

## LSC Immigration Services Team Newsletter 20 June 2005

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## **1. Introduction - Immigration Services Team Newsletter June 2005**

Welcome to this Immigration Newsletter, which we hope you will find useful and informative. As ever in the field of immigration, there appears to be a number of changes in policy and procedure that affect us all and we thought that it would be easier to communicate how some of these changes impact on legal aid in this format rather than write a long letter to you.

My current role as Acting Head of Immigration Policy brings me into regular contact with practitioners, representative bodies, the voluntary sector and others working in the immigration and asylum field, and I appreciate that these are particularly challenging times for immigration practitioners. The April 2004 legal aid reforms were a significant change to the previous contracting regime and I know that many suppliers see the current arrangements as an unnecessary intrusion by the Commission into the management of their client's case. From our point of view, we felt that the measures that we introduced were necessary to help control escalating costs and target our expenditure more effectively on cases with merit. However, the current funding regime was only ever seen as a relatively short-term measure and it is our intention to have a different funding model in place by April 2007. We will be publishing a discussion paper on future legal aid funding in immigration and asylum later this year and I hope that you will contribute to the debate on how we can make the most effective use of the limited funding available.

It is certainly not our intention to continue to make the majority of the funding decisions that are currently being made by the National Immigration Team in the London Regional Office, but instead to have those decisions devolved once again to suppliers. It is now more than a year since we consulted on the devolved powers criteria. Since the finalised criteria were published, devolved powers have been granted to 18 of the 56 suppliers who have applied and 16 applications are pending for consideration. This brings the total number of individual suppliers to 56. One of the criterion for being awarded devolved powers is to have a successful outcome at Controlled Legal Representation (CLR) of more than 40%. This year, one of our corporate targets is to have an overall success rate of 40% by March 2006. Although success rate at CLR is not the only criterion for being granted devolved powers, it is certainly our view that when new funding arrangements come into place in April 2007 we will be aiming to contract only with those suppliers who have achieved this level of success. However, there is much progress to be made between now and then as only around 30% of our current supplier base is achieving this level. In addition to reviewing all devolved powers firms against the published criteria in the next few months, we would also welcome applications from suppliers who believe they meet the criteria.

As well as the new funding regime, the April 2004 reforms also saw the introduction of accreditation for all those carrying out publicly funded immigration and asylum work. Our view is that accreditation will help ensure that clients get the quality of advice they deserve and will demonstrate that those carrying out publicly funded immigration work are amongst the highest quality practitioners. Although there has been criticism of the scheme in some publications, and legal challenges of the process, we have been pleased with the general level of support for the scheme. There are details later in the newsletter of the results of the assessments but at the beginning of April 2005 there were 1,200 staff who had been successful in becoming fully accredited. Only 40 suppliers failed to engage with the process at all and they were therefore unable to continue to take on new cases from April 2005. In March we took the decision to have a phased implementation of accreditation to ensure that clients could continue to access services and to allow those who had been unsuccessful to re-sit assessments in May. Our intention is for the scheme and related work restrictions to be mandatory for all suppliers and staff from the beginning of August however we will await the results of those assessments before making and announcing a final decision as we have concerns about supplier capacity in some areas of England and Wales.

Much has been made of the reduction in the number of suppliers carrying out publicly funded immigration work since April 2004. Whilst it is true that a small number of high profile suppliers have stopped carrying out publicly funded work, there has not been the widespread withdrawal of supply that some would suggest. There are currently more than 425 suppliers with active immigration contracts and we believe that is more than enough to deal with the existing caseload and 32,000 new asylum applications that are expected this year. That is not to say that we are complacent about supply issues and we know that there are particular issues in places like Yorkshire and Humberside, the East Midlands and the South West. We are also concerned about the accessibility of legal advice for those in detention and those being held at police stations and we will be announcing some pilot schemes for providing legal services shortly.

April 2005 saw the introduction of the new single tier appeals process, which included retrospective legal aid for onward appeals. Responses to the various consultation exercises that were carried out will be published shortly. However you should already be aware that the cost limit for CLR was increased by £400 to enable suppliers to attend the new Case Management Review Hearing. The uplift for review and reconsiderations where a costs order is made was also increased from 25% to 35% following consultation. It is too early to say how well the new appeals system is operating but we hope that these increases will ensure that clients with meritorious appeals will continue to get the representation they need.

We wrote to you all in October last year about immigration reconciliation, and the Commission will be working closely with suppliers this year to ensure that the payments made to solicitors

are reconciled to the claims submitted for work completed. We will also be working with the Not for Profit sector to ensure that they are meeting their contracted hours. Last year there was a significant drop in the value of claims for asylum-related work from £166m in 2003/04 to £92m. The April 2004 reforms and the significant fall in asylum numbers has resulted in a substantial reduction in costs and this was not necessarily mirrored in the value of payments being made. We are confident that the new stage billing arrangements that were introduced in October 2004, and the quicker processing of applications and appeals now means that suppliers can claim promptly throughout the life of a case. Account Managers will therefore be reconciling payments against the value of claims submitted, although there may be instances where they take into account any significant increase in work in progress since March 2004.

I would like to finish on an upbeat note to balance some of the doom and gloom that is spoken about and written in connection with immigration and asylum legal aid. Last year, legal aid suppliers started 58,433 new asylum cases and 35,903 immigration cases. This would suggest that the majority of asylum seekers are continuing to access legal advice. Those suppliers also reported that nearly 13,000 asylum appeals were successful. Although we know that there are issues about accessing advice and representation I nevertheless find these figures encouraging. This year the Commission is anticipating spending in the region of £100m on immigration and asylum legal aid. Whilst this is significantly less than we spent before the April 2004 reforms, the number of new clients has also reduced significantly. The Commission has a responsibility to ensure that taxpayers money is spent efficiently and effectively on clients who satisfy the means and merits tests laid down by parliament. However we also have a responsibility to ensure that the needs of our client group are properly considered when new processes for dealing with their applications are designed and implemented. We are working closely with the Home Office to ensure that clients will be able to access legal services as the New Asylum Model is introduced and that suppliers will have the opportunity to make their advice and representation effective. We see access to legal advice not only as the right of our clients but also as a key mechanism to fair and just decision making.

The Commission recognises that there are many dedicated and conscientious practitioners who are continuing to deliver good quality legal services to a particularly vulnerable client group in a very difficult climate. These continue to be challenging times for all those working in this area of law but I hope that, going forward, the Commission will be able to achieve its vision of being resolutely focused on clients, and ensure that those who need publicly funded advice and representation have access to good quality services.

If you have any queries resulting from this document please contact:  
Fiona Hannan, Davinder Sidhu or Chris Handford at:

Legal Services Commission  
Immigration Services Team  
1st Floor  
12 Roger Street  
London WC1N 2JL  
DX 328 London/Chancery Lane  
Tel: 020 7759 1471  
Fax: 020 7759 1469  
[Immigration.services@legalservices.gov.uk](mailto:Immigration.services@legalservices.gov.uk)

A handwritten signature in black ink, appearing to read 'Paul Newell', with a stylized flourish at the end.

**Paul Newell**  
**Acting Head of Immigration Policy**

## 2. Accreditation Update

Accreditation of advisers is now mandatory for all immigration and asylum work carried out under an LSC immigration category contract. There are transitional arrangements in place for suppliers that have accredited staff.

