

# Controlled Legal Representation (Imm)

	Yes No	
Is this an application for Exc	eptional Case Funding?	If yes, you must supply an ECF1.
and may not be funded should		Funding Certificate is done so at risk a false declaration is an offence. If y your costs in full.
Equal Opportunitie	<u> </u>	, you. cooleu
• •	r client would describe themselves as	being:
Ethnicity		20g.
White	Mixed	Asian or Asian British
☐ (a) British	(a) White and Black Caribbear	
☐ (b) Irish	☐ (b) White and Black African	☐ (b) Pakistani
☐ (c) White Other	☐ (c) White and Asian	☐ (c) Bangladeshi
Black or Black British	☐ (d) Mixed Other	☐ (d) Asian Other
(a) Black Caribbean	☐ Chinese	Other
(b) Black African	☐ Gypsy/Traveller	☐ Prefer not to say
(c) Black Other		
Disability		
. ,	sability as: a physical or mental impai ersons ability to carry out normal day-t	
Not Considered Disabled		
If a client considers himself or he Definitions:	erself to have a disability please selec	t the most appropriate definition.
Mental health condition	Blind	
Learning disability/difficulty	☐ Long-standing phys	sical illness or health $\Box$
Mobility impairment	condition	
Deaf	Other	
Hearing impaired	Unknown	
Visually impaired	☐ Prefer not to say	
4 Completion of this section is vo	oluntary. This will be treated in the strand research.	ictest confidence and will be used
Your client's detail	S UCN:	
Title: Initials: Surna	me:	
	Surname at birt	h:
Date of birth: / /	(if different) National Insurance no:	,
Sex: Male	Female	Prefer not to say
Marital status: Single	Married/Civil Partner	Cohabiting
Separate	d Divorced/dissolved CP	☐ Widowed
Dia a a la Callada		
Cumant adama a'a		
	Postcoo	le:

Means assessment completed using the Check if your client qualifies for legal aid (CCQ) service. **Provider Details** 4 Only complete when submitting a copy of this page with an application to the Legal Aid Agency. Please complete in Block Capitals Name of provider: Address of provider: \_\_\_\_\_ Postcode: \_\_\_\_\_ DX (with exchange): \_\_\_\_\_\_Contract number: \_\_\_\_\_ **Financial Eligibility** 1. The client is a child under the age of 18: ☐ Yes Go to note 1 below ☐ No Go directly to question 2 to continue assessment. Note 1 As you have answered YES to question 1 confirming that the client is a child who is applying for Controlled Legal Representation, no further assessment is required. Please complete the Case Details and Merits Criteria on page 6 and the client declaration on page 13.

Means assessment completed using the Check if your client qualifies for legal aid (CCQ) service. Financial Eligibility continued 2. The client is directly or indirectly in receipt of NASS payment (Immigration and Asylum category work only) Yes Go directly to the Evidence section on page 5 □ No Go to guestion 3. 3. Does the client have a partner whose means are to be aggregated? ∐Yes Please provide details of both client's and partner's means. □No Please provide details of client's means only. Part A: Capital 4 Capital excludes household furniture and effects (unless exceptional value), clothes and tools of trade. Main home Other property 1. Property: Current market value: Outstanding Mortgage/secured loan: % \_\_\_\_\_ 2. Client's share of property for assessment: 4 Select 100% when property is solely owned by client or jointly with partner. Enter an appropriate % if another party has an interest. 3. Total Net Equity (i.e. current market value minus mortgage disregard): 4 Deduct the full amount of any debt secured by a mortgage or charge on the property. 4. Client's share of Total Net Equity: 4 Multiply answer to question 3 by answer to question 2. 5. Final assessed amount of Client's equity: 4 After applying equity disregard of £100,000 to client's share of total net equity in main home (shown as answer to question 4).

