

Summer 2026

Prison Legal Advice Report



Monitoring access to
immigration legal
advice in prison

BiD Bail for
Immigration
Detainees

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About BID

BID is an independent national charity established in 1999 to challenge immigration detention. We assist those held under immigration powers in immigration removal centres and prisons to secure their release from detention through the provision of free legal advice, information and representation. Alongside our legal casework, we engage in research, policy advocacy and strategic litigation to secure change in detention policy and practice.

BID is entirely reliant on charitable donations, and we are not in receipt of legal aid funding. BID does however call for the automatic provision of civil legal aid to everyone detained under immigration powers, without the requirement of a merits test.

One of BID's key aims is to improve access to justice for detained individuals and to end the use of prisons for immigration detention. To help achieve it, and to improve our own advice service, BID carries out surveys of individuals held in detention centres to document their experiences of legal advice and representation while in detention. In 2022 BID began conducting legal advice surveys with individuals detained in prisons. This report is the fourth edition of our prison legal advice survey, with the findings supplemented by a new research methodology introduced to increase our understanding of the provision (or lack thereof) of immigration legal advice for individuals detained in prisons.

Introduction

Prior to 2021, individuals held under immigration powers in prisons had no formal scheme through which they could access free immigration legal advice whilst detained. This absence was a marked difference from the provision of the Detention Duty Advice Scheme (DDAS) for those detained in Immigration Removal Centres (IRCs). Through DDAS, people in detention are provided the opportunity to attend free appointment(s) with a legal aid immigration lawyer, with the potential for their immigration case to be taken on. However, individuals held under immigration powers in prisons did not have equivalent provisions.

As a result, in February 2021, BID intervened in the High Court case *SM v Lord Chancellor*, which found that the failure to provide access to free initial immigration advice for all individuals detained under immigration powers in prisons — as is provided to individuals held in IRCs under the DDAS — is discriminatory.

Prompted by this ruling, the Ministry of Justice (MoJ) issued an instruction to prisons to make provisions available to enable all individuals detained under immigration powers to have access to an equivalent service to the DDAS. As was discovered through researching this report, this was followed by an interim policy issued by the MoJ to all prisons that set out the supposed functioning of this DDAS equivalent scheme.

As of yet, there is no updated policy on this vital provision (beyond the interim document) despite five years having passed since the *SM v Lord Chancellor* ruling. This research, carried out using two different research methodologies, reveals that the DDAS equivalent in prisons is either totally absent or is not fit for purpose. As a result, levels of legal representation for individuals held under immigration powers in prisons are exceedingly low, with only 14% of individuals surveyed for the purpose of this research reporting that they had legal representation.

BID advocates for the end of immigration detention in prisons and calls for its immediate abolition. However, while detention in prisons continues to exist, we call for the urgent provision of free immigration legal advice via a functioning DDAS equivalent service, as well as a number of other recommendations as found at the end of this report.

Key findings

- The vast majority of respondents continue to lack access to legal representation (86%).
- Many respondents are not receiving the measures required by HM Prison & Probation Service interim policy following *SM v The Lord Chancellor's Department* [2021] EWHC 418 (Admin), including £5 weekly payments, information about their right to access legally aided immigration advice, and a list of local legal aid immigration advisers who they can call.
- Many prisons showed limited awareness of these interim policy requirements or expressed difficulties in effectively implementing them.
- Respondents feel that their lack of legal representation has adversely impacted their immigration cases in multiple ways.

Survey design and methodology

We sent a 25-question survey to all of our clients currently detained in prison at three different points in 2025. A blank copy of the questionnaire can be found in Annex A.

149 surveys were sent by post between April 2025 and December 2025. We received 23 responses in total, from 15 different prisons. 1 respondent was female; the remaining 22 respondents were male. 15 respondents were held in prison after their conditional release date had passed, meaning that they were being held under immigration powers (called 'Time-Served Foreign National Offenders' or 'FNOs' by HM Prison & Probation Service). All participants gave informed consent for their responses to be used as part of the survey report, including direct quotations. As with previous surveys, we have used direct quotations whenever possible to amplify the voices of individuals detained for immigration purposes.

10 surveys were 'returned to sender', indicating that the individual had either been transferred to a different site of detention, released from detention, or removed from the UK. The remaining surveys sent out received no form of response.