**a). For suppliers with no accredited staff**, accreditation became mandatory on 1 April 2005. If you do not have accredited staff, you are not eligible to claim for time spent on any new immigration or asylum cases taken on after 1 April 2005. However, you may carry on dealing with pre-existing cases until a Home Office decision or the end of the case, whichever is the sooner. You must refer cases on when the Home Office refusal is received. The Commission will keep an up to date list of suppliers with Senior Caseworker (Level 2) accreditation on their website, to help find suitable suppliers to refer to.

The Commission has begun monitoring data on suppliers starting new cases after 1 April 2005 to identify any suppliers without accredited staff. We will be writing to suppliers, which our data indicates have started new matters in April 2005, but who do not have suitably accredited staff, in the near future.

**b). For suppliers with accredited staff** accreditation becomes mandatory on 1 August 2005. There are different restrictions on the work that staff can do depending on whether or not there is a fully accredited supervisor working for the supplier. Please see Paul Newell's letter to all suppliers dated 9 March for full details of the transitional arrangements: [http://www.legalservices.gov.uk/docs/immigration\\_docs/managedimplimentationofAccreditation.pdf](http://www.legalservices.gov.uk/docs/immigration_docs/managedimplimentationofAccreditation.pdf)

We will also be monitoring the number of matter starts that have been undertaken and comparing this to the number of accredited staff. We will be writing to suppliers where this appears unusually high.

### **Staff must be accredited at Level 2 for CLR work**

As of 1 April 2005 suppliers without a member of staff accredited as a Senior Caseworker (Level 2) will not be granted CLR. Only accredited Senior Caseworkers (Level 2) should apply for CLR and since the 16 May it has been compulsory for the caseworker making the application for CLR to include their accreditation PIN number on the CW2 (Imm) application form. It is also compulsory to include the PIN number on the CW3 (Imm) form.

The caseworker granted CLR must perform the work on that case or refer it on to another accredited Senior Caseworker (Level 2) or, until 1 August 2005, a caseworker that is eligible to work as a Senior Caseworker in accordance with the transitional arrangements.

**c). PIN Number**

Each adviser who has registered with the Commission in relation to the accreditation scheme has a unique accreditation PIN number. This number is between 1 and 4 digits long. The PIN is not the same as your Central Law Training delegate number, and should not be confused with it.

Upon registration with the Commission in relation to the accreditation scheme each caseworker is sent a letter of acknowledgement. Your PIN number can be found on this letter and should be the reference for any subsequent standard letters sent to individual caseworkers and it will also be included on the accreditation certificates.

If you do not know your PIN, you should contact the LSC on 0207 759 1474, or by e-mail at [grazia.trivedi@legalservices.gov.uk](mailto:grazia.trivedi@legalservices.gov.uk) or at the following address:

Legal Services Commission  
Immigration Services Team  
12 Roger Street  
London WC1N 2JL  
DX 328 London/Chancery Lane

**d). Full Implementation of Accreditation: 1 August 2005**

Mandatory accreditation as per Rule 12.2.3 of the Immigration Specification will be fully implemented on 1 August 2005.

This means that only those individuals who are accredited under the Scheme may carry out publicly funded immigration and asylum work. The work restrictions contained in the Competence Standards and Work Restrictions document will also apply in full. Any work undertaken by non-accredited staff, or work beyond that permitted in the Competence Standards and Work Restrictions document for Probationers and Accredited Caseworkers (Level 1) may not be claimed as contract work and will not be funded by the Commission.

Unaccredited caseworkers may continue working on pre-existing cases up to the Home Office decision or end of case, whichever is sooner.

Accredited staff with conduct of a new case may not delegate work to non-accredited staff or staff not permitted by the Competence Standards and Work Restrictions document to undertake that specific work. The Commission has begun monitoring the number of cases and type of cases started by contracted suppliers and analysing this against the number of accredited caseworkers at different levels, and will continue to do so.

The only route to supervision from 1 August 2005 will be full accreditation as a Senior Caseworker (Level 2) and passing the Supervisor timed assessment as well as meeting the case involvement hours as per D3.2 of the Specialist Quality Mark.

Following the release of the results from the May assessment round at the end of June 2005 the Commission will be issuing rectification notices to all suppliers which do not have any accredited staff or do not have a supervisor who meets the requirements of the SQM as above (unless there is only one caseworker within the immigration department who is performing publicly funded work). Contracts will then be terminated on 1 August 2005 unless a rectification process is agreed with the relevant Regional Office.

#### **e). Assessments**

The Assessment Organisation (CLT) publishes full details of the schedule for assessments. Please see their Immigration and Asylum Accreditation Scheme web-site: [immigration-and-asylum.co.uk](http://immigration-and-asylum.co.uk) or contact them by telephone: 0121 362 7735 or e-mail: [immigration@centlaw.com](mailto:immigration@centlaw.com)

In short, the Multiple Choice Test will be held every month and the marking time is approximately 7 working days.

Level 1 and Level 2 caseworker assessment rounds and the supervisor timed assessment will be held quarterly and the marking and moderation time is approximately 35 working days.

#### **f). Re-imbursments**

The contributions towards the accreditation costs that the LSC will make to the contracted supplier employing the successful candidate at the time of their accreditation are as follows:

##### **Accredited Caseworker (Level 1)**

Multiple Choice Test (if taken) - £90

When all assessments have been passed - £430

##### **Senior Caseworker (Level 2)**

Multiple Choice Test (if taken) - £90

When all assessments have been passed - £455

##### **Advanced Caseworker (Level 3)**

When all assessments have been passed - £100

### Supervisor

When all assessments (senior caseworker assessments and supervisor assessment) have been passed - £150

Upon achieving accreditation the LSC will send each caseworker a short form for claiming reimbursement. This is necessary to confirm that the details of the employing supplier are up to date.

Upon receiving a properly completed form the LSC will reimburse the appropriate costs through the BACs system.

### **g). Accreditation results**

There have now been four assessment rounds for which the results are known and there are 1,200 candidates who have successfully completed accreditation. A breakdown of the success rates for the assessments is as follows:

Level 1 Written exam: 598 candidates, success rate: 69%

Level 1 Drafting assessment: 524 candidates, success rate: 86%

Level 1 Client interview: 499 candidates, success rate: 92%

#### **Accredited caseworkers Level 1: 354**

Level 2 Written Exam: 1451 candidates, success rate 63%

Level 2 Written Assessment: 1346 candidates, success rate 71%

Level 2 Client Interview: 1293 candidates, success rate 89%

#### **Accredited caseworkers Level 2: 846**

Supervisor Timed Assessment: 690 candidates, success rate 82%

Central Law Training has provided the data on all the assessments that have been sat. The overall totals count some candidates more than once where exams have been re-sat following earlier failure.

### **h). Advanced Level:**

The Law Society is currently revisiting elements of the Advanced Caseworker (Level 3) procedure, informed by the first year of operation of the scheme and feedback from practitioners and others. The Law Society expects to be able to publicise the details of these changes in the next few weeks.

