

## **IMMIGRATION CERTIFICATION RULES**

### **DEFINITIONS**

1. In these Rules, except where otherwise indicated:
  - “Immigration Certificate” means a certificate authorising a person to provide immigration advice and services;
  - “Immigration Advice” means advice which
    - (a) Relates to a particular individual;
    - (b) Is given in connection with one or more relevant matters;
    - (c) Is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and
    - (d) Is not given in connection with representing an individual before a Court in criminal proceedings or matters ancillary to criminal proceedings.
  - “Immigration Services” means the making of representations on behalf of a particular individual:
    - (a) In civil proceedings before a Court, Tribunal or Adjudicator in the United Kingdom, or
    - (b) In correspondence with a Minister of the Crown or Government department, in connection with one or more relevant matters.
  - “Relevant Matters” means:
    - (a) A claim for asylum;

- (b) An application for, or the variation of, entry clearance or leave to enter or remain in the United Kingdom;
  - (c) Unlawful entry into the United Kingdom;
  - (d) Nationality and Citizenship under the law of the United Kingdom;
  - (e) Citizenship of the European Union;
  - (f) Admission to a Member State under Community Law;
  - (g) Residence in a Member State in accordance with rights conferred by or under Community Law;
  - (h) Removal or deportation from the United Kingdom;
  - (i) An application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997;
  - (j) An appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in Paragraph (a) to (i); and
- “Tribunal” means the Immigration Services Tribunal.
  - “Applicant in good standing” means a person in respect of whose conduct there is no complaint or misconduct matter outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Immigration Practitioner;
  - “CILEx” means the Chartered Institute of Legal Executives;
  - “Investigation, Disciplinary and Appeals Rules” means the Rules of CILEx which are in place from time to time and which govern the complaints handling and disciplinary procedures of CILEx Regulation;
  - “The Act” means the Legal Services Act 2007; and
  - “The Officer” means a person with responsibility for the Immigration Practice Rights Scheme.

Words importing the singular include the plural and vice versa.

Responsibility for this qualification scheme is delegated by CILEx to CILEx Regulation.

## **IMMIGRATION CERTIFICATE**

2. An applicant in good standing may apply to CILEx Regulation to be granted an Immigration Certificate.
3. The immigration practice rights exercisable by a person holding an Immigration Certificate are to provide immigration advice and immigration services.

## **QUALIFICATION ARRANGEMENTS**

4. Applicants who seek an Immigration Certificate must demonstrate that they meet the knowledge, skills and experience in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria at **Annex 2** and the competency framework at **Annex 3**.
5. Applicants who seek Immigration Rights must make an application in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria which appear at **Annex 2**.
6. An application must be made on such form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fees as may be fixed by CILEx Regulation from time to time.

7. CILEx Regulation will consider the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria which appear at **Annex 2**.
8. The portfolios which form part of the application will be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.
9. Where the external advisor finds that the portfolios are satisfactory and meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**, the CILEx Regulation Officer will consider the application. The Officer will consider whether the applicant may be granted an Immigration Certificate. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
10. Where the external advisor decides that the portfolios do not meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2** they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application to be referred to the Admissions and Licensing Committee to consider.
11. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching their decision, the Committee will consider all the information provided by the applicant, and may call the

applicant for interview or call for further information from any person or source it considers appropriate.

12. The committee may:
  - Approve the application;
  - Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.
  
13. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.
  
14. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.
  
15. Where the application has been approved, the notification shall include the Immigration Certificate.
  
16. Where the application is unsuccessful, the notification shall set out the Committee's reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

## **PRACTICE MANAGEMENT AND ACCOUNTS**

17. An Immigration Practitioner who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in accounts and practice management in accordance with the knowledge, skills and experience guidelines and portfolio guidelines and the competency frameworks which appear at **Annexes 4 and**

5. They will not be authorised to be an approved manager in an entity until these requirements are met.
18. Where an applicant relies upon existing experience they must complete a log in accordance the portfolio guidelines. An applicant who relies upon a qualification as evidence of meeting the competency framework must provide details of that qualification and assessment. CILEx Regulation will consider whether the experience or qualification relied upon demonstrates that the applicant meets the requirements of the competency framework.
19. An applicant who does not meet the knowledge, skills and experience requirements for practice management and/or accounts must complete qualification courses and assessment in those areas which meet the competency frameworks at **Annexes 4 and 5**.

## **ADMISSIONS AND LICENSING COMMITTEE**

20. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for the immigration rights qualification scheme.

## **EXTERNAL ADVISORS**

21. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on issues relating to immigration practice rights.

## **IMMIGRATION PRACTITIONERS**

22. An applicant who has been awarded an Immigration Certificate will be known as an Immigration Practitioner.

## **CONTINUING PROFESSIONAL DEVELOPMENT (CPD)**

23. Immigration Practitioners will be required to undertake Continuing Professional Development (CPD) in accordance with the CPD Regulations issued by CILEx Regulation from time to time.
24. Where an Immigration Practitioner has failed to undertake CPD which meets the CPD Regulations or fails to provide a record of such CPD, the Officer will refer the matter to the Admissions and Licensing Committee. The Admissions and Licensing Committee will consider whether the Immigration Practitioner should retain their Immigration Certificate.
25. The Immigration Practitioner will have the opportunity to make written representations to the Committee and a right to be heard by the Committee.
26. The Committee may decide to:
  - Grant an extension of up to 3 months for the Immigration Practitioner to meet their outstanding CPD requirement. The Immigration Practitioner will still be required to meet their current CPD requirements in the normal way; or
  - Withdraw the Immigration Certificate.
27. Where an Immigration Practitioner's Certificate has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh application for an Immigration Certificate in accordance with the Rules.

