

Separated migrant children to access legal aid more easily

Draft legislation will bring immigration and citizenship matters into the scope of legal aid for separated migrant children.

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- Immigration matters for separated migrant children to be brought into scope of legal aid
- Support will be quicker and easier to access
- Access to justice will be improved for these vulnerable children

Draft legislation laid in parliament today will make it easier for separated migrant children to apply for legal aid.

Once approved by both houses, the change will ensure some of society's most vulnerable children can more quickly secure legal advice and representation by bringing immigration and citizenship matters into the scope of legal aid for under 18s who are not in the care of a parent or guardian, or who are looked after by a local authority.

Previously, separated migrant children making non-asylum immigration applications to remain in the UK would have been required to apply for legal aid through the Exceptional Case Funding (ECF) scheme. This is intended to ensure legal aid is accessible in all cases where there is a breach or risk of a breach of the European Convention on Human Rights or enforceable EU law.

Justice Minister Paul Maynard said:

It is absolutely right that legal aid should be available to

separated migrant children to resolve their immigration status, which is why this has always been available through the Exceptional Case Funding Scheme.

The changes we are bringing in will mean they can access the support they need quicker and more easily.

The Ministry of Justice has worked with The Children's Society and other children's charities on the amendment and will continue to do so as it comes into force.

Dr. Sam Royston, Policy and Research Director at The Children's Society said:

The Children's Society is pleased the government is moving forward in their promise to reinstate legal aid for thousands of separated and unaccompanied children for all of their immigration and citizenship cases.

Once approved, the changes will make sure this vulnerable group are able to access free advice and representation to resolve immigration issues and secure their citizenship.

It will ensure this can be done without the stress of applying for exceptional case funding, or trying to navigate complex immigration rules and human rights law all alone.

The amendment is in addition to publication of the department's Legal Support Action Plan earlier this year. This committed to improving the Exceptional Case Funding scheme, expanding the scope of legal aid in all Special Guardianship Orders in private family law cases, and will remove the means test for parents or those with parental responsibility who wish to oppose applications for placements or adoption orders.

Reviews have also begun into the legal aid means test to ensure accessibility into the future, along with the entire criminal legal aid system through the Criminal Legal Aid Review.