

Lord chancellor could face JR over immigration fee change

By [Monidipa Fouzder](#) | 29 May 2020



One of the country's biggest legal aid firms is threatening to sue the lord chancellor over new fees for immigration and asylum work.

The Ministry of Justice laid a statutory instrument before parliament this month introducing a **new £627 asylum fixed fee**, which comes into force on 8 June. Payment under the existing scheme is £227. But practitioners point out that the appellant's skeleton argument must be prepared earlier and the fee does not reflect the complexities of the immigration fee structure.

Yesterday national firm Duncan Lewis revealed that it has served a letter before action on the lord chancellor challenging the lawfulness of the Civil Legal Aid (Remuneration) (Amendment) (Coronavirus) Regulations 2020.

The firm said the regulations amend the regime for legal aid providers operating under a new online tribunal procedure 'but does not adequately reflect the additional work solicitors and barristers must undertake to properly represent their clients. Without consultation or any apparent evidence base, the amendment increases the likelihood that legal aid providers will be undercompensated for their work and places access to justice at risk.'

The firm says many leading barristers' chambers have said they will not take on cases under the new regime.

'The team is challenging the failure of the lord chancellor to consult on the content of the amendment regulations before laying them before parliament, and his failure to made reasonable inquiries as to the likely effects of the amendment on the availability and quality of legally aided representation. The challenge sets out that the amendment regulations are not rationally or proportionately connected to the object and purpose of the fixed-fee scheme for controlled legal representation, and that they are ultra vires of LASPO as they constitute a disproportionate restriction on the right of access to justice.'

The team behind the challenge are Duncan Lewis's Toufique Hossain, Jeremy Bloom and Simon Robinson, who have instructed barristers Chris Buttler and Eleanor Mitchell of Matrix Chambers, and Ali Bandegani of Garden Court Chambers.

The Ministry of Justice has been approached for comment.



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