

Immigration and Asylum Accreditation Scheme

Standards and guidance: accredited caseworker level

July 2009

Contents

Introduction	2
The standards	2
The guidance	3
Standards for accredited caseworker level	4
Knowledge of law and procedure	4
Essential skills and abilities	6
Guidance for accredited caseworker standards	7
Immigration law	7
Asylum law and practice	8
Human rights	11
European Economic Area (EEA) free movement law	12
Nationality	13
Business immigration	13
Appeals	14
Detention and bail	14
Offences	15
Welfare/support	15
Ethics	15
Public funding	15

Introduction

Immigration advisers can apply for accreditation under the Immigration and Asylum Accreditation Scheme at one of four levels:

- probationer (which allows advisers to work at the probationer level for a period of 12 months, after which they must successfully achieve accredited caseworker standard)
- accredited caseworker
- senior caseworker
- advanced caseworker

The scheme is based on a set of standards.

The standards identify the key knowledge and skills an individual must be able to demonstrate in order to be accredited at that level. The knowledge and skills will be assessed against the standards during the formal assessment process. Candidates who do not demonstrate that they meet the standards on assessment will not be accredited.

To assist candidates in preparing for the assessments, some guidance has been prepared on the statutory, policy and judicial material with which candidates might be expected to be familiar. However, it is the candidate's responsibility to ensure that their knowledge is current and addresses all of the areas covered by the standards. The Law Society cannot guarantee that the guidance will remain complete or up to date.

The standards

The broad standards set out the key knowledge and skills advisers should have at each level. The standards also identify the depth of knowledge required for each area at each level of the scheme. In order to identify the depth of knowledge required at each level, the Law Society has specified whether candidates need to have 'awareness', 'knowledge' or 'understanding' of particular areas. For the purposes of these standards, awareness, knowledge and understanding have been defined as follows:

Understanding the identification, assimilation and comprehension of information. Members can correctly paraphrase or summarise information and can relate it to other material, including its practical application.

Knowledge familiarity with specific information, including facts, definitions, rules, methods, process or settings, without necessarily being able to see its fullest implication or application.

Awareness acquaintance with general concepts, topics, rules, methods or procedures, without necessarily being able to summarise or paraphrase information. Members should be able to identify the limits of their awareness and be able to refer to source material for more in-depth knowledge

For example, if you are applying to become an accredited caseworker, you need to have an 'awareness' of 'the structure and sources of immigration law' but if you are applying to become a senior caseworker, you need to have a 'knowledge' of the 'structure and sources of immigration law'.

It has been recognised that senior caseworkers may wish to specialise in either immigration or asylum law. To reflect this, generic standards have been drafted which all senior caseworkers must meet together with specific additional standards for either immigration or asylum specialists.

The standards have been divided into key areas:

Immigration law covers the system of immigration control in the UK and the operation of the Immigration Rules, aside from those matters which have a pure business dimension.

Business immigration covers the commercial dimension to immigration applications.

Asylum law and practice addresses the procedures and substantive laws regarding refugees and their claim to remain in the UK, including issues such as welfare and support whilst in the UK.

Human rights addresses the law regarding the European Convention on Human Rights in so far as it impacts on immigration cases.

EEA free movement law deals with the law of free movement within the European Community.

Nationality comprises the law regarding the acquisition of British citizenship.

Race relations deals with race discrimination claims within immigration, nationality and asylum work.

Appeals deals with the right of appeal to, and procedures within, the Asylum and Immigration Tribunal.

Detention and bail deals with the loss of liberty sometimes suffered by immigrants and their potential remedies against that loss.

Offences deals with the major criminal offences under the immigration legislation.

Welfare/support requires a basic knowledge of the circumstances in which employment is prohibited for persons subject to immigration control and for asylum seekers.

Ethics sets out the key professional and ethical rules which are relevant to the work of the legal representative.

Public funding indicates the types of public funding available for immigration, asylum and nationality applicants under legal help and controlled legal representation.

Skills cover communications with clients and third parties, evaluation of evidence, problem solving, identification of issues, drafting, research and referral to other professionals.

