

Help Sheet: Immigration - Legal Aid and Eligibility

1. What can you get legal aid for?

- **Protection claims**, including asylum claims, refugee settlement [SET(P)] applications and Article 3 medical cases
- **Trafficking** cases, but only where a positive 'reasonable grounds' or 'conclusive grounds' decision has been made by the Home Office
- Applications for indefinite leave to remain as a **Victim of Domestic Abuse**
- **Immigration Detention** cases (e.g. bail applications)
- All immigration and nationality applications for **Separated Children**
- **Judicial Review**, subject to restrictions

Only firms with a legal aid contract can help people under legal aid. Search for a legal aid firm on <https://find-legal-advice.justice.gov.uk/>.

2. What is Exceptional Case Funding?

This is a type of legal aid for things you can't normally get legal aid for. For example:

- Refugee family reunion
- Private or family life matters
- Difficult EUSS Applications

You can get ECF if your human rights or your 'enforceable EU rights' might be breached without publicly funded legal representation.

You do not need to be regulated or have a legal aid contract to apply for ECF or to help someone else to apply.

Type "Exceptional Case Funding" into Google to find:

- [The application form on GOV.UK](#)
- [Information on ECF from the Public Law Project](#) to help you with your application

3. What is the means test?

To qualify for legal aid, you must have:

- A gross monthly income of £2,657* or less
- A disposable income of £733 or less, and
- Disposable capital of £8,000 or less (or £3,000 or less for an appeal)

All figures accurate as at 10 September 2024.

**this figure increases if you have more than 4 children.*

4. What is evidence of means?

It is not enough to say you have little money. You must prove it by giving evidence of your income and capital.

If you receive certain benefits (e.g. Asylum Support) then evidence of this is enough.

If you are destitute you will need:

- Bank statements for all your accounts
- Evidence of any income entering your bank account(s) in the last month
- Letters from anyone providing you with support or accommodation*

**[You can find a pro-forma for this on GOV.UK](#)*

5. What is the merits test?

If you need to go to court, then there is a merits test. It asks: "What are the chances of your case succeeding?"

If the chances of succeeding are not good enough, you will not qualify for legal aid.

Your legal rep decides. If your legal rep decides against you, you can appeal and/or approach a different legal rep for a second opinion.