PRISON	NUMBER OF RESPONSES
HMP Belmarsh	1
HMP Bristol	1
HMP Brixton	1
HMP Cardiff	1
HMP Channings Wood	1
HMP Fosseway	1
HMP High Down	1
HMP Huntercombe	2
HMP Maidstone	2
HMP Moorlands	1
HMP Pentonville	1
HMP Peterborough	2
HMP Thameside	2
HMP The Mount	1
HMP Wandsworth	3
Not specified	2
TOTAL	23

In addition to surveying our clients detained in prison, we also contacted 44 staff members at 30 prisons, asking for information about their provision for individuals detained under immigration powers, including any relevant policy documents. We received responses from 9 prisons; the remaining 21 prisons did not respond. We received two key HM Prison & Probation Service interim policy documents: 'Instruction for prisons to provide access to legally aided legal advice to immigration detainees' and 'Instruction to prisons on special pay for Immigration Detainees in prison'. We have since begun sending these documents as part of our correspondence with prisons to ensure that clients are receiving the provision to which they are entitled. This correspondence has informed our understanding of how effectively the interim policies are being implemented in practice. We have ensured that the prisons and individual staff members are not identifiable.

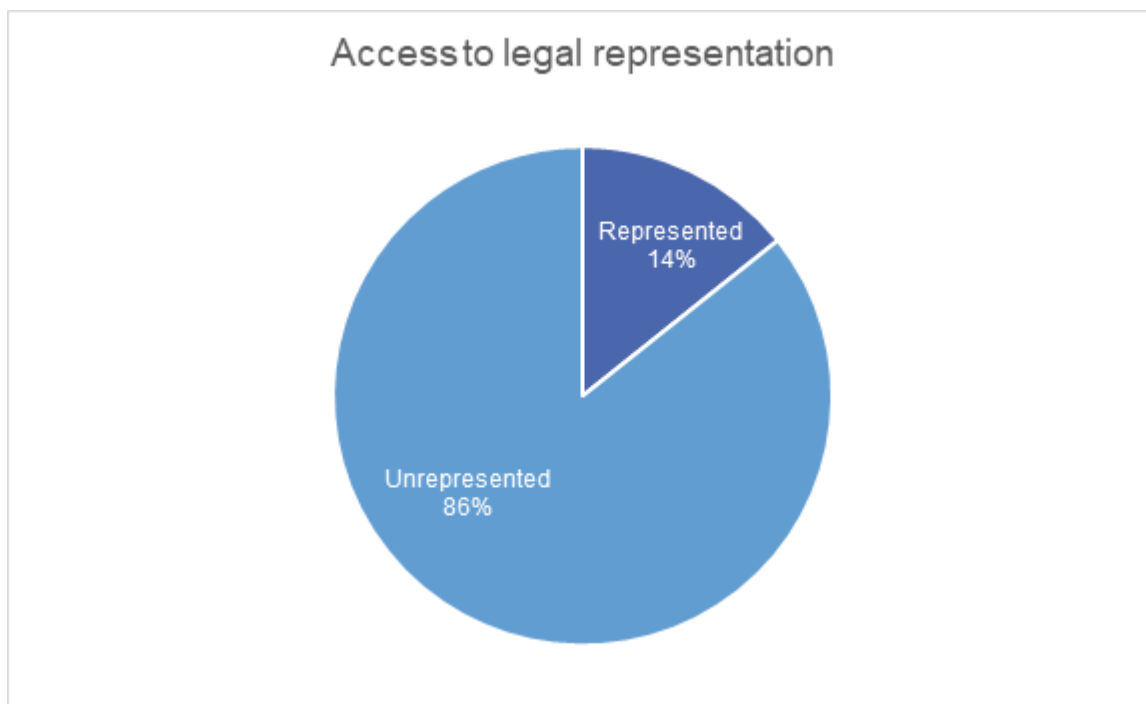
Findings

Representation levels continue to be very low

Only 3 respondents (14%) were represented in their immigration case. The remaining 18 respondents (86%) did not have access to an immigration representative. Of the 3 respondents who had been able to source an immigration representative, 2 stated that BiD had assisted them in doing so.