## **DISCIPLINARY PROCEDURES AND CODE OF CONDUCT**

28. Immigration Practitioners will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.
29. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of an Immigration Practitioner, that matter will be dealt with in accordance with CILEx's Investigation, Disciplinary and Appeals Rules. Where a finding, order or decision is made against an Immigration Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Immigration Practitioner remains a fit and proper person to hold an Immigration Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.
30. Rule 29 shall not apply where an order is made excluding an Immigration Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Immigration Practitioner's Certificate shall be invalid from the date the exclusion from membership or registration takes effect.
31. Where the Admissions and Licensing Committee decides that the Immigration Practitioner is no longer a fit and proper person to hold an Immigration Practice Certificate or their certificate is invalid in accordance with Rule 30, they must return their Certificate to CILEx Regulation within 28 days of them being notified of the decision. Failure to do so will constitute a disciplinary offence. The Immigration Practitioner may not exercise any Immigration practice rights granted to them under their certificate after they have been notified of the decision.
32. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that an

Immigration Practitioner is no longer a fit and proper person to hold an Immigration Certificate will be considered by a professional member and 2 lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's appeals body.

## **TRANSITIONAL ARRANGEMENTS**

33. Immigration advisors registered on the CILEx Regulation immigration register as at the date of commencement of this scheme who are not Chartered Legal Executives will be granted a period of 3 years, from the date of the commencement of this scheme, to qualify as Chartered Legal Executives and a further 6 months to meet the requirements as to competence set out in these rules. The authorisation of an advisor on the register at the commencement of this scheme who does not qualify as a Chartered Legal Executive or fails to meet the competence requirements within the timescale set out in this rule will be withdrawn at the expiry of the relevant timescale in this rule.
34. Immigration advisors registered on the CILEx Regulation immigration register as at the date of commencement of this scheme who are Chartered Legal Executives will be granted a period of 6 months to meet the requirements as to competence set out in these rules. The authorisation of an advisor on the register at the commencement of this scheme who does not meet the competence requirements within the timescale set out in this rule will be withdrawn at the expiry of the relevant timescale in this rule.

## **Annex 1- KNOWLEDGE, SKILLS AND EXPERIENCE GUIDELINES**

1. An applicant who seeks immigration practice rights must satisfy the guidelines below.
2. An applicant seeking immigration rights must provide the following information in an application to CILEx Regulation:

- A general outline of the immigration practice work they have carried out and the total experience they have gained;
  - Details of their typical caseload;
  - The number of chargeable hours they spent on immigration activities;
  - The proportion or number of cases which have involved immigration matters;
  - Details of any distinctive features of their work; and
  - Details of any supervisory arrangements under which they work and their own supervisory responsibilities.
3. Applicants must demonstrate that they have the appropriate level of knowledge, experience and skills in immigration practice and immigration law to be awarded an Immigration Practice Certificate in accordance with the framework at **Annex 3**.

### **Competence Criteria**

4. In deciding whether an applicant has adequate knowledge, skills and experience, CILEx Regulation will have regard to the competency framework set out at **Annex 3**.
5. Applicants will be required to demonstrate their knowledge, skills and experience in accordance with the portfolio guidelines and assessment criteria set out at **Annex 2**.
6. In their application, portfolios and logbooks, an applicant will be expected to demonstrate that they can:
- Recognise and rank items and issues in terms of relevance and importance;
  - Integrate information and materials from a variety of different sources;
  - Undertake the analysis of information in a logical and coherent way;
  - Make critical judgements on the merits of particular arguments;

- Present and make a reasoned choice between alternative solutions.
- Act independently in planning, preparing and undertaking tasks in immigration activities;
- Undertake independent research in immigration practice using standard legal information sources; and
- Reflect on their learning and make constructive use of feedback.

## **Evaluating Experience**

7. An applicant will be expected to have a range of experience across the area in which they work. Applicants will be expected to have handled cases matters from the beginning to the end.
8. CILEx Regulation will consider the quality and quantity of experience that an applicant has gained. In considering the quality of experience, CILEx Regulation will look at various factors such as the complexity of cases handled, the nature of the matters handled and the types of issues that have arisen within them.
9. CILEx Regulation will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. CILEx Regulation will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, CILEx Regulation will need to ensure that an applicant has an acceptable level of experience.
10. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in immigration practice. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.

11. There may be other factors which affect an applicant's experience in the preceding 2 years. CILEx Regulation will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

## **Immigration KEG**

## **Annex 2 - PORTFOLIO GUIDELINES AND ASSESSMENT CRITERIA**

### **Introduction**

1. An applicant seeking reserved legal activity rights must provide evidence of their:
  - Knowledge and understanding of the area of law in which they seek rights, demonstrated to CILEx Level 6 standard.
  - Experience in the area of law in which they seek rights.
  - Skills in the legal practice area in which they seek rights.
2. Applicants must demonstrate their knowledge, skills and experience, set out at Rule 1, in accordance with the competency framework which appears at **Annex 3**.

