

STRATEGIC LEGAL FUND

FOR VULNERABLE YOUNG MIGRANTS

Funding Guidelines

December 2012 - July 2014

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About the Strategic Legal Fund

The Strategic Legal Fund for Vulnerable Young Migrants (SLF) is a fund to support legal work that goes beyond securing justice for an individual and makes a significant contribution to law, practice and procedures to uphold and promote the rights of vulnerable migrant children and young people more generally.

The SLF aims to tackle injustices and inconsistencies in law and practice that disadvantage or discriminate against vulnerable young migrants as a result of their migration status.

The SLF uses the United Nations Convention on the Rights of the Child (UNCRC) as a framework for its work with both children and young people.

It aims to advance the general principles of the UNCRC as follows:

- the right to life, survival and development
- the right to non-discrimination
- respect for the views of children
- the requirement to give primary consideration to the child's best interests in all matters affecting them.

About the SLF Partners

Trust for London is an independent charitable foundation tackling poverty and inequality in the capital. The Trust has a long history of funding work to overcome the additional barriers faced by migrants living in poverty in London. The SLF complements our main grants programme, in which specialist immigration advice is a priority. www.trustforlondon.org.uk

Trust for London provides part-funding for the SLF, contracts with MigrationWork CIC and makes decisions about the overall strategic direction of the Fund and on individual grant applications.

Esmée Fairbairn Foundation is one of the largest independent grant-makers in the UK, aiming to improve the quality of life for people and communities throughout the UK both now and in the future. The Foundation makes grants of £30 - £35 million annually towards a wide range of work within the arts, education and learning, the environment and social change. It also operates a £21 million Finance Fund which invests in organisations that aim to deliver both a financial return and a social benefit. www.esmeefairbairn.org.uk

Esmée Fairbairn Foundation provides part-funding for the SLF, and is part of the management group which oversees the operational delivery and strategic direction of the SLF.

MigrationWork is a Community Interest Company and a not-for-profit consultancy set up to help communities, practitioners and policy-makers to respond to migration, in ways that ensure both migrant and 'host' communities can benefit from this process and move towards integration.

MigrationWork undertakes the day-to-day delivery of the SLF, including raising awareness of the Fund, contact with grant applicants and recipients, and preparing applications for the Expert Panel. MW also advises on the strategic direction of the SLF. www.migrationwork.org

The **Expert Panel** comprises individuals with expertise in areas of law relevant to vulnerable young migrants including legal practitioners and policy experts. A list of current Panel members is at www.strategiclegalfund.org.uk

The Expert Panel makes recommendations to the funders about individual grant applications and advises on the strategic direction of the SLF.

We are also grateful to **The Diana, Princess of Wales Memorial Fund** for a legacy grant towards the continuation of the Strategic Legal Fund.

What the SLF will fund

Beneficiaries

The SLF supports strategic legal work which benefits vulnerable young migrants living in the UK. We define this as:

- Migrants or the children of migrants,
- Who are under 25,
- Who are living in poverty, and
- Who face significant disadvantage or discrimination in connection with their (or their parents') migration status.

Areas of Law

The SLF funds strategic legal work in any area of law where vulnerable young migrants experience disadvantage or discrimination as a result of migration status.

This includes (but is not restricted to) potential cases in the areas of:

- Immigration
- Asylum and asylum support
- Human rights
- Education
- Housing
- Welfare benefits
- Discrimination
- Access to justice
- Community care

We do not usually fund work involving issues of criminal or family law unless they also involve one of the above issues.

The SLF may from time to time issue calls for applications in certain areas of law, or on particular points of law, which will then be given priority. Information about calls will be publicised on the SLF website.

Types of activity

The SLF only supports strategic legal work. We define this as work where the impact is likely to go beyond an individual case, and to result in changes to law, policy and practice that will benefit a wider group of people. Applications must be to fund one of two kinds of strategic legal work:

- the research and development of cases pre-litigation including: gathering evidence to test a hypothesis or research to establish authorities' policy and practice, identifying potential plaintiffs/applicants/appellants; researching whether to proceed; translating relevant material; and evaluating a litigation strategy. A small proportion of an application may be used for advice, and for representation in the First Tier and Upper Tribunals where no other funding is available and where this is necessary to develop a strategic legal challenge.
- third party "interventions" in existing cases, which allow a non-party intervener to assist the court in arriving in its decision in a case, acting as an *amicus curiae*, a friend of the court.