For further information, please see the Law Society's web-site [www.panels.lawsociety.org.uk](http://www.panels.lawsociety.org.uk) (click to the Immigration Accreditation Scheme) or contact the Law Society's Information Services, tel: 01527 504433 for an information pack; or alternatively e-mail [panels@lawsociety.org.uk](mailto:panels@lawsociety.org.uk)

#### **i). Funding Certificates**

Court procedures require that a solicitor apply for a certificate and that solicitor is responsible for all work performed under the certificate. Suppliers that have accredited Senior Caseworkers (Level 2), none of whom are solicitors, can apply for a funding certificate if a solicitor within the organisation applies for the certificate. However all work must be delegated to an accredited Senior Caseworker (Level 2). Please consult the Law Society regarding any professional conduct issues and actual supervision requirements.

#### **j). Judicial Review Work**

Accreditation is compulsory only for work performed under an Immigration Contract. If JR work is performed under a Public Law Contract then accreditation requirements do not apply.

#### **k). Competence Standards and Work Restrictions Document**

We have received various queries from suppliers over the interpretation of certain parts of the Competence Standards and Work Restrictions document and the Commission would like to offer some further clarity on the issues raised. Any major changes to the Competence Standards and Work Restrictions Document will be consulted upon beforehand. However we have provided clarification in several areas below:

##### ***Understanding, knowledge, awareness***

Firstly, the standards require candidates at different levels to possess an "understanding", "knowledge" or "awareness" in certain areas. We have been asked to provide further definition of what is meant by these terms. Definitions is as follows:

***Understanding*** - identification, assimilation and comprehension of information. Candidates can correctly paraphrase or summarise information and can relate it to other material, including its practical application.

***Knowledge*** - familiarity with specific information, including facts, definitions, rules, methods, process or settings, without necessarily being able to see its fullest implication or application.

**Awareness** - *acquaintance with general concepts, topics, rules, methods or procedures, without necessarily being able to paraphrase or summarise information. Candidates should be able to identify the limits of their awareness and be able to refer to source material for more in depth knowledge.*

### **Probationers and Accredited caseworkers**

We have also received several queries about the correct interpretation of the work allowed by individuals falling into the categories above. Below is the list of work allowed with a fuller explanation in several areas. The text has also been updated to reflect the new appeals system.

#### **Permitted work for Probationers prior to completion of the Multiple Choice Test (under close supervision)**

- Advice on applications for entry clearance and variations of leave within the immigration rules (including the appropriate application forms, fees and supporting documentation)
- Advice on rights of entry and stay under the EEA provisions (including application forms and supporting documentation)
- Making applications for entry clearance and variations of leave within the immigration rules (including the appropriate application forms, fees and supporting documentation)
- Making applications on rights of entry and stay under the EEA provisions (including application forms and supporting documentation)
- Advice on naturalisation and registrations for British Nationality Act, 1981, and any amendments thereafter and applications for British citizenship within the terms of the British Nationality Act, 1981, and any amendments thereafter
- Researching case law and background evidence in support of an asylum claim
- Advice on support provisions for asylum seekers
- Preparing clients for interviews with the immigration authorities
- Advice on the provisions relating to refugee status if this has been granted
- Advice on time-limits and rights of appeals
- Advice on any liability for detention
- Advice on bail/temporary admission applications (this does not include taking instructions)
- Basic correspondence with the Home Office, the AIT and other parties
- Bundling and drafting chronologies.

## **Excluded work**

All other types of work are excluded.

In particular, Probationers are prohibited from dealing with Fast track cases.

Probationers would not usually deal with cases involving especially vulnerable people, including minors and those who are mentally incapacitated.

## **Additional permitted work for Probationers after successful completion of the Multiple Choice Test (under close supervision) and for Accredited Caseworkers**

- Interviewing clients in relation to asylum claims and taking detailed instructions
- Completing the SEF forms, where applicable, and drafting statements or representations relating to asylum claims and appeals
- Making applications for asylum, Humanitarian Protection or Discretionary Leave
- Making all nationality applications for citizenship involving specific discretionary provisions
- Lodging appeals as the Statute requires (*this does not include drafting skeleton arguments*)
- Taking instructions and making applications for temporary admission and bail (*this does not include representation at the AIT*)
- Making applications for entry clearance and variations of leave outside of the immigration rules (including the appropriate application forms, fees and supporting documentation)
- Advice on applications where there are ECHR considerations or advice where human rights considerations are to be included with other matters
- Making applications based on human rights grounds or highlighting human rights issues in other applications
- Representing clients in any further correspondence with the immigration authorities or other parties)
- Representing clients at interviews with the immigration authorities
- Instructing a barrister or advocate for advice and to draft grounds of appeal, and attending conferences (*this does not include instructing a barrister or advocate to appear at the AIT or other court*). For the avoidance of doubt this does not include attendance at any AIT or other court hearing including the Case Management Review Hearing.

## **Work allowed by probationers who have passed the Multiple Choice Test but who then fail a further assessment**

The fifth paragraph of the Accredited Caseworker section in the Competence Standards and Work Restrictions document states in reference to Probationers who have passed the Multiple Choice Test: "If the probationer fails any further assessments required to achieve Accredited Caseworker status, publicly funded work will be restricted to that permitted prior to passing the 3-month assessment, until the assessments have been successfully re-taken". Following feedback from practitioners the Commission has decided that this rule will not be enforced as it would provide a disincentive for suppliers to take on new caseworkers in this area of law. Probationers will of course still be required to gain full accreditation within 12-months of their initial registration with the Commission.

Furthermore, the third paragraph of the same section provides that: "Once registered, a Probationer must have their basic immigration and asylum knowledge assessed within 3 months. Should they fail the assessment they will not be able to undertake any further publicly funded immigration / asylum work until they have successfully retaken the 3-month assessment". The Commission fears that this requirement will discourage candidates to take the Multiple Choice Test earlier than 3 months into their probationary period and will restrict the flexibility of the training programmes that suppliers may apply to new caseworkers. The Commission will therefore allow a new Probationer to perform the restricted work allowed prior to the passing of the Multiple Choice Test for a full 3 months following registration, even if the test is sat and failed during that period.

The assessment organisation, Central Law Training Ltd, will be running the Multiple Choice Test once a month in various locations and results will be released within approximately 7 working days. For further details please see CLT immigration accreditation web-site [www.immigration-and-asylum.co.uk](http://www.immigration-and-asylum.co.uk) or contact CLT on 0121 362 7735 or [immigration@centlaw.com](mailto:immigration@centlaw.com)

### **I). The Law Society First Year Review of the Accreditation Scheme**

As the Immigration and Asylum Accreditation Scheme has been running for over 12-months the Law Society is currently undertaking a review of the scheme and invites practitioners and stakeholders to feed into this review. If you have any comments about the assessment processes or procedures or would like to suggest potential improvements to the scheme please contact Jenny Rawstorne by e-mail: [Jenny.Rawstorne@lawsociety.org.uk](mailto:Jenny.Rawstorne@lawsociety.org.uk) or by telephone: 020 7320 9535 or by post: The Law Society, 113 Chancery Lane, London, WC2A 1PL, DX56 London/Chancery Lane.

### **3. New Immigration Specification April 2005 & AIT**

The new Immigration Specification came into force on the 4 April 2005. This followed on from a consultation on the proposed changes. The changes were made as the result of legislation.

We wrote to all suppliers regarding the changes and copies of our letters can be found on the Commissions website – links to the relevant pages are given below.

