

THE UKRAINE COLLABORATIVE PRO BONO PROJECT

November 2023



ASYLUM AID
protection from
persecution

**A COLLABORATIVE
PROJECT HOSTED BY
ASYLUM AID WITH
PRO BONO SUPPORT FROM
DLA PIPER; EVERSHEDS
SUTHERLAND; GENTILI
STARK SOLICITORS;
ORRICK, HERRINGTON
& SUTCLIFFE; AND
WHITE & CASE.**

CONTENTS



4

A collaborative project



10

Project overview



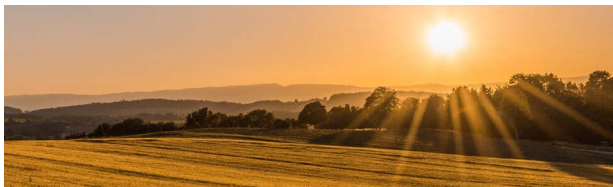
6

Executive summary



12

Limitations & Recommendations



8

Case study



14

Resources for Ukrainians in the UK



A COLLABORATIVE PROJECT



EVERSHEDS
SUTHERLAND

GENTILI STARK
IMMIGRATION SOLICITORS



WHITE & CASE



WORKING TOGETHER TO DELIVER HIGH QUALITY LEGAL REPRESENTATION TO SOME OF THE MOST VULNERABLE PEOPLE





EXECUTIVE SUMMARY

On 24 February 2022, Russian military forces entered Ukraine from Belarus, Russia and Crimea, triggering the current war in Ukraine¹. The ensuing war has led to more than 6.2 million refugees from Ukraine globally². In May 2022, in response to the resulting mass displacement of Ukrainians, the Ukraine Collaborative Pro Bono Project (UCPBP) was formed. The UCPBP is a collaboration between **Asylum Aid**, a charity focused on delivering high quality legal representation to some of the most vulnerable people seeking asylum in the UK, and commercial law firms DLA Piper; Eversheds Sutherland; Orrick, Herrington & Sutcliffe; and White & Case. The UCPBP engaged a specialist legal supervisor (Stéphane Gentili of Gentili Stark Solicitors) to train, guide and supervise pro bono volunteers from the participating firms.

The UCPBP focused on providing assistance to Ukrainian citizens (or citizens of a third country who had a long-term visa for Ukraine at the time of the conflict), and their family members (of any nationality) who were located in the UK and unable to return to Ukraine as a result of the conflict. The aim was to provide free legal advice regarding three of the bespoke UK schemes set up to support Ukrainians in early 2022: (a) **Homes for Ukraine Scheme**; (b) **Ukraine Extension Scheme**; and (c) **Ukraine Family Scheme**, and to advise on the advantages and disadvantages of these

schemes vs an application for international protection through the UK asylum system. Through the partnership with Asylum Aid, clients who, after receiving that advice, wanted to pursue an application for international protection could receive free legal representation to make a claim for asylum and/or humanitarian protection.

Although the war continues and it is acknowledged that legal advice to those seeking refuge under these schemes will be an ongoing need, the UCPBP will conclude by the end of 2023. This is due to the increasing complexity of the UK's immigration laws and subsequent impact on the suitability of providing such pro bono advice through a collaborative pro bono model (as explored in the Limitations & Recommendations section below).

Despite the completion of the project, it is clear that the UCPBP has had a positive impact on the lives of some of those who have been affected. UCPBP successfully met its objective of providing assistance to Ukrainian citizens and their families located in the UK. Throughout the course of this project, the UCPBP advised on 41 cases, which involved at least 90 individuals. From these, more than 10 clients had positive outcomes following their engagement with the project, and many have had applications submitted to the Home Office and await the outcomes.

1. Prior to this event there had already been eight years of conflict in eastern Ukraine between Ukrainian Government forces and Russia-backed separatists.