Please note that the SLF ONLY funds research that is tied to the possible future taking of legal cases. See p7 for application criteria and exclusions.

We recognise that some research and interventions may not lead to the desired legal outcome, but will only make a grant where we believe that those undertaking the work have sufficient expertise and experience to maximise the chances of success.

We fund research and interventions that are likely to benefit migrants who fit the definition above. Some research and interventions may have a wider or even different focus, and we do consider funding these, but only if we are convinced that the outcome will substantially benefit vulnerable young migrants.

Who we will fund

Those eligible to apply to the SLF are organisations based in the UK which are:

Not-for-profit (NFP) organisations that provide specialist level legal advice to vulnerable young migrants. If you work for a NFP organisation regulated by the Office of the Immigration Services Commissioner (OISC) and are applying to undertake work in the asylum or immigration field, you must confirm that staff leading on the proposed work are accredited at Level 3, Advocacy and Representation, in the relevant category of law.

Firms of solicitors that provide specialist level legal advice to vulnerable young migrants. Solicitors' firms need to demonstrate that the funded work does not include any element of profit and, as for all applicants, that there is a pro bono element included.

All applicants must demonstrate that staff have appropriate skills, experience and expertise to undertake the strategic legal work proposed.

The SLF welcomes applications from specialist legal representatives working in partnership with voluntary and community groups, who may be able to assist with research, gathering evidence and identifying clients. This type of application should be made by the legal representative with the other organisation(s) being sub-contracted to do the work at an appropriate rate, including any pro bono element.

Funding available

Size of grants

The total amount available for SLF grants from December 2012 to July 2014 is £400,000. Maximum funding for any one application will be £30,000 but, in view of the limited funding available, lower applications are encouraged. The average grant size is around £12,000. You need to demonstrate that your application represents value for money. Grants may be approved for a lesser amount than requested.

Length of grants

The SLF aims to complement longer-term funding with short-term grants to respond to legal opportunities. The maximum grant length is 12 months, and most grants are for around six months.

Eligible costs

The SLF will cover any reasonable revenue costs that you will incur to undertake the proposed pre-litigation research or to prepare a third party intervention. This includes temporary staffing, freeing up or extending existing staff hours, volunteer expenses, travel and subcontracting with other voluntary and community organisations.

The SLF is intended to generate new resources for strategic legal work. We therefore fund new or additional costs and capacity, rather than contributing to an organisation's existing expenditure and workload. However, a contribution to overheads may be included.

Staffing costs should reflect their real costs to your organisation and be no higher than appropriate legal aid rates. If work is costed above legal aid rates, then please explain why.

We want to maximise resources by using pro bono input where possible. Applicants therefore need to show there is a pro bono element to the proposed work, for example, solicitor, legal representative or researcher time.

Application criteria

In making recommendations about funding, the Expert Panel will take into account:

- That the legal issue has the potential for significant impact on vulnerable young migrants.
- The potential to advance the general principles of the UNCRC.
- Whether alternative funding may be available for the proposed work; and whether the applicant has applied for such funding.
- Whether they consider there to be a real prospect of success if and when a claim is brought before a Court.
- Any priority areas of law or points of law which they have decided, in agreement with the funders, to prioritise and which have been publicised as such.
- Where applications that raise the same or similar legal issues are considered at the same Panel meeting, and the Panel decide the criteria for funding are met, then funding will be awarded considering the following:
 - (i) where the work outlined is most likely to have the desired outcome.
 - (ii) the staff who would work on the project are deemed to have the most relevant experience and skill.
 - (iii) where the application is for an intervention, which case is strongest on the facts and which case is or is likely to be listed in court first.

Exclusions

In general, the SLF will not make grants where:

- Funding is sought for pre-litigation research on an issue where work is already in progress by other legal representatives.
- There is an unreasonably low prospect of a positive outcome for vulnerable migrant children and young people.
- The funding will not produce any significant positive change to the rights of vulnerable young migrants in the UK.
- It is judged that the goals of the application may be more successfully achieved through an alternative route e.g. policy work.
- Organisations have already received three grants from the SLF since December 2012.
- Organisations are in serious financial deficit.
- Not-for-profit organisations have significant unrestricted reserves (including designated funds). Generally up to six months' expenditure is acceptable.

