



Choosing a Solicitor

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(In consultation with affected families and professionals)

The spouse visa process and the Immigration Rules in general are among the most complex pieces of law.

Ultimately the choice as to whether to use a solicitor or not is a personal one, and many people indeed choose to use the Files or past and present discussions on available forums (on Facebook and elsewhere on the Internet) before making their own application, especially where the application is relatively simple (for example, standard 6 months Category A employment, or exemption, are relatively straightforward). That said, a good solicitor can be worth their weight in gold and choosing to use a solicitor, even as an extra check, is certainly a valid option. Some people may choose an initial consultation with a solicitor to set them on the right path.

There are unfortunately unscrupulous people in the world, and given the complexity of the rules mistakes can be made even by well-meaning. So if you do use a solicitor, **protect yourself**. The following suggestions may be useful.

I cannot suggest individual legal professionals, but the following pointers may help as pointers for how to make such a choice, some things to watch out for (good or bad), and ways to protect yourself – forewarned is forearmed!

1/ Understand the rules, at least as they apply to your situation.

Knowledge is power. One of the best ways to protect yourself – and your partner and family – is a level of understanding where you can critically assess what needs to be done and your solicitor, should you choose to use one.

Understand the rules, as they apply to you – the financial requirements and the documents you need to provide, the language requirement, the accommodation requirement, the relationship evidence. Take the time to read through each requirement, both on the gov.uk website and in the Files section of the group, and ask questions if something is unclear. The Files section contains both FAQ files (which include many links to useful resources) and checklists for various applications.

<https://www.facebook.com/groups/ReunitefamiliesUK/files>

There's no excuse for laziness in something as vital as a spouse visa application. Leave no stone unturned.

2/ Ask questions.

Don't be afraid to question the solicitor, either during the initial consultation or at any point in the process. A good understanding of the rules yourself will help you to ask the right question.

A scrupulous and competent solicitor should be happy to answer questions and explain their actions and reasoning. On the other hand, someone who steamrollers or bullies their client may not be good news.

3/ Look for red flags.

There have unfortunately been cases of evil people posing as qualified professionals when they are anything but. Here are some ways to catch them out.

Check their website. Is it professional-looking? Does it contain spelling or grammar mistakes? Does it contain basic errors about what the rules even are (for example, is it out of date as far as the rules are concerned or imply the process is easier than it is?). These are instances of red flags – don't touch such places with a barge pole.

(At the same time, bad companies can have good websites... but good companies rarely have bad websites!)

Is it even a valid company? In the UK, all limited companies are registered with Companies House. You can search for company and director names here :

<https://find-and-update.company-information.service.gov.uk/>

and here:

<https://companycheck.co.uk/>

You will be able to check the officers of the company, the incorporation date, the filing history, in some cases the company's net worth, and so on using these tools.

Believe it or not, there have been cases of people continuing to tout for business when the company has been wound up. Avoid these like the plague, needless to say! The company filing history may also be useful – a company which does not keep up to date with the necessary filing is bad news.

Beware of bullshitters. Stay away from people who promise the world, are over-confident or boastful. Immigration cases are by their nature complicated and a proper professional is 'modestly competent' and lets their work speak for itself. In particular, someone who over-promises may not be trustworthy. Ask questions.

Different types of professionals are authorised to do different types of work (there's more explanation on this later in the document, but for example an OISC level 1 advisor cannot undertake appeals). A genuine professional will not undertake or imply they can undertake work they are not authorised to perform and will refer you to someone with a higher level of qualification.

If it seems too good to be true it probably is, which is basically a different a more polite way of being beware of bullshitters. If it seems to cheap it may be the case that the work is being

'outsourced' to someone physically outside of the UK... and therefore regulated neither by OISC nor by the Solicitors Regulation Authority!

4/ Reputation matters.

The 'immigration community' is quite small and solid professionals are likely to know other professionals and to have built a name for themselves. There are a few simple 'background checks' that may help.

Google them. Possible past issues in their career may come up with a simple google search. Conversely, it may help build reassurance if you can find whether they are involved in solid community activities.

Use LinkedIn. Slightly different to other, social media, LinkedIn is a social network for professionals where the basic currency is reputation. Are they connected with other professionals (good people want to connect with other good people)? Have they had endorsements written about them, either by other professionals or clients? Are they connected with well-known immigration commentators and campaigners with a good reputation? These are good signs if so.