Means assessment completed using the Check if your client qualifies for legal aid (CCQ) service. Part A: Capital continued Client **Partner** 6. Other assets and possessions: £\_\_\_\_\_ £\_\_\_\_ Savings (bank, building society, etc) £\_\_\_\_\_ £\_\_\_ Investments (shares, insurance policies etc) £\_\_\_\_\_ £\_\_\_\_ Valuable items (boat, caravan, jewellery, etc) £\_\_\_\_\_ £\_\_\_ Other capital (including money due to the client) Total capital Part B: Income The client is directly or indirectly in receipt of Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Guarantee Credit or Universal Credit. Yes Go directly to the Evidence section on page 5. ☐ No Continue with income details. 4 Use monthly figures (if paid weekly, multiply by 52 & divide by 12) (if paid four weekly, multiply by 13 & divide by 12) Income includes: Client **Partner** £ \_\_\_\_\_ £ \_\_\_\_ 4 Gross monthly earnings 4 Other income £ \_\_\_\_\_\_ £ \_\_\_\_\_ (including child benefit, pensions, maintenance, dividends, tax credits, benefits in kind, etc) £ \_\_\_\_\_£ \_\_\_\_ Total gross income £ Total gross income (Client and Partner) Less monthly allowances: 4 Housing costs, including: £\_\_\_\_\_\_£\_\_\_\_ Mortgage instalment\* (capped if client has no dependents) £\_\_\_\_\_\_£\_\_\_\_ Rent\* (capped if client has no dependents) \* amounts should be net of housing benefit 4 Dependents' allowances: Partner £\_\_\_\_\_ Dependents Aged 15 and under Aged 16 or over £\_\_\_\_\_ £\_\_\_ 4 Tax and National Insurance £\_\_\_\_\_£\_\_\_ 4 Standard allowance for employment expenses £\_\_\_\_\_ £\_\_\_\_ 4 Maintenance payments actually being made (eg for children and/or a former/separated spouse) £\_\_\_\_\_ 4 Childcare costs because of work/self employment £\_\_\_\_\_\_£\_\_\_\_ 4 Payment of income contribution order (criminal legal aid). £\_\_\_\_\_ **Total allowances** £\_\_\_\_\_£\_\_\_ Total monthly disposable income £\_\_\_\_\_ Total monthly disposable income (Client and Partner)

<b>Evidence</b> Evidence given in support of means	Yes	you will need to complete the	No [
Evidence given in support of means	165	evidence checklist on page 16.	INO _
If no, please record justification or exce	ptional	circumstance.	

## Means assessment completed using the Check if your client qualifies for legal aid (CCQ) service. Case details and merits criteria For all providers to complete There should be only one grant of CLR per matter. The merits test (but not the means test) should be reviewed at each stage of the appeal. You should use photocopies of this page as necessary and attach them to the form. 1. Has your client received controlled legal representation from another contracted provider? 2. Give a brief description of the case and the issues involved.

3. What are the prospects of this appeal being successful? Give brief reasons with reference to your client's case.

4. Do the likely benefits to be gained from the proceedings justify the likely costs?

Means assessment completed using the Check if your client qualifies for legal aid (CCQ) service.

Case details and merits criteria For applications to the LAA only		
Section A Please answer the following in all cases:		
1. What is your client's nationality?		
2. Please confirm the date of the asylum claim or immigration application	//_	
3. Please confirm the date of the Human Rights claim (if different)	//_	
4. Has this case been certified as clearly unfounded at any time?	Yes 🗌	No 🗌
5. Has your client previously been refused CLR by another provider? If so, please provide a copy of the CW4 they issued, along with your reasons for believing that decision was incorrect.	Yes 🗌	No 🗌
6. Has your client previously been refused CLR by the LAA? If so, please provide a copy of the letter from the LAA detailing the reasons for refusal, along with your reasons for believing that decision was incorrect and why the client has not applied for a review of that decision to the Independent Funding Adjudicator.	Yes 🗌	No 🗌
<ul> <li>7. Does this application for CLR relate to a second or subsequent asylum claim or immigration application?</li> <li>If so, please fully explain how this application differs:</li> </ul>	Yes 🗌	No 🗌
Section B Please answer the question(s) relevant to the type of application your client has 8. For claims under the Refugee Convention, please confirm the following: a) 1951 Convention Ground(s)	made:	

Means assessment completed using the Check if your client qualifies for legal aid (CCQ) service.
Section B (cont)
8. For claims under the Refugee Convention, please confirm the following: b) Why IFA is not available in the country of origin
c) Why protection is not available in the country of origin
d) Why the claim is well-founded with reference to objective evidence
9. For Article 3 Human Right claims:  a) Why the decision is in breach of the Convention with reference to current case law?  Output  Description:
10. For bail applications, please confirm the following:  a) Date of detention  b) Reasons for detention
<ul> <li>11. Has your client received confirmation from a competent authority that Yes No they are believed to have been a victim of trafficking? If so, please retain a copy of that letter with this application.</li> <li>Where your client has received such confirmation from the Competent Authority, but their appeal does not relate to asylum or Article 3 Human Rights claim please set out below the nature of the claim with reference to any other 1950 convention ground and/or Immigration Rule.</li> </ul>
12. Please explain any other circumstances for the grant of CLR and why you believe this case satisfies the CLR merits test.

