

## **Background Information about the Law Centre and MiCLU**

### **About MiCLU Breaking the Chains Project**

MiCLU is a project at Islington Law Centre, and works closely with Islington Law Centre's wider team of lawyers leading and developing specialist legal services aimed at upholding and improving the rights of migrant children and young people. Our work is led by the views and experiences of our young clients who continue to inspire and develop our services. Together we are committed to educating young people about their rights and supporting the work of carers and professionals dedicated to helping young people live safe and protected lives in the UK.

We believe that the law can be used as an effective tool to create social change and we are committed to campaigning and advocating for child and youth-centred legal processes and systems. We also believe that by building collaborations and partnerships between individuals, organisations, statutory and non-statutory agencies across different professional disciplines we can work together to tackle and address the complex realities, challenges and injustices faced by young people whose lives are governed by complex laws, ensuring that they are treated as children first and foremost.

### **Context for Breaking the Chains Project**

In recent years Albanian children have formed the third largest group of unaccompanied asylum-seeking children in the UK, yet in 2015, out of 440 initial decisions, just one grant of asylum was made to an Albanian unaccompanied child, and in 2016 refugee status was granted in just two cases.

Decision-making does not reflect the experiences of children and young people from Albania:

- Of the 3,805 potential victims of trafficking referrals to the National Referral Mechanism in 2016, 699, the largest number, came from Albania
- Blood feuds in Albania are a post-communist phenomenon, which draws on medieval Kanun law, and demands revenge killings to salvage family honour. Yet while the Home Office claim these feuds are 'few and in sharp decline' ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/565464/CIG-Elidonia-Blood-feuds-v2-July-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565464/CIG-Elidonia-Blood-feuds-v2-July-2016.pdf) page 8) the European Parliament believes the numbers of such feuds are increasing (<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A52013IP0596&from=IT>) and the Albanian parliament admits to failing to make progress in preventing and eradicating the phenomenon.
- Violence against children in Albania is common and such violence is often not reported and recorded. One in two children at home, and almost one in three at school, have come to

believe that the violence exercised against them is necessary

([https://www.ecoi.net/file\\_upload/90\\_1438754232\\_unicef-child-notice-albania-201507.pdf](https://www.ecoi.net/file_upload/90_1438754232_unicef-child-notice-albania-201507.pdf))

- Forced and early marriages result in 3% of Albanian children between the ages of 15 and 18 being married, this figure increases to 9% among Romani children (<http://www.refworld.org/topic,50ffbce4c9,50ffbce4e7,58ec8a7e4,0,,,ALB.html>).

The lack of protection for these children and young people leaves them vulnerable to return to a country where they are at risk of (re) trafficking, blood feuds and honour killings. It also leaves them vulnerable to exploitation in the UK, as many enter into modern day slavery either to pay unscrupulous legal representatives (who assert that their case does not have sufficient merits for legal aid but who agree to represent the children or young person as a private client) or to secure some measure of safety on the streets and an income to avoid destitution.

### **The wider implications**

Albanian children and young people are fleeing non-state agents and their experiences and needs are rarely in the public eye, nor are they the focus of campaigning or policy work by NGOs or QANGOs. Eager to join the EU, the Albanian state co-operates with the Home Office and the Home Office, potentially in breach of the Immigration Rules<sup>1</sup>, routinely secures evidence directly from the Albanian authorities which is then employed to justify the refusal of asylum claims or undermine the credibility of children who have played no part in the creation of the information relied on. In MiCLU's experience, the Home Office 'pilots' treatment on young Albanians which they then intend to roll out to those from other refugee and migrant community groups: treatment of Albanian children and young people is therefore a barometer which identifies the direction of travel of Home Office policy towards all those who have arrived in the UK as unaccompanied minors. Engagement with Home Office policies and practices in relation to Albanian children and young people is therefore important (i) to safeguard their rights and in order (ii) to safeguard the rights of all children and young people within the immigration and asylum system.

This proposed project, whilst focused on work with Albanian children and young people, will have the potential to effect change for all children and young people in the immigration and asylum system, given their status within Home Office practice, and offers opportunities to challenge unlawful practice at an early stage. Such opportunities are currently being lost due to the tendency of the legal sector to fail to engage with Albanian cases on an individual and strategic level.

The project will be developed and implemented by a part time Youth Worker at Shpresa Programme and a full time Caseworker at MiCLU and will comprise of casework, training, empowering young people to develop resources, and holding events to publicise and raise awareness. We also hope to identify issues susceptible to challenge by way of strategic litigation, and to be able to contribute to evidence and strategy in relation to Country Guidance cases affecting children and young people from Albania.

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1. Immigration Rules Part 11: Asylum 339IA: 'Information shall not be obtained from the alleged actor(s) of persecution that would result in their being directly informed that an application for asylum has been made by the applicant in question and would jeopardise the physical integrity of the applicant and their dependants, or the liberty and security of their family members still living in the country of origin.'

### **The added value of this partnership project**

Shpresa is a refugee community group able to support children and young people through the asylum and immigration system through the provision of culturally sensitive and aware services. Shpresa already has the trust of the Albanian speaking community. MiCLU's previous research (Precarious Citizenship - <https://miclu.org/reports-and-publications/new-report-precarious-citizenship-unseen-settled-and-alone>) identifies the importance of trust, and the presence of a trusted adult (or adults) in a child's life as key factor in their ability to engage and make effective use of advice provided. By working together on this project, Shpresa will ensure that the most effective use is made of the Caseworker's time and thus that protection is secured for the largest number of children and young people.