2. "Ukraine Refugee Situation", UNCHR collation of statistics, 10 October 2023 <<https://data.unhcr.org/en/situations/ukraine>>



***“THROUGHOUT THE
LIFESPAN OF THIS
PROJECT, UCPBP
ADVISED ON 41 CASES,
WHICH INVOLVED
AT LEAST
90 INDIVIDUALS”***



CASE STUDY

P & Family

P lives in the UK with his wife and son. P and his wife have been in the UK for many years, having overstayed on work visas some years ago and having a child whilst living in the UK. P wanted to regularise his and his family's immigration status in the UK and obtain security from being returned to Ukraine where the war would have a serious impact on their family life, as well as the education and upbringing of their son.

We conducted a lengthy interview with P and his wife to obtain a detailed history of their immigration status. As their son was born in the UK and was their priority, the primary aim was to register him as a British citizen to secure his future in the UK and reduce the prospects of his parents being forced to return to Ukraine. Although

this fell outside the scope of the project, we agreed to help. We ordered a copy of the son's birth certificate and then prepared an application for British citizenship, guiding the client through the requirements and sorting through the various supporting evidence they were able to supply (for example, school reports, references, immunisation records, etc.) The application was successful and P's son was registered as a British citizen, much to the relief and delight of the client:

'We don't know how to thank you all for what you have done, you are incredible people'.

The application to regularise P and his wife's immigration status is ongoing.





***“WE DON’T KNOW
HOW TO THANK YOU
ALL FOR WHAT YOU
HAVE DONE, YOU ARE
INCREDIBLE PEOPLE.”***





PROJECT OVERVIEW

Since its inception, the project has supported a total of 42 cases. Among these, 40 cases received advice meetings and in 2 cases the matter was resolved prior to the initial meeting (1 of these having received advice from us).

The 41 cases that received advice from us include at least 90 individual people (27 men, 33 women, and 30 children where this data is available). 8 of the cases were seen only by the legal supervisor, Stéphane Gentili, in the pilot and wrap-up phases of the project, and 33 have been supported by pro bono lawyers.

One client (counted above) has just had their first meeting. For 3 clients, referrals for support in applying for asylum / humanitarian protection are pending. The other 37 cases have been completed.

In at least 13 cases, support outside the UCPBP for an asylum, Humanitarian Protection (HP) or another matter beyond the scope of our project (particularly for clients in Northern Ireland and Scotland) was also required. 3 cases were referred to other legal aid practitioners. 10 were referred to Asylum Aid, who are providing specialist advice under legal aid in connection with an application for asylum or humanitarian protection. 1 of the cases also received advice on a potential judicial review from a public law caseworker at Asylum Aid.

Additionally, it is notable that at least 8 of the 37 cases (22%) fell outside the original scope of the project (e.g., because the main client was not in the UK), and at least 22

cases (59%) received support beyond the initial advice letter, such as additional advice letters or meetings, letters to MPs, the completion of applications on behalf of the clients and pro bono support for an in-country Family Reunification application.

Where the information was (readily) available, it took an average of 19.6 days from the initial meeting with the client to their advice letter being sent to them. This includes, however, a range from 2 days to 72 days (the latter being an outlier), illustrating the varying complexity of the cases. The length of the advice letters also varied from 3 to 17 pages with an average of 9.3 pages. This length is explained by the fact that the majority of advice letters included information and recommendations on multiple topics and areas of immigration law – for example, one letter included advice on the Ukraine Extension scheme (UES), the Ukraine Family Scheme (UFS), international protection, British citizenship, and Leave to Remain on family life grounds.

The matters on which the project's legal teams provided advice had a wide range; applications to the UES, the UFS, and the Homes for Ukraine Scheme (HFU), including in cases where the clients were not obviously eligible for these schemes – in two cases, our (internal and external) colleagues even stepped in to be HFU sponsors. We also provided advice on applications for asylum, 'differentiation' introduced by the Nationality and Borders Act 2022 in June 2022 but suspended by the Home Office