### LEGAL AID AGENCY PRIVACY NOTICE

#### **Purpose**

This privacy notice sets out the standards that you can expect from the Legal Aid Agency when we request or hold personal information ('personal data') about you; how you can get access to a copy of your personal data; and what you can do if you think the standards are not being met.

The Legal Aid Agency is an Executive Agency of the Ministry of Justice (MoJ). The MoJ is the data controller for the personal information we hold. The Legal Aid Agency collects and processes personal data for the exercise of its own and associated public functions. Our public function is to provide legal aid.

#### **About personal information**

Personal data is information about you as an individual. It can be your name, address or telephone number. It can also include the information that you have provided in a legal aid application such as your financial circumstances and information relating to any current or previous legal proceedings concerning you.

We know how important it is to protect customers' privacy and to comply with data protection laws. We will safeguard your personal data and will only disclose it where it is lawful to do so, or with your consent.

#### Types of personal data we process

We only process personal data that is relevant for the services we are providing to you. The personal data which you have provided in your legal aid application will only be used for the purposes set out below.

#### Purpose of processing and the lawful basis for the process

The purpose of the Legal Aid Agency collecting and processing the personal data which you have provided in a legal aid application is for the purposes of providing legal aid. Our lawful basis is 'the performance of a task carried out in the public interest or in the exercise of official authority' as set out in Article 6(1)(e) of UK GDPR. The tasks are those set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Specifically, we will use this personal data in the following ways:

- In deciding whether you are eligible for legal aid, whether you are required to make a
  contribution towards the costs of this legal aid and to assist the Legal Aid Agency in
  collecting those contributions, if appropriate.
- In assessing claims from your legal aid Provider(s) for payment from the legal aid fund for the work that they have conducted on your behalf.
- In conducting periodic assurance audits on legal aid files to ensure that decisions have been made correctly and accurately.
- In producing statistics and information on our processes to enable us to improve our processes and to assist us in carrying out our functions.

Were the Legal Aid Agency unable to collect this personal information, we would not be able to conduct the activities above, which would prevent us from providing legal aid.

We collect 'special categories of personal data'. This data is collected where necessary for the purposes set out above. The condition under which we process this data is Article 9(g) of UK GDPR – Reasons of substantial public interest. Our associated Schedule 1 condition is Statutory and Government purposes. We also collect this data for the purposes of monitoring equality, this is a legal requirement for public authorities under the Equality Act 2010. Special categories of personal data will be treated with the strictest confidence and any information published under the Equality Act will not identify you or anyone else associated with your legal aid application.

We collect 'personal data relating to criminal convictions and offences or related security measures'. This data is collected where relevant for the purposes set out above. The Legal Aid Agency is an Executive Agency of the MoJ, an Official Authority for the purposes of Article 10 of UK GDPR.

#### Who the information may be shared with

We sometimes need to share the personal information we process with other organisations. When this is necessary, we will comply with all aspects of the relevant data protection laws. The organisations we may share your personal information include:

- Your instructed legal aid Provider(s), including any advocate instructed by a legal aid solicitor;
- Public authorities such as: HM Courts and Tribunals Service (HMCTS), HM Revenue and Customs (HMRC), Department of Work and Pensions (DWP), Home Office and HM Land Registry;
- Non-public authorities such as: Credit reference agencies Equifax and TransUnion and our debt collection partners Marston Holdings
- If false or inaccurate information is provided or fraud identified, the Legal Aid Agency can lawfully share your personal information with fraud prevention agencies to detect and to prevent fraud and money laundering. We may specifically share data with HMRC and DWP for fraud prevention, investigation and prosecution purposes; and
- Where a debt is owed to the Legal Aid Agency, we may share your data with public authorities such as HMRC and DWP and with debt collection partners such as Marston Holdings for the purposes of tracing, debt collection and enforcement.

You can contact our Data Protection Officer for further information on the organisations we may share your personal information with.

#### **Data Processors**

We may contract with third party data processors to provide email, system administration, document management and IT storage services. Any personal data shared with a data processor for this purpose will be governed by model contract clauses under data protection law.

We contract with Marston Holdings as a data processor for the collection and enforcement of criminal legal aid contributions. Any personal data shared with the data processor for this purpose is governed by model contract clauses under data protection law.

