



ILPA Statement on the Safety and Protection of Immigration Practitioners

An independent legal profession is fundamental to ensuring access to justice, equality before the law, and the proper functioning of a democracy. This is an international legal principle, which has also been recognised by the UK government.

We believe the government should do its utmost to create conditions in which lawyers are able to freely perform their professional duties, and are safeguarded by authorities if their security is threatened as a result of carrying out their professional role.

The compromising of lawyers' independence by external pressure can have extremely negative consequences for the right to access justice.

Nevertheless, in recent years, senior politicians and a number of media outlets have fostered a climate of hostility towards immigration practitioners by attacking the legitimacy of immigration lawyers exercising their proper function in our democracy.

International legal principles on the role and independence of lawyers

In 1990, the United Nations established [*Basic Principles on the Role of Lawyers*](#), which define the essential requirements for the guarantee of access to independent legal advice. The following principles are of particular relevance:

“16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.”¹

¹ United Nations, *Basic Principles on the Role of Lawyers*, adopted on 07 September 1990 by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba,

In this regard, the United Kingdom government issued its own document, [UK Support for Human Rights Defenders](#), in July 2019, which refers expressly to these Basic Principles, as well as to other UN Declarations, as guiding UK policy and strongly supporting the role of human rights defenders including lawyers as playing “an essential role in promoting and protecting democracy, respect for human rights and the rule of law”.² In identifying the risks that human rights defenders may face it included threats and violent attacks, intimidation and harassment; slander and defamation; stigmatisation; and de-legitimation and impunity for those who attack them.

In the report [Protection of lawyers against undue interference in the free and independent exercise of the legal profession](#) of then UN Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, published on 22 April 2022, defamation in the media was highlighted as a particular barrier to the free exercise of the legal profession and a catalyst for public misunderstandings of the purpose of legal defence:

“76. It is common for lawyers who defend and represent persons under investigation for or accused of security offences within the framework of counter-terrorism legislation or in relation to high profile political cases to face stigmatization or defamation in the media and on social networks. The pressure caused by such actions severely limits the free exercise of the legal profession by lawyers and paralegals.

77. A high proportion of the professionals consulted reported the proliferation of smear campaigns on social networks against lawyers and paralegals involved in cases that are sensitive for persons in political power. As a result of such actions, the media and the general public may misinterpret, or fail to understand, the purpose of legal defence and the duty of legal professionals, which is to represent a client; this does not imply that the lawyer approves of the client’s actions or is guilty of a crime for defending that client.

78. The Inter-American Commission on Human Rights has found that the criminalization of lawyers is sometimes preceded by actions such as statements by senior officials accusing them of committing crimes or illegal activities with a view to delegitimizing their work.

79. The Special Rapporteur has observed that, on occasion, the media and users of social media make statements and value judgments that have the effect of increasing pressure on members of the legal profession, which is dangerous given their line of work.”³

<<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>> accessed 10 August 2023.

² HM Government, *UK Support for Human Rights Defenders* (July 2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819299/UK-Support-for-Human-Rights-Defenders.pdf> accessed 10 August 2023, page 3.

³ UNGA ‘Protection of lawyers against undue interference in the free and independent exercise of the legal profession, Report of the Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán’ (22 April 2022). Human Rights Council 50th Session (A/HRC/50/36) <https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/Human_right_portal/EN_Report-of-the-Special-Rapporteur-on-the-independence-of-judges-and-lawyers.pdf> accessed 10 August 2023, page 13.

The climate of hostility towards lawyers practising immigration law

ILPA has noted, with growing concern, the climate of hostility towards lawyers practising immigration law. This hostile climate has without doubt been fuelled by increased vilification and attacks on the legitimacy of immigration practitioners' work from senior politicians and certain sectors of the media.