A significant proportion (66%) of respondents had attempted, unsuccessfully, to source a representative.¹ Respondents highlighted a number of difficulties in attempting to find a solicitor:

- Lack of response from potential representatives
 - *"Yes I sent a letter but still waiting for answers"*
 - *"I have called everyone and I haven't got an answer, nobody help me"*
- Potential representatives lack the capacity to take on new cases
 - *"I've not found a solicitor with capacity to take on my case"*
 - *"Yes, I even called the numbers that [BiD] suggested but everybody declined"*
 - *"With the help of my mentor and POM, we have tried 20+ firms from lists supplied by several sources."*
- High financial cost
 - *"Yes but it is a struggle with limited funds"*
 - *"Not yet as they are expensive"*
- Unsure how to find a representative
 - *"I do not know how to find a solicitor"*

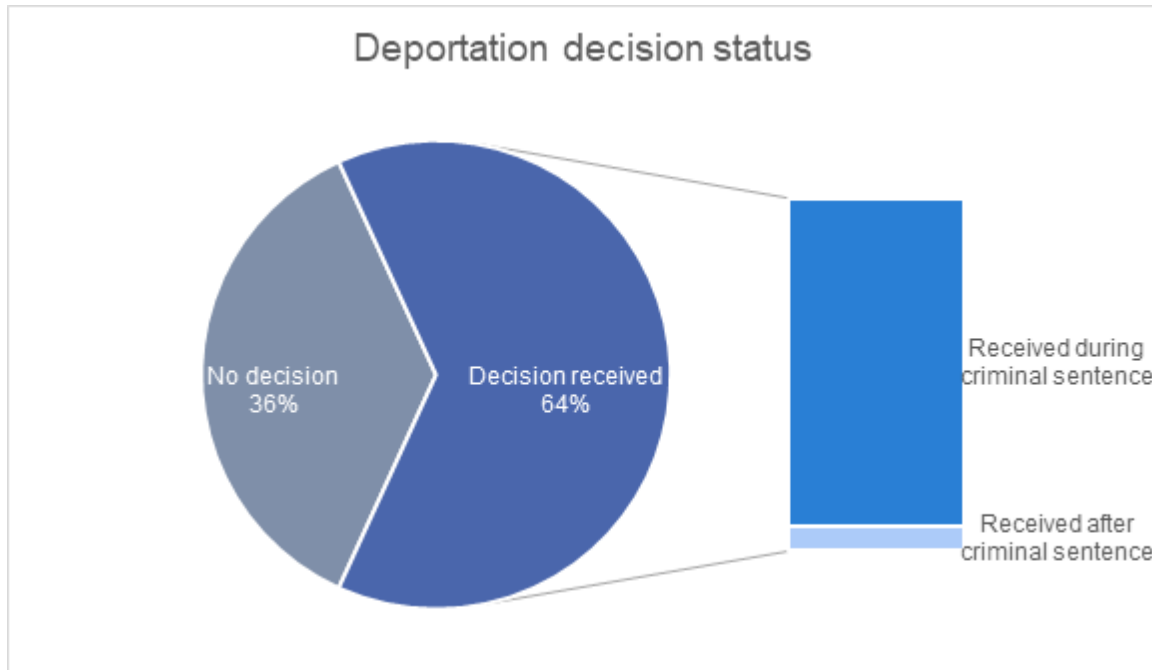


Most respondents received deportation decisions during their criminal sentence

64% of respondents had received a deportation decision notice at the time of the survey. Of these 14 individuals, 9 had received a Stage 1 notice, 2 had received a Stage 2 notice, and 3 were unsure of the stage. The vast majority of these respondents (13 of 14) received their

¹ 10 of the 15 individuals who answered this question.

decision notice during their criminal sentence. This highlights the importance of ensuring that individuals are able to access immigration advice during their criminal sentences, as soon as immigration papers are served. Currently, the interim policy only provides for access to immigration legal advice *after* an individual reaches their Conditional Release Date.