The guidance

Each of the standards at each level is accompanied by detailed guidance. The guidance is simply intended as a helpful expansion of the standards and is not an exhaustive list of legislation or material. There is no guarantee that you will pass the assessments simply by knowing the material and legislation in the guidance. Equally, there is no guarantee that the questions in the assessments will be restricted to the material in the guidance. The guidance should, however, provide you with a useful reference list for the key areas. You should also be aware that, although the guidance will be updated from time to time, it is the

responsibility of individual advisers to make sure that they are aware of any changes in legislation and practice.

The guidance includes details of particular cases, specifically identifying the principle within each case. This case law is intended to provide guidance on the key legal principles of which candidates need to be aware. You will not be assessed on all of the cases. You should be able to research and identify which cases are relevant to a matter.

Standards for accredited caseworker level

Knowledge of law and procedure

Immigration law

- awareness of the structure and sources of immigration law, including the framework of the immigration legislation
- knowledge of the procedure for making applications under the Immigration Rules
- knowledge of the structure and operation of the Immigration Rules
- knowledge of the appropriate application forms, fees and supporting documentation
- knowledge of key Immigration and Nationality Directorate policies outside the Immigration Rules (as identified in the syllabus)
- knowledge of the personnel and terminology relating to immigration law
- knowledge of the types of immigration decision that may be made in an individual's case dependent on the stage of the entry or expulsion process that they have reached

Asylum law and practice

- knowledge of the requirements of the 1951 Convention according to Article 1A(2) for persons with a single nationality
- awareness of the Refugee Qualification Directive and the Immigration Rules and Regulation that implement it domestically
- knowledge of the procedure for making an asylum application – applications, screening, substantive interviews
- awareness of 'safe third country' procedures
- knowledge of consequences of grant of refugee status (but limited to the form of leave to remain granted to refugees, and to family reunion issues under the Immigration Rules, and to the procedure for obtaining travel documents)
- awareness of the procedures and principles regarding Accompanied Children and Unaccompanied Asylum Seeking Children
- awareness of provisions relating to benefits and support for asylum seekers
- awareness of leading cases relating to the interpretation of the refugee convention by the courts, such leading cases to be set out from time to time in the syllabus

Human rights

- knowledge of Articles 2, 3, 5 and 8 of the European Court Human Rights (ECHR)
- knowledge of consequences of grant of leave to remain under the ECHR (but limited to the form of leave to remain granted, and to family reunion issues under the Immigration Rules, and to the procedure for obtaining travel documents)
- awareness of leading cases relating to the interpretation of the ECHR by the European Court and the domestic courts, such leading cases to be set out from time to time in the syllabus

European Economic Area (EEA) free movement law

- awareness of which countries are members of the EEA and which have recently acceded to the European Union and are treated as special cases – ie, the 'A8' and 'A2' countries
- knowledge of the status of European Community (EC) law treaties, and of the operation of EC free movement law in the United Kingdom context in so far as it is set out in the Immigration (EEA) Regulations 2006
- knowledge of the Turkish Association Agreement.
- knowledge of the procedures for making applications for those exercising EEA treaty rights and their family members

Nationality

- awareness of the process of naturalisation/registration

Business immigration

- awareness of the structure and operation of the programmes that manage business related entry to the United Kingdom

Appeals

- knowledge of the structure and remedies available in the asylum and immigration tribunal
- knowledge of the time limits for appealing
- knowledge of the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate

Detention and bail

- knowledge of the circumstances in which detention is thought justified by the immigration authorities and the factors to be taken into account in determining whether detention is the right course of action
- knowledge of the main provisions relating to bail/temporary admission

Offences

- knowledge of the major offences under the immigration legislation

Welfare/support

- awareness of the main provisions relating to benefits/support for persons subject to immigration control
- knowledge of the circumstances in which employment is prohibited for persons subject to immigration control

Ethics

- knowledge of the professional and ethical rules relating to confidentiality and conflicts, the independence of the legal representative, their duty to act in the best interests of the client, to maintain a proper standard of work and their duty to the court

Public funding

- knowledge of the types of public funding available for immigration, asylum and nationality applicants under legal help and controlled legal representation
- knowledge of the relevant tests – sufficient benefits, means and merits – to be applied in order to assess eligibility for legal help and controlled legal representation

Essential skills and abilities

- ability to communicate to a high standard in written English
- ability to communicate to a high standard in oral English including through an interpreter
- ability to identify the need for and use of appropriate interpreters
- understanding of where to access the most up to date and relevant information and case-law through appropriate use of resources
- awareness of the cultural, gender and disability issues that may arise in the course of a case and the ability to deal sensitively with these issues
- ability to identify vulnerable clients and to make appropriate provisions (including referral)
- ability to identify the range of evidence needed to support an application
- ability to identify if it is appropriate for an application to be made and, if so, the appropriate application to be made according to each client's circumstances

Guidance for accredited caseworker standards

The guidance is simply intended as a helpful expansion of the standards and is not an exhaustive list of legislation or material. You should also be aware that, although the guidance will be updated from time to time, it is the responsibility of individual advisers to make sure that they are aware of any changes in legislation and practice.

