procedural unfairness caused by the lack of proper representation and interpretation was immaterial to the outcome. Dealing with a similar argument in AK (Iran) v Secretary of State for the Home Department [2008] EWCA Civ 941, the Court of Appeal cited the well-known judgment of Megarry J in John v Rees [1970] 1 Ch 345 at 347:*

*'As everybody who has anything to do with the law well knows, the path of the law is strewn with examples of open and shut cases which,*

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<sup>16</sup> Upper Tribunal reference UI-2024-001994, 30 June 2025

*somehow, were not; of unanswerable charges which, in the event, were completely answered; of inexplicable conduct which was fully explained; of fixed and unalterable determinations that, by discussion, suffered a change.”*

The case was set aside and sent back to the First-tier for rehearing. Finally, in the case of NM (Afghanistan)<sup>17</sup> the Judge who granted permission noted:

*“The appellant is a citizen of Afghanistan who claims to be at risk on return from the Taliban. He was unrepresented in proceedings in the First-tier Tribunal (‘FTT’). At the FTT hearing the Judge refused the appellant’s application for an adjournment to afford him time to obtain legal representation to assist in his appeal. The appellant was 19 years of age at the time of the hearing, is uneducated and cannot read and write. [...] In my view it is unquestionably arguable that there was procedural unfairness in refusing the application for an adjournment given the circumstances and the nature of the disputed issues in this appeal. The appellant was an uneducated, unrepresented teenager in an asylum appeal who the Judge found to be credible in his account that he feared serious harm from a member of the Taliban.”*

The appeal was allowed by the Upper Tribunal<sup>18</sup> on the basis that the Home Office conceded the Judge had erred on his assessment of internal relocation, humanitarian protection and human rights and so those findings were set aside and the case retained in the Upper Tribunal to be re-decided.

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<sup>17</sup> Upper Tribunal reference UI-2025-004625, date of permission decision 10 November 2025

<sup>18</sup> In a determination dated 10 January 2026

## CONCLUSION

This paper has set out a frontline account of what happens when a legal system premised on the assumption of legal representation operates in circumstances where representation is no longer realistically available to large numbers of people.

The asylum process in the United Kingdom is legally complex, procedurally demanding and adversarial at appeal stage. It relies on claimants understanding technical legal concepts, gathering and presenting evidence in acceptable formats, complying with short deadlines, navigating digital systems and responding to credibility challenges and country information evidential requirements. In practice, it also relies on professional legal representatives to have interviews translated, prepare witness statements, commission expert evidence, liaise with healthcare providers and make structured legal submissions.

People who have been assessed as destitute, who frequently have serious trauma histories and mental health needs, and who often have limited English and limited digital literacy, are expected to navigate one of the most complex areas of law alone. Many do not understand why they have been refused. Some never see the documents that determine their case. Others miss critical deadlines because decisions are sent electronically to accounts they cannot access. Appeals proceed without meaningful preparation. Hearings go ahead despite the absence of representation, expert evidence or properly formulated legal grounds.

Charities cannot fill this gap. There is a growing dissonance between the formal guarantees of fairness within the asylum system and the lived reality experienced by those navigating it without representation.

Urgent and material changes are needed to safeguard access to justice.

**POWER IN  
ORGANISING.  
DIGNITY IN  
JUSTICE.**

**CONTACT MIGRANTS ORGANISE:**

-  **[www.migrantsorganise.org](http://www.migrantsorganise.org)**
-  **[@migrantsorganise.bsky.social](https://bsky.app/profile/migrantsorganise.bsky.social)**
-  **[@migrantsorganise](https://www.instagram.com/migrantsorganise)**