We hope that the information below will highlight some of the changes and how they operate in practice. We have also enclosed guidance notes in relation to the Dirshe Judgement, unaccompanied asylum-seeking children and details of the way we will handle Full Representation funding requests from 4 July 2005.

References to the contract specification will be cited with the solicitors specification followed by the Not for Profit (NFP) reference in brackets.

#### **a). The Asylum and Immigration Tribunal**

On the 4 April 2005, the Asylum and Immigration Tribunal (AIT) replaced the two-tiered Immigration Appellate Authority by merging the Immigration Adjudicators and the Immigration Appeal Tribunal into a single-tier Tribunal. It was established under Section 26 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. Under the new structure, changes have been introduced to the appeals processes, judicial structure, and rights of access to the higher courts and the Commission has introduced corresponding changes to the Immigration Specification, General Civil Contract and Funding code. Correspondence was sent to all suppliers on the 25 February and 29 March in relation to the changes to the contract specification.

The main change to the specification relates to the implementation of retrospective funding for challenges to decisions of the AIT. The substantive appeal to the AIT is funded under the Controlled Legal Representation (CLR) Scheme, subject to the client satisfying the means and merits criteria, in the same way that appeals to the Adjudicator were funded. The costs limit has been extended from £1200 to £1600 to take into account the new Case Management Hearing, which have been implemented by the AIT.

Generally where an application is made to review a decision of the AIT the costs of the review application, and if successful, any subsequent reconsideration hearing, can only be claimed as CLR work if you are successful in obtaining a costs order under s.103D of Nationality, Immigration and Asylum Act 2002 (NIA 2002) [as substituted by s.26 Asylum and Immigration (Treatment of Claimants, etc.) Act 2004]. There are exceptions to this general provision and

they are defined at Rule 12.4.2 of the specification (Rule 13.4.2 NFP). In relation to disbursements the costs of experts and interpreters fees will be payable under the CLR scheme – a costs order is not required (see Rule 12.2.9/ 13.2.8).

Where you require a costs order to claim your costs and you successfully obtain such an order, you can claim uplifted CLR rates. These rates are 35% higher than standard CLR rates. The uplifted rates are set out in Annex A to our letter of 25 February 2005.

**b). SI 2005 no. 565 and SI 2005 No 966 Section 5 remitted/pending cases and how they fit into the April 2005 specification**

You should refer to the above regulations. These are clear as to Parliament's intention.

SI 2005 No. 565 (C.25) - The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 5 and Transitional Provisions) Order 2005 - Section 5 states as follows:

(1) This article applies, subject to article 3, in relation to any appeal which immediately before commencement is:

- (a) pending before an adjudicator, having been remitted to an adjudicator by a court or the Immigration Appeal Tribunal; or
- (b) pending before the Immigration Appeal Tribunal

(2) The Asylum and Immigration Tribunal shall, after commencement, subject to rules under section 106 of the 2002 Act deal with the appeal in the same manner as if it had originally decided the appeal and it was reconsidering its decision.

(3) Following the determination of the appeal by the Asylum and Immigration Tribunal, a party:

- (a) may not apply to the appropriate court under section 103A(1); but
- (b) may, subject to section 103B(3), bring a further appeal on a point of law to the appropriate appellate court under section 103B(1).

You should also have regard to the SI 2005 No. 966 - The Community Legal Service (Asylum and Immigration Appeals) Regulations 2005. Where the meaning of 'immigration review' (see 'interpretation') is defined for the purpose of a S103D costs order:

- (i) applications to the High Court under section 103A of the 2002 Act (including applications which are considered by a member of the Tribunal pursuant to paragraph 30 of Schedule 2 to the 2004 Act); and
- (ii) proceedings for the reconsideration of an appeal by the Tribunal pursuant to an order under section 103A of the 2002 Act.

In addition you will note that the Immigration Specification Rule 12.4.2 proceeds upon the above basis.

Those cases that come within Section 5 (of SI 2005 No.565) do not require a S103D NIA 2002 costs order, whether they are pending (that is not determined by the IAT before 4 April 2005) or 'remitted' and are therefore for the purposes of the Act being considered as 'reconsideration hearings'.

These cases are excluded from the requirement of a costs order as they are not 'immigration review' hearings pursuant to SI 2005 No. 966. See also regulations 5-8 of SI 2005 No. 966 as to the AIT and High Courts power to make S103D costs orders. Those cases that have been 'remitted' are subject to the provisions contained in Rule 12.4.2 of the Immigration Specification.

These are therefore subject to the Commission's reporting and end point requirements as stated by Paul Newell in his letter dated 29 March 2005.

You should also refer to SI 2005 No. 966 as this deals in detail with the criteria for making and indeed applying for orders under S103D.

The Commission is keeping the Specification under review and will institute any amendments should any be required.

However, in summary, any costs incurred must be reasonable and the enhancement to the standard contract rate only applies where it is necessary to obtain a S103D order in order to claim payment from the 'fund'.

### **c). Immigration Panel hearings**

A number of advisers have sought extensions of funding on the basis that "a panel" is considering their client's case. Legal panels will consider complex cases and if dismissed the onward right of appeal will be to the Court of Appeal. However, this only arises where you have three or more legally qualified judges considering a case.

As part of a judicial training programme, the AIT has formed panels to hear some appeals. These panels should not be confused with legal panels.

You are reminded that s103E NIA 2002 only applies to a decision of the Tribunal where its jurisdiction is carried out by three or more legally qualified members. Therefore, in making an extension request, you should ensure that you confirm whether your case is to be heard before a legal panel.

#### **d). Exemptions and Remissions**

The Asylum and Immigration (Treatment of Claimants, etc) Act 2004 saw the introduction of a Review of the Tribunal's decision under section 103A. These reviews are funded under the Community Legal Service Controlled Work scheme. Review applications are not funded as Full Legal Representation (certificated work). When lodging an application before the High Court, you should ensure that your client completes a fee exemption/ remission form EX160. This is available from the Court Service website at:

[www.hmcourts-service.gov.uk/courtfinder/forms/ex160\\_internet1004.pdf](http://www.hmcourts-service.gov.uk/courtfinder/forms/ex160_internet1004.pdf)

#### **e). AIT – billing**

**Claims for work at the review and reconsideration stage must be reported with the RAR Matter description code and are subject to assessment by the Commission.**

You will recall that we wrote to you on 29 March 2005. This included the new SPAN guidance for claiming costs following the implementation of the AIT on 4 April 2005. Clarification has been requested with regards to the appropriate code to use when claiming costs relating to a review and reconsideration hearing which cover work before 4 April, for example, where a case was before the IAT and then became a reconsideration hearing post 4 April 2005. In these cases you must claim all the work under the new review and reconsideration code 'RAR' and endpoint code K. For the avoidance of any doubt, code H applies to a final claim where the case has been determined by the AIT (at the substantive hearing). This will be used where you decide that no further work is to be undertaken in the case in relation to CLR, for example, you have considered the AIT determination and advised the client that there are no merits in lodging an application for a Review. As the CLR matter will now be concluded you should use the completed matter code claim H. If you decided that there were merits in lodging a review application, then you would make a stage claim using code O.

Bail applications, which are lodged during the Review or Reconsideration stage of a case, should also be claimed as part of the Review and Reconsideration stage costs. As bail

applications do not form part of the retrospective funding arrangements you do **not** require a costs order to claim your costs.

