

THE STRATEGIC LEGAL FUND FOR REFUGEE CHILDREN & YOUNG PEOPLE

GRANTS AWARDED JANUARY – OCTOBER 2012

October 2012

A grant of £12,000 was awarded to **Kesar and Co** for a three month project. This is to explore whether children seeking asylum in the UK, who may have viable claims for protection, are routinely refused. The project will examine UK Border Agency and immigration and asylum tribunal decision making in relation to children's asylum claims, and in particular whether relevant domestic, European and international legal instruments are taken into consideration. The project will involve analysis of reasons for refusal in closed files, consultation with other practitioners and the development of innovative arguments to be used in initial asylum claims, at appeal and in a test case or in test cases. For further information about the work of Kesar and Co visit:

kesarandcosolicitors.co.uk.

A grant of £5,000 was awarded to **Just for Kids Law** for a three month project. This is to address the lack of procedure and understanding of age disputes and assessments in the criminal justice system, and in particular the practice of "deeming" a young person's age. This can result in children being treated as adults in the criminal courts and in sentencing. The project will involve legal research across the criminal, immigration and community care fields, devising and implementing a litigation strategy, partnering with other organisations that can contribute to the work, and identifying a test case to take to judicial review. For further information about the work of Just for Kids Law visit: www.justforkidslaw.org.

A grant of £10,000 was awarded to **Coram Children's Legal Centre (CCLC)** for a three-month project. This is to intervene in a Judicial Review case in the High Court involving children granted leave in the UK on the basis of their rights to respect for private and family life under Article 8 of the European Convention on Human Rights. The children, who were born and brought up in the UK, were granted three years' discretionary leave and are challenging this to argue that they should have been granted indefinite leave to remain. The case raises issues relating to the impact on children of temporary status and the public interest in upholding the rights of children. Coram Children's Legal Centre will act as third party interveners to assist the parties and the court in the approach to be taken to the best interests of the child and the Home Office's duties under section 55 of the Borders, Citizenship and Immigration Act 2009 (the duty on the Home Office to discharge its functions having regard to the need to safeguard and promote the welfare of children). For further information about the work of Coram Children's Legal Centre visit: www.childrenslegalcentre.com.

September 2012

A grant of £7,155 was awarded to **Islington Law Centre** for a six month project. It is for pre-litigation research to develop a targeted challenge against the introduction of the Education (Student Fees, Awards and Support) Amendment) Regulations 2011 for young people who have been granted Discretionary Leave to Remain (DLR) or other limited leave. Under the Regulations young people with DLR are categorised as overseas students and therefore no longer eligible for 'home fees' so have to pay the same enhanced level of fees as students from abroad. They are also no longer eligible for statutory 'student support' (for fees or maintenance) for higher

education courses. The Law Centre will review existing evidence and case law, gather new material, formulate arguments, obtain Counsel's advice and identify possible claimants with a view to developing a test case or a class of test cases. For further information about the work of Islington Law Centre visit www.islingtonlaw.org.uk.

A grant of £6,217 was awarded to **Coventry Law Centre**, working with the **Centre for Human Rights in Practice at the School of Law, University of Warwick**, for a six month project. The project will undertake research on whether the return of minors to Afghanistan or Iraq, proposals for which are currently being developed by ERPUM (European Return Platform for Unaccompanied Minors), are or would be in accordance with the law, with a view to launching a challenge as and when the UK attempts to commence the removal of minors to these countries. For further information about the work of Coventry Law Centre and the Centre for Human Rights in Practice visit www.covlaw.org.uk and www2.warwick.ac.uk/fac/soc/law/chrp/.

July 2012

A grant of £18,177 was awarded to the **Asylum Support Appeals Project (ASAP)**, working in partnership with **Maternity Action (MA)** for a six month project. This is an extension to the grant awarded in March 2012 to increase access to accommodation and support provided under Section 4 of the Immigration and Asylum Act 1999 to pregnant women who have had their asylum claim refused. The grant will fund the commissioning and production of an expert report and, as necessary, work with midwives and advice agencies to identify claimants. For further information about the work of ASAP and MA visit: www.asaproject.org and www.maternityaction.org.uk.

A grant of £14,981 was awarded to the **Child Poverty Action Group (CPAG)** for a nine month project. The grant is to research and develop a challenge on the apparent discrimination faced by refugee families and young people in the administration of their claims for social security benefits i.e. the time it takes to decide on their claims. If successful this would bring about a change in the way that the Department of Work and Pensions (DWP) and HM Revenue and Customs administer claims. Work will include obtaining information on whether the responsible authorities have regard to their equality objectives, a review of relevant guidance and procedures, researching evidence of delays through an analysis of recent advice provided by CPAG and by working with organisations that work with refugee children families and young people, and identifying a case. For further information about the work of CPAG visit: www.cpag.org.uk.