### **Knowledge of Law**

3. An applicant who has successfully completed and passed an assessment in the CILEx Level 6 examinations in the law subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law.
4. An applicant who has obtained a qualification which is not the CILEx Level 6 qualification, but of an equivalent standard, may rely upon that as evidence of their knowledge. In determining whether to accept an alternative qualification, CILEx Regulation will assess the syllabus of that qualification, date upon which the qualification was obtained and details of the assessment the applicant undertook, to determine whether an exemption may be granted. In assessing the details of the qualification, CILEx Regulation will determine whether the qualification relied upon is of an equivalent standard and covered at least 50% of the syllabus of the relevant CILEx Level 6 subject(s).

5. Where an applicant does not rely upon an alternative qualification, or the qualification is deemed as not providing sufficient coverage to the same standard as the CILEx Level 6 subject(s), they may rely upon experience which has developed their knowledge of the relevant law area.
6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law subject area(s) through their experience. Applicants will complete portfolios of 5 cases they have handled, within the 2 years preceding the date of their application, which demonstrate the knowledge they have gained through experience.
7. Applicants will be required to select a range of cases and provide an outline of the following in respect of each portfolio:
  - The facts of the case;
  - The law arising in the case and its application to the facts of the case;
  - The appropriate procedural and process matters that arose in the case and how they were dealt with;
  - The evidential issues that arose in the case and how they were dealt with;
  - An outline of any ethical or conduct issues that arose in the case and how they were dealt with;
  - The funding issues that arose in the case and how they were dealt with;
  - The advice the applicant provided to the client and the outcome of the matter;
  - Decisions the applicant had to make in the case and whether they had to take advice on any strategic issues in the case; and
  - Any training or development needs the applicant identified from having dealt with the case.
8. CILEx Regulation will assess the portfolios to establish whether they demonstrate that an applicant has acquired sufficient knowledge, through experience, to the same standard as the CILEx Level 6 in the subject. The

knowledge gained must cover at least 50% of the syllabus of the CILEx Level 6 subject.

9. In making its assessment, CILEx Regulation will take into account the competence criteria set out at **Annex 3** which outlines the knowledge requirements for the relevant subject area.

## **Experience**

10. All applicants must provide an outline of their experience in the area of practice in which they seek to become an authorised person for the purposes of conducting reserved or regulated legal activities.
11. Applicants must provide an outline of their experience in an application along with 3 portfolios of cases they have handled which demonstrate their experience.
12. The experience outlined in an application must set out the following information for the 2 years preceding the date of the application:
  - A description of cases that the applicant has handled;
  - A description of the applicant's typical case load, including details about the complexity of the case load and a summary of any difficult cases the applicant has handled;
  - The number of chargeable hours spent on the practice area in which rights are sought;
  - The proportion of time spent on that area of law;
  - A description of the range and nature of matters that the applicant has handled in the area of practice in which rights are sought;
  - Details of any distinctive features of the applicant's work; and
  - Details of any supervisory arrangements under which the applicant works and any supervisory responsibilities they have.

13. An applicant will be required to produce portfolios of 3 cases which demonstrate their experience in the area in which rights are sought.
14. In the portfolios, applicants must provide the following information:
  - The facts of the case;
  - The law arising in the case and its application to the facts of the case;
  - The procedural and process matters that arose in the case and how they were dealt with;
  - The evidential issues that arose in the case and how they were dealt with;
  - Any ethical or conduct issues that arose in the case and how they were dealt with;
  - The funding issues that arose in the case and how they were dealt with;
  - The advice the applicant provided to the client and the outcome of the case;
  - Decisions that the applicant had to make in the case, including whether they had to take advice on any strategic issues; and
  - Any training or development needs that the applicant identified from having dealt with the case.
15. CILEx Regulation will assess the outline of experience provided in the application, along with the 3 portfolios. The assessment will consider whether the applicant meets the experience requirements set out in the competency framework at **Annex 3**.

## **Skills**

16. An applicant must provide evidence of their skills in the area in which they seek reserved legal activity rights in accordance with the skills criteria for each practice and law area which appear at **Annex 3**.

17. An applicant may demonstrate their skills through either undertaking a skills course which meets the outcomes set out at **Annex 3**, or producing a log of their experience which demonstrates their skills.
18. Where an applicant seeks to rely upon a course, they must demonstrate that the course meets the outcomes set out at **Annex 3**.
19. An applicant who seeks to rely upon their experience as evidence of their skills must demonstrate that they meet each of the outcomes set out at **Annex 3** through the production of a log book and supporting evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.
20. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the skills criteria set out at **Annex 3**.

### **Practice management and accounts**

21. An applicant who relies upon their existing practical experience of practice management and accounts must provide evidence of their knowledge, skills and experience of accounts and practice management in accordance with the competency criteria which appear at **Annexes 4 and 5**.
22. An applicant must demonstrate their knowledge, skills and experience through producing a log which demonstrates that they meet each of the outcomes set out at **Annexes 4 and 5**. The log must be supported by evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

23. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the competency requirements set out at **Annexes 4 and 5**.