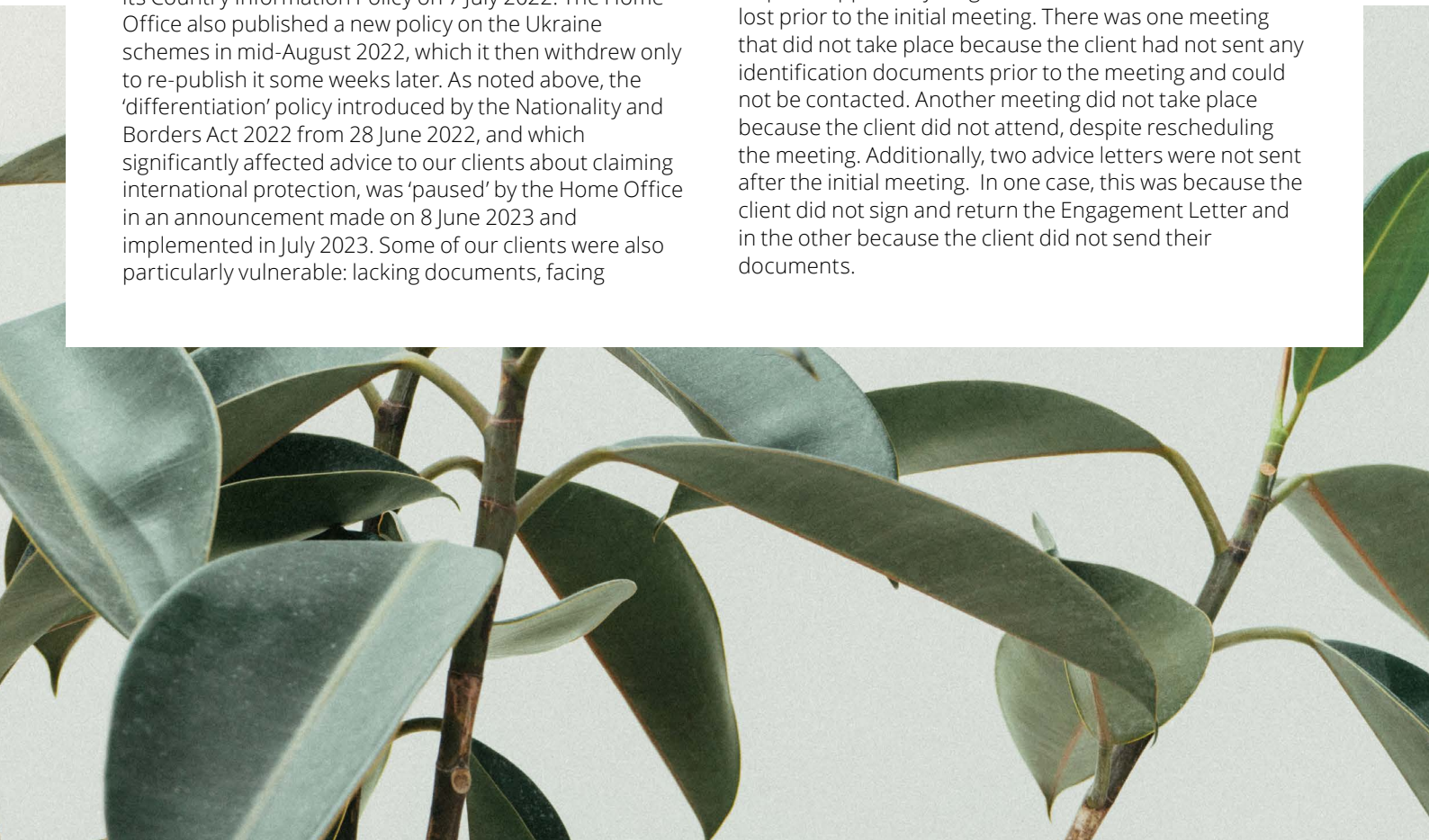
from June 2023), on the Graduate Visa option, Discretionary Leave to Remain on human rights grounds, exceptional obstacles to reintegration, and private life (the “20 years rule”), the rights of clients who simultaneously applied to a Ukraine scheme and for asylum, spousal visas, a child’s application for British citizenship, and Family Reunifications. The letters of advice also outlined the procedure for submitting different applications, and estimated processing times. In at least 3 cases, the pro bono teams also supported the clients during the submission of their applications.