How to apply

1. Read the funding guidelines

Please read these funding guidelines carefully to check whether your proposed work fits with what the SLF is able to fund. Please check on our website to see if you are reading the latest version of our guidelines.

2. Any questions?

If, after reading these funding guidelines, you are in doubt as to whether your work fits or would like to discuss an idea for an application then please telephone or email the Project Manager. We welcome such contact as it can save you and us time and resources.

3. Pre-registration (optional)

Potential applicants who may be interested in accessing the SLF are encouraged to pre-register by completing a short form and submitting supporting documents about your organisation's structure and finances. Pre-registration is entirely optional but will help to speed up decision-making if you do make an application for funding. Pre-registered applicants will also be added to a mailing list so they can receive updates on the SLF. The pre-registration form can be downloaded from the website.

Pre-registration forms and supporting documents should be sent by post and email to the Project Manager: Frances Smith, Strategic Legal Fund at PO Box 64636, London SW8 9DE and fran.smith@migrationwork.org.

4. Download the funding application form

To apply to us you need to complete our funding application form.

5. Submit your completed application form

You will need to send your completed application form and accompanying documents by post and email to the Project Manager: Frances Smith, Strategic Legal Fund at PO Box 64636, London SW8 9DE and to fran.smith@migrationwork.org. When we receive your application form we will e-mail you an acknowledgement within two working days.

6. Closing dates

There are eight closing dates for applications during the year, roughly every six weeks (except August). The list of dates is on the SLF website.

Applications must be received by 5pm on the closing date. Applications received after the deadline will not be considered until the next closing date.

7. Processing your application

The Project Manager will check all applications to ensure they are complete, valid and meet the eligibility criteria outlined on pages 4 and 5. The Project Manager will contact applicants if further information is needed and, where possible, to discuss and check the details of the application. If applicants have not previously pre-registered with the SLF, supporting documents will be checked at this point.

8. Expert Panel

All eligible applications received by the deadline will normally be considered at the Expert Panel meeting.

A minimum of three Expert Panel members will consider the applications and meet to agree recommendations for funding. Where there are conflicts of interest, Expert Panel members will not be involved in assessing the relevant applications.

9. Application decision

Following the recommendation from the Expert Panel, the funders will make the final decision on whether to award a grant.

You will normally hear within three weeks of the closing date whether or not the SLF has offered a grant to your organisation.

10. Contact details

Frances Smith, Project Manager
Strategic Legal Fund
PO Box 64636
LONDON
SW8 9DE

t 020 7091 0539

e fran.smith@migrationwork.org.uk

www.strategiclegalfund.org.uk

What happens next?

If your application is successful...

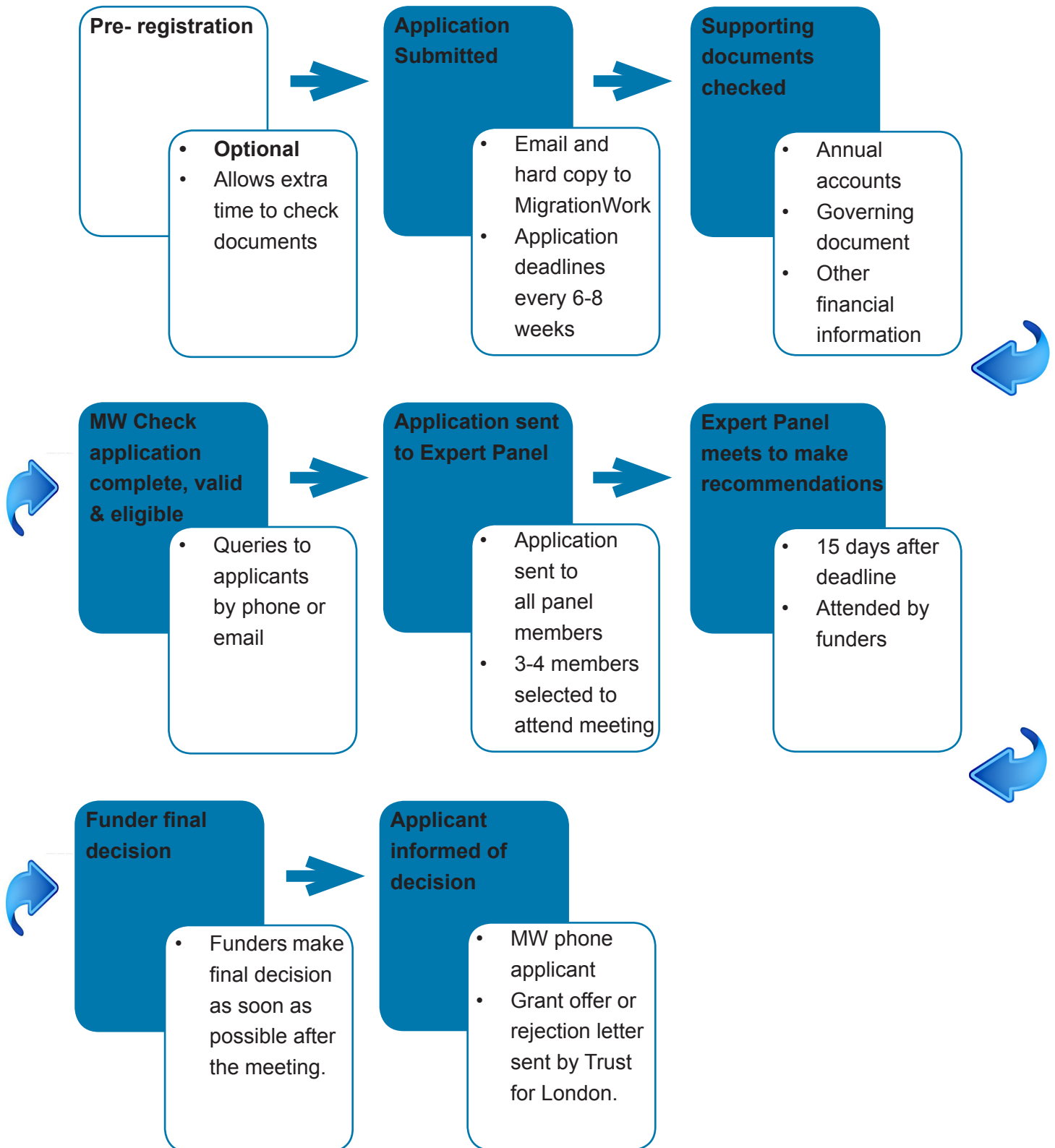
- You will receive an offer letter, with details of the conditions attached to the grant.
- If you wish to accept the grant offer, you will need to return a signed copy of the conditions form within two weeks.
- A short description of the purpose of the grant awarded will be listed on the SLF website. The Project Manager will agree this wording with you.
- With your offer letter, you will also receive instructions on how to claim your grant. If the grant is for up to £10,000 or no more than three months' duration, it will be paid in one instalment. If it is for more than £10,000 and for more than three months, the grant will be paid in two instalments.
- If your grant is for longer than three months, we will ask you to answer some short monitoring questions at the half-way point. At the end of the grant, you will be expected to complete a short report about what you have been able to achieve with the funding. Full details of the monitoring and evaluation requirements will be sent with your offer letter and are also available on the SLF website.
- As part of the conditions of your grant, you will be asked to share the evidence arising from your work, where this will not prejudice future legal action. The Project Manager will discuss with you the best way of presenting and storing this evidence, with due regard to confidentiality.

The SLF may accept extension applications for work that forms a progression to a previously funded piece of work. Please discuss this possibility with the Project Manager.

If your application is not successful...

- You will receive detailed, individual feedback on your application by letter.
- If you wish to apply to the SLF again, you will usually need to miss a funding round.
- If you would like to re-apply for the same piece of work, re-applications must demonstrate that account has been taken of the reasons for the previous refusal.

Process Flowchart



Complaints

If you have any complaints about how the SLF has handled your application, you should in the first instance contact the Project Manager. If you are still not satisfied you should write to the Project Director, Sue Lukes, c/o MigrationWork CIC at 11 Guildford Street, Brighton BN1 3LS.

If the complaint is regarding the Project Director, you should write to the Chief Executive of Trust for London at 6 Middle Street, London EC1A 7PH.

However, please note that you cannot appeal any decision made by SLF about whether or not we fund your organisation.



Trust for London

Tackling poverty and inequality

www.trustforlondon.org.uk

www.strategiclegalfund.org.uk

Charity Registration Number: 205629