### **ANNEX 3 - INTRODUCTION – IMMIGRATION PRACTICE RIGHTS**

The entry criteria, learning outcomes and evidence of competency stated in this schedule sets out:

- the level of competency, knowledge and understanding required to practise in the area of immigration work
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – client care, research, drafting, letter writing, interviewing and advising including recognition of vulnerability and sensitivity and (optional) advocacy skills.
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements

Certification of Immigration Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of immigration work in practice which must include not less than 2 years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of immigration work, including the ability to represent clients in applications for entry and stay from EEA and non EEA countries, applications for asylum and humanitarian protection, when and how to apply the Human Rights Act to applications, applications for nationality and citizenship, the appeals process, application for bail in detention and immigration offence cases, the operation of legal aid, welfare and benefits in immigration cases and an understanding of the impact of discrimination law on immigration cases.
- the ability, and experience, to research aspects of statute and case law, legal practice, procedures and documentation that is current
- the ability, and experience, to interview clients appropriately and identify the client's objectives and different means of achieving those objectives if options are available, together with the ability, and experience, to advise such clients and be aware of any issues (such as the need for an interpreter) which may arise, these should be taken into account together with the costs, benefits and risks involved in any procedure, transaction or course of action
- the ability, and experience, to perform the tasks required to advance applications and matters, to include (but not restricted by), drafting letters of advice to clients, drafting and completing documents, communicating with co-professionals, the UK Border Agency, the Home Office and other bodies and organisations
- the ability, and experience to prepare appropriate applications in the best interests of the client

- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
<p><b>STAGE 1 ENTRY CRITERIA</b></p> <ul style="list-style-type: none"> <li>• KNOWLEDGE</li> <li>• UNDERSTANDING</li> <li>• SKILLS</li> <li>• EXPERIENCE</li> </ul> <p><b>ENTRY KNOWLEGDE AND UNDERSTANDING</b></p>	<ul style="list-style-type: none"> <li>• Has practical knowledge, understanding, experience and skills</li> </ul>	<p><b>Either</b></p> <ul style="list-style-type: none"> <li>• successful completion of CILEx Level 6 Professional Higher Diploma in Immigration law</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• qualification of an equivalent standard and/or relevant knowledge and understanding</li> </ul> <p><b>And</b></p> <ul style="list-style-type: none"> <li>• demonstrate their knowledge and understanding of Immigration Law and Practice through the submission of 5 portfolios. A further 3 portfolios are required to demonstrate practical experience of Immigration work, a total of 8 portfolios is required</li> <li>• Examples will be drawn from a range of cases from the applicant’s case load. Guidance on this can be found in <b>the Portfolio Guidelines</b></li> </ul> <p><b>And</b></p> <ul style="list-style-type: none"> <li>• be a Fellow of CILEx</li> </ul> <p>NOTE: Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Immigration Practice Rights</p>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	<p><b>Demonstrate knowledge and understanding of entry of non-EEA citizens into and their stay in the UK and be able to</b></p> <ul style="list-style-type: none"> <li>• identify categories of visitor</li> <li>• identify and apply procedures re Home Office Applications and entry</li> </ul>	<p>applications to the Home Office &amp; to entry clearance officers in those areas of work in the following areas:</p> <ul style="list-style-type: none"> <li>• entry into the UK, various categories of short term visitors,</li> <li>• entry to study in the UK and entry to work in the UK on a permanent and temporary basis, including the points based system,</li> <li>• entry to UK for business and investment purposes or self-employment,</li> <li>• admission of spouses and civil partners and the admission of fiancés for marriage, and co-habitees for co-habitation.</li> <li>• admission of children and other relatives,</li> <li>• indefinite leave to remain and settlement,</li> <li>• extensions, variations and curtailments of leave,</li> <li>• illegal entry, overstaying, administrative removal and deportation.</li> </ul>
	<p><b>Demonstrate knowledge and understanding of entry of EEA and EU citizens into and their stay in the UK and be able to</b></p> <ul style="list-style-type: none"> <li>• Identify countries covered by EU law</li> <li>• Identify and apply procedures for obtaining permits and settling in UK</li> </ul>	<ul style="list-style-type: none"> <li>• the operation of freedom of movement law,</li> <li>• residency and settlement,</li> <li>• reciprocal rights to welfare, healthcare and benefits,</li> <li>• exclusion from the UK as it applies to EU citizens and both EU and non-EU citizen members of their families and dependents,</li> <li>• knowledge of the Turkish association agreement.</li> </ul>
	<p><b>Demonstrate knowledge and understanding of asylum and humanitarian protection and be able to</b></p> <ul style="list-style-type: none"> <li>• Identify and apply procedures for making an asylum application, screening and substantive interviews</li> <li>• Identify and apply grounds on which as asylum decision can be challenged</li> </ul>	<ul style="list-style-type: none"> <li>• EC law on humanitarian protection and the Qualification and Protection Directive, the relevant Immigration Rules,</li> <li>• the Secretary of State's discretionary powers in relation to humanitarian protection,</li> <li>• the law relating to 'credibility' of asylum seekers and the Home Office/UKBA policies and procedures.</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	<p><b>Demonstrate knowledge and understanding of human rights and be able to</b></p> <ul style="list-style-type: none"> <li>• Apply the Human Rights Act to cases</li> <li>• Apply the European Convention of Human Rights to cases</li> <li>• Identify and apply the procedure for appeal and judicial review based on HRA and ECHR claims</li> </ul>	<ul style="list-style-type: none"> <li>• relevant human rights legislation on decision making in the immigration sphere and the nature and scope of the articles of the ECHR relevant to UK law.</li> </ul>
	<p><b>Demonstrate knowledge and understanding of nationality and citizenship and be able to</b></p> <ul style="list-style-type: none"> <li>• Identify and apply procedures for applying for British Citizenship</li> <li>• Identify and apply Home Office Nationality Instructions</li> </ul>	<ul style="list-style-type: none"> <li>• the impact of legislation and Home Office policy on nationality and citizenship</li> </ul>
	<p><b>Demonstrate knowledge and understanding of appeals and be able to</b></p> <ul style="list-style-type: none"> <li>• Identify and apply procedures for hearings before First-tier Tribunal</li> <li>• Understand powers of Immigration judges and orders that can be made</li> <li>• Understand rules of evidence and procedures for appeals to Upper Tribunal</li> </ul>	<ul style="list-style-type: none"> <li>• appeals, including when a decision of a First-tier Tribunal or a decision of an Upper Tribunal may be appealed,</li> <li>• the role of the courts in the appeal system and</li> <li>• the circumstances in which judicial review may be used and the grounds on which judicial review may be sought</li> </ul>
	<p><b>Demonstrate knowledge and understanding of detention, bail and immigration offences and be able to</b></p> <ul style="list-style-type: none"> <li>• Identify and apply procedures for applying for bail</li> <li>• Identify and apply procedure for prosecution of immigration offences</li> </ul>	<ul style="list-style-type: none"> <li>• the circumstances in which an application for bail may be made and of the bodies or individuals empowered to grant bail,</li> <li>• habeas corpus and bail from a chief immigration officer or an authorised person,</li> <li>• Home Office policy on bail and detention for children and young persons,</li> <li>• knowledge of the offences under the Immigration Acts and defences to offences under the Immigration Acts and</li> <li>• the range of sentences available to the courts.</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	<p><b>Demonstrate knowledge and understanding of legal aid, welfare and benefits and be able to</b></p> <ul style="list-style-type: none"> <li>Identify and apply procedures for applying for benefits for refugees and those subject to humanitarian protection</li> <li>Identify main sources of advice and assistance</li> </ul>	<ul style="list-style-type: none"> <li>claiming benefits support and housing for refugees or those benefiting from humanitarian protection or who have discretionary leave for that purpose,</li> <li>the types of public funding available for immigration, asylum and nationality applicants</li> <li>the eligibility tests for public funding.</li> </ul>
	<p><b>Demonstrate knowledge and understanding of race relations and immigration and be able to</b></p> <ul style="list-style-type: none"> <li>Identify and apply procedures for claiming racial discrimination in First-tier and Upper Tier Tribunals</li> <li>Identify and apply procedure for making claims of discrimination by immigration officials</li> </ul>	<ul style="list-style-type: none"> <li>the relevant provisions of the equality legislation as it applies to immigration, asylum and nationality practice and the availability of appropriate remedies</li> </ul>
<b>ENTRY SKILLS</b>		<ul style="list-style-type: none"> <li>Where the applicant does not hold the relevant CILEx Level 6 Legal Research or Client Care (or equivalent) qualification, they should provide a portfolio of evidence and logbook which demonstrates that they meet each of the outcomes set out below in accordance with the <b>Portfolio Guidelines</b>.</li> <li>Examples will be drawn from a range of cases from the applicant's case load.</li> </ul>
<b>Client Care</b>	<p><b>Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice</b></p>	<ul style="list-style-type: none"> <li>Explain what the applicant understands by successful client interviewing</li> <li>Demonstrate interviews which the applicant considers to be successful and identify what made them successful</li> <li>Explain what the applicant understands by negotiation and its importance in legal practice, including identification of a number of types of negotiation and the importance of preparation in successful negotiation.</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
		<p>Identify a number of media through which negotiation can take place</p> <ul style="list-style-type: none"> <li>• Provide examples of the following which have been overcome in a negotiation situation: <ul style="list-style-type: none"> <li>• The use of different types of negotiation using different media</li> <li>• A situation in which preparation for negotiation was central to success</li> <li>• A situation in which communication barriers were overcome for a successful outcome</li> <li>• Use of persuasion to achieve a successful outcome</li> </ul> </li> </ul>
	<b>Demonstrate good practice in legal writing</b>	<ul style="list-style-type: none"> <li>• Provide evidence of legal writing which demonstrates understanding of the following key areas of good practice: <ul style="list-style-type: none"> <li>• Accurate, succinct, complete and precise writing</li> <li>• Awareness of the need to use 'plain English' and writing using correct grammar and spelling</li> <li>• legal English is used only when necessary and is appropriately explained</li> <li>• Judicious use of structure to clearly and logically set out information</li> </ul> </li> <li>• Provide evidence to demonstrate the synthesis of a variety of sources to provide advice to the client.</li> <li>• Provide evidence of use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations</li> </ul>
	<b>Demonstrate knowledge and understanding of professional conduct issues arising in practice</b>	<ul style="list-style-type: none"> <li>• Explain where the applicant will find the rules of professional conduct which affect their practice of the law</li> <li>• Identify situations in which an ethical issue may have arisen in the applicant's practice and how they dealt with those situations</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
		<ul style="list-style-type: none"> <li>Identify any professional organisations that exist within the applicant's area of practice and explain benefits of membership</li> </ul>
	<b>Demonstrate knowledge and understanding the importance of client care in legal practice</b>	<ul style="list-style-type: none"> <li>Explain the SRA rules relating to client care and evidence use of the rules in practice</li> <li>Evidence use of the use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc.</li> <li>Demonstrate understanding of the need for good client care to benefit the business</li> </ul>
<b>Legal Research</b>	<p><b>Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research</b></p> <p><b>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</b></p> <p><b>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</b></p> <p><b>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</b></p> <p><b>Ability to record and evaluate information</b></p> <p><b>Ability to synthesise research to present advice</b></p>	<ul style="list-style-type: none"> <li>Identify situations in which the need for legal research has arisen in the applicants work</li> <li>Explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered</li> <li>Explain understanding of primary and secondary sources and how these sources can be used to ensure the applicant has sufficiently researched the problem</li> <li>Identify relevant statutes, case law and other sources from r research</li> <li>Evidence how research was prioritised and analysed and used this to better understand the issues raised in the legal matter</li> <li>Evidence synthesis of the research materials to provide a structured and accurate report</li> <li>Evidence how research was evaluated to ensure that it was comprehensive and sensitive to the needs of the recipient.</li> </ul>