In August to October 2020, inflammatory comments about lawyers practising immigration law made by the then Prime Minister, Boris Johnson,⁴ and then Home Secretary, Priti Patel,⁵ led to an unprecedented response from the legal profession. In a letter of 25 October 2020, entitled '[Ministers must end their attacks on lawyers](#)', signed by three former justices of the UK Supreme Court, five retired judges of the Court of Appeal and several hundred barristers and solicitors, the former Prime Minister and former Home Secretary were called upon to apologise for their display of hostility and refrain from future attacks, with it being observed that:

“Such attacks endanger not only the personal safety of lawyers and others working for the justice system, as has recently been vividly seen; they undermine the rule of law which ministers and lawyers alike are duty-bound to uphold”.

Unfortunately, attacks by senior Government figures on immigration lawyers have continued. On 14 June 2022, the then Prime Minister, Boris Johnson, also [suggested](#) that lawyers representing individuals challenging their removal to Rwanda were “effectively abetting the work of the criminal gangs”.⁶ In response, the Chair of the Bar Council [confirmed](#) that some lawyers had received death threats in the wake of the remarks.⁷ In comments also of note, on 14 June 2022, the President of the Supreme Court, Lord Reed, [stated](#) in a judgment of the court regarding interim relief to stay the removal of people seeking asylum on a charter flight to Rwanda pending the ‘rolled up’ hearing of a claim for judicial review:

“... the appellant’s lawyers were performing their proper function of ensuring that their clients are not subjected to unlawful treatment at the hands of the Government”.⁸

Nevertheless, immigration practitioners have continued to be subjected to verbal attacks with their professional role being politicised on a concerning scale. Terms such as ‘lefty lawyers’ and

⁴ Lawyer Monthly, ‘Boris Johnson backs Patel’s “Lefty Lawyers” remarks’ (7 October 2020) <<https://www.lawyer-monthly.com/2020/10/boris-johnson-backs-patels-lefty-lawyers-remarks/>> accessed 9 August 2023.

⁵ Jemma Slingo, ‘Patel lashes out at ‘lefty lawyers’ in asylum speech’, *The Law Society Gazette* (5 October 2020) <<https://www.lawgazette.co.uk/news/patel-lashes-out-at-lefty-lawyers-in-asylum-speech/5105870.article>> accessed 8 August 2023.

⁶ Sky News, ‘Boris Johnson: Lawyers are ‘undermining’ Rwanda policy’ *YouTube* (14 June 2022). <<https://www.youtube.com/watch?v=2YjfUfqCo&t=49s>> accessed 9 August 2023.

⁷ Kevin Schofield, ‘Boris Johnson told to apologise for suggesting that lawyers are ‘abetting’ people traffickers’ *Huffington Post* (16 June 2022) <https://www.huffingtonpost.co.uk/entry/boris-johnson-urged-apologise-lawyers-criminalgangs_uk_62ab2bbae4b06169ca957e08> accessed 9 August 2023.

⁸ Supreme Court, ‘Rwanda Permission to Appeal Application refused’ (14 June 2022). <<https://www.supremecourt.uk/news/rwanda-permission-to-appeal-application-refused.html>> accessed 9 August 2023.

'activist blob of leftwing lawyers'⁹ are frequently employed in discussions on immigration and asylum matters and practitioners. Practitioners are falsely painted as acting with impropriety and/or are said to be in cahoots with the opposition. However, lawyers advising and representing the Government, on the very same law, and the very same immigration and asylum matters, are not targeted in this 'culture war'.

Such painting of practitioners ignores fundamental aspects of our justice system. Under the cab rank rule, for example, self-employed barristers have a professional obligation that prevents them from refusing work because they disagree with the nature of the case or the identity, actions, or views of individuals seeking their representation, so long as the barrister has the relevant experience, seniority and/or field of practice. The rule is in place to ensure that everyone has equal access to a barrister of their choice, to the courts, and to justice.

Rather than upholding the valuable work that they do, politicians are placing immigration lawyers in the political firing line, seemingly at every opportunity.

The current Prime Minister Rishi Sunak used the Daily Mail's article of 24 July 2023 citing alleged exploitation of the immigration system by three isolated individuals, as the basis for [claiming](#) the next day that 'a subset of lawyers' is facilitating exploitation of the immigration system:

"The Labour Party, a subset of lawyers, criminal gangs - they're all on the same side, propping up a system of exploitation that profits from getting people to the UK illegally."