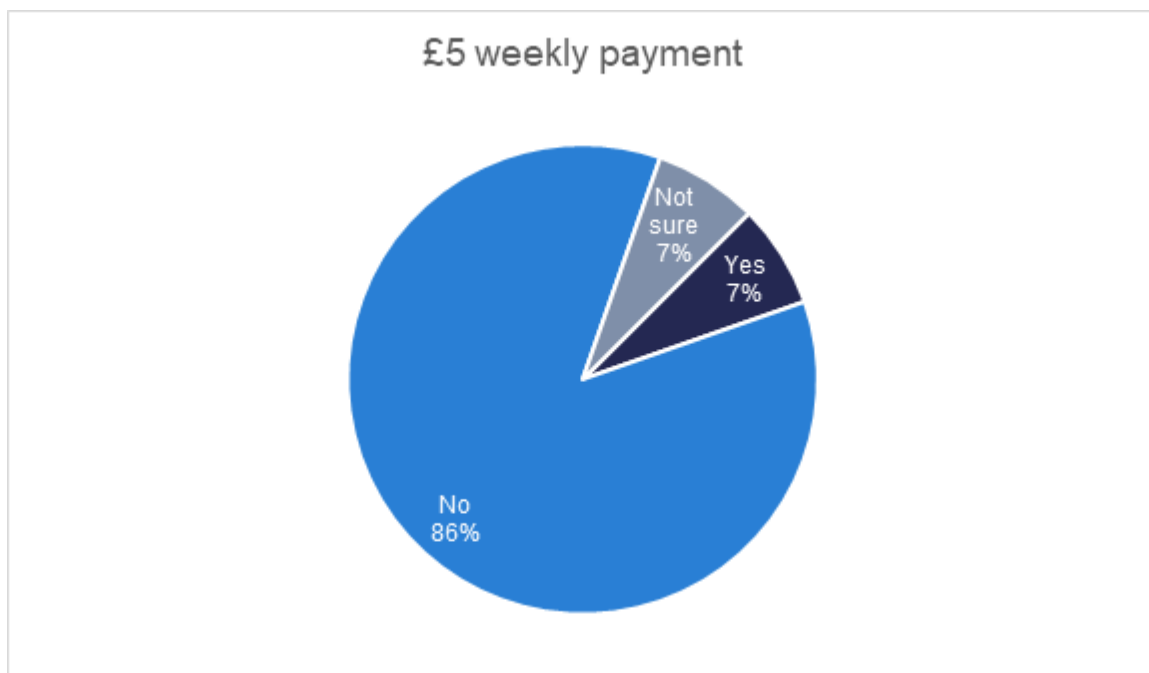
HM Prison & Probation Service interim policies ensuring access to legal advice are not being implemented effectively

Following *SM v The Lord Chancellor's Department* [2021] EWHC 418 (Admin), a number of interim policy changes were implemented to bring the treatment of individuals detained in prison under immigration powers into line with that of individuals detained in Immigration Removal Centres. HM Prison & Probation Service policy states that Time-Served Foreign National Offenders (i.e., those detained under immigration powers) must be:

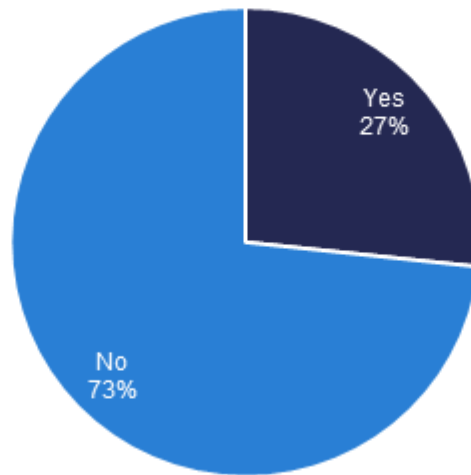
- Paid a special weekly payment of £5 (on top of the prison's unemployment pay and any wage they earn if they choose to work). This payment is funded by the Home Office, to mirror the payments received by individuals held in Immigration Removal Centres.
- Given a list of the local 10 legal advisors and their phone numbers (to be reviewed by the prison every 6 months and kept up to date). These phone numbers should be unblocked, so the individual does not need to apply for them to be added to their pinphone account.
- Provided with 30 minutes of legally-aided legal advice.
- Notified of this access at the beginning of their immigration detention.
- Able to meet with advisers via an in-person visit or telephone call within 1 week of contact with the legal adviser.

Our survey results indicate that these interim policies are not being effectively implemented in practice:

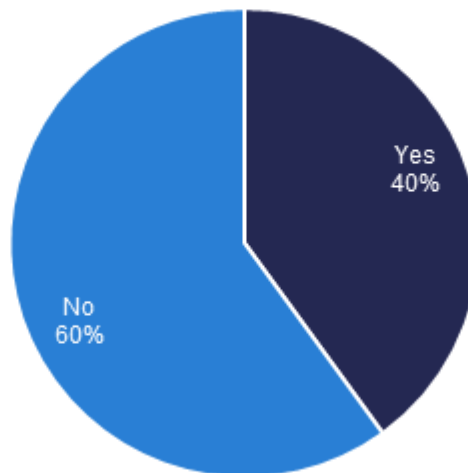
- Only 1 respondent (7%) held under immigration powers stated that they had been given the weekly payment of £5. 12 respondents said that they had not received this payment, and 1 was not sure.
- Only 4 respondents (27%) stated that they had been provided with information about how to access legal aid. 1 of these respondents stated that they had only received this information through BiD.
- Only 6 respondents (40%) stated that they had been given a list of legal advisers. 2 respondents stated that they had not been provided with a list of representatives despite requesting it: *"I tried to ask them and they told me to find in newspapers"; "No, I asked and wasn't given it. But BiD helped"*. Of the respondents who were provided with the requisite list, 3 (50%) highlighted difficulties with the list provided:
 - *"Yes, but it has no active solicitors taking on legal aid cases"*.
 - *"I have a list but they're all busy"*.
 - *"Yes but there's no chance to get immigration lawyers"*.



