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STATUTORY INSTRUMENTS

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**2013 No. 104**

**The Civil Legal Aid (Merits Criteria) Regulations 2013**

**PART 6**

**SPECIFIC MERITS CRITERIA**

**CHAPTER 4**

**Immigration**

**Criteria for determinations for full representation in relation to immigration**

**60.**—(1) For the purposes of a determination for full representation in relation to any matter described in paragraphs 25 to 30 (immigration) or 32(1) (victims of trafficking in human beings) of Part 1 of Schedule 1 to the Act, to the extent that it relates to proceedings before the First-tier Tribunal or Upper Tribunal, the criteria in—

- (a) regulation 39(a) to (e) (standard criteria for determinations for legal representation) apply;
- (b) regulations 39(f) and 41 to 44 (criteria for determinations for full representation) do not apply; and
- (c) paragraphs (2) and (3) apply.

(2) An individual may qualify for full representation in relation to any matter described in paragraphs 25 to 30 (immigration) or 32(1) (victims of trafficking in human beings) of Part 1 of Schedule 1 to the Act only if the Director is satisfied that—

- (a) if the case is not of significant wider public interest, the reasonable private paying individual test is met;
- (b) if the case is of significant wider public interest, the proportionality test is met; and
- (c) the criterion in paragraph (3) applies.

(3) The Director must be satisfied the prospects of success are—

- (a) very good, good or moderate; or
- (b) borderline or unclear, and—
  - (i) the case is of significant wider public interest;
  - (ii) the case is one with overwhelming importance to the individual; or
  - (iii) the substance of the case relates to a breach of Convention rights.