This follows on from Home Secretary Suella Braveman's 4 October 2022 [speech](#) at the Conservative Party Conference in which she stated:

"As for the lawyers. Don't get me started on the lawyers."

While lawyers are not beyond reproach, no entire profession is beyond reproach. The legal professions are regulated, and it is for their regulators to investigate and take appropriate disciplinary action. As a case in point, the Solicitors Regulation Authority (SRA) acted swiftly and robustly by closing down the three solicitor firms¹⁰ named in the Daily Mail's undercover investigation.

Undermining confidence in the legal profession risks undermining the justice system and fuels an already dangerously heated debate.

Indeed, on 20 February 2023, Minister of Immigration, Robert Jenrick MP, in a [debate](#) on the Knowsley Incident, stated:

⁹ Rajeev Syal, 'Target of Tory 'lefty lawyer' dossier forced to review security after email' *Guardian* (8 August 2023) per a Conservative party spokesperson said: "It's no secret that an activist blob of leftwing lawyers, dubious campaign groups and the Labour party are trying to frustrate our efforts to stop the boats and deport more foreign criminals." <<https://www.theguardian.com/politics/2023/aug/08/target-of-tory-lefty-lawyer-dossier-forced-to-review-security-after-email>> accessed 8 August 2023.

¹⁰ SRA, 'SRA closes down three immigration firms' (31 July 2023) <<https://www.sra.org.uk/sra/news/press/three-immigration-firms/>> accessed 10 August 2023.

“It is an area where, I am afraid, human rights lawyers abuse and exploit our laws at times, and where the courts have taken an expansive approach in the past.”

“We are monitoring the activities, as it so happens, of a small number of legal practitioners, but it is not appropriate for me to discuss that here.”

Upon enquiring with the Home Office about the nature of these monitoring operations, we were informed on 30 March 2023, “I can confirm that when considering representations, the Home Office ensures that firms raising immigration matters have the correct regulatory credentials. If evidence exists that obligations have been breached, we may refer the firm to regulators.”

However, as has been [reported](#), in August 2023, Conservative Campaign Headquarters sent to the Telegraph, Mail, Sun, and Express an email containing a misrepresentative dossier titled ‘Revealed: senior Labour advisor is lefty lawyer blocking Rwanda deportations’ about a partner and head of immigration and asylum law of a law firm. Ninety per cent of this practitioner’s work, in the past five years, had been working on cases pertaining to the Windrush scandal. Nevertheless, the dossier is reported to have noted, erroneously, that the practitioner was ‘behind one of the legal challenges which forced the grounding of what would have been the first Rwanda deportation flight on June 14 last year’.¹¹

Such unwarranted and inappropriate demonisation of and targeted attacks against lawyers practising immigration law by senior Government figures and their party have sanctioned and encouraged reporting by the media that is both irresponsible and dangerous. Echoing the language used by the Government, journalists have accused lawyers representing people seeking asylum of, at best, unprofessional and, at worst, criminal behaviour.

For example, in a March 2021 article, the Sun, quoting Priti Patel, stated, “Taking aim at immoral lawyers and lefty armchair critics, the Home Secretary declared “no one can defend the current system” as she launches the biggest reforms in a generation to Britain’s “broken” asylum process.”¹²

In an [article](#) published in the Daily Mail on 5 May 2022¹³, lawyers representing individuals in challenges to the Rwanda policy were described in the following terms:

¹¹ Dominic Penna, ‘Labour race adviser boasted of stopping deportation to Rwanda’ *Telegraph* (6 August 2023) <<https://www.telegraph.co.uk/politics/2023/08/06/labour-race-adviser-boasted-of-stopping-rwanda-deportation/>> accessed 10 August 2023.

¹² Harry Cole, ‘PRITI TOUGH Priti Patel vows illegal immigrants landing on UK beaches face deportation in as little as 24 HOURS’ *Sun* (23 March 2021) <<https://www.thesun.co.uk/news/politics/14433320/priti-patel-illegal-immigrants-uk-beaches-face-deportation-2/>> accessed 10 August 2023.

