

Alan Beith MP
Committee Office
House of Commons
7 Millbank
London
SW1P 3JA

13 October 2003

Dear Mr Beith,

RE: Cuts in legal aid funding available to migrants and asylum seekers

Rights of Women is extremely concerned about the proposed restrictions on legal aid for migrants and asylum seekers, which are to be discussed by the Constitutional Affairs Committee on 14 and 21 October. We endorse the criticisms of the proposals made by the 30 organisations comprising the Campaign Against the Proposed Changes to Legal Aid Funding, and would ask the Committee to consider the following points in particular:

- a) The potential negative impact of such restrictions on the principle of equality of arms before the law, and the consequent denial of due process to those affected;
- b) The increased risk of miscarriages of justice occurring under such a regime – we are particularly concerned that women with a reasonable fear of persecution in their home state will be returned unjustly;
- c) The likely effect that high quality advisors will not be able to work within the system, leaving a gap in provision to be filled by unscrupulous and exploitative parties, or by the asylum-seeker or migrant representing herself;
- d) That legal representatives will not wish to take on cases of detained asylum-seekers or migrants on such a restricted basis, leading to a possible increase in arbitrary and indefinite detention;
- e) That the proposals are discriminatory, applying to only one category of legal aid;
- f) That the voluntary sector will not be able to meet the increase in demand for advice, information and representation resulting from these proposals, not least given the closure and cuts facing many Law Centres.

We believe that these proposals pose a very real threat to the rights of migrants and asylum seekers. In particular, they will dangerously impede access to justice for a large number of people who are already vulnerable. We believe that these proposals endanger women who may have fled rape, domestic violence, or other persecution in

their home state. In an asylum and immigration system that is already inherently gendered to the detriment of women, these cuts could cost women their lives.

Rights of Women urges the Committee to condemn these proposals in the strongest possible terms as undermining the fundamental human rights of men and women throughout the United Kingdom.

Background: Rights of Women

Rights of Women is an industrial and provident society, which was founded in 1975 to promote the interests of women in relation to the law. We run a free, national confidential telephone legal advice help line for women. We specialise in advising in family law, especially domestic violence and Children Act matters. Rights of Women works to attain justice and equality by informing, educating and empowering women on their legal rights. We are a membership organisation and our activities include producing publications, organising conferences and training courses, and doing policy and research work.

Yours sincerely,

Ranjit Kaur
Director