#### **f). AIT consultation - December 2004**

On the 8 November 2004, the Department for Constitutional Affairs (DCA) published a consultation paper entitled 'The Asylum and Immigration Tribunal - The Legal Aid Arrangements for Onward Appeals'. The DCA paper sought views on the draft Community Legal Service (Asylum and Immigration) Regulations 2005 and set out the circumstances in which a costs order for publicly funded legal services could be made. The DCA consultation also covered consequential changes required to existing Community Legal Service Statutory Instruments and Legal Services Commission's Funding Code Criteria and Procedures to reflect the creation of the AIT.

On the 13 December 2004, we consulted on the changes to the Legal Services Commission General Civil Contract and Funding Code that were required to implement the new legal aid arrangements in England and Wales for the review and reconsideration of appeal decisions made by the new Asylum and Immigration Tribunal (AIT). The consultation asked respondents to address four questions:

1. Do you agree with the proposal to fund review and reconsideration under existing Controlled Legal Representation (CLR) arrangements?
2. Do you agree that the costs of experts and interpreters should be outside the retrospective payment scheme?
3. Do you agree with the proposal for a higher rate for CLR where a s103D order is made and if so do you agree with the proposed uplift of 25%?
4. Do you agree with the proposal to have one Upper Cost Limit for both the Case Management Review Hearing (CMRH) and the substantive AIT hearing?

The consultation period closed on 4 February 2005. We received nine responses.

The Commission decided that in light of the proposed single appeal tribunal it was appropriate that funding should be provided through one scheme. This was particularly relevant given the new shorter time limits in which the client would have to lodge appeals. This would also limit the administrative burden for advisers who would otherwise have to complete a further application for funding.

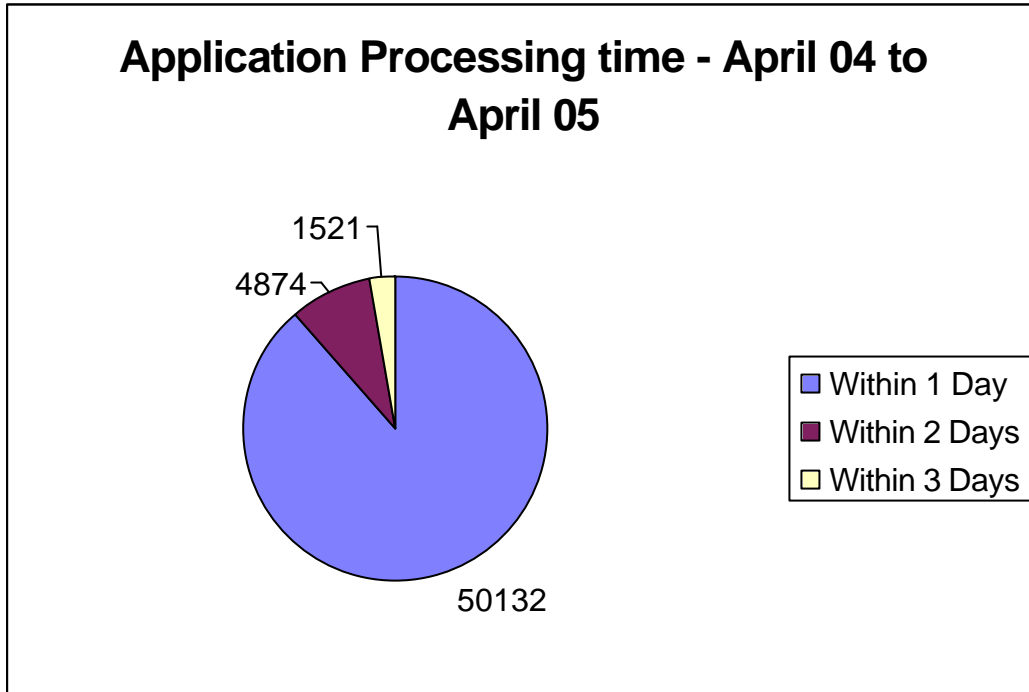
There was broad support for the proposal that experts and interpreters fees should be outside the retrospective payment scheme. The Commission has also agreed that the High Court application fee (when payable) for a review application should be outside the retrospective funding scheme. Suppliers should take note of the guidance in relation to applications for fee exemption / remission.

Concerns were raised with regards to the proposed level of uplift of 25% to CLR rates. As a result of the comments received and having considered the merits test that will be applied by the Judiciary, the Commission re-assessed the risk premium and decided that it should be increased to 35%. This will be payable when a costs order has been granted and will be claimable across both the review application and reconsideration hearing. It will only apply to profit costs and not disbursements such as interpreters, experts fees and the High Court Application fee (which would have been claimable even without a costs order). The uplift will also apply to Counsel's fees. The uplifted costs rates were sent to all suppliers on 25 February 2005 in Annex A – Payment Rates General Civil Contract (Solicitors schedule). Advisers should use the rates specified in Annex A when calculating costs. NFP organisations should refer to our letter of the 29 March 2005 in relation to submitting claims subject to the 35% uplift.

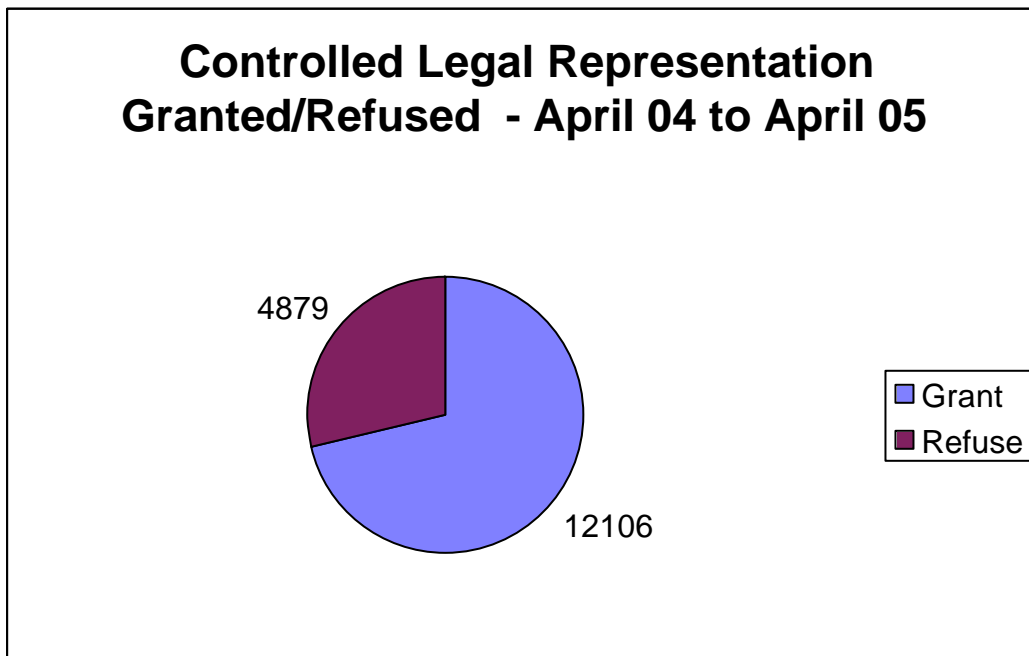
There was broad support for the setting of one costs limit for the CMRH and substantive hearing, although many of the respondents expressed difficulty in quantifying a reasonable limit until the AIT was in operation. The Commission believes that raising the upper costs limit from £1200 to £1600 will provide suppliers with sufficient funding to provide advice, preparation and representation at both the CMRH and substantive appeal. Details of all the costs which should be covered by this costs limit are contained at Rule 12.4.1(1) [13.4.1 (2)]. The Commission will keep this figure under review. There is also provision within the contract for suppliers to apply for an extension to the upper costs limit where further work is both reasonable and necessary.