In addition to the very wide scope of needs we sought to address, the provision of advice was made more challenging due to developments in law and policy, such as when the Nationality and Borders Act came into force on 28 June 2022 and when the UK government released its Country Information Policy on 7 July 2022. The Home Office also published a new policy on the Ukraine schemes in mid-August 2022, which it then withdrew only to re-publish it some weeks later. As noted above, the ‘differentiation’ policy introduced by the Nationality and Borders Act 2022 from 28 June 2022, and which significantly affected advice to our clients about claiming international protection, was ‘paused’ by the Home Office in an announcement made on 8 June 2023 and implemented in July 2023. Some of our clients were also particularly vulnerable: lacking documents, facing

potentially exploitative work conditions, dealing with medical issues, or being homeless. A majority required an interpreter for all communications.

At least 10 of the project’s clients who continued keeping us informed of their progress have had positive outcomes following their engagement with us. This includes 4 cases where Ukraine Extension Scheme applications were granted (in some cases for multiple clients within one family), 4 cases with grants under the Ukraine Family Scheme (as above), one client granted 5 years of humanitarian protection and one child granted British citizenship.

Including the cases that received support, 81 referrals were taken up by the UCPBP. The cases that did not receive support were cases where the client did not require support any longer or contact with the client was lost prior to the initial meeting. There was one meeting that did not take place because the client had not sent any identification documents prior to the meeting and could not be contacted. Another meeting did not take place because the client did not attend, despite rescheduling the meeting. Additionally, two advice letters were not sent after the initial meeting. In one case, this was because the client did not sign and return the Engagement Letter and in the other because the client did not send their documents.





LIMITATIONS & RECOMMENDATIONS

Limitations

Two main limitations of the UCPBP were identified:

1.

The provision of advice was made more challenging due to a number of developments in the UK's immigration law and policy. The regulations in the immigration landscape, as well as the Home Office policy, were constantly shifting, adding complexity in advising the best course of action for applicants. Cases required an increasing level of specialist immigration expertise that volunteering pro bono lawyers did not have, and which therefore necessitated extensive guidance from the project's supervising immigration lawyer.

2.

The UCPBP was set up as a consultant model where each firm was allocated a certain number of supervision hours from the supervising immigration lawyer. The reason for adopting this model was that it allowed the project to be set up more quickly in response to the urgent need for advice without reducing Asylum Aid's capacity to assist other people seeking protection in the UK. However, due to the increasing complexity of the cases, these hours were exhausted in the more complex cases, leaving firms to find additional funding to conclude cases.

The combination of these two elements limited the sustainability of the UCPBP.

Of additional significance is that the Home Office's approach to applications under the Ukraine Schemes became more restrictive. While initially we were able to advise clients to apply under those Schemes who did not meet the strict requirements of the Rules, with time it became clear that the Home Office would not grant these applications. As most of the clients who sought advice from the project did not meet the requirements of the Rules, the advice we gave them became more complex. It also became more common for us to advise them to make an application for international protection, for which legal aid is (in theory) available, or to apply under Rules and on grounds which are not only limited to those who are formerly resident in Ukraine.

Recommendations

The UCPBP identified the following recommendations for future pro bono collaborative projects:



We recommend a full time supervising lawyer that is not restrained by the consultant structure when advising on complex areas of law.



Due to the varying nature of the cases and the complexity of the UK immigration rules, it is important to have clear communication, methodical processes, and concise training from all those involved, so that pro bono volunteers can keep pace with developments and successfully deliver the project.



Due to the changes in legal landscape during the life of the project, many of the individuals requiring legal advice fell outside the scope of the project. We recommend bearing this in mind when working within the pro bono immigration space and being flexible to accommodate these changes.



There is a need to urgently address the severe shortage of free, specialist advice in the UK for those with complex immigration situations who are unable to return to their homes because of war, persecution and other forms of human cruelty. This requires a sustainable legal aid scheme and models of free advice provision which enable specialist input on a complex and rapidly changing legal system.