Look for other social media presence. This isn't necessarily an issue if they don't have it, but an active Twitter account which engages with legal issues and other useful can be a good sign.

Check their rating on <http://www.goodlawyerguide.co.uk/>. Although it hasn't been kept as up to date as it could have done, this website has in the past been a useful tool for identifying good lawyers and law firms. It uses a star rating system and user reviews. You can search using the field of law (for example, 'Immigration') and town/city. You can use this in conjunction with all the other checks.

Check them on the Law Society website. It goes without saying, but solicitors should be listed on the Law Society website : <https://solicitors.lawsociety.org.uk/> . The website contains no reviews but it should be up to date and contains current accreditations for each area of law for example company. It is searchable by location. All solicitors must be listed here.

Check them on the Legal 500 website. The main caveats here are :

1/ that the rankings are based on peer review rather than client review and

2/ that they tend to be expensive (!) and

3/ there are many good firms *not* listed (but all those listed should be good, and if you can afford it this is better than nothing). You can search by region and field (e.g. London, immigration). E.g. :

<https://www.legal500.com/c/london/employment/immigration/>

<https://www.legal500.com/c/east-anglia/employment/immigration/>

<https://www.legal500.com/c/north-west/employment/immigration/>

<https://www.legal500.com/c/scotland/employment/immigration/>

<https://www.legal500.com/c/south-east/employment/immigration/>

<https://www.legal500.com/c/wales/employment/immigration/>

<https://www.legal500.com/c/west-midlands/employment/immigration/>

Check them on the Chambers website. Many of the same caveats apply as for the Legal 500. However, they provide rankings for a limited number of firms so this should be helpful:

Immigration/human rights :

<https://chambers.com/guide/uk?publicationTypeGroupId=1&practiceAreaId=2729&subsectionTypeId=1&locationId=11805>

Immigration/personal :

<https://chambers.com/guide/uk?publicationTypeGroupId=1&practiceAreaId=131&subsectionTypeId=1&locationId=11805>

Check the Law Centres Network. The Law Centres Network has centres around the UK to defend the legal rights of people who cannot afford a lawyer and to ‘speak truth to power’. The ‘think global, act local’ philosophy may be a plus : <https://www.lawcentres.org.uk/>

Check migrant advocacy groups. A number exist on a voluntary basis to assist though subject to immigration control, and they are listed here :

https://www.libertyhumanrights.org.uk/advice_information/i-need-immigration-advice/

Examples include the Joint Council for the Welfare of Immigrants and the Greater Manchester Immigration Advocacy Unit, as well as local or community migrant centres.

5/ What’s a solicitor anyway? What’s OISC?

There is a difference between a solicitor (who would have a law degree or postgraduate conversion, followed by an apprenticeship) and an immigration advisor (who has passed a course run by OISC, the Office of the Immigration Services Commissioner). Solicitors on the other hand are regulated by the Solicitors Regulation Authority (SRA).

A solicitor is the higher qualification. OISC advisors themselves have different levels relating to the complexity of advice they can provide.

There’s nothing wrong with OISC advisors per se – they perform a useful function in an area of law which is notoriously understaffed, and they may indeed work with and under the supervision of solicitors on preparing applications. But be aware of people posing or implying they have a qualification they do not (for example, advisors posing as solicitors, or level 1 advisors posing as level 3). This is of course a criminal offence.

Note that there are of course good OISC advisors and bad solicitors, as well as vice versa, but it’s useful to know the difference.

There is a good guide here:

<https://www.justinlaw.co.uk/immigration-advisor-and-a-solicitor/>

Don't be afraid to ask if your 'lawyer' is regulated by the SRA or is an OISC advisor. Don't be afraid to ask for qualifications and experience. Check the Law Society website.

6/ Ask for it in writing.

Needless to say, ask for it in writing. Indeed, part of OISC training is to emphasise the importance of professional care, written records and a 'client care letter', so everything is carefully documented.

7/ Ask for a fees schedule.

Your lawyer should be upfront about fees, and explain whether they will be fixed fee or hourly. If hourly, they may give an estimate of the amount of work. (This can change, but a ballpark figure should be available).

8/ Complaints procedure.

Should you need it, complaints forms are available here for OISC :

<https://www.gov.uk/government/publications/oiscs-complaints-scheme-complaints-form-english>

and here for solicitors:

<https://www.lawsociety.org.uk/public/for-public-visitors/using-a-solicitor/complain-about-a-solicitor>