



IHRC Legal Pro Bono Project Policy

Introduction

IHRC Legal's pro bono project provides free legal support to individuals meeting the following two criteria:

1. Finances

An individual has no income or is on low income, such that they have difficulty meeting their essential living needs.

2. Case

(A) An individual does not have leave to remain in the UK but has reasonable prospects of succeeding with an application to the Home Office, and their immigration case:

- is not covered by legal aid; and
- does not attract a Home Office fee; or
- Is one that permits a fee waiver request

For example, this includes applications under Appendix FM, appendix private life etc

OR

(B) An individual has leave to remain but is subject to a condition preventing them from accessing public funds/benefits.

This application is to request the Home Office remove the "no public funds" condition allowing the individual to claim benefits.

Eligibility

Therefore, to qualify for pro bono support, individuals must meet the following criteria:

- (A) Have no income or be on low income, and
- a. Not have leave to remain
 - b. Be unable to afford legal representation, and
 - c. Be unable to afford Home Office fees, and
 - d. Have a meritorious immigration case not covered by legal aid, and
 - e. No Home Office fee is payable for that application, or if there is, a Home Office fee waiver request is available,

Or

- (B) Have no income or be on low income, and
- a. Be unable to afford legal representation, and
 - b. Have leave to remain but are subject to a condition preventing them from accessing public funds/benefits.

Common Exclusions

The pro bono project does not support the following types of cases:

- Family Reunion applications;
- Entry Clearance applications;
- Cases where the applicant already has leave to remain in the UK and wishes to apply for further leave to remain or indefinite leave to remain;
- Naturalisation cases.

We may also be unable to assist with:

- Cases involving significant adverse criminal and immigration history, including serious or repeated breaches of immigration law, or pending criminal proceedings
- Cases involving a deportation order, whether a deportation order has already been made or one is proposed;
- Cases involving allegations or findings of deception, false representations or the use of false documents;
- Complex cases involving leave outside the Immigration Rules or leave sought on a discretionary / exceptional basis;

IHRC Legal reserves the right to decline to assist with cases falling within the above categories, having regard to the nature and complexity of the case, the legal issues involved, and the pro bono project's resources, capacity and ability to identify an appropriate pro bono adviser.

Application Process

IHRC Legal do not accept self-referrals from applicants. IHRC Legal only accept referrals from charities and NGOs. This means that individuals cannot apply for pro bono support directly. Instead, they must ask a charity or NGO to refer them. The charity or NGO must complete the referral form and provide IHRC Legal with all necessary documents to allow IHRC Legal staff to assess the merits of the case. If the required information is not provided, IHRC Legal may decline the referral. Charities and NGOs can contact IHRC Legal with questions if they are unsure what is needed.

Funding

IHRC Legal's pro bono services are funded by IHRC Trust, a registered charity (no. 1106120).



It is important to note that even if IHRC Legal accepts a case under the pro bono project, this does not guarantee automatic funding from IHRC Trust. IHRC Trust may decline to fund a case at their discretion.

Funding from IHRC Trust only covers IHRC Legal's professional fees. It does not cover:

- Home Office or its third-party providers' fees
- Court/Tribunal fees
- Interpreting or translation fees
- Independent expert reports, where required
- Barristers' fees, where required
- Courier fees
- Any other disbursements
- Appeals

If the client withdraws instruction, funds from IHRC Trust is to be returned to the Trust. A part thereof may be retained by IHRC Legal, with the permission of IHRC Trust, to cover the cost of professional services delivered prior to the case being withdrawn.

Funding will not be paid to the applicant or any subsequent representatives they may instruct.

Confidentiality Policy

IHRC Legal is committed to upholding the highest standards of confidentiality and discretion in the provision of pro bono legal support. This section outlines IHRC Legal's approach to handling and safeguarding sensitive information throughout the duration of the case.

1. Limited Discussion with Referring Agencies:

IHRC Legal will restrict discussions with the referring agencies to matters regarding the referral form and accompanying documents. Any subsequent communication pertaining to the case, including enquiries and updates, will only be with the client's permission.

2. Confidentiality of Legal Advice:

All discussions related to legal advice, case strategies, and any associated matters will be in strict confidence with the client. IHRC Legal will not disclose or discuss legal advice with any third party, including the referring agency, the funder ("IHRC Trust"), to maintain a confidential solicitor-client relationship.

3. Data Protection:

At IHRC Legal, we are dedicated to ensuring the highest standards of data protection in the UK, fully complying with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Our commitment is reflected in our adherence to the seven key principles



of data protection: lawfulness, fairness, and transparency; purpose limitation; data minimisation; accuracy; storage limitation; integrity and confidentiality; and accountability.

We implement robust policies, advanced security measures, and continuous staff training to safeguard the integrity and confidentiality of client data.

4. Non-Disclosure to IHRC Trust:

IHRC Legal assures clients that discussions and details related to their case will not be disclosed to IHRC Trust. The confidentiality of the client's information is a priority, and IHRC Legal will not share case-specific details with any external entities, including funding organizations, without the express consent of the applicant.

In order to secure funding from IHRC Trust, IHRC Legal will provide anonymised information about cases it takes on under the pro bono project. This information will not identify the client and will not be used by IHRC Trust for fundraising or promotional purposes. The information is to help trustees of IHRC Trust assess the efficacy and value of the project.

By adhering to this confidentiality policy, IHRC Legal aims to create a secure and confidential environment for applicants seeking pro bono support. This policy ensures that sensitive information is handled responsibly, in accordance with legal and ethical standards, and with due respect for the privacy of the individuals involved.

Anonymised Case Study Participation

IHRC Legal values the impact of our pro bono support and believes in sharing success stories to raise awareness about the work we do. We may request clients participate in creating anonymised case studies for promotional purposes. These case studies serve as valuable resources to demonstrate the impact of our work and encourage transparency about our successes.

This section outlines the voluntary nature of such participation and the approach we take in highlighting success stories:

1. Timing of Consent Request

IHRC Legal will approach clients for permission to create anonymised case studies only after a positive decision has been made in their case. This allows clients to focus on the outcome of their legal matter before considering participation in promotional materials. It also ensures that consent is not provided out of fear that services will be withdrawn if the client refuses.

2. Voluntary Participation



Participation in the creation of anonymised case studies is entirely voluntary. IHRC Legal respects the privacy of our clients, and their decision to contribute to promotional materials is entirely at their discretion.

3. Anonymisation Process:

IHRC Legal is committed to safeguarding the privacy of client's referred to in case studies. Before publication, all identifiable information will be removed or altered to ensure anonymity. This includes names, addresses, and any other details that could potentially reveal the identity of the client.

4. Respect for Sensitivity:

IHRC Legal is committed to being sensitive to our client's feelings and will exercise discretion in the presentation of case studies. Any potentially distressing, hurtful or embarrassing details will be omitted such that case studies are presented in a manner that respects the client's privacy and dignity.

5. Withdrawal of Consent:

Clients retain the right to withdraw their consent for the use of their case study at any stage. IHRC Legal will promptly honour such requests, and no information will be used for promotional purposes if consent is withdrawn.

Contact Information

For more information about the pro bono project, please contact IHRC Legal at legal@ihrc.org.