Immigration law

Awareness of the structure and sources of immigration law, including the framework of the immigration legislation

- the key principles of immigration control – the right of abode, entry clearance and the relevance of being a visa national, leave to enter and leave to remain

Knowledge of the procedure for making applications under the Immigration Rules

- how to determine which immigration rule is applicable to a client's case

Knowledge of the structure and operation of the Immigration Rules

- the main categories of entry under the Immigration Rules – visitors, students, au pairs, working holidaymakers, spouses, fiancé(e)s, unmarried partners, children, parents, grandparents and other dependent relatives
- the key concepts within the Immigration Rules – maintenance, accommodation, the definition of public funds and the meaning of additional recourse to public funds, intention to leave the country at the end of a period of leave, intention to live together permanently and third party support
- how to identify whether a particular category of entry can lead to settlement, whether switching is permitted, and what period of leave an applicant under a particular rule can anticipate receiving
- the mandatory and discretionary general grounds for refusal within Part 9 of the Immigration Rules
- ability to identify how to determine the criteria for a grant of leave for a particular category of applicant under the rules
- the subject matter, but not the content (aside from those policies of which knowledge is required as set out below), of the Immigration Directorate Instructions, the Operational Enforcement Manual and the Diplomatic Service Procedures

Knowledge of the appropriate application forms, fees and supporting documentation

- the appropriate application form for each category of entry, knowledge of fees for immigration applications, and knowledge of what documentation should be obtained to ensure that a criteria of the Immigration Rules is satisfied
- the consequences of failure to make an application within time or on the appropriate prescribed form
- the procedures that people who are subject to immigration control who wish to marry in the United Kingdom must follow

Knowledge of key IND policies outside the Immigration Rules

- the concept of leave to remain outside the Immigration Rules
- how to identify whether there is a policy outside the Immigration Rules that is relevant to the facts of a client's case
- where to locate policies outside the Immigration Rules
- the Home Office policy on students and working (Diplomatic Service Procedures Chapter 12 para 12.22)
- the Home Office policies regarding the concession granting indefinite leave to remain for asylum seekers with children (API One-Off Exercise To Allow Qualifying Asylum Seeking Families To Stay In The UK)
- the concession for families with children who have been in the UK for seven years (found in the case of *Tozhlukaya R (on the application of) v Secretary of State for the Home Department* [2006] EWCA Civ 379)
- Home Office policy DP3/96 (OEM Chapter 36)
- the policy on elderly dependent relatives and young women living alone (IDI of September 2005, Chapter 8 Section 6 para 3.2)
- the policy on carers (IDI of June 2001, Chapter 17 Section 2 para 1–4.1),
- the concession regarding degree-level and certain other students and their intention to leave the UK (DSP 12.21)
- other key policies as notified from time to time in the mailshots of the Immigration Lawyers Practitioners Association

Knowledge of the personnel and terminology relating to immigration law

- the common terms encountered in immigration as appear from time to time in the Glossary of the Immigration, Nationality and Refugee Law Handbook of the Joint Council for the Welfare of Immigrants

Knowledge of the types of immigration decision that may be made in an individual's case dependent on the stage of the entry or expulsion process that they have reached

- extensions, variations and curtailments of leave, illegal entry, overstaying, administrative removal and removal directions, and deportation orders
- indefinite leave to remain and the grant of citizenship

Asylum law and practice

Knowledge of the requirements of the 1951 Convention according to Article 1A(2) for persons with a single nationality

- the constituents of the Refugee Definition – ie, the meaning of well founded fear, persecution, Convention reason, state protection, including an ability to recognise which facts of a client's claim are relevant to each of these concepts

- Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Preamble 10–12, 14–15, Articles 1–33, 38)
- Immigration Rules 339K, 339O, 339P, 339Q, 344A–C, 349, 352A–352F
- the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 Articles 3–6
- the existence of exclusion clauses but not their operation
- the importance of taking instructions without creating discrepancies
- the importance of addressing issues of plausibility when preparing statements
- the contents of Immigration Rules 339I and 339L–M , and section 8 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004

Knowledge of the procedure for making an asylum application – applications, screening, substantive interviews

- the procedure for claiming asylum in the United Kingdom up to but not including refusal of asylum within normal procedures, but excluding accelerated procedures such as the ‘fast track’
- procedures at Home Office interviews.
- the meaning of key terms such as ‘Statement of Evidence Forms’ (SEFs)
- the ‘one-stop’ procedure
- the circumstances in which fresh claims for asylum might be made
- the main sources of country information
- the existence of the Anti-terrorism, Crime and Security Act 2001 and the Terrorism Act 2000
- the existence of the Asylum Policy Instructions (APIs)
- the need to seek guidance on issues surrounding vulnerable people, including minors and those who are mentally incapacitated
- the key concepts of the New Asylum Model – ‘Asylum application process’ within the ‘Applying’ section of the Home Office Border and Immigration Agency website

Awareness of ‘safe third country’ procedures

- the Home Office policy to remove asylum seekers to safe third countries
- the limited grounds on which such decisions can be challenged

Knowledge of consequences of grant of refugee status (but limited to the form of leave to remain granted to refugees, and to family reunion issues under the Immigration Rules, and to the procedure for obtaining travel documents)

- the Immigration Rule on family reunion for refugees, the form of leave to remain granted to refugees, the procedure for obtaining travel documents

Awareness of the procedures for Asylum Seeking Children

- the procedures and principles regarding Accompanied Children and Unaccompanied Asylum Seeking Children as set out in the Home Office Asylum Policy Instructions

Awareness of provisions relating to benefits and support for asylum seekers

- eligibility for NASS support to a person making an asylum claim for the first time
- eligibility for NASS support for a person with child dependants
- the availability of support from local authorities under Section 21 of the National Assistance Act 1948
- which decisions of NASS are capable of appeal and which can only be challenged by way of judicial review

Awareness of leading cases relating to the interpretation of the Refugee Convention by the courts, such leading cases to be set out from time to time in the Syllabus

- the principle in *Karanakaran v SSHD* [2000] Imm AR 271 that the benefit of the doubt should be given to an asylum seeker
- the principle in *R v Secretary of State for the Home Department, ex p Sivakumaran* [1988] Imm AR 147 that a fear of persecution is well founded if there is 'a reasonable degree of likelihood' of its occurrence
- the principle in *R v Uxbridge Magistrates' Court ex parte Adimi* [2001] QB 667 that there is no absolute requirement in international law that a refugee claim asylum in the first safe country they reach
- the principle in *Ahmed v Secretary of State for the Home Department* [2000] INLR 1 that future conduct in the country of origin is relevant to the existence of a risk of persecution
- the principle in *Gomez (Colombia)* [2000] UKIAT 00007 (24 November 2000) that (1) in order to show persecution on account of political opinion, it is not necessary to show political action or activity (2) political opinion may be express or imputed
- the principle in *Shah and Islam v Secretary of State for the Home Department and Immigration Appeal Tribunal and Another* [1999] UKHL 20; [1999] 2 AC 629; [1999] 2 All ER 545 that persecution cannot define membership of a particular social group, that discrimination is relevant to the identification of a particular social group, and that women and homosexuals may be members of a particular social group depending on the circumstances of the society from which they come
- the principle in *K and Fornah* [2006] UKHL 46 that the family is a particular social

- the principle in *Horvath v Secretary of State for the Home Department* [2000] UKHL 37 that the adequacy of protection against persecution is to be established by factors such as a criminal law which makes violent attacks punishable by sentences commensurate with the gravity of the crimes, the victims as a class not being exempt from the protection of the law, and the presence of a reasonable willingness by the law enforcement agencies, that is to say the police and courts, to detect, prosecute and punish offenders
- the principle in *AH (Sudan) & Ors v Secretary of State for the Home Department* [2007] EWCA Civ 297 that the reasonableness of internal relocation is to be assessed by a comparison between the asylum seeker's place of habitual residence and conditions in any place of relocation, based on the individual's own characteristics: If under those conditions the asylum-seeker cannot live a relatively normal life according to the standards of his country it will be unduly harsh to expect him to go to the safe haven