	Learning Outcome	Supporting Experience
<b>ENTRY EXPERIENCE: ALL APPLICANTS</b>	<ul style="list-style-type: none"> <li>immigration practice experience in the 2 years preceding the immigration practice rights course</li> </ul>	<ul style="list-style-type: none"> <li>General description of immigration work carried out</li> <li>Description of typical case load</li> <li>An indication of chargeable hours spent on immigration proceedings work in each of the last 2 years</li> <li>The proportion of time spent on immigration proceedings work</li> <li>The number of cases which have included preparation for tribunal</li> <li>Details of any supervisory arrangements under which the applicant works and/or their supervisory responsibilities</li> </ul>
<b>STAGE 2 QUALIFICATION CRITERIA: SKILLS</b>		<p>the applicant must demonstrate the outcomes by either</p> <ul style="list-style-type: none"> <li>attendance on a course, or</li> <li>through work experience and by satisfying the assessment criteria.</li> </ul>
<b>Element 1 INTERVIEWING, ADVISING AND COMMUNICATING</b>	<p>INTERVIEWING:</p> <ul style="list-style-type: none"> <li>An ability to conduct effective interviews with the client and potential witnesses across a range of immigration issues.</li> </ul> <p>ADVISING AND COMMUNICATING:</p> <ul style="list-style-type: none"> <li>An ability to give and communicate clear accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and</li> </ul>	<ul style="list-style-type: none"> <li>Prepare for an initial interview and apply a structured approach to it</li> <li>Greet the interviewee appropriately</li> <li>Use appropriate listening questioning and feedback techniques</li> <li>Maintain rapport with the interviewee</li> <li>Be sensitive to diversity issues</li> <li>Keep a full and accurate record of the interview</li> <li>Close the interview appropriately</li> </ul> <ul style="list-style-type: none"> <li>Obtain all relevant information and identify the clients objectives</li> <li>Give clear advice on all relevant matters arising</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	prospects of success (either orally, in writing or other media).	<ul style="list-style-type: none"> <li>• Identify the options available and explain the pros and cons of each of those options</li> <li>• Enable the client to make decisions in the case based on appropriate advice</li> <li>• Give clear, appropriate and accurate advice regarding costs and funding</li> <li>• Seek appropriate instructions and give clear advice regarding the next steps to be taken</li> <li>• Produce an accurate record of the interview</li> </ul>
<b>Element 2</b> COSTS AND FUNDING	<p><b>COSTS</b></p> <ul style="list-style-type: none"> <li>• An awareness of the requirements of the relevant rules that relate to immigration costs and be able to give clear and accurate advice or information on costs issues arising in the case</li> </ul> <p><b>FUNDING</b></p> <ul style="list-style-type: none"> <li>• Clear and accurate advice on funding options</li> </ul> <p><b>DOCUMENTATION</b></p> <ul style="list-style-type: none"> <li>• Draft or complete the necessary documents relating to funding</li> </ul>	<ul style="list-style-type: none"> <li>• Provide realistic costs estimates of all costs at the start of the case or as soon as possible and update these throughout the progress of the action to include the cost implications of case strategies</li> <li>• Provide appropriate advice regarding the fees that will be charged</li> <li>• Identify the funding options available in a particular case</li> <li>• Communicate the risks and benefits of each method of funding available</li> <li>• Be aware of the funding regulations and restrictions.</li> <li>• Advise the client, or service user, of significant development in the case</li> <li>• Identify the appropriate documents to put in place the agreed funding method</li> <li>• Draft or complete for the client or inform the client of the appropriate documentation to obtain funding and explain the requirements of the agreed funding method</li> <li>• Draft funding agreements</li> <li>• Prepare estimates and schedules of costs</li> <li>• Understand all matters relating to a summary</li> </ul>