#### **Automated decision making**

We do not use solely automated decision making within the definition of Article 22(1) of UK GDPR. The overall decision on an application for legal aid or a claim for costs in a legal aid case will always be made by a human decision maker. This could be a member of our staff, or a staff member of a legal aid Provider acting under delegated authority from the Legal Aid Agency.

#### Details of transfers to third country and safeguards

Personal data may be transferred to locations in the European Economic Area (EEA) where required by our data processors for hosting, storage and secure backup of our IT services. Such transfers are made on the basis of Adequacy decisions between the UK and EEA in accordance with Article 45 of UK GDPR.

In limited and exceptional circumstances, where required for the provision of technical support, personal data stored in our call centre software may be accessed by support staff located in USA, Romania, Philippines, Singapore or Australia. Where transfers for this purpose are made to locations without Adequacy decisions the transfer is made on the basis of exceptions under Article 49 of UK GDPR and is required for the legitimate interests of the Ministry of Justice. The software provider maintains the same standards of IT and personnel security for its services overseas as it does for services in the UK.

#### Retention period for information collected

Your personal information will not be retained for any longer than is necessary for the lawful purposes for which it has been collected and processed. This is to ensure that your personal information does not become inaccurate, out of date or irrelevant. The Legal Aid Agency have set retention periods for the personal information that we collect, this can be accessed via our website:

https://www.gov.uk/government/publications/record-retention-and-disposition-schedules

You can also contact our Data Protection Officer for a copy of our retention policies.

While we retain your personal data, we will ensure that it is kept securely and protected from loss, misuse or unauthorised access and disclosure. Once the retention period has been reached, your personal data will be permanently and securely deleted and destroyed.

#### Access to personal information

You can find out if we hold any personal data about you by making a 'subject access request'. If you wish to make a subject access request please contact:

Disclosure Team - Post point 10.25 Ministry of Justice 102 Petty France London SW1H 9AJ

Data.access@justice.gov.uk

#### When we ask you for personal data

We promise to inform you why we need your personal data and ask only for the personal data we need and not collect information that is irrelevant or excessive.

When we collect your personal data, we have responsibilities, and you have rights, these include:

- That you can withdraw consent at any time, where relevant;
- That you can lodge a complaint with the supervisory authority;
- That we will protect and ensure that no unauthorised person has access to it;
- That your personal data is shared with other organisations only for legitimate purposes;
- That we don't keep it longer than is necessary;
- That we will not make your personal data available for commercial use without your consent; and
- That we will consider your request to correct, stop processing or erase your personal data.

#### You can get more details on:

- Agreements we have with other organisations for sharing information;
- Circumstances where we can pass on personal information without telling you, for example, to help with the prevention or detection of crime or to produce anonymised statistics;
- Our instructions to staff on how to collect, use or delete your personal information;
- How we check that the information we hold is accurate and up-to-date; and
- How to make a complaint.

For more information about the above issues, please contact the;

The Data Protection Officer Ministry of Justice 102 Petty France London SW1H 9AJ

dataprotection@justice.gov.uk

#### **Complaints**

When we ask you for information, we will comply with the law. If you consider that your information has been handled incorrectly, you can contact the Information Commissioner for independent advice about data protection. You can contact the Information Commissioner at:

Information Commissioner's Office Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Tel: 0303 123 1113 www.ico.org.uk

Means assessment completed using the Check if your client qualifies for legal aid (CCQ) service.

#### Client's declaration

As far as I know all the information I have given, including information as to my means is true and I have not withheld any relevant information.

I understand that I must tell you immediately if there are any changes in my or my partner's financial circumstances.

I agree that the Legal Aid Agency (LAA) can contact other parties to obtain information about my or my partner's financial circumstances and I authorise those parties to provide the information they are asked for.

I understand that the LAA may check my income and capital status with His Majesty's Revenue and Customs (HMRC) and authorise HMRC to carry out such checks as are necessary to verify my financial status and give that information to LAA.

