



Legal aid and access to justice for victims of modern slavery in immigration cases

Carita Thomas, ATLEU

ATLEU

Anti Trafficking and Labour Exploitation Unit



Case of The Queen (on the application of LL) v Lord Chancellor CO/3581/2017

- About the interpretation of s.32 of Part 1 of Schedule 1 of LASPO
- What does legal aid cover for victims of trafficking who need immigration advice?

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)

Victims of trafficking in human beings

- 32(1) Civil legal services provided to an individual in relation to an application by the individual for leave to enter, or to remain in, the United Kingdom where—
 - (a) there has been a conclusive determination that the individual is a victim of trafficking in human beings, or
 - (b) there are reasonable grounds to believe that the individual is such a victim and there has not been a conclusive determination that the individual is not such a victim.

LASPO continued

- 32A(1) Civil legal services provided to an individual in relation to an application by the individual for leave to enter, or to remain in, the United Kingdom where—
 - (a) there has been a conclusive determination that the individual is a victim of slavery, servitude or forced or compulsory labour, or
 - (b) there are reasonable grounds to believe that the individual is such a victim and there has not been a conclusive determination that the individual is not such a victim.

Legal Aid Agency clarification after the case

Find it here:

www.gov.uk/guidance/work-out-who-qualifies-for-civil-legal-aid

“Clarification on immigration funding in trafficking cases”

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716499/Clarification_of_immigration_funding_in_trafficking_cases.pdf

Not sure? Contact the Legal Aid Agency

- Civil Legal Help query line

PA-CivilLegalHelpQueries@legalaid.gsi.gov.uk

Give your provider reference in the email with your query

Challenge the Legal Aid Agency

- Letter before claim goes to Central Legal Team :
Jonathan.Flewers@justice.gov.uk
Michael.Rimer@legalaid.gsi.gov.uk
- Apply for funding in normal way on CCMS – choose immigration category (if about an immigration case). But should not be dealt with by category specific team. Remind CCMS caseworkers that this should be allocated to someone dealing with JRs v LAA. Peter Reed at LAA has dealt with our applications.

ATHUB

Check out our information hub:

<http://athub.org.uk/>

Please share information with us via

atleuteam@atleu.org.uk





ATLEU

atleu.org.uk