	Learning Outcome	Supporting Experience
		assessment of costs and detailed costs assessment
<b>Element 3</b> PROFESSIONAL CONDUCT AND ETHICS	<p><b>PROFESSIONAL OBLIGATIONS</b></p> <ul style="list-style-type: none"> <li>An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct</li> <li>An awareness of their obligations to: the court, their client, other lawyers, the public and money laundering legislation and regulation</li> </ul> <p><b>CONFLICTS</b></p> <ul style="list-style-type: none"> <li>An ability to identify and deal appropriately with conflicts of interest throughout their handling of the matter</li> </ul> <p><b>WITHDRAWAL FROM THE CASE</b></p> <ul style="list-style-type: none"> <li>an awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client</li> </ul> <p><b>CONFIDENTIALITY AND PRIVILEGE</b></p> <ul style="list-style-type: none"> <li>an understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts.</li> </ul>	<ul style="list-style-type: none"> <li>Draft client care letters</li> <li>Identify situations where their obligations to: the court, their client, other lawyers, the public, and money laundering legislation arise</li> </ul> <ul style="list-style-type: none"> <li>Identify and deal appropriately with conflicts arising between the applicant and the client or service user, arising between them and their duty to the court, or arising between them and any relevant third party</li> </ul> <p>Show an awareness of</p> <ul style="list-style-type: none"> <li>The need to withdraw;</li> <li>the proper action when the client refuses to make proper disclosure;</li> <li>when the client's or service user's interests conflict with the applicant's duties to the court or any other circumstances where withdrawal is required</li> </ul> <ul style="list-style-type: none"> <li>Distinguish between legal advice privilege, litigation privilege</li> <li>Distinguish between confidential information and privileged information</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	<p>COMPLAINTS AND NEGLIGENCE</p> <ul style="list-style-type: none"> <li>• an understanding of the professional conduct rules as they are applied in practice and the steps that must be taken in the event that a mistake (or an act of negligence) has occurred.</li> </ul>	<ul style="list-style-type: none"> <li>• Identify the circumstances when a complaint could be made or negligence action may arise</li> <li>• Explain what steps would need to be taken in respect of the identified, or potential, mistake or act of negligence</li> <li>• Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to deal with allegations of mistake or negligence</li> </ul>
<p><b>Element 5</b> MANAGING IMMIGRATION WORK</p>	<p>FILE HANDLING</p> <ul style="list-style-type: none"> <li>• An ability to plan and manage immigration cases, deliver a good legal service to clients or service user</li> <li>• manage the client's or service users expectations,</li> <li>• progress matters expeditiously</li> <li>• maintain files and records in accordance with procedures</li> </ul> <p>CASE ANALYSIS AND CASE PREPARATION</p> <p>An ability to formulate a case strategy which is:</p> <ul style="list-style-type: none"> <li>• Compatible with the client's objectives and</li> <li>• Is legally and procedurally sustainable</li> </ul>	<ul style="list-style-type: none"> <li>• Plan and prioritise a workload and manage files and tasks concurrently, efficiently, making the best use of available resources, exercise good judgment, be realistic (as to the client's or service user's expectations, proportionality, time or available funds) and sought support when necessary</li> <li>• Deal with matters without causing delay.</li> <li>• Maintain files and systems (which may include electronic systems) appropriately and correctly</li> <li>• Ensure that files are up to date and 'in budget'</li> <li>• Manage financial transactions on the file correctly and appropriately</li> </ul> <ul style="list-style-type: none"> <li>• Identify 'strengths' and the 'weaknesses' in a case</li> <li>• Identify gaps in available evidence</li> <li>• Draw up a realistic case plan</li> <li>• Relate the case theory to the client's or service user's objectives and expectations</li> <li>• Provide the client with a balanced view of the likely risks, costs and benefits of the case strategies</li> <li>• Adopt a cost effective, analytical and pragmatic approach to the wider issues (which may include the client's or</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	<p>DEALING WITH OTHER PROFESSIONALS</p> <ul style="list-style-type: none"> <li>• An appropriate level of professionalism in establishing an effective working relationship with others involved in a legal matter</li> <li>• Identify and provide appropriate information to others involved in a matter which may include: instructing advocates, interpreters and experts</li> </ul> <p>INSTRUCTING ADVOCATES</p> <ul style="list-style-type: none"> <li>• An ability to instruct an advocate when necessary</li> </ul> <p>EXPERTS</p> <ul style="list-style-type: none"> <li>• An ability to select, appoint and instruct an expert and show an awareness of the range of expertise that may be needed for a case</li> </ul>	<p>service users commercial objectives)</p> <ul style="list-style-type: none"> <li>• Deal with other professionals involved in a matter appropriately, professionally and ethically</li> <li>• Provide other professionals involved in a matter with appropriate information, instructions and guidance</li> </ul> <ul style="list-style-type: none"> <li>• Identify when a specialist legal opinion is required/when it is necessary to instruct an advocate</li> <li>• Identify a suitably qualified/experienced advocate</li> <li>• Agree an appropriate fee for work to be carried out by the advocate</li> <li>• Draft a brief to the advocate providing appropriate information and instructions</li> <li>• Liaise between the client and advocate</li> <li>• Demonstrate an awareness of the obligations of the advocate to the court and under his professional obligations</li> <li>• Deal with the advocate in an appropriate and professional manner</li> </ul> <ul style="list-style-type: none"> <li>• Appreciate the nature and function of different types of experts</li> <li>• Identify when it is appropriate to instruct an expert</li> <li>• Agree an appropriate fee for work to be carried out by the expert</li> <li>• Be familiar with the available registers and databases through which an appropriate expert may be identified and located</li> <li>• Instruct an expert appropriately applying relevant rules</li> </ul>

