

The Lord Bach
House of Lords
London
SW1A 0PW

18 September 2025

Dear Willie,

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL: HOUSE OF LORDS COMMITTEE

I am writing further to the debate in the Lords Committee on 8 September (Official Report 8 September Column 1151) about your amendment 137 and access to immigration legal aid more broadly.

Thank you for raising this important issue. I agree that provision of legal aid for those seeking protection is important to maintain an effective asylum system, ensuring access to justice and supporting the Government to deliver commitments to reduce the asylum backlog, end hotel use and increase returns.

Legal aid is available for asylum cases and for immigration advice for victims of domestic abuse, modern slavery, separated migrant children and those challenging immigration detention decisions. All applications are subject to an assessment of merits and financial eligibility. Where an issue falls outside the scope of legal aid, individuals can apply for Exceptional Case Funding, which will be granted where they can show that without legal aid, there is a risk that their human rights may be breached.

Additionally, as referred to during the debate, individuals held in Immigration Removal Centres (IRCs) and immigration detainees held in prisons are provided with 30 minutes of free legal advice through the Detained Duty Advice Scheme (DDAS). This initial triage appointment supports detained individuals to make contact with a legal provider that may provide further advice, subject to merits and eligibility.

These arrangements are well established and have been put in place to support timely and effective access to justice for those that are detained under immigration powers. Detained individuals can book the first available DDAS slot following their induction into the IRC, which could be as early as the next working day in some cases.

It is the Government's view that the proposed amendment 137 would have no material effect on access to justice, as those in immigration detention are already entitled to an appointment for legal aid under the longstanding DDAS scheme.

I would like to clarify the position in relation to the cost of amendment 137, as this was raised during the course of the debate. It has been assessed that, were the proposed amendment 137 to be introduced, the overall spend on legal aid would be unaffected. This is because we consider there to be a high likelihood that detained individuals seek legal aid-funded support regardless of a time limit, and their eligibility for legal aid would be unchanged were a time limit to be introduced. Resistance of the proposed amendment 137 is not, therefore, based on the associated cost. Rather as I set out above, it is based on the consideration that DDAS already enables detained individuals to seek an initial appointment with a legal aid provider in a timely way and the imposition of a timeframe is, therefore, unnecessary.

The take up of legal aid for those in immigration detention was raised during Committee debate. In relation to DDAS, appointments are available to everyone on arrival to an IRC as part of the induction process. The Legal Aid Agency (LAA) works closely with the Home Office to monitor access to DDAS and share data and routinely engages with DDAS providers to identify and resolve any practical issues that arise. It also meets with wider stakeholders such as NGOs which operate in IRCs to understand any concerns and takes actions to address these. The LAA is not aware of any person being refused a DDAS appointment. A detained individual may also choose not to have a DDAS appointment, for example, if legal representation has been sought outside of the scheme. To support individuals to access DDAS, the LAA recently worked with the Home Office to produce a leaflet in 26 languages on the operation of the scheme, which is provided to all those held in detention.

In relation to legal advice following a DDAS appointment, as I noted during the debate, whether an individual is eligible for this further advice will be subject to them passing the means and merits tests. This decision is made on a case by case basis by legal aid providers, and is free from Government influence. It is worth noting that a number of detained individuals will have already had legal representation, as at the point of detention they will be at the end of an extensive appeals process.

While the number of DDAS appointments is monitored, and the LAA records how many legal aid cases are opened, there are currently no measures to track individuals across different stages of legal aid and one individual may have multiple DDAS appointments. As a result, it is not possible to say how many people who attend a DDAS appointment go on to receive legal aid for substantive legal advice and representation.

To assist with background information, I can provide statistics detailing Immigration and Asylum legal aid spend, the volume of completed work and provider numbers.

Immigration and Asylum legal aid spend

Year	Amount
2018 - 2019	£42m
2019 - 2020	£47m
2020 - 2021	£34m
2021 - 2022	£39m
2022 - 2023	£47m
2023 - 2024	£59m
2024 - 2025	£59m

Legal Aid claims completed – (to note, a single client may have more than one claim)

Year	Volume
2018 - 2019	40,239
2019 - 2020	45,407
2020 - 2021	34,104
2021 - 2022	39,566
2022 - 2023	47,824
2023 - 2024	61,652
2024 - 2025	64,257

Legal aid provider numbers

Year	Volume
2018 - 2019	204
2019 - 2020	189
2020 - 2021	176
2021 - 2022	167
2022 - 2023	152
2023 - 2024	176
2024 - 2025	166

Finally, points were raised in the debate about the vital role that legal aid plays in maintaining an effective immigration and asylum system. The Government shares this view, and since coming into office we have taken important action to support the legal aid sector. We have recently confirmed uplifts to immigration and asylum legal aid fees. This represents a significant investment – the first since 1996. Overall spending in this category will increase by 30%. The Government is also funding the costs of accreditation for immigration and asylum caseworkers, providing up to £1.4m in 2024 and a further up to £1.7m in 2025.

The LAA monitors the number of providers and takes operational action where it can to respond to market pressures that may arise.

I hope that this response reassures you that the Government is committed to ensuring access to justice, including quality legal advice for asylum appellants.

I look forward to further debate of the Bill as it continues Committee stage. I have asked officials to arrange a meeting to discuss this issue.

I will place a copy of this letter in the library of the House.

Yours sincerely,



Lord Hanson of Flint