

## **A New Asylum Process to Benefit Asylum Seekers (ELAP)**

A significant process has been established by the UK Border Agency in partnership with the Legal Service Commission (LSC) for people claiming asylum in the UK. The whole process is referred to as the Early Legal Advice Project (ELAP). Essentially, this is a process whereby an applicant receives substantive legal representation from the onset. The intended objective of this process is to get more cases decided in the right way and to ensure that people deserving asylum should not be asked to wait in limbo for a long time. This process is being tested in the West and East Midlands Region.

The whole process is designed to ensure that asylum seekers get full advice for early interaction between the legal Representatives and the UK Border Agency case owners to facilitate a quick fair early decision without the lengthy protracted processes. At each stage of the asylum process legal representatives would be communicating with the UK Border Agency case owners to highlight any issues of concern if any. It is a process which is designed to ensure that asylum seekers have all necessary evidence required of them to prove their cases. By the time the interview is held, an asylum seeker would already know what is likely to be questioned by the UK Border Agency. There are no surprises in this new process. A statement is submitted to the UK Border Agency and discussions start before one is asked to attend an interview (pre-interview discussions).

Legal representatives are allowed to attend the interview with their clients and to actually participate during the interview to ensure that all questions asked are clear and fair. Representatives are also allowed to make any submissions they may wish to make to ensure that the UK Border Agency case owners take all issues into account in the decision making process. Of importance is the fact that even after the interview the representative would be allowed to have a detailed discussion with the case owner to highlight any areas which may have to be further verified. Thus, by the time a decision is made all parties would be clear as to what is actually happening and the likely outcome. This is known as the post interview discussion. That process allows the applicant to further verify any issues which may need further substantiation. By the time a decision is made by the UK Border Agency, the applicant would have been given a full opportunity to discuss and clarify all issues of concern and in the process matters which are commonly taken on appeal are dealt with by way of this highly interactive process. Many applicants are expected to avoid unnecessary lengthy appeal process by having all issues ventilated earlier enough in the process.

The process is expected to bring greater sustainability in asylum decisions. This is a process which is ushering a cultural change in the relationship between case owners and legal representatives directly impacting on the quality of decisions to be made.

It is also understood that in ELAP, greater flexibility will be available to allow for the needs of different children, which will vary depending on age and circumstances, and to ensure that there is sufficient time for thorough case preparation by relevant agencies before the interview. The UK Border Agency will consider the best interests of the child throughout the asylum procedure in accordance with its obligations under Section 55 of the Borders, Citizenship and Immigration Act 2009.

The ELAP process will run in the region from the project's start date, until a decision to end it is made. If instead the decision of UKBA / LSC is to continue or to roll out the process nationally, then the regional ELAP process will continue during the life of the Standard Civil Contracts issued to participating firms.

Those seeking asylum may wish to take advantage of this process as all costs are fully shouldered by the Legal Services Commission which could be helpful during this period of economic cuts and hardships. A few firms are participating in this ELAP process before it is rolled over nationally. Only legal providers who hold contract schedules with the Legal Services Commission for the Midlands and East of England (MEE) region may undertake publicly funded work on ELAP cases. We have seen a number of applicants from all nationalities benefiting from this highly interactive asylum process without undue delays and unnecessary appeals.

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