**The Commission will publish the post consultation response shortly. Copies will be available from the Commission's website.**

#### 4. Overview of applications: April 2004 – April 2005

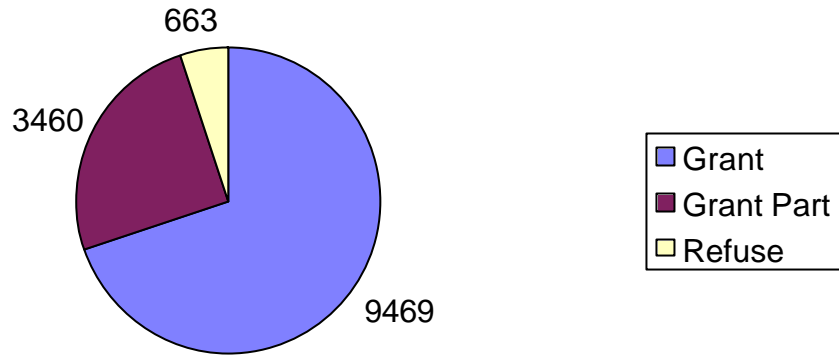


This shows that 89% of applications are dealt within 1 day



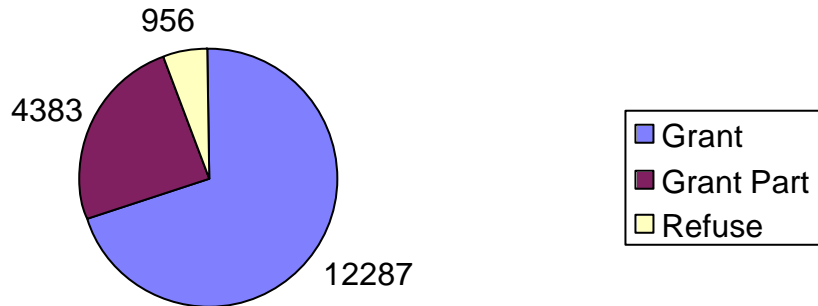
This represents a 71% grant rate and a 29% refusal rate. There is a right of appeal against the refusal of CLR. Taking into account those cases, which are granted after a Regional Director Review and after appeal to an FRC, the total grant rate is 75%.

### CLR Extension requests Granted/Refused - April 04 to April 05



This represents a 70% grant rate with 25% part grant and 5% refusal

### LH Extensions Granted/Refused - April 04 to April 05



This represents a 70% grant rate with 25% part grant and 5% refusal

## **5. New Asylum Model and the Provision of Legal Advice**

As you may be aware as part of the New Asylum Model (NAM) and the Governments Five Year Strategic Plan, segment 3 and segment 4 are due to become operational on 20 and 21 June 2005.

### **How Segment 3 and Segment 4 will operate**

As part of NAM segment 3 and segment 4 is a new non-detained process for 'late and opportunistic' and 'potentially Non-Suspensive Appeal' claimants.

Asylum claimants will be identified at the Croydon Asylum Screening Unit as having the following characteristics:

- Their claim is defined as 'Late and Opportunistic' (claim made following a period of managed migration leave, after and application for leave has been refused, following apprehension for illegal working or other suspected non-immigration offence or simply and admittedly very late without good reason).
- The claim is defined as being from a 'potentially Non Suspensive Appeal' claimant, that is, the claimant is a national of or entitled to reside in one of the countries on the designated NSA list
- The claimant seeks and qualifies for NASS support and accommodation.

Where the claimants have these identifying characteristics they will be screened and offered accommodation in Liverpool.

Where the claimants have these characteristics but who do not seek accommodation from NASS, the implementation of this process will be in Croydon.

### **How we will ensure legal advice is available**

In order to ensure that clients have the opportunity to have access to legal advice in connection with their application the LSC will facilitate legal advice through existing processes.

Where the claimant requires accommodation the LSC will utilise the existing arrangements for the North West Project and these claimants will be allocated to existing **Devolved Power** suppliers in Liverpool.

Where the claimant does not require accommodation the LSC intends to include details of all **Devolved Power** suppliers to be included in the IND induction pack.

### **The role of the legal advisor**

Whilst the decision making process is quicker than normal this is not a fast track process and therefore attendance at the Home Office interview is outside the scope of the legal aid funding. The normal costs limits in the Immigration Specification will continue to apply to these clients. It is for the supplier to determine on a case-by-case basis the level of costs it is reasonable to incur. However, the minimum that we would expect is that a supplier will provide the claimant with legal advice before the Home Office interview and if the application is refused that consideration and advice is given to the claimant as to the merits of an appeal or a Judicial Review application where the application is certified.

It is for this reason that the LSC is placing emphasis on Devolved Power suppliers. As effective from the 4 July 2005 the LSC will allow suppliers with Devolved Powers to self-grant emergency funding certificates to challenge NSA certification where they believe the prospects of success test is met. Please refer to the separate guidance issued in relation to NSA Funding.

## **6. NASS and travel costs**

You can claim the costs of a client's travel to your office in accordance with paragraphs 10 and 11 of Rule 2.13. The rule refers to NASS vouchers, which have now been phased out. For the avoidance of any doubt, you can claim the costs of your client's travel, as a disbursement, in accordance with Rule 2.13 if your client is in receipt of support from NASS (this includes both emergency and hard cases support).

## **7. Harmondsworth and Yarlswood Fast Track Contracts**

The current Harmondsworth Fast Track Contracts come to an end on 30 June 2005. With the implementation of accreditation it has been decided that an open bid round should be held to allow suppliers the opportunity to work within the fast track scheme. Current contracts will therefore be extended until 30 September 2005. Details of the bid round will be sent to all eligible suppliers in July. New contracts will commence on 1 October 2005.

The Home Office fast track scheme was extended to Yarlswood in May 2005. Eligible suppliers were invited to apply for contracts in March 2005. Contracts were awarded to 39

suppliers and a duty rota scheme is now in operation. The fast track scheme at Yarlswood is exclusively female. Advisers on the scheme are reminded that when taking instructions from clients they should ensure that they have given consideration to the published gender guidelines. Links to the AIT (formally IAA) and Asylum Policy Instructions gender guidelines can be found at the links section of this newsletter.

## **8. Guidance - Unaccompanied Asylum Seeking Children (UASC)**

***An unaccompanied asylum-seeking child (UASC) is a person who at the time of making the asylum application is or appears to be under eighteen and who has no adult relative or guardian in the United Kingdom. These children are particularly vulnerable and the need to ensure their protection underlies a positive approach to funding legal services to them.***

### **Legal Help**

An unaccompanied child will be entitled to publicly funded legal assistance at a Home Office interview (Rule 12.3.2 of the General Civil Contract).

