
STATUTORY INSTRUMENTS

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) [^{F1}, [^{F2}31A (immigration, citizenship and nationality: separated children),] 32(1) (victims of trafficking in human beings) or 32A(1) (victims of slavery, servitude or forced or compulsory labour)] 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) [^{F1}, [^{F3}31A (immigration, citizenship and nationality: separated children),] 32(1) (victims of trafficking in human beings) or 32A(1) (victims of slavery, servitude or forced or compulsory labour)] 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.

[^{F4}(3) The Director must be satisfied that the prospects of success are—

- (a) very good, good or moderate; or
- (b) borderline, marginal 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.]

Textual Amendments

- F1** Words in reg. 60(1)(2) substituted (31.7.2015) by [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2015 \(S.I. 2015/1414\)](#), regs. 1(2), 2(4)

Changes to legislation: *The Civil Legal Aid (Merits Criteria) Regulations 2013, CHAPTER 4 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F2** Words in reg. 60(1) inserted (25.10.2019) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Legal Aid for Separated Children\) \(Miscellaneous Amendments\) Order 2019 \(S.I. 2019/1396\)](#), arts. 1, **4(5)**
- F3** Words in reg. 60(2) inserted (25.10.2019) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Legal Aid for Separated Children\) \(Miscellaneous Amendments\) Order 2019 \(S.I. 2019/1396\)](#), arts. 1, **4(5)**
- F4** Reg. 60(3) substituted (22.7.2016) by [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2016 \(S.I. 2016/781\)](#), regs. 1(1), **2(7)** (with reg. 3)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 11(9)(e) and word inserted by [2022 c. 36 s. 25\(3\)](#)
- reg. 11(9)(f) and word inserted by [2023 c. 37 s. 56\(5\)\(b\)](#)