Human rights

Knowledge of Articles 2, 3, 5 and 8 of the ECHR

- ability to identify whether Articles 2, 3 and 8 of the ECHR are applicable to the facts of their client's case regarding leave to enter or remain in the UK
- the relevance of Articles 3, 5 and 8 to the treatment of their client within the UK regarding issues such as support and detention
- the five components of ECHR Article 3 (inhuman treatment, degrading treatment; inhuman punishment, degrading punishment; torture), how the facts of a client's claim might fit into them, and the need to show a minimum level of severity for the Article to be engaged
- ECHR Article 2
- Article 8 ECHR covers the right to family life and the right to private life, which might include medical issues
- Article 8 ECHR is a qualified right and that interference with it will normally be permissible unless exceptional circumstances are present
- the standard of proof for human rights arguments
- the circumstances in which fresh claims on human rights grounds might be made

Knowledge of consequences of grant of leave to remain under the ECHR (but limited to the form of leave to remain granted, and to family reunion issues under the Immigration Rules, and to the procedure for obtaining travel documents)

- humanitarian protection and discretionary leave to remain
- family reunion under the Immigration Rules
- access to family reunion for persons with humanitarian protection and discretionary leave to remain

Awareness of leading cases relating to the interpretation of the

- ECHR by the European Court and the domestic courts, such leading cases to be set out from time to time in the Syllabus
- The text of these cases will be found on the Electronic Immigration Network (www.ein.org.uk)
- the principle in *Arman Ali* [2000] INLR 89 that the Immigration Rules need to be construed compatibly with the ECHR (so as to permit long term third party support)
- the principle in *Chahal v United Kingdom* (1997) 23 EHRR 413 that Article 3 of the ECHR is absolute and available to anyone irrespective of their conduct
- the principle in *Ireland v United Kingdom* (1978) 2 EHRR 25 that ill-treatment must attain a minimum level of severity to cross the threshold for Article 3 to be breached
- the principle in *R v Secretary of State for the Home Department ex parte Limbuela and Ors* [2004] EWCA Civ 540 that a denial of support and accommodation in the UK can constitute an Article 3 breach, depending on factors such as age and infirmity, illness or accident, and a lack of shelter
- the principle in *N v Secretary of State for the Home Department* [2005] UKHL 31 that, where health issues are relied upon as preventing removal from the UK, that only the most extreme cases can succeed, for example where the Claimant is dying
- the principle in *Huang and Others v Secretary of State for the Home Department* [2007] UKHL 11 that, the ultimate question for the appellate immigration authority is whether the refusal of leave to enter or remain, in circumstances where the life of the family cannot reasonably be expected to be enjoyed elsewhere, taking full account of all considerations weighing in favour of the refusal, prejudices the family life of the applicant in a manner sufficiently serious to amount to a breach of the fundamental right protected

European Economic Area (EEA) free movement law

Awareness of which countries are members of the EEA and which have recently acceded to the EU and are treated as special cases – ie, the ‘A8’ and ‘A2’ countries

- which countries are members of the EEA and which countries are the ‘A8’ and ‘A2’ countries

Knowledge of the status of EC law treaties, and of the operation of EC free movement law in the UK context in so far as it is set out in the Immigration (EEA) Regulations 2006

- the principle of free movement for individuals who are exercising Treaty rights under European Community law
- the principle that European Community law is directly effective
- where to find which European Directives and Regulations are relevant to the client’s case
- the Immigration (EEA) Regulations 2006 and the meaning of key concepts within those Regulations: ‘qualified persons’ including the Community law meaning of ‘worker’, and the definitions of ‘self sufficient person’ and ‘student’; the meaning of

'family members' and 'extended family members', the initial, extended, permanent and retained rights of residence, residence cards, residence certificates, family permits and family member residence stamps, and the meaning of 'marriage of convenience'

- the procedure set out in the Immigration (EEA) Regulations 2006 whereby family members not previously lawfully resident in the EEA will qualify for family permits only if they fit into the Immigration Rules
- the grounds on which a person can be expelled under European Community law
- ability to identify which, if any, treaty rights are applicable to the facts of the client's case

