

NEW IMMIGRATION SPECIFICATION – FREQUENTLY ASKED QUESTIONS

Update: 1 October 2004

At the request of immigration suppliers, updates to FAQs will be issued separately. All previous FAQs can be found on the LSC website.

PREVIOUS LEGAL ADVICE

Transfers from NfPs

- Rule 12.2.2

Where you are requesting costs information from a Not for Profit supplier, you should ask them for the costs they have incurred. If the information they subsequently provide is in hours only, you should calculate the approximate costs by multiplying the hours by £50. This will be sufficient information for the purposes of Rule 12.2.2.

SEPARATE MATTERS

What constitutes a new asylum matter start?

- Rule 12.2.6

An asylum application and consequent appeal will constitute one asylum matter. This includes any associated application on human rights grounds or a stand-alone application on the basis of Article 3. A fresh asylum application or a fresh application on the basis of Article 3 will constitute a new asylum matter start and therefore a new cost limit. All other applications will be considered non-asylum. If it appears suppliers are incorrectly using fresh asylum applications merely as a way to increase a claim for costs then the LSC may disallow those costs.

LEGAL HELP

Do all suppliers need to apply to the LSC for authority to attend a screening or substantive interview with a minor or a client with mental incapacity?

- Rule 12.3.2

Yes. The LSC is required to monitor and obtain accurate data on the number of interviews and the costs involved. Suppliers do not need to obtain medical evidence to obtain funding for the interview. This was confirmed in the LSC Guidance issued in February 2004:

Medical evidence will not be required with an application to the LSC for this purpose but the supplier should set out the circumstances of how the case meets the relevant criteria. The supplier should also be aware of Home Office policy on substantive interviews and make appropriate representations on the

client's behalf (this may include requesting the Home Office to proceed on written representations only or obtaining medical evidence if the age or incapacity is in dispute).

CLR

If CLR has already been granted by the LSC or by a supplier with devolved powers and the client transfers to a different supplier, does the new supplier need to re-apply for CLR?

Yes. The LSC is required to monitor transfers and the reasons why clients change suppliers. It may not be clear to a new supplier if CLR was in fact granted or withdrawn, and there may be a change in circumstances that materially affect the merits of the case. If CLR has already been granted, the new supplier should attach evidence of this with the application to the LSC.

The exception will be for cases at Oakington where IAS or RLC grant CLR and then refer the case to a new supplier. In these circumstances, the new supplier does not need to re-apply to the LSC but must retain a copy of the completed CW2 form on file.