



Legal Aid
Agency

CLARIFICATION OF IMMIGRATION FUNDING IN TRAFFICKING CASES

The following clarification was agreed with the Legal Aid Agency and endorsed by the Administrative Court in R (oao LL) -v- The Lord Chancellor CO/3581/2017:

1. In circumstances where:
 - a. an individual has received a determination that there are reasonable grounds to believe that he/she is a victim of trafficking in human beings (but where there has not been a conclusive determination that the individual is not such a victim); or
 - b. there has been a conclusive determination that the individual is such a victim, then civil legal services provided to that individual, which are related to his/her obtaining leave to enter or remain in the United Kingdom (including where he/she contends that the grant of such leave is required by the Council of Europe Convention on Action against Trafficking in Human Beings) are services “described in” paragraph 32 of Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“LASPO”) for the purposes of section 9 of LASPO.
2. Paragraph 1 above shall apply, whether or not it is necessary for the individual to make a formal application for the grant of such leave to enter or remain.
3. Civil legal services provided to an individual within paragraph 1 above will not fall outside paragraph 32 of Part 1 of Schedule 1 LASPO if those services are also provided for the purpose of assisting the individual to obtain a conclusive grounds determination as a victim of trafficking.

We will apply the construction of paragraph 32 of Part 1 Schedule 1 LASPO, as set out in the declaration, in the same terms to individuals claiming to be victims under paragraph 32A(1).