

Immigration and Asylum Law Advanced Accreditation Scheme

Guidance

Within this guidance note you can find:

- A. An introduction to the Accreditation Scheme
- B. Who is eligible to apply for membership?
- C. What types of membership are available?
- D. The level of experience you will be required to demonstrate
- E. How to apply and what you should include
- F. How you will be assessed
- G. What other checks and assessments are made?
- H. What fees are payable for making your application?
- I. Information on re-accreditation
- J. Our requirements for continued professional development
- K. What standards of competence are expected of a member of the scheme?

A. An introduction to the Accreditation Scheme

The Immigration and Asylum Accreditation Scheme (IAAS) covers all immigration and asylum advice and services work.

Membership is a mandatory requirement for immigration practitioners who wish to carry out and receive payment under a Legal Services Commission (LSC) contract in the immigration category.

It is not compulsory for solicitors offering immigration and asylum advice and services on a privately funded basis, however, membership is encouraged as it is a mark of standards and competency in the field.

Under section 84 of the Immigration and Asylum Act 1999 (IAA 1999), it is an offence for a person to provide immigration advice or services unless they are a “qualified person”.

A qualified person includes a person who is:

- Regulated by the Office of Immigration Services Commissioner (OISC)
- a member of a Designated Professional Body (DPB) – for example, the Law Society
- working under the supervision of a member of a DPB
- regulated by an EEA-equivalent of a DPB
- working under the supervision of a member of an EEA-equivalent

OISC is responsible for the regulation of persons providing immigration advice and services who are not regulated by a Designated Professional Body (DPB) or work under the supervision of such a person or are otherwise authorised in terms of the IAA 1999. Immigration practitioners should ensure they comply with the requirements of immigration legislation.

In 2004, the Law Society introduced the accreditation scheme for immigration and asylum practitioners. The eligibility criteria and terms and conditions of scheme membership are set out in this document.

The LSC require firms providing immigration and asylum services under a contract to have a Level 2 or Level 3 member of IAAS who also is a Supervisor member. An individual working under a contract **must** be a member of IAAS.

Work restrictions are applied by the LSC to the different levels of membership.

If you have any queries regarding the LSC contract, contractual requirements or work restrictions, please contact the LSC at www.legalservices.gov.uk.

B. Who is eligible to apply for membership?

Only Level 2 (Senior) Caseworker members can apply.

Memberships last for 5 years.

C. What types of membership are available?

One type of membership is available - Immigration Law Advanced Membership.

D. The level of experience you will be required to demonstrate

You need to be able to satisfy the criteria set out below;

1 A high level of understanding of immigration and asylum law and practice

You will demonstrate this by either:

- Having passed the Level 2 assessments and having achieved an average mark of 70 per cent (but not less than 65 per cent in either assessment) in the written assessments (written examination and drafting assessment) and be graded as not less than 60% in the client interview assessment.

If you have re-sat any of the written assessments, the average of all the marks awarded at all attempts must be 70 per cent and you must have achieved not less than 65 per cent in both papers;

OR

- Having passed the Level 2 assessments and in addition evidencing your high level of understanding of immigration and asylum law and practice by; for example: holding a masters degree, diploma or the equivalent in immigration law and practice; or have been closely involved in the lecturing on degree diploma or the equivalent courses in immigration law and practice within the last 2 years immediately preceding the application; or authorship of texts on immigration and asylum law and practice within the last 2 years immediately preceding the application.

The examples above are not exhaustive and there may be other ways in which you can demonstrate your high level of understanding.

Evidence submitted to support other criteria may also be relevant for this criterion.

The results of all of your attempts of the Level 2 assessments must be attached to your application and be evidenced by certified copies of the marks transcript for each attempt.

2. Successfully managing a range of complex cases

These should be of a kind not routinely encountered in practice. They may include, but do not require, successful conduct of your own advocacy.

You should demonstrate this by providing detailed reports on five cases for which you had lead responsibility during the two years preceding the date of application and an outline of your career in immigration and asylum work.

To ensure that all the relevant information is provided, please complete the suggested case report format which is available in the Immigration law Advanced section of our website. You will be required to certify that each of your case reports are genuine and your own work. The authenticity of your case reports may be verified by reference to the LSC or court records.

When completing the case report form, the text boxes will expand to fit your answer. You should complete questions 1-4 and 26 in all cases, and either 5-11, 12-18 or 19-25 as befits your case.

- 3a. Sharing your expertise and experience of immigration and asylum work and**
- 3b