

5 August 2009

Dear Practitioner

Schedule of remuneration for work undertaken in relation to the Asylum and Immigration Tribunals and Onward Appeals 'Reconsideration Hearings'

The Access to Justice Committee agreed the setting of fees in these areas and the recommendation of the Committee was agreed by the Board and approved by NICtS.

The attached remuneration structure is intended to cover the work carried out by a solicitor and/or counsel (not for both individually, i.e. the fees are to remunerate for all work) in AIT Tribunals and Onward Appeals. The fees are expected to cover the costs of time taken for travel, waiting, consultations, preparation and representation/advocacy by, solicitor and/or counsel, routine letters and telephone calls.

The fees do not cover the following disbursements: interpreters fees; photocopying; and mileage.

Interpreters Fees will be paid at a rate of up to, but not exceeding, £30 per hour plus VAT.

Mileage will be paid at the current rate of 35.7 pence per mile.

Photocopying will be paid at a rate of 10 pence per page, the time spent photocopying is included in the fees.

Asylum and Immigration Tribunals

In the submission of a claim a practitioner will be required to provide documentary evidence of any occurrences of Case Management Review Hearings, the outcome of the Tribunal and if any adjournments occurred in which to validate the claim for payment.

Onward Appeal, 'Reconsideration Hearing'

Practitioners are required to complete the Financial Application forms process for the Civil Legal Aid Scheme i.e. the completion and submission of a CLA4 and any associated forms for the means aspect of the scheme. These are held on file and matched to the award of the merits which is completed by the Tribunal, making the funding of these applications retrospective. The practitioner must obtain, and submit with their claim, a Costs Order under Section 103D to evidence the Tribunal has awarded funding.

Risk Premium

Practitioners are required to document the reasons and provide evidence for the claim of the 'Risk Premium' for an Onward Appeal 'Reconsideration Hearing'

Withdrawn Tribunals and Onward Appeals

Practitioners are required to record the reasons why a Tribunal and/or an Onward Appeal was withdrawn and the date in which it was withdrawn. Practitioners are required to obtain a Cost Order (Section 103D) to allow a withdrawn Onward Appeal to be paid.

Bail Hearings

A civil legal aid application is required for each separate Bail Hearing. The Bail Hearing fee is for completed Bails hearings and the fee will include any and all adjournments that occur.

Table: Rates of remuneration for work undertaken in relation Asylum and Immigration Appeals and Onward Appeals i.e. Reconsideration Hearings

Area of Work Undertaken	Rate £
Representation at a Case Management Review Hearing for an AIT Tribunal	£175
An appeal before an Immigration Judge at an Asylum and Immigration Tribunal	£1200
Fee for on Onward Appeal, 'Reconsideration Hearing'	£1200
Risk premium associated to a completed Onward Appeal, 'Reconsideration Hearing'	£240
Remuneration for adjourned hearings which are part-heard or re-listed to be concluded on separate date	£170 per day
If a Tribunal and/or Onward Appeal is withdrawn prior to substantive hearing 20% of the standard fee is payable	£240
If an Tribunal and/or Onward Appeal is withdrawn on the day of the substantive hearing 35% of fee is payable	£420
Asylum and Immigration Bail Hearings	£400

Yours sincerely



Gerry Crossan
Chief Executive