¹³ Leo McKinstry, ‘Left-wing lawyers fighting Boris Johnson’s Rwanda migrant plan think they are so virtuous. But the truth is they have blood on their hands’ *The Daily Mail* (5 May 2022) <<https://www.dailymail.co.uk/debate/article-10787423/LEO-MCKINSTRY-Left-wing-lawyers-fighting-Johnsons-Rwanda-migrant-plan-blood-hands.html>> accessed 9 August 2023.

“Human rights lawyers and campaigners are fond of posing as the champions of compassionate morality. Idealists driven by nothing more than the pursuit of public good. Yet by their self-serving, destructing actions, they all too often make a mockery of justice and humanity.

Behind all their shrill rhetoric about the rule of law and the protection of the vulnerable, what they really seek is to impose their political ideology...through the ruthless exploitation of our ramshackle legal system.

[...]

[T]heir conduct is a disgrace on so many levels. For a start, by trying to block any crackdown on the illegal racket in the Channel, they are effectively colluding with the criminal gangsters. They rage against the inhumanity of the Home Secretary and the Prime Minister, but they have blood on their hands through their support for the trade in human cargo.

In truth, they might be called the political wing of the trafficking movement.”

Shortly after, a Daily Mail article, published 10 June 2022 and updated on 12 June 2022, [‘Revealed: The piously lefty cabal who fought so hard to ground a jet of Channel migrants bound for Rwanda’](https://www.dailymail.co.uk/debate/article-10905467/The-piously-lefty-cabal-fought-hard-ground-migrant-jet-bound-Rwanda.html),¹⁴ individually listed numerous reputable firms, chambers, and individuals, several of whom are ILPA members.

In February 2023, the Express, began an article stating, “Activist lawyers suspected of “stringing out” asylum claims to pocket millions of pounds of taxpayers’ money are facing a Government crackdown. Ministers believe some have turned the migrant crisis into a “gravey train” by cooking up ludicrous reasons for their clients to stay in the UK to maximise their own earnings” and a Government source is quoted as stating:

“The abuse of the system is widespread and systematic.”

"These lawyers know what they're doing - it's a gravy train and the aim of the game is to string it out as long as possible and put in the least amount of work so they can maximise the money they take from the taxpayer."¹⁵

¹⁴ David Wilkes, ‘Revealed: The piously lefty cabal who fought so hard to ground a jet of Channel migrants bound for Rwanda’ *Daily Mail* (10 June 2022) <<https://www.dailymail.co.uk/debate/article-10905467/The-piously-lefty-cabal-fought-hard-ground-migrant-jet-bound-Rwanda.html>> accessed 10 August 2023.

¹⁵ Jonathan Walker and David Williamson, ‘Government calls time on asylum ‘gravey train’ with crackdown on £40m migrant lawyers’ *Express* (25 February 2023) <<https://www.express.co.uk/news/politics/1739556/migrant-lawyers-government-crackdown-taxpayers-millions>> accessed 10 August 2023.

We reject the entire proposition that legal aid, which is loss-making for immigration and asylum law practitioners, is a 'gravy train'. Fees paid to legal aid lawyers have not risen since 1996, despite the 91% inflation since then,¹⁶ and were in fact cut in 2011.¹⁷

Nevertheless, a Times article on 9 May 2023 cited a Government source as blaming 'money-chasing lawyers' for the widespread problems with the Home Office's new Asylum Questionnaire, stating,

"A government source blamed it on money-chasing lawyers. The source said: "We're aware of lawyers actively briefing migrants to fill in the forms incorrectly so they can make sure there's a longer process with more interviews and they get paid for that work. It's a significant number of cases and totally obstructive, which is why we need to stop the boats and make sure we stop people travelling here illegally in the first place."¹⁸

As we said at the time, we do not recognise this 'money-chasing' characterisation of lawyers,¹⁹ who have a professional obligation to act in their clients' best interests. Delaying just resolution of their client's asylum claim would not only be unethical but illogical: adult asylum claims ordinarily attract a fixed fee and delaying a decision would only delay payment. Moreover, the Home Office's instruction to individuals in the form was that 'What you provide us with doesn't need to be perfect: we can always ask you for further details' including 'by inviting you to an interview'. On 1 March, ILPA and 170 others [wrote](#) to the Home Secretary highlighting our concerns about the short turnaround time for completion of the complex form in English under threat of a claim being withdrawn. We urged the Home Secretary to recognise the need for legal assistance and warned that a 'poorly completed questionnaire will only result in the Home Office needing to seek more information or conduct interviews, defeating the aim of this policy'.