Department of Work and Pensions (DWP). The DWP may carry out such processing as is necessary to check this information remains correct and may inform the LAA of any relevant changes.	
I understand that if I give false information or withhold any relevant information, the services provided to me may be cancelled at which point I will become liable to pay all the costs that have been incurred and I may be prosecuted.	
nave been incurred and i may be prosecuted.	
Signed:	Dated:

Time spent an	d costs	
Item 1. Attendance 2. Preparation 3. Help at Court 4. Travel and Waiting Total:		e Spent
Item	Numb	ber
<ol> <li>Letters written</li> <li>Phone calls</li> </ol>		
Total Profit Costs £		Vat £
Value or amount of co	entractual or statu	utory charge £
Disbursements	Amount	Vat
Mileage	£	£
Other disbursements		£
Total	£	£
Counsel's fees  Dated	£	£
calls must be separated was carried out. Please Remember that you may The totals for profit costs Help at Court Form in columnia.	out according to to to the see the Remuner not charge separed, disbursements annection with this	ime spent on each activity and the letters and telephone the remuneration rate which applied at the time the work ration Regulations for the appropriate rates.  rately for letters in.  and counsel's fees from this form and the Legal Help and a matter should be the same (after adding VAT and after those reported by you on the Consolidated Matter Report
	ill has been subn	nitted in an Immigration matter a separate copy of this
Certification (to	be completed	for Exceptional Funding cases only)
I certify that:		
questions on the accon Legal Aid (Financial Re	npanying Controllesources and Pay	ure my client has completed the Financial eligibility led Work Form fully and accurately. I have applied the Civil ment for Services) Regulations 2013 to the information client as being eligible for legal aid in this matter.
contract; and my organi	ization is currently	competence standards set out in my firms legal aid y trading and no Law Society intervention or other matter (controlled work only).
4 Proof of means has bee	en obtained.	
Signed: (Authoris	sed litigator)	Date:/
Name:		

Declaration and	d Determination	
I confirm that the circu	ined on this form is true to the best of the best of this case justify the grade contract Specification.	of my information and belief. ant of Controlled Legal Representation in
Signed:	Advisor	Dated:
	For office use only	
Decision:	Granted/Refused	
Controlled Legal Rep	resentation is granted (tick as app	propriate)
☐ To be repr	esented before the Immigration Judg	ge before the First Tier Tribunal.
To be repr	esented before the First Tier Tribuna	al on a bail application only
To be repr Tribunal.	esented for a permission application	and representation at the Upper
Reasons for refusal:		
Decision made by:		
Date:		

#### **Evidence Checklist**

- 4 Please tick the relevant box(es) to indicate evidence collected.
- 4 Please refer to the detailed financial eligibility guidance for controlled work.

Income		
Employed (P.A.Y.E.) Income:	State benefits (including passporting benefits):	
☐ Wage slips	☐ Bank statements	
Self Employed Income:  Recent bank statements Complete financial accounts Self Assessment Tax Return	4 Name and type of benefit e.g.  Income-based Jobseekers Allowance must be specified on the statement or additional evidence will be required e.g. notification letter.	
☐ Cash book  Benefits in Kind ☐ P11D tax form (benefits in kind)	Original notification letter (for passporting benefit, please refer to the table providing examples of acceptable and unacceptable evidence in volume 2 part E).	
Other Income:  Private /Occupational Pension documents  Evidence of rental income (bank statement or tenancy agreement)  Trust income (bank statement or letter from trustees)  Letter from friend/family providing support  student grant/loan letter  Other:  (e.g. bank statements)  4 For pensions and any other income that is subject to income tax, evidence must show the gross amount before tax is deducted.	<ul> <li>□ Latest letter advising change in benefit amount</li> <li>□ Letter from paying agency i.e. Department for Work and Pensions, Jobcentre Plus, Pension Service confirming receipt of the passporting benefit at the date of application.</li> <li>4 Letters must specify name and type of benefit. Letters over 6 months old must be supported by a recent bank statement.</li> <li>NASS Support:</li> <li>□ Letter from NASS or Local Authority that the individual is in receipt of support.</li> <li>4 Letter must be less than 6 months old.</li> <li>Tax Credits:</li> <li>□ Tax Credit Award Notice (most recent).</li> <li>□ Other recent HMRC letter confirming amount received.</li> <li>4 Letter must be less than 6 months old.</li> </ul>	
Expenditure (refer to guidance on risk-based	4 Letter must be less than 6 months old.	
Income Tax and National Insurance:  Wage slips (employees P.A.Y.E.)  Tax calculation sheet form SA302 (self employed)	Child Care costs in excess of £600 per month  Copy of agreement/contract  Bank statement	
Housing costs (where amount exceeds one-third of client's gross income):  Rent book/tenancy agreement  Mortgage statement  Bank statement	Maintenance (see guidance)  Receipts Bank statement Copy of Maintenance Order	
Capital (refer to guidance on risk-based evidence):		
□ Bank statement □ Share certificate □ National savings certificate/passbook □ Premium Savings Bonds or Bond Record (sum	Other:	

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