- This will also apply to non-asylum cases and cases where the client's age is in dispute.
- A Home Office interview includes both screening and substantive interviews.
- Legal representatives may claim or apply for public funding to obtain medical evidence where the client's age is in dispute.

### **Controlled Legal Representation (CLR)**

Where an UASC has a right of appeal under section 83 of the Nationality, Immigration and Asylum Act 2002 and the appeal is being brought on grounds contained in section 84(3) of the Act that removal of an UASC from the United Kingdom would breach the United Kingdom's obligations under the 1951 Refugee Convention the following guidance should be considered:

The right of appeal under section 83 is on asylum grounds only. It is not possible to bring an appeal under this section on any basis other than that the applicant's (hypothetical) removal from the UK would breach the United Kingdom's obligations under the 1951 Refugee Convention (section 84(3)). Where a representative is able clearly to identify the 1951 Refugee Convention reason Controlled Legal Representation will be granted on the basis that an asylum claim by an UASC will meet the merits test to at least borderline.

This is because the applicant's age (having been accepted by the Secretary of State for the Home Department) may be a contributory and weighty factor in determining refugee status and is likely to satisfy the merits test (i.e. the case will have at least a borderline prospect of success).

- Where the age is in dispute, an application for Controlled Legal Representation will be considered in accordance with the Immigration Specification and Funding Code Criteria.
- Controlled Legal Representation for a former UASC will be considered in accordance with the Immigration Specification and Funding Code Criteria.
- Funding Code Criterion 13.4 states that Legal Representation will be refused if the prospects of achieving a successful outcome for the client are:
  - Unclear or borderline, save where the case has a significant wider public interest, is of overwhelming importance to the client or raises significant human rights issues; or
  - Poor

All clients must satisfy the means test in order to qualify for legal aid. Controlled Legal Representation applications should be submitted to the LSC in the normal way.

## **9. Guidance - Dirshe [2005] EWCA CIV 421**

The Asylum Policy Instructions (API's) are the definitive guide to the Government's policy on asylum and as such are used on a daily basis by caseworkers in IND to provide guidance on all aspects of asylum policy. The associated procedures are to be found in the Asylum Process Manual.

Section 6 of the API's deals with asylum interviews. Section 6.6 states:

- *Most applicants (those who have been through an induction centre or have been issued with a SEF before the interview was arranged) are not given any time after the interview to submit further representations. Such an applicant wishing to submit anything further after the date of an interview should be advised that further information should be included in the grounds of appeal. However, as with readovers, there remains a discretionary power to offer a period for post interview representations in certain exceptional cases, for example, where the Medical Foundation have been engaged.*
- *Applicants who have not been issued with a SEF prior to the interview and/or have not been through the induction centre process should be given 5 working days after the interview in which to submit anything further, before a decision is made on the*

*application. This process differs for Oakington cases where applicants are given two working days to submit further information.*

Where an asylum applicant has been given a tape recording of the asylum interview the following guidance should be considered:

The decision made by the IND on the substantive asylum application will be based on the verbatim notes taken at the asylum interview. The Commission therefore considers in light of the Asylum Policy Instruction that it would not be reasonable to incur additional attendance time, in listening to the taped record of the interview prior to the decision on the substantive application being made by the IND.

The Commission will not generally fund attendance time incurred in listening to the tape recording under the provision of Legal Help.

However, for applicants who have not been issued with a SEF prior to the interview and/or have not been through an induction centre the Commission may fund attendance time incurred in listening to the tape recording prior to the substantive decision. This should not be automatically incurred or considered in every case. The representative must clearly identify whether there may be 'material errors' (such as a mistake of fact and/or interpretation issues) as evident from the current instructions and previous instructions given by the client. These should be recorded in an attendance note on file prior to incurring the additional attendance time in listening to the tape recording in determining whether the evidence on the tape recording supports such mistakes of fact and/or interpretation issues. Where necessary suppliers should submit an application to extend the Legal Help limit.

In all other cases the Commission may fund the representative's attendance time to listen to the tape recording after the Secretary of State has made the decision. At this point it should be clear from instructions what issues covered in the taped version of the interview are in dispute relevant to status determination and as necessary to determine the appeal and where best a representative needs to concentrate attendance time.

However, this should not be automatically incurred or considered in every case. The representative must clearly identify the 'material errors' (such as a mistake of fact and/or interpretation issues) in the written record or notice of decision as evident from the current instructions and previous instructions given by the client. These should be recorded in an attendance note on file prior to incurring the additional attendance time in listening to the tape recording in determining whether the evidence on the tape recording supports such mistakes of fact and/or interpretation issues. Such expenditure, where reasonable, should be incurred under the provision of Controlled Legal Representation.

On application to the Commission for Controlled Legal Representation the representative should clearly specify that attendance time is to be incurred in listening to the tape recording.

Having incurred this expenditure the merits test and the grant of Controlled Legal Representation should be reconsidered and withdrawn or continued as appropriate. An attendance note recording this should be appended to the file.

When submitting the appeal form to the AIT the representative should ensure that the 'material errors' are identified and referred to in the grounds of appeal.

The Commission will not fund the production of a transcript by a representative. Where it is argued that a transcript is required for the conduct of the appeal hearing, there being issues on the tape that are fundamental to status determination, the representative should raise this in the appeal papers so that the issues may be considered at the Case Management Review Hearing. The CMR may determine if and where a transcript of any part of the tape is required as being strictly necessary to determine the appeal. A transcript may then be produced by IND or such other directions given by the Immigration Judge as appropriate for the conduct of the hearing.

## **10. Guidance - Post Home Office Interview Attendance**

The Commission will not fund post Home Office Interview attendance on a client under the provision of Legal Help, incurred for the **sole** purpose of making post interview representations to the Secretary of State except as in accordance with the circumstances mentioned in the Asylum Policy Instruction 6.6, where the Secretary of State will consider such representations.

## **11. Full Representation and Non Suspensive Appeals**

The Commission since October 2002 has been operating a service at the London Regional Office for Emergency Funding requests for NSA Judicial Review applications at the weekend and on public holidays. Whilst initially this service was utilised and there was a need considering the impact of new legislation, in the last 12 to 18 months this service has not been utilised or required by suppliers. This is clearly due to the Court of Appeal clarifying the law and suppliers generally putting the Secretary of State on notice of their intention to issue a Judicial Review which in most cases results in removal directions being deferred for 3 working days (see - Immigration Directorates Instructions Chapter 27 Section 3).

By way of background, section 94 of the Nationality, Immigration and Asylum Act 2002 provides a certification process under which there is no in-country appeal right, in certain circumstances, for an applicant making an asylum or human rights claim (Section 115 of that Act contained similar provisions relating to appeals under Part IV of the Immigration and Asylum Act 1999)

The following guidance is effective from Monday 4 July 2005 and should be considered in relation to Judicial Reviews pursuant to certification by the Secretary of State under section(s) 115 and 94 of the Nationality, Immigration and Asylum Act 2002 - Non-suspensive Appeals (cases that are deemed clearly unfounded).

If you have specifically been authorised by the Commission to exercise **devolved powers** in Judicial Review matters then effective from the 4 July 2005 you are able to self grant an emergency funding certificate in the above matter if you ascertain that the relevant prospects of success test is met and the urgency criterion for self-granting emergency funding is met (criterion 5.5.1 of the Funding Code).