### **About Islington Law Centre**

Islington Law Centre was founded over 40 years ago, and offers high quality rights based advice, assistance and legal representation to people living, working or studying in England and Wales but in particular the London Borough of Islington and beyond. The Law Centre provides legal advice services free and does not charge individual clients for its services.

Islington Law Centre is a full member of the Law Centres Network (LCN) and participates fully in joint initiatives and policy development in partnership with other Law Centres.

The Law Centre currently employs 35 people, and 5 years ago moved to new offices near the Angel, in the south of the London Borough of Islington. This move has been very positive, and has significantly improved the facilities for clients.

The Law Centre receives funding from the local authority, the Legal Aid Agency (with whom we have contracts to provide publicly funded Legal Aid), City of London law firms, Charitable Trusts, Foundations and donations.

We are a Registered Charity and a Company Limited by Guarantee. Our turnover is in the region of £1.5 million per annum.

### **Services Provided**

The Law Centre holds the Law Society's Lexcel Quality Mark, which is subjected to an annual independent audit process. The Law Centre is contracted to provide publicly funded legal advice and representation by the Legal Aid Agency in the following areas of law; Immigration & Asylum, Housing, Debt and Welfare Benefits, and Public Law, and to manage the Duty Desk Scheme at Clerkenwell and Shoreditch County Court (at Gee Street). Recently the Law Centre Immigration & Asylum Team has received a Category 1 independent Peer review from the Legal Aid Agency.

In addition to providing publicly funded work we offer services funded by other sources in: Consumer, Debt, Education, Housing, Immigration and Asylum, Public Law and Welfare Benefits. We have 3 specialist projects – the Migrants' Law Project; the Migrant and Refugee Children's Legal Unit; and StreetLegal – a young people's homelessness project.

The Law Centre offers a telephone advice service in addition to having an on-going caseload of around 1,400 cases. We are open to the public Monday to Friday from 10am - 1pm and 2pm to 4pm for drop in and general enquiries, and from 6.30 pm to 9.30pm Monday to Wednesday for our pro

bono evening clinics. The Law Centre is open for appointments and client interviews Monday to Friday from 9am – 6pm.

We have an extensive range of outreach services, offering 18 sessions a week, at venues that include community organisations, Islington Council's housing offices, and Help on Your Doorstep, a local outreach charity.

The Law Centre has good links with a number of London City law firms, and operates evening advice sessions for people with consumer and small claims issues, which are staffed by volunteer solicitors from partner firms. These sessions are held on Monday, Tuesday and Wednesday evenings.

We offer telephone advice support to local community organisations, and work closely with a range of other agencies and unfunded groups.

The Law Centre is a founding member of Islington Advice Alliance, and has close working links with Islington People's Rights, Citizens Advice Service, and Help on Your Doorstep.

### **Staff Structure and Volunteers**

The Law Centre has 2 Co-Directors covering Funding and Business development and Head of Legal Practice. The Directors are jointly responsible to the Board of Trustees for the day to day running of the organisation.

The Law Centre staff is currently comprised of 17 staff members who are qualified as solicitors or barristers ( the majority are practising solicitors with many years PQE), 9 specialist caseworkers, two Trainee Solicitors as part of the Justice First Fellowship Programme, an Office Manager, Reception and Referral staff and project support staff. We engage a qualified accountant to oversee our finances.

We have at least one Supervisor for all areas of law practised with the majority of areas having two in order to provide continuity during periods of holiday or absence.

We are extremely grateful for the assistance of a large number of volunteers, who assist with a variety of tasks within the Law Centre.

### **Board of Trustees**

The Board of Trustees currently has 9 members, some of whom have been on the Board for a number of years, and some who are fairly new to this role. The Board includes lawyers with an interest in the work of the Law Centre, and other members with relevant skills and experience.

The Co-Directors are responsible for liaising with the Board and meetings are held approximately every 8 weeks, during the evening.

The Board provides oversight and governance of the Law Centre, and members hold formal responsibility as Directors of the Company and Trustees of the Charity.

### **Plans for the Future**

Over the past 4 to 5 years the Law Centre's funding has been affected by the reduction in the areas of law funded via the Legal Aid scheme, that were implemented in 2013. Nevertheless the Law Centre has managed to provide a service in a range of areas of law that many similar organisations have had to stop doing. We were very pleased to have been successful in our application to Islington Council for a grant under their Strategic Advice Partners programme.

Despite any reductions in funding we have been able to develop a number of innovative and creative solutions to the emerging needs of clients, and have a number of priorities for the future which include:

- Continuing to undertake strategic litigation and policy and advocacy work on behalf of our client groups
- Updating and improving our Mission, Objectives and Values
- Improving our infrastructure, particularly ICT as part of the joint initiative by the Law Centres Network, to ensure that we can maintain the quality of our work and strengthen our relationships with funders, donors and supporters
- Increasing our unrestricted income, so that we can build our reserves and adapt in a changing funding climate
- Securing funding to maximise the capacity of our casework teams as we are experiencing very high demand for our services
- Building our joint work with other organisations to maximise the impact of our work