

Civil news: eligibility changes for separated migrant children

Separated migrant children will be eligible for legal aid to help with citizenship and non-asylum immigration applications and appeals from 25 October 2019.

The changes are being made through an amendment to Parliament Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012.

What does this change mean?

This amendment means that separated children seeking to regularise their non-asylum immigration status in the UK will be within the scope of legal aid.

In the past, separated children in this position would have had to apply for exceptional case funding.

How to make applications

We are introducing transitional arrangements to enable separated migrant children to apply for legal aid in line with the new rules as quickly as possible.

These transitional arrangements are explained on GOV.UK so you can see how to make applications and claims.

Existing guidance relating to the 2018 Standard Civil Contract and working with the LAA will be updated and published shortly.

Need for transitional arrangements

Transitional arrangements are being put in place because we have not had time to make the necessary changes to our case management systems. Once long-term system changes have been completed we will publish the permanent arrangements.

We have had to take this approach because of the uncertainty around the Parliamentary timetable. As a result, the amendment has been made in a shorter time-frame than expected.

Why is this happening now?

The government decided to bring these cases into the scope of legal aid following a judicial review brought by the Children's Society.

It made this decision after examining both the evidence presented as part of the case and data on applications for funding. This included the distinct nature of the cohort in question, and of the data regarding them.

Further information

[Separated migrant children transitional guidance](#)