Legal aid information



List of local legal advisers



In line with our previous findings, access to phones within cells remains high. All respondents except one² stated that they had a phone in their cell. Per HM Prison & Probation Service interim policy, the numbers of the immigration advisers should be automatically unblocked from peoples' pinphones. Despite this, 61% of respondents stated that the numbers were not automatically added to their pinphone, resulting in delays ranging from 2 days to 3 weeks before the numbers were unblocked.

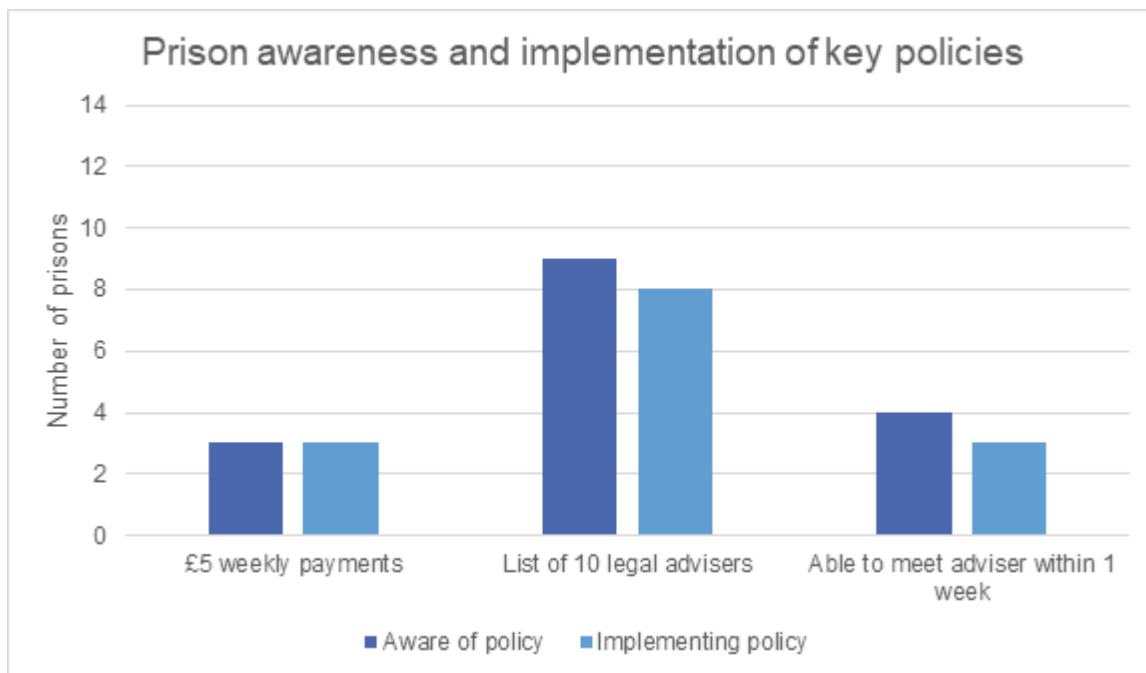
² 20 of the 21 individuals who responded to this question.

Several respondents also reported limits placed on their pinphones. 3 respondents stated that they were only able to have one legal representative's phone number on their pinphone at a time. Moreover, 57% of respondents reported a time limit on phone calls, ranging from 5 minutes to 30 minutes.

Prison staff demonstrate limited understanding of HM Prison & Probation Service interim policies relating to legal advice

The findings above from our survey of individuals detained under immigration powers are mirrored by our correspondence with prison staff. Of the 9 prisons that responded to our enquiries about their general provisions, none explicitly stated that they were implementing all the interim policy requirements listed above.