Where you have **not been granted devolved powers** the following applies:

Where you took all reasonable steps to apply to the Regional Director for Emergency Representation but it was necessary for you to carry out urgent work before the application could be determined. In those circumstances the Regional Director may issue a certificate and backdate it to the date the urgent work was undertaken (Rule C21.5 of the Code Procedures) if:

1. The urgent work is undertaken in relation to a client whose removal is not suspended pending an appeal to an Immigration Judge (Non Suspensive Appeal) as specified above; and
2. The urgent work is done between the hours of Friday 5pm and Monday 9am or on a public holiday.
3. Where the presumption of funding in Criterion 7.5 of the Code applies. This is where the Court grants permission and the case has significant wider public interest, is of overwhelming importance to the client, or raises significant human rights issues. Most immigration matters come within the category of overwhelming importance to the client. The power to fund retrospectively will operate in such cases where the Court ultimately grants permission.

In practice you should contact the London Regional Office as soon as it is apparent that Full Representation under a funding certificate may be required. If this situation arises between the hours specified above then you should consider the prospects of success (test) of the

case and apply for an out of hours injunction to stop removal. An application for an emergency funding certificate should be immediately submitted to the Regional Office with full details and a copy of the order obtained from the Administrative Court. This would then enable you to comply with any undertaking given to the Administrative Court to lodge the full Judicial Review application upon the Administrative Court re-opening and to comply with any undertaking given to the IND to provide an 'AO' number. The application for emergency funding will then be issued and backdated if the above criteria are met.

The Funding Review Committee arrangements for these cases for the time being remain unaffected. However, the Commission will consider whether further guidance needs to be issued or arrangements for these cases need to be brought in line with other certificated applications.

**In addition you should consider the general guidance issued to IND caseworkers in the Immigration Directorates Instructions Chapter 27 Section 3. You should inform IND that an application for Judicial Review is likely. IND will require you to lodge your claim for Judicial Review within 3 working days (in detained cases). In the normal course this would therefore not require you undertaking work prior to the grant of an emergency funding certificate by the Commission.**

This guidance is in addition to that contained in paragraph 3C-221 Part C The Funding Code: Guidance and guidance under section 21.4 for retrospective funding. Please also refer to Rule 1.5 of the General Civil Contract.

**All applications to fund Judicial Reviews in Immigration matters should be made to the London Regional Office, NIAT, at 29-37 Red Lion Street, London, WC1R 4PP.**

## 12. Links and resources

**Immigration Services Team:**

<http://www.legalservices.gov.uk/civil/immigration/immigration.asp>

**Contract Specification:**

<http://www.legalservices.gov.uk/civil/immigration/contract.asp>

**Immigration & Asylum Policy:**

<http://www.legalservices.gov.uk/civil/how/asylum.asp>

**Accreditation:**

<http://www.legalservices.gov.uk/civil/immigration/accreditation.asp>

**Gender Guidelines - AIT:**

<http://www.asylumsupport.info/publications/iaa/gender.pdf>

**Gender Guidelines - API:**

[http://www.ind.homeoffice.gov.uk/ind/en/home/laws\\_policy/policy\\_instructions/apis/gender\\_issues\\_in\\_the.html](http://www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/apis/gender_issues_in_the.html)

**Notice of amendments to section 8 General Civil Contract (NfP):**

<http://www.legalservices.gov.uk/seceightnfp.pdf>

**Notice of amendments to section 5 General Civil Contract (Solicitors):**

<http://www.legalservices.gov.uk/secfivesols.pdf>

**Immigration Specification Not for Profit:**

<http://www.legalservices.gov.uk/NfPspec.pdf>

**Immigration Specification Solicitors:**

[http://www.legalservices.gov.uk/docs/civil\\_contracting/SolsImmigrationSpec.pdf](http://www.legalservices.gov.uk/docs/civil_contracting/SolsImmigrationSpec.pdf)

**Current contracting forms (including CW2 (Imm) & CW3 (Imm) forms):**

<http://www.legalservices.gov.uk/civil/forms/contracting.asp>

**Notice of amendments to Annex - A payment rates General Civil Contract (Solicitors):**

<http://www.legalservices.gov.uk/paymentrates.pdf>

**Notice of amendments to the Funding Code from 04 April 2005:**

<http://www.legalservices.gov.uk/Fundingcode.pdf>

**New Immigration Specification – Frequently Asked Questions 4 April 2005:**

[http://www.legalservices.gov.uk/docs/immigration\\_docs/CopyofFAQ.pdf](http://www.legalservices.gov.uk/docs/immigration_docs/CopyofFAQ.pdf)

**Letter from LSC (Paul Newell) re: General Civil Contract (Not for Profit) Notice of Amendments – AIT and other matters (25/02/05):**

[http://www.legalservices.gov.uk/docs/civil\\_consultations/coverlettertosolsfinal.pdf](http://www.legalservices.gov.uk/docs/civil_consultations/coverlettertosolsfinal.pdf)

<http://www.legalservices.gov.uk/CoveringletterNfP.pdf>

**Letter from LSC (Paul Newell) re: implementation of accreditation (09/03/05):**

[http://www.legalservices.gov.uk/docs/immigration\\_docs/managedimplimentationofAccreditation.pdf](http://www.legalservices.gov.uk/docs/immigration_docs/managedimplimentationofAccreditation.pdf)

**Letter from LSC (Paul Newell) re: AIT and other matters (29/03/05):**

<http://www.legalservices.gov.uk/lettertosolsAITfinal1.pdf>

<http://www.legalservices.gov.uk/lettertonfpsAITfinal1.pdf>

**SPAN Guidance (version 7 April 2005):**

[http://www.legalservices.gov.uk/docs/forms/span\\_guidance\\_april\\_2005.pdf](http://www.legalservices.gov.uk/docs/forms/span_guidance_april_2005.pdf)

**CMRF Quick Reference Guide (version 6 April 2005):**

[http://www.legalservices.gov.uk/docs/forms/span\\_quick\\_ref\\_guidance\\_april\\_2005.pdf](http://www.legalservices.gov.uk/docs/forms/span_quick_ref_guidance_april_2005.pdf)

**List of suppliers accredited at level 2:**

[http://www.legalservices.gov.uk/docs/immigration\\_docs/accatleveltwovthree.pdf](http://www.legalservices.gov.uk/docs/immigration_docs/accatleveltwovthree.pdf)

**The Community Legal Service (Asylum and Immigration Appeals) Regulations 2005:**

<http://www.legislation.hmso.gov.uk/si/si2005/20050966.htm>

**Statutory Instrument 2005 No. 565 (C.25) - The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 5 and Transitional Provisions) Order 2005:**

<http://www.legislation.hmso.gov.uk/si/si2005/20050565.htm>

**Statutory Instrument 2005 No. 966 - The Community Legal Service (Asylum and Immigration Appeals) Regulations 2005:**

<http://www.legislation.hmso.gov.uk/si/si2005/20050966.htm>

**Statutory Instrument 2005 No. 230 (L.1) - The Asylum and Immigration Tribunal  
(Procedure) Rules 2005:**

<http://www.legislation.hmso.gov.uk/si/si2005/20050230.htm>

**ACCESS TO JUSTICE ACT 1999 - The Funding Code:**

<http://www.opsi.gov.uk/si/si2000/70248902.htm>

These links are correct as at Tuesday, June 14, 2005