Nevertheless, mischaracterisations of legal practitioners continue to be made by Government sources and parroted by the media.

In a recent Daily Mail article on 9 August 2023, ['We're scared of WATER so you can't put us on the migrant barge: Leftie lawyers help block transfer of 20 asylum seekers onto Bibby Stockholm - as some say seeing friends drown while being smuggled into UK means boats now terrify them'](#) a 'government source' is quoted as stating,

"This just shows what we are up against: Left-wing charities and lawyers are repeatedly trying to stop us from moving illegal migrants out of expensive hotels."²⁰

¹⁶ Bank of England, Inflation Calculator <<https://www.bankofengland.co.uk/monetary-policy/inflation/inflation-calculator>> accessed 7 August 2023 shows £1 in 1996 costs £1.91 in June 2023.

¹⁷ Community Legal Service (Funding) (Amendment No.2) Order 2011.

¹⁸ Matt Dathan, 'Illegal Migration Bill answers will of the people, ministers warn Lords' *The Times* (9 May 2023) <<https://www.thetimes.co.uk/article/lords-back-illegal-migration-bill-uk-asylum-seekers-2023-wdjm5tjt>> accessed 10 August 2023.

¹⁹ Catherine Baksi, 'Ministers to duck migrant rights clash' *The Times* (18 May 2023) <<https://www.thetimes.co.uk/article/ministers-to-duck-migrant-rights-clash-8gsl8rv7>> accessed 10 August 2023.

²⁰ Matthew Lodge, David Barrett, Sam Greenhill, 'We're scared of WATER so you can't put us on the migrant barge: Leftie lawyers help block transfer of 20 asylum seekers onto Bibby Stockholm - as some say seeing friends drown while being smuggled into UK means boats now terrify them' *Daily Mail* (7 August 2023)

Media attacks of this kind, on lawyers who practise in the field of immigration, are capable of undermining their ability to provide independent and equal access to justice, and of resulting in real and direct threats to their physical safety. We are aware of lawyers who have been the target of violent attacks following similar inflammatory reporting by journalists. This is not to mention the emotional and psychological harm that lawyers - and others seeking to defend the human rights of migrants and people seeking asylum - face as a result of anonymous threats and abuse on social media.

We are concerned that the Government's narrative, which may be dangerous and detrimental to the safety and well-being of immigration lawyers, poses a serious threat to our justice system. Our justice system relies on lawyers being free to perform their duties and maintain their independence. Legal practitioners should not be identified with their clients as a result of discharging their professional obligations.

On 22 May 2023, ILPA signed a joint open letter to the Home Secretary expressing deep concern about the Government's dangerous use of inflammatory language and calling for an end to its use 'to ensure our country is protected from the threat of the far right'. This was sent in response to [research](#) carried out by HOPE not hate which, the letter stated, provided 'clear evidence that hostile Government and media rhetoric on migration is escalating far-right anti-migrant activity'. Regrettably the Government has not changed course.

Without a change in the Government's rhetoric, as well as other policies including reform of the legal aid system, access to justice may be compromised. The answer is simple. The government must defend and respect human rights defenders, including legal practitioners, and actively foster an environment in which rights can be protected.

ILPA is a professional association and registered charity. The majority of our members are barristers, solicitors, advocates and OISC regulated advisers practising in all aspects of immigration, asylum and nationality law. Academics, non-governmental organisations and individuals with a substantial interest in the law are also members. We exist to promote and improve advice and representation in the areas of immigration, asylum and nationality law.

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