



Sir Bob Neill MP
Chair, Justice Committee
House of Commons
London
SW1A 0AA

18 May 2020

Dear Bob,

LEGAL AID FEES FOR ASYLUM AND IMMIGRATION APPEALS

I am writing to inform the Justice Committee that today, the Ministry of Justice laid a negative statutory instrument as part of our response to the coronavirus pandemic. The SI will come into force on 8 June 2020 and will expire on 8 June 2021. The Ministry of Justice is committed to implementing a permanent and sustainable fee scheme for legal aid practitioners before the expiry of this SI, and will bring further secondary legislation forward next year.

The statutory instrument introduces two new fixed fees for legally-aided asylum and immigration appeals which are using the new online procedure created by HMCTS to submit an appeal to the First-tier Tribunal (Immigration and Asylum Chamber). The digitisation of the Tribunal has been brought forward due to the pandemic to ensure the tribunal can continue to function, and the tribunal judiciary have directed that all appeals must be submitted online where possible.

Prior to the coronavirus pandemic, my officials in the legal aid policy team were aware of concerns from legal aid practitioners that the existing fixed fees did not properly remunerate them for the work that they were undertaking by using the online procedure and were seeking to address this issue.

The new fees will apply to all new appeals using the online procedure. Additionally, the new fee will apply to existing appeals lodged prior to the pandemic, which are being directed to follow the online procedure by the tribunal judiciary. The fees will be payable when the appeal is concluded from 8 June 2020 onwards, so long as the case has not already been claimed and paid under the existing fee scheme by that date.

I am pleased that we have been able to lay this important statutory instrument to ensure we are paying legal aid practitioners fairly for their work and are continuing to support legal aid practitioners during this difficult time.

I am placing a copy of this letter in the libraries of both Houses.

Yours sincerely,

ALEX CHALK MP