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LEGAL AID FOR IMMIGRATION MATTERS FOR UNACCOMPANIED CHILDREN

The Lord Chancellor has decided to lay an amendment to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) to bring unaccompanied and separated children back into scope of legal aid for immigration matters. This is fully explained in the written statement given to parliament on 12 July, which is available at parliament.uk.

Officials from the Ministry of Justice are now working with you to draft this legislation and associated guidance.

In the interim period before the amendment is made, those representing unaccompanied and separated children should apply for legal aid via the Exceptional Case Funding Scheme.

In order to provide clarity to legal aid practitioners and caseworkers, the following is to be considered guidance under section 4 of LASPO:

- a. Caseworkers ought to operate on the basis that there is a strong presumption that under Article 8 of the European Convention on Human Rights unaccompanied or separated children (children under the age of 18 who have been separated from both parents) require legal aid in relation to non-asylum immigration matters.
- b. In light of this presumption, applications by or on behalf of unaccompanied and separated children in relation to non-asylum immigration matters need not be supported by detailed evidence in relation to issues relating to vulnerability and ability to participate in proceedings without legal aid (as this will be presumed).

Yours sincerely

LUCY FRAZER QC MP