	Learning Outcome	Supporting Experience
	<p>INTERPRETERS</p> <ul style="list-style-type: none"> <li>• Ability to identify when there is a need for an interpreter</li> </ul>	<p>and protocol</p> <ul style="list-style-type: none"> <li>• Provide the expert with appropriate information, instructions and guidance</li> <li>• Deal with the expert in an appropriate and professional manner</li> <li>• Identify situations in which the need for an interpreter has been identified and the steps taken to accommodate this</li> </ul>
<p><b>Element 5</b> LEGAL WRITING AND DRAFTING</p>	<ul style="list-style-type: none"> <li>• An ability to understand and apply the principles of good writing and drafting</li> </ul>	<ul style="list-style-type: none"> <li>• Understand and apply the principles of good writing</li> <li>• Use accurate, straightforward and modern language</li> <li>• Use correct spelling, grammar, syntax and punctuation</li> <li>• Draft a document that is clear, logical, consistent and with appropriate structure and format</li> <li>• Draft a document that forms a coherent whole and, where appropriate, advance the matter, identify the client's objectives and priorities, provide a clear risk analysis</li> <li>• Address the document appropriately and accurately</li> <li>• Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication</li> <li>• Choose the appropriate medium, form and style of written communication</li> <li>• Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients</li> </ul>
<p><b>Element 6</b> DEALING WITH VULNERABLE CLIENTS</p>	<ul style="list-style-type: none"> <li>• Ability to identify and deal with vulnerable clients</li> <li>• Ability to identify and deal with sensitive issues</li> <li>• Avoiding discrimination and promote equality and diversity</li> <li>• Knowledge of appropriate agencies,</li> </ul>	<ul style="list-style-type: none"> <li>• Identify situations in which a client has been identified as vulnerable and the appropriate adjustments made to accommodate the vulnerability</li> <li>• Identify situations in which an issue has been identified as sensitive and the appropriate adjustments made to</li> </ul>

	<b>Learning Outcome</b>	<b>Supporting Experience</b>
	<p>understanding of their functions and identify need to signpost</p>	<p>accommodate the sensitivity</p> <ul style="list-style-type: none"> <li>• Provide evidence of steps taken to avoid discrimination and promote equality</li> <li>• Identify situations in which the client needs to contact other agencies and provide appropriate signposting to those agencies</li> </ul>
<p><b>Element 7 (Optional)</b></p> <p>ADVOCACY</p>	<ul style="list-style-type: none"> <li>• An appropriate level of experience of case analysis, critical judgement and evaluation</li> <li>• Ability to make effective written representations</li> </ul> <ul style="list-style-type: none"> <li>• Ability to make effective written submissions</li> </ul>	<ul style="list-style-type: none"> <li>• Identify the relevant factual, legal and evidential issues in a given case logically, clearly and coherently</li> <li>• Identify the evidence available to both parties to prove these issues</li> <li>• Understand the strengths and weaknesses of a case</li> <li>• Understand the relevant law in context</li> <li>• Prepare a case theory that is both succinct and persuasive</li> <li>• Prepare a case theory that observes the rules of professional conduct</li> <li>• Prepare effective written submissions on the identified issues citing relevant authorities, arguments for the case and use appropriate factual and legal arguments.</li> <li>• Identify the client's goals.</li> <li>• Analyse the relevant factual issues.</li> <li>• Understand the legal and evidential context in which these factual issues arise and how they relate to each other.</li> <li>• Summarise the strengths and weaknesses of each party's case.</li> <li>• Develop an effective case presentation strategy.</li> <li>• Outline the relevant facts in a clear, effective format.</li> <li>• Understand and use the English language proficiently in relation to legal issues.</li> </ul>

	<ul style="list-style-type: none"> <li>• Ability to respond to arguments presented during a hearing</li> <li>• Ability to identify circumstances in which it is appropriate to apply for adjournment or challenge case law</li> <li>• Ability to re-evaluate evidence</li> </ul> <ul style="list-style-type: none"> <li>• Ability to assess case to identify whether it should be referred to solicitor or counsel for judicial review claim</li> </ul>	<ul style="list-style-type: none"> <li>• Present a sustained argument in a way which is comprehensible to others.</li> <li>• Prepare and present a coherent submission to the tribunal based upon relevant facts, general principles and legal authority in a structured, concise and persuasive manner in a practical setting in relation to a hearing</li> <li>• Understand and appreciate the relevant communication skills and techniques used by an advocate.</li> </ul> <ul style="list-style-type: none"> <li>• Make an appropriate decision to appear and represent the client at tribunal</li> <li>• Understand when it would be appropriate to cease to act as an advocate.</li> </ul>