

Civil Contracting Policy Unit

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Dear Colleague

IMMIGRATION AND ASYLUM

I am writing further to the consultation with the profession, on Controlled Legal Representation and Fast Track Processes, to enclose the final documentation for publicly funded immigration and asylum work that will come into effect from 1 April 2004.

We enclose with this letter the following:

1. Immigration Section of the Specification
2. Notice of other consequential changes to the General Civil Contract (Not for Profit)
3. New immigration forms CW2 Imm (Controlled Legal Representation) and CW3 Imm (Application for an extension)
4. New CMRF (Controlled Matter Report Form) and guidance

Immigration Specification - Section 13 of the General Civil Contract (Not for Profit)

This replaces the existing Section 13 of the Contract and will apply to all work carried out in the immigration category from 1 April 2004.

There have been a number of changes to the previous draft Specification arising out of meetings with the profession and responses to consultation.

A summary of the amendments is as follows:

- New provisions allow for urgent work where there is a change of supplier and the new representative has not received the costs information or documents from a previous representative.
- The rules relating to the application form and sponsors have been changed to allow a sponsor or family member to sign both the Legal Help or Controlled Legal Representation form where they have sufficient interest in the matter.
- There is also a new rule to clarify that concurrent applications by the same client will constitute one matter start.
- With regard to cost limits and extensions, a reasonable period (normally up to 30 minutes) may be claimed for completing the application for extension on form CW3 Imm.
- The Legal Help Casework Limit has been varied to allow for higher limits in cases where the client is in detention or a fast track process.
- The CLR Casework Limits have been amended so that they exclude the time taken for the Adjudicator or Tribunal hearing.
- In addition, a reasonable period may also be claimed for completing the application for CLR on form CW2 Imm.
- We have introduced exceptions to the fast track process at Oakington and Harmondsworth whereby representatives without a specific fast track contract may in limited circumstances provide controlled work to clients at those locations (ie where the client is an existing client or close family member of an existing client).
- With regard to the scheme at Harmondsworth, we have decided to delay implementation and we intend to invite tenders from all suppliers so that those wishing to provide controlled work may bid to do so from 1 July 2004.

Notice of consequential changes to the General Civil Contract (Not for Profit)

This notice sets out the other consequential amendments to the General Civil Contract (Not for Profit) following consultation on the new Immigration Specification. In brief, these include removing the devolved power to grant CLR in the immigration category and changes to the general rules on CLR and the right of review. Other changes are dealt with by cross-referencing to the Immigration Specification. This notice follows the previous notice of changes to the contract from 1 March 2004 issued under cover of our letter of 8 December 2003.

New Immigration Forms

Please note the changes to CW2 Imm (Controlled Legal Representation) and the new form CW3 Imm (Application for an extension), to take into account the new provisions for controlled work in the immigration category. The London Regional Office intend to run a seminar in March for suppliers to provide information about how the new forms will be used and how your applications will be processed. Outside London your local Regional Office will contact you separately to confirm arrangements for seminars.

From 1 April 2004 all suppliers should submit applications to the **London Regional Office** using the following forms:

- CW2 Imm to apply to the LSC for a grant of CLR
- CW3 Imm to apply to the LSC for an extension to the Casework Limit under Legal Help
- CW3 Imm to apply to the LSC for an extension to the relevant Upper Casework Limit under CLR
- CW3 Imm to apply to the LSC for increase in the Disbursement Limit.
- CW4 to apply to the LSC for a review of a decision to refuse or withdraw CLR

The details of the London Regional Office are:

**Legal Services Commission
London Regional Office
29/37 Red Lion Street
London WC1R 4PP
DX 170 London/Chancery Lane**

**phone: 020 7759 1591
fax : 020 7759 1592
(urgent applications only)**

Suppliers should continue to send the CMRF forms to their existing processing centre. The revised form enclosed with this letter should be used for April 2004 submissions. **Suppliers should note the introduction of stage claiming from the April 2004 submission.** Software suppliers have already been notified of these changes.

Minor amendments have been made to the CW1 (Legal Help) and CW4 (Application for a review) and these will be included in the Update to the Forms Masterpack, which will be sent to suppliers and available on the LSC website in March. The CW2 Imm, CW3 Imm and new CMRF will also be available in pdf format on the LSC website from early March.

Devolved Powers and further consultation

There is no longer any devolved power to grant Controlled Legal Representation from 1 April 2004 except where we notify individual suppliers otherwise in writing.

At present, we can confirm that all suppliers with the existing devolved power to grant emergency certificates in the immigration category will retain the devolved power to grant CLR. There will be no need for these suppliers to complete the entire CW2 Imm form or to submit an application to the LSC. These suppliers will also retain higher casework limits for work under Legal Help. The London Regional Office will contact suppliers separately to confirm the devolved power and/or higher casework limits.

We intend to consult with representative bodies on the criteria to extend the devolved power to grant CLR and/or to grant higher casework limits to other suppliers. We will aim to conduct a review of our data in May 2004 after which suppliers should have the opportunity to apply for devolved powers with reference to the agreed criteria.

Timetable for changes

These limits will apply unless otherwise notified by the London Regional Office.

Legal Help - Casework Limit

For new cases started from 1 to 30 April 2004

- 7 hours of Direct Casework Time in asylum matters.
- 5 hours of Direct Casework Time in non-asylum matters.

For new cases started from 1 May 2004

- 5 hours of Direct Casework Time in asylum matters.
- 3 hours of Direct Casework Time in non-asylum matters.

Legal Help – Casework Limit for detained clients and fast track processes

For new cases started from 1 April 2004

- 14 hours of Direct Casework Time in asylum matters where the client is detained or subject to fast track processes.
- 10 hours of Direct Casework Time in non-asylum matters where the client is detained.

Controlled Legal Representation - Casework Limit

For cases where CLR is granted on or after 1 April 2004

- 10 hours of Direct Casework Time for the Adjudicator stage (excluding the time for the hearing).
- 7 hours of Direct Casework Time for the Tribunal stage (excluding the time for the hearing).
- An additional 3 hours Direct Casework Time can be claimed to prepare grounds for permission to appeal to the Tribunal.

Disbursements

- No change to existing arrangements

Transitional arrangements

The transitional arrangements are set out in paragraph 13.7 of the Immigration Specification. These limits will apply unless otherwise notified by the London Regional Office.

Legal Help – Casework Limit

For cases opened prior to 1 April 2004 you will be allowed to carry out a further 7 hours of Direct Casework Time after 1 April before applying for an extension.

Controlled Legal Representation – Casework Limit

For cases when CLR was granted prior to 1 April 2004 you will be allowed to complete the case in accordance with the existing arrangements you have under paragraph 5.8 of the Specification.

We will be issuing further guidance relating to the new provisions and a list of frequently asked questions will be posted on the LSC website shortly.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Reeve', written in a cursive style.

Patrick Reeve
Head of Civil Contracting Policy