The 14 prisons with which we have corresponded, whether enquiring generally about their provision for individuals detained under immigration powers or for a specific client, have, overall, shown a low level of awareness of key interim policy requirements. Prisons appeared most aware of the requirement to provide individuals detained under immigration powers with a list of the local 10 legal advisors with their phone numbers unblocked from individuals' pinphones. Fewer prisons were aware of the £5 weekly payment for people detained under immigration powers or the requirement that these individuals should be able to meet with advisers via an in-person visit or telephone call within 1 week of contact with the legal adviser.



Some prison staff had a proactive response to ensuring that the interim policies were effectively implemented:

- Providing a list of legal advisers

- *"At my first meeting I will offer them the list of legal advisors, to either use immediately or to keep for their own records... This list will be updated at the latest, every few months, certainly much more regularly than every 6 months."*
- *"I also visited the prisoner and advise him of all his rights. I went with a copy of list of Immigration lawyers."*
- *"We use the link Find a Legal Aid Adviser or Family Mediator to provide a list of 10 closest legal aid advisors. I do check and update this regularly, especially if prisoners inform me that the solicitors are refusing to offer legal aid. They are generally provided this well in advance of CRD so we can ensure the numbers are unblocked and working on the Pin system as this is not always the case."*
- *"We also see them as early as during induction and remand period. Even before their sentencing, they are given a list of Legal Aid Solicitors for both Crime as well as Immigration solicitors. Copies of Legal Aid Solicitors is also kept at Induction Wing, so that anyone who needs can help themselves."*
- *"I am happy to provide [client] the solicitors list again. I have widened the search list as I always supply at least 20 names."*
- *"We currently have a list of numbers that are already cleared on every individual's pin number. The numbers are not free to call however there is not the need to add them individually to their phone pins. These are given on a printed list to detainees or anybody that requests them. I am trying to update the list with new numbers at this moment in time."*
- Access to 30 minutes of legally-aided advice
 - *"Each week I will check the FN database and see who has been issued an IS91 - I will then book them to come and have a 30 min telephone call in the visits phone room once they have hit their SED or CRD."*
- Able to meet with advisers within 1 week
 - *"Legal visits via video link or in person can be booked through the normal process. We can support with alternative time slots if there is no standard availability within the 7 day period."*

However, some prison staff demonstrated a concerning lack of understanding of the interim policy provisions:

- Weekly payment of £5
 - *[After receiving the £5 payment policy document from BiD]: "I have passed this onto my colleagues to see who we can pass this onto to get it administered."*
- List of the local 10 legal advisors and their phone numbers (unblocked from pinphone)
 - *"I think way out is to send the list of solicitors to PIN to have at least those numbers may be opened for calling. (I will do that.) Whatever that will achieve."*
 - *"I will look into this and get back to you, as I requested [BiD's] number to be added to [client's] pin last week."*

- *“On investigation [client] does have a legal number on his prison BT account to make calls if he has sufficient funds on his account. Should [client] require additional legal numbers he would need to send a request through our internal Prison Application system for it to be looked into and responded accordingly to [client] at the earliest opportunity.”*
- Provided with 30 minutes of legally-aided legal advice
 - *“I must be honest, I struggle to find solicitors who are willing to provide advice even though the [interim policy] states that FNOs are entitled to the taxpayer funded 5 minutes.”*
- Able to meet with advisers via an in-person visit or telephone call within 1 week of contact with the legal adviser
 - *[After BID sent a follow-up email after 9 working days]: “Please take this email as a receipt of your email. Please note in line with HMPPS policy our timeline for response is 20 working days.”*

Moreover, some prison staff mentioned challenges in implementing the interim policies:

- Limited resources
 - *“However, due to the high demand for in-person legal visits and often the preference of the legal advisor, they may request a video link. This is a challenge at [prison], as we only have two video link rooms available at any time and the courts are given priority. However, in the case of an Immigration detainee, we would not just offer one time and date, we would be as flexible as possible to arrange the legal visit with the advisor.”*
 - *“Availability really depends upon how many visits have been booked previously. It is a first-come first serve basis. [...] Space is also shared with other official visitors e.g. probation, medical, police etc. who also often visit the prison. For face-to-face visits we have a wait of about 10 days. Video-link visits wait varies throughout the year, but the current wait is roughly 2 months.”*
- Decentralised administration; lack of clear responsibility
 - *“The 30 min legal calls and the solicitor names have been being done on the wing by wing staff but to ensure no one misses out (as there are so many wing staff so we would not know who specifically has facilitated the call) and for consistency I have now taken on responsibility to do this personally.”*
- Lack of response or capacity of legal aid advisers
 - *“Have you got a list of solicitors that you can recommend so I can issue this in advance to the men that are likely to be held and add the 10 numbers to their pin”*
 - *“Over time, the prisoners have reported that the Legal Aid solicitors listed on that paper don't really take up cases and are not supportive. So we downloaded*

fresh list, though the prisoner complaints remained consistent even with new list.”