Awareness of the Turkish Association Agreement

- awareness of the existence of the Ankara Agreement
- awareness of the criteria for applications to be made for workers and the self employed who are Turkish nationals
- awareness of the means of making an application relying on European Community law for a Turkish national exercising Association Agreement rights

Knowledge of the procedures for making applications for those exercising EEA treaty rights and their family members

- the appropriate application forms for applying for residence documents, residence permits, and family permits for EEA nationals and their family members
- the fees and supporting documentation for such applications
- the registration requirements for workers for A8 nationals

Nationality

Awareness of the process of naturalisation/registration

- the modes of obtaining nationality – by operation of law, by registration, and naturalisation
- the procedure for making an application for naturalisation as a British citizen
- the procedure for making an application for registration as a British citizen for children born in the United Kingdom

Business immigration

Awareness of the structure and operation of the programmes that manage business related entry to the UK

- skilled and unskilled categories of managed migrant
- work permits and the requirements for leave to enter or remain for holders of work permits

Appeals

Knowledge of the structure and remedies available in the Asylum and Immigration Tribunal

- the structure of the Asylum and Immigration Tribunal
- the consequences of a successful appeal including the possibility of further challenges by the Home Office

Knowledge of the time limits for appealing

- calculating the date of deemed service of a decision at first instance, and the time limit for any subsequent appeal

Knowledge of the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate

- which decisions are capable of appeal
- how to lodge an appeal where appropriate with properly identified grounds of appeal
- how to write a brief to counsel

Detention and bail

Knowledge of the circumstances in which detention is thought justified by the immigration authorities and the factors to be taken into account in determining whether detention is the right course of action

- the procedures that accompany detention including the giving of reasons for detention as set out in paragraphs 38.6.3 of Chapter 38 of the Operational Enforcement Manual (Chapter 38: Detention and Temporary Release)
- the reasons for detention as set out in paragraph 1 of Chapter 38 of the Operational Enforcement Manual
- the factors to be taken into account by the Immigration Service in determining whether detention is the right course of action as set out in paragraphs 38.3 of the Operational Enforcement Manual

Knowledge of the main provisions relating to bail/temporary admission

- how to seek bail from an immigration judge or chief immigration officer and temporary admission from the Immigration Service
- the likely conditions to be set on bail and temporary admission
- the circumstances in which there will be no power to detain an individual
- the remedies of judicial review and habeas corpus

Offences

Knowledge of the major offences under the immigration legislation

- offences under the Immigration Act 1971 – illegal entry, overstaying and breaching conditions (section 24(1)(a)-(c), deception (section 24A(1)-(3)), facilitating (section 25(1)-(1A), harbouring (section 25(2)), assisting entry in breach of a deportation or exclusion order (section 25B(1-3) and offences regarding administration of 1971 Act (section 26(1))
- offences under sections 2 and 35 of the Immigration and Asylum (Treatment of Claimants Act 2004)
- offences connected with support under section 105 of the Immigration and Asylum Act 1999
- offences regarding employment under section 8 of the Asylum and Immigration Act 1996

Welfare/support

Awareness of the main provisions relating to benefits/support for persons subject to immigration control

- the effect of the main provisions on welfare and support is to exclude certain persons subject to immigration control from obtaining certain benefits

Knowledge of the circumstances in which employment is prohibited for persons subject to immigration control

- the circumstances in which employment is prohibited for persons subject to immigration control
- the circumstances in which employment is prohibited for asylum seekers

Ethics

Knowledge of the professional and ethical rules relating to confidentiality and conflicts, the independence of the legal representative, their duty to act in the best interests of the client, to maintain a proper standard of work and their duty to the Court

- SRA rules on conflicts of interest and confidentiality
- SRA rules on the independence of the legal representative, the duty of the representative to act in the best interests of the client, to maintain a proper standard of work and the duty of the representative to the court

Public funding

Knowledge of the types of legal aid available for immigration, asylum and nationality applicants under legal help and controlled legal representation

- key concepts of public funding – legal help and controlled legal representation, the Unique Client Number, Cost Limits, Extensions, and the importance of determining the costs of legal advice given by previous representatives

Knowledge of the relevant tests – sufficient benefits, means and merits – to be applied in order to assess eligibility for legal help and controlled legal representation

- merits tests for legal help and controlled legal representation, the funding code criteria including the prospects of success and costs and benefits of granting funding