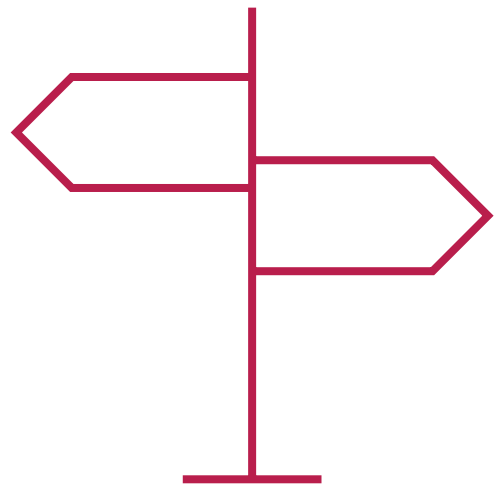
RESOURCES FOR UKRAINIANS IN THE UK

Potential avenues for Ukrainians in UK to resettlement:

The [Home for Ukraine Scheme](#) (Guidance for Guests [here](#))

The [Ukraine Extension Scheme](#)

The [Ukraine Family Scheme](#)



How to find legal advice:

Free legal advice at the Ukraine Advice Project – UK:
<https://www.advice-ukraine.co.uk/refugee-form/en/>

Legal advice via your local Citizens Advice: <https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/contact-us/>

Legal advice from the East European Resource Centre:
helpline at 07718 612 218 (Monday to Thursday, 10am – 4pm – calls can be taken in Ukrainian, Russian or English)
email: ukraine@eerc.org.uk
website: <http://www.eerc.org.uk/#/article?id=1508>

Where to search for an immigration adviser: <https://www.gov.uk/find-an-immigration-adviser>

Finding legal advice near you on specific topics, including immigration, benefits, and housing: <https://advicefinder.turn2us.org.uk/>

Finding your local law centre to ask for legal advice: <https://www.lawcentres.org.uk/i-am-looking-for-advice>

Finding your local branch of the British Red Cross, who provide support including legal advice: <https://www.redcross.org.uk/get-help/get-help-as-a-refugee/contact-your-local-refugee-service>

For support with employment, benefits, and welfare:
<https://www.workrightscentre.org/solidarity-with-ukraine>

Advice leaflet from the British Red Cross with information on immigration status, benefits, housing, healthcare, schools, and other issues – in English: https://www.redcross.org.uk/-/media/documents/miscellaneous/ukraine-nationals-page-july/information-for-ukrainians-arriving-in-the-uk-july-2023.pdf?sc_lang=en&hash=C9071EAF761300CAF237DA95FEB0CA

And in Ukrainian: https://www.redcross.org.uk/-/media/documents/miscellaneous/ukraine-nationals-page-july/ukrainian-information-leaflet-for-ukrainians-arriving-in-the-uk-updated-july-23.pdf?sc_lang=en&hash=E940771ABD847FFA8ABA54ED602C5F8F

And in Russian: https://www.redcross.org.uk/-/media/documents/miscellaneous/ukraine-nationals-page-july/russian-information-leaflet-for-ukrainians-arriving-in-the-uk--july-2023.pdf?sc_lang=en&hash=2D80857E7F432AA8896BA8C1A3C1F92D

Information in English and Ukrainian on benefits, housing, immigration, healthcare, work, and more: <https://ukrainianrefugeehelp.co.uk/> (note: some information is outdated but should be clearly marked)

Legal advice for those who have a Ukraine Family visa:
<https://www.refugeecouncil.org.uk/get-support/services/refugee-advice-project-ukrainians-on-family-visa/>

Other useful resources:

The Association of Ukrainians in Great Britain: <https://www.augb.co.uk/>

Advice on where to find English classes: <https://ukrainianrefugeehelp.co.uk/language-support/>

Support finding English classes, housing, benefits, and finding a doctor: <http://www.ramfel.org.uk/integration-form.html>

For support translating official documents into English:
<https://charitytranslators.org/LinksforUkraine#Support> and
<https://translatorsforukraine.eu/>

List of additional sources of support in London: https://docs.google.com/document/d/1_pymlofaPytZt_SlIn6hQD9VDiz-4UwR24JJ2rwXxmU/edit

List of other support and offers, including regarding arts and theatre: <https://refugeehelp.squarespace.com/settling-into-the-uk>

Right to Remain toolkit: <https://righttoremain.org.uk/toolkit/>

