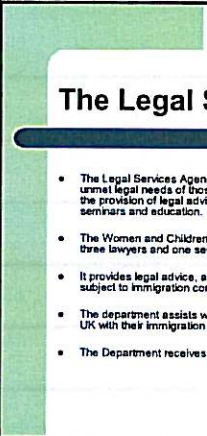


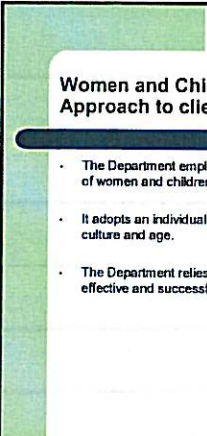
Dignity Visit
12 May 2009

Women and Children's Department
Legal Services Agency



The Legal Services Agency

- The Legal Services Agency (LSA) is Scotland's largest law centre. It aims to tackle the **urgent legal needs of those in any form of disadvantage in Scotland**. It does this through the provision of legal advice, representation in courts and tribunals, research, publications, seminars and education.
- The Women and Children's Department is a small all female team within LSA. It employs **three lawyers and one secretary**.
- It provides legal advice, assistance and representation to women and children who are subject to immigration control in their claims for asylum or other types of protection.
- The department assists women and children who have been subjected to violence in the UK with their immigration matters.
- The Department receives funding from the Scottish Government and Comic Relief.



**Women and Children's Department
Approach to client group (1)**

- The Department employs a multi-disciplinary holistic approach to the realisation of women and children's rights.
- It adopts an individualised approach to each client which is sensitive to gender, culture and age.
- The Department relies heavily on its partnership working in order to deliver an effective and successful service.

Women and Children's Department Approach to client group (2)

- The Department understands that its client group often suffers from complex emotional and practical difficulties which operate as barriers to
 - The successful identification of victims of trafficking; and
 - Ensuring effective ongoing protection for those victims once identified
- The philosophy of the Department is therefore to facilitate emotional and practical support to our clients alongside traditional legal advice and representation in order that these barriers can be overcome.
- The Department achieves this by engaging with our client's legal and non-legal problems and working in partnership with a wide range of services.

Barriers

- Shame
- Fear/mistrust of authorities
- Ongoing risk from trafficking networks
- Health problems – both physical and psychological
- Housing
- Credibility of account - immigration system in this country demands early, full and consistent disclosures

The Department's Approach in practice (1)

Empowerment and participation

- Information is provided to a client about their current status, the role of the authorities they may come into contact with (police, immigration, social work etc) and the legal system in the UK
- Information is given about the options available to the client. Not all victims of trafficking have claims for asylum or other forms of international protection.
- The role of a lawyer is explained
- An informed decision can therefore be taken by the client about the action they wish to take

The Department's Approach in practice (2)

Gender and child rights approach

- Safe and supportive environment is created
- All female team that use all female trusted interpreters
- The members of the department ensure that they are approachable and accessible
- Different approaches utilised in order to obtain disclosure of information (nearly always with assistance of partners)
- The Department never limits the amount of time it will spend with a client (within the confines of the immigration system)
- The staff are always aware of the barriers facing its client group and facilitate emotional and practical support using its close links with partners.
- Prevention of re-traumatisation – the Department is always keenly aware of this. It attempts to take a full and detailed account from the client which can then be utilised, with the consent of the client, by other agencies that the client may be engaged with including the police.

The Department's Approach in practice (3)

Pro-active Approach

- The department proactively engages with the immigration authorities and the court system to ensure that these bodies adopt a gender and child sensitive approach within the confines of their remit.
- Particular vulnerabilities are evidenced with the assistance of our partners and we ensure recognition is taken of them
- For instance, we ask for more flexibility within the asylum decision making process and special arrangements are requested for any engagements with these authorities.
- We use legislation, case law and the authorities own guidance to support our requests for special arrangements to be made

The Department's Approach in practice (4)

Front Loading

- A full detailed statement together with all relevant expert evidence and detailed legal representations is put in front of the immigration authorities at the earliest opportunity and not left to the tribunal stages.
- Front loading gives the immigration authorities the information to make an informed decision. Even if the decision is negative, key issues can be narrowed down to the extent that the client may not need to give evidence in any appeal hearing.
- Often with a case involving trafficking, specialist medical and expert evidence is required. The department ensures it has the relevant links in the UK and the client's country of origin in order to obtain this quickly.

The Department's Approach in practice (5)

Legal barriers

- There is a restrictive and limited approach to the interpretation of gender and child persecution within the confines of the Refugee Convention and UK Immigration Rules
- the department try to identify strategic test cases
- the department are about to commence research on the development of the "particular social group" ground for refugee status

Partnership Working

- The key to the success of the Department's approach lies in the strength of its partnership working.
- The Department proactively works with its clients to identify issues and refers quickly and appropriately to other agencies. It then works with these agencies to engage with the barriers its client group faces.
- The best results have arisen where there has been a team of partner agencies (for instance the department, NHS, Social Work and TARA) working together with a client to ensure full disclosure of trafficking experiences, identification of vulnerabilities to the immigration authorities and the effective provision of ongoing support throughout the process.
- Effective partnership working cannot be underestimated.

Representing the client group's interests

- The department aims to assist this client group as a whole and not just the small number of clients it assists in the immigration process.
- The department works with other agencies to prevent trafficking as well as to promote the human rights of victims of trafficking once identified.
- It does this through the following:-
 - Feeding back of front line issues/trends to working groups it sits on
 - Free informal advice line to other solicitors and agencies
 - The provision of free information sessions to agencies and the client group (at refugee community organisations) – a free information session was run by the department and TARA on the introduction of the National Referral Mechanism in April of this year
 - Seminars – the department ran a joint seminar with Save the Children on the issue of child trafficking in December 2008
 - Research – research is currently ongoing between NGOs in Nigeria and the department regarding trafficking for sexual exploitation between Nigeria and Scotland.

Our Experience so Far

- Clients have more trust and confidence, are better informed and able to more effectively participate in a decision making process about their immigration status
- Increased and fuller disclosures at an earlier stage –this disclosure relates to past persecution but also to disclosures of ongoing violence (whether this stems from trafficking networks in the UK or abusive relationships because of the clients position of vulnerability)
- Improved access to services - early access to partners so that clients are better equipped/supported to deal with processes in the UK (police, immigration etc)
- Higher chance of success in claims for international protection
 - Early disclosures and evidence from services client is linked into- less scope for credibility issues
 - As the client group has engaged with relevant support services, they are better equipped to go through the process of claiming international protection. This is assisted with the department's proactive approach with the relevant authorities
 - Front loading of claims - better decisions are made quicker. Even where the decision is negative, the issues tend to be defined for the appeal stage.

Contact Information

If you have any queries or would like to know further information about any aspect of the department's approach, then please contact Kirsty Thomson. Her contact details are as follows:-

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