- *“There is no current provision of ensuring that they are receiving at least 30 minutes of advice. As we know this is based upon availability of legal aid advice as well.”*
- *“I was wondering if you had the details of any firms who, in your experience are willing to provide [legally aided advice]?”*

Increasing prison staff’s awareness of these interim policies and addressing barriers to their implementation are key to ensuring they are effectively implemented. The disparity between prisons’ approaches to, and the provision of, different aspects of the interim policies suggests that an HM Prison & Probation Service-wide programme is needed to standardise provision and ensure that individuals detained under immigration powers can successfully access legal advice.

Even when respondents were able to contact immigration advisers, they encountered many difficulties in accessing advice and representation

Even when respondents were provided with information about legal aid advisers, they faced a range of challenges. Of respondents held under immigration powers, only 38% reported that all legal representatives on the list provided by HM Prison & Probation Service offered immigration services. Only 4 respondents (29%) were able to speak to someone when they attempted to call the numbers provided, and 3 of these were only to BiD. 2 respondents stated that interpreting services were provided; 6 answered ‘no’, and a further 4 answered ‘not applicable’.

Only 2 respondents reported receiving the 30 minutes of free legal advice to which they are entitled as people detained under immigration powers; a further 2 received advice only from BiD. 3 respondents received advice over the telephone, and 2 respondents were visited in-person at the prison. 2 respondents received written confirmation following their advice (one respondent specified that this was from BiD).

Only 1 respondent stated that an immigration adviser agreed to take on their case following their consultation, through BiD. When asked for the reason(s) given by advisers for not providing advice or representation, respondents reported issues relating to capacity and legal aid:

- *“All busy, there is not enough immigration lawyers”*
- *“Lawyers no longer have legal aid contracts, only work via private rates”*
- *“They cater for private fees only”*
- *“It has proved impossible to get immigration legal advice because of lack of legal aid availability. We have tried very hard over many months.”*
- *“From the information that I have, there are too [many] cases at the moment for anybody to care.”*

Respondents feel that their lack of legal representation has had a number of adverse effects on their immigration case

Respondents stated several negative impacts of their lack of access to legal advice and representation, including:

- Making representations without support
 - *"It affects a lot. Because I was not able to get representation, I had to do it by myself. I wrote letters to Immigration Enforcement about reasons as to why I should not be deported."*
 - *"I have written a letter appealing to stay in the UK. I did not receive any help to do that. No further help was given to me."*
 - *"I have sent the letter because of 28 days time limit but without evidence because I am still in prison."*
 - *"My case is a complicated one, and representing myself will be time-wasting."*
- Negative impact on immigration case
 - *"I have had trouble appealing a decision."*
 - *"Time loss, and this breaks our right to defend and to prepare our cases for appeal."*
 - *"Everything was denied."*
 - *"It has affected my case all throughout detention in jail."*
- Lack of necessary information
 - *"I don't know what to do."*
 - *"I do not have information."*
- Financial and other worries
 - *"It has affected my case, I am worried about money."*
 - *"I had a lot of troubles."*
 - *"I had trouble with all."*
 - *"I am not sure where to go."*

As a result of the lack of legal advice, several respondents stated that they have turned to other sources of support:

- *"I could only get legal advice when I found BID. Before, it was impossible."*
- *"I [...] required help and support from BID."*
- *"Yes, my experience is that getting help is almost non-existent other than BID, no one has shown interest in my case."*
- *"The immigration officer is very rude - she gave me the one stop notice, didn't let me read it before signing so I didn't know what it was about until I called BID."*
- *"My Shannon Trust helpers filled in forms with me and explained anything that came by post."*

- *"I foresaw the likelihood that I wouldn't be able to find a lawyer, so I had to ask assistance from some prison staff applying for bail talking to immigration officer etc."*

Respondents highlighted a number of wider concerns relating to the immigration system

When asked if there was anything else they would like to tell us about their experience of getting immigration legal advice while detained in prison, respondents' comments centred around a number of themes:

- Lack of support in prison
 - *"In this jail they don't help you with anything."*
 - *"My stay at [prison] has been highly traumatising on all levels. No help with anything."*
 - *"I have been kept by immigration 4 times, only one time in an immigration detention centre. Cumulatively I have been kept in [prison] 250 days. This time nobody talked with me."*
- Mental health
 - *"I'm still awaiting a Stage 1 decision despite being sentenced 3 months ago. I have become suicidal with a number of attempts to kill myself. At this stage I've lost all hope, I have no strength to fight anymore. My mental health - bipolar & PTSD - are at the relapse stage. There is also very little help with my mental health. I have given up on all, just waiting for the right opportunity to end my life."*
 - *"The immigration detention is affecting my life and my brain."*
 - *"Me and my family we are so stressed we are only 4 of us. My daughter has taken it so hard and to speak to them is so hard."*
- Financial concerns
 - *"It is very hard to find [legal advice] in prison because I don't have money for phone credit."*
 - *"I don't have any money because immigration told me not to work. When I came to England I sold my farm house and everything to come here."*
- Complexity of immigration system
 - *"The whole system is complicated and not direct. It is very hard to get into contact with an immigration legal adviser."*
 - *"I think a system needs to be put in place where prisoners can get direct information to speak to lawyers for advice at present it is not working."*
 - *"Honestly, I am a bit disappointed because it's a bit challenging to get immigration legal advice. I understand that I am a foreign national, but they need to give us options about legal aid especially as I came here legally. I understand that the job of immigration enforcement is to deport people who should not be in the country, but they need to be transparent about the process and options."*

- Language barriers
 - *“I am struggling to support myself due to being in prison and I struggle to speak and read English.”*
 - *“For an immigrant is really hard to get help because the language or nationality, I ask for help to the Govs and nobody knows anything about immigration.”*
- Length of time in the UK
 - *“I’ve been living with my partner who is a British woman for the last 6 years when I was arrested. Hence I need a legal advice solicitor to explain my case I cannot be removed just like that 25 years just like that please help.”*
 - *“I have been in the UK for 15 years, came here when I was 5 years old got all my family here, got no family in [country], never been back there. Been school here in UK, had surgery in UK, got a bank in UK. I do not know how to write or speak [language] as I speak English all the time. Need a lot of help with this case as I don’t want to get sent to a country I don’t know of.”*
 - *“I have lived here for 27 years legally and I am not a thief, terrorist, drug dealer.”*

Recommendations

1. The Ministry of Justice and Lord Chancellor must ensure that the HM Prison & Probation Service interim policy on provision of legal aid immigration advice is being effectively implemented for all individuals detained under immigration powers.

This must result in:

- The weekly payment of £5 to individuals
- Individuals provided with 30 minutes of legally-aided legal advice.
- Individuals notified of this provision at the beginning of their immigration detention.
- Individuals given a list of the nearest 10 legal aid advisors and their phone numbers (to be reviewed by the prison every 6 months and kept up to date). If the initial 10 providers do not have capacity or don’t take the individual on for other reasons, the prison must provide a list of the next 10 legal aid providers as a matter of urgency.
- Individuals can meet with advisers via an in-person visit or telephone call within 1 week of contact with the legal adviser.
- Given low capacity among legal aid providers, every prison should keep an updated list of the nearest 100 legal aid providers in order to minimise delays.
- All phone numbers for legal aid legal providers should be unblocked for FNOs nationally.

2. The introduction of a rota of legal aid lawyers who would agree to take on a certain number of deportation cases per month. These providers should be remote, which would minimise difficulty accessing their services from different prisons.
3. Prisons must ensure that FNOs can have access to video conferences with their legal advisor or representative.
4. HMPPS staff must be given training on the interim policy outlining provision of legal advice for individuals detained under immigration powers in prisons; this should be standardised wherever possible between prisons.
5. The interim policy instruction for the provision of legally aid legal advice to individuals detained under immigration powers in prisons should be finalised, formalised as standardised policy across the prison estate, and mandatory training should be provided on the new policy.
6. Access to the immigration legal advice scheme should begin as soon as an individual serving a criminal sentence is served a deportation notice or the Home Office otherwise engages with their immigration matter.
7. Prisons should provide greater support for individuals detained under immigration powers in prison, including mental health support.
8. Consistent access to interpreting services must be provided where required.
9. The MoJ should urgently consider greater funding for legal aid, as well as subsidised training for immigration legal advisors and other such measures to tackle legal aid deserts.
10. An independent inquiry into the provision of access to legally aided legal advice in prisons should be commissioned to understand whether it is fit for purpose.