June 2012

A grant of £1,870 has been awarded to **The AIRE Centre** to fund four of its legal team to travel to Luxembourg to appear as the third-party intervener in a case to be heard by the Court of Justice of the European Union. The case concerns whether and under what circumstances it is lawful for the UK to return a separated asylum seeking child to another EU Member State where s/he first claimed asylum. The case is likely to be heard in autumn 2012. For further detail about the work of The AIRE Centre see www.airecentre.org.

A grant of £14,641 was awarded to **Bail for Immigration Detainees (BID)** for a six month project. This is an extension to the grant awarded in January 2012 to support strategic legal work on the separation of families by immigration detention by challenging specific UK Border Agency

policies and the legality of their practices. For further information about BID visit: www.biduk.org.

A grant of £12,747 was awarded to **Deighton Pierce Glynn**, which is working in partnership with **The Children's Society**, for a five month project. The project will investigate whether a London Borough complies with its statutory duties towards migrant care leavers under the Children Act 1989, as amended, with a focus on determining whether there are any discriminatory practices when compared to those provided to other care leavers. If there is evidence of systematic discrimination, Deighton Pierce Glynn will seek to develop a test case to challenge this. For further information about the work of Deighton Pierce Glynn and The Children's Society see www.deightonpierceglyn.co.uk and www.childrenssociety.org.uk.

May 2012

A grant of £20,367 has been awarded to **Islington Law Centre** for a six month project. The grant is to fund the Law Centre to undertake pre litigation/research work with a view to developing challenges to the provisions of the Legal Aid and Sentencing and Punishment of Offenders (LASPO) Act 2012 which restricts legal aid for migrants and refugees. It starts from the premise that the Government's distinction between what constitutes immigration and asylum law, with legal aid continuing to be available for the latter, is flawed. The project will include an examination of current evidence from the passage of the LASPO Bill through parliament, gathering further evidence, consideration of legislation and case law, monitoring the drafting of the regulations, collating case studies and developing a strategic legal resource open to all. A collaborative approach is proposed, working with networks, other practitioners and NGOs to consider how to challenge the legal aid cuts and in evaluating a litigation strategy. The aim is to have a flexible evidence base ready that can be used in litigation and interventions when the Act comes into force, which can be used by Islington Law Centre and others. For further information about the work of Islington Law Centre visit www.islingtonlaw.org.uk.

April 2012

A grant of £10,682 has been awarded to **Elder Rahimi Solicitors**, working in partnership with the **Howard League for Penal Reform**, for a three month project. The grant will fund research into the treatment by statutory agencies of children and young people who are recognised as refugees, asylum seekers, trafficking victims, and those who are separated from their parents or who have been granted discretionary leave to remain and who are in the criminal justice system. The research will be conducted with a view to identifying potential challenges including with reference to the Qualification Directive, general penal policy and Equalities duties. For further information about the work of Elder Rahimi Solicitors and The Howard League visit www.elderrahimi.co.uk and www.howardleague.org.

A grant of £9,638 has been awarded to **Harrow Law Centre** for a three month project. The grant is to fund the Law Centre, working with other local voluntary and community groups, to undertake research into schools' compliance with their statutory equalities duties towards children across four London boroughs. The work has a particular focus on asylum seeking and refugee children, and is to be undertaken with a view to developing a challenge which would result in a benchmark for equality standards in schools. For further information about the work of Harrow Law Centre visit harrowlawcentre.org.uk.

A grant of £8,330 has been awarded to the **Joint Council for the Welfare of Immigrants**

(JCWI) for a four month project. This is to develop a challenge to the Immigration Rules which do not allow for the parents of children recognised as refugees to be admitted to the UK as family members, while allowing for the admission of the children of adult refugees. For further information about the work of JCWI visit www.jcwi.org.uk.

A grant of £17,716 was awarded to **The Public Law Project** (PLP) for a six month project. This is to gather evidence from across the country about local authority practice in supporting asylum seeking families that have no recourse to public funds and are not allowed to work and are destitute as a result. PLP will work with voluntary sector agencies to facilitate and develop challenges to unlawful practice. For further information about the work of PLP visit: www.publiclawproject.org.uk.

March 2012

A grant of £3,082 has been awarded to the **Migrants' Law Project** (MLP). This is an extension to the grant awarded in February 2012, which was to fund **Refugee Action** (RA) to work in partnership with MLP on an intervention in the High Court in a case concerning delays in determining applications for support by destitute asylum seekers, who have made fresh claims submissions, pursuant to Section 4 of the Immigration and Asylum Act 1999. The High Court has now granted permission to intervene. The grant is to fund the work of MLP's solicitor in preparing for the intervention. For further information about MLP and Refugee Action visit: themigrantslawproject.org and www.refugee-action.org.uk

A grant of £9,042 has been awarded to the **Asylum Support Appeals Project** (ASAP), which is working in partnership with **Maternity Action** (MA) on a project which is initially for two months. The aim of the project is to increase access to accommodation and support provided under Section 4 of the Immigration and Asylum Act 1999 to pregnant women who have had their asylum claim refused. The grant will fund expert legal advice and the preparation of a litigation strategy, and research into the target group's profile and current practice by midwives, agencies and UKBA towards them. Depending on the outcome of this work, ASAP and MA may make a further application to the SLF to develop a legal challenge. For further information about ASAP and MA visit: www.asaproject.org and www.maternityaction.org.uk

A grant of £14,800 has been awarded to **Greater Manchester Immigration Aid Unit** (GMIAU) for a six month project. The project will involve, working with partner agencies, research into UKBA's implementation of Section 55 of the Borders, Citizenship and Immigration Act 2009 and consideration of the best interests of the child in relation to separated children seeking asylum, and whether this has made any difference to outcomes in such cases. There will be a focus on the apparent widespread grant of discretionary leave to remain, whether this provides a complete answer to children who have been found not to have protection needs and amounts to a "durable solution" as required by UKBA's own guidance and the United Nations Committee on the Rights of the Child (UNCRC). The research will inform whether a test case or a series of challenges can be developed. For further information about GMIAU visit: www.gmiau.org

February 2012

A grant of £28,703 has been awarded to **Tower Hamlets Law Centre** for an eight-month project. The grant will be used to conduct research into how far local authorities in London are complying with their statutory duties to provide care and support for refugees and asylum

seekers (turning 18/21 years of age) under the Children (Leaving Care) Act 2000 and accompanying regulations. Working with the Brighter Futures self advocacy group amongst others, research will explore the provision of care and support, and seek to identify if there is any evidence of systemic failings by the local authorities, with a view to bringing a test case involving a group of clients, or alternatively, to make a complaint to the Ombudsman if the evidence supports this. The aim is to ensure that local authorities are providing a consistent and high standard of care and support to all young refugees and asylum seekers, as provided for by the Leaving Care Act. For further information about Tower Hamlets Law Centre visit: thlc.co.uk

A grant of £9378 has been awarded to **Lambeth Law Centre** for a four-month project. The grant will be used to examine the role of the UKBA's Children Champion in relation to the UKBA's duty under Section 55 of the Borders, Citizenship and Immigration Act 2009, the duty to have regard to the need to safeguard and promote the welfare of children. It will fund research and legal analysis on a range of issues with a view to bringing a lead challenge, a series of challenges or a class action or if the evidence supports this. For further information about Lambeth Law Centre visit: www.lambethlawcentre.org

A grant of £3930 has been awarded to the **Migrants Law Project (MLP)**, which is working in partnership with **Refugee Action** on a two month project. MLP is working with Refugee Action on an intervention in a judicial review, listed in court in May 2012. The judicial review concerns delays in determining applications for support by destitute asylum seekers pursuant to Section 4 of the Immigration and Asylum Act 1999 and who have made fresh claim submissions. The grant will be used by Refugee Action to collate evidence and prepare information for court, working closely with the MLP solicitor. The intervention will focus on whether the UKBA failed to consult on a change in policy concerning how claims for support are dealt with, and whether the Secretary of State's policy complies with obligations under the Equality Act 2010, with the Reception Directive (and therefore with European Union law), and articles 1 and 4 of the Charter of Fundamental Rights. The work undertaken as part of this grant will have a focus on children, and the intervention will raise Section 55 of the Borders, Citizenship and Immigration Act 2009, the Secretary of State's duty to have regard to the need to safeguard and promote the welfare of children. For further information about MLP and Refugee Action visit: themigrantslawproject.org and www.refugee-action.org.uk

January 2012

A grant of £3,375 was awarded to the **Migrants' Law Project (MLP)** at **Islington Law Centre**, for a one month project. This covers the cost of bringing in a solicitor/legal caseworker to undertake preparatory work on a potential challenge relating to notice of removal in asylum and immigration cases, following the recent successful challenge to UKBA's policy of giving little or no notice in certain categories of cases. The work will have a particular focus on the situation of children and young people. For further information about MLP visit: themigrantslawproject.org

A grant of £15,000, was awarded to **Bail for Immigration Detainees (BID)** for a six month project to support strategic legal work on the separation of families by immigration detention by challenging specific UK Border Agency policies and the legality of their practices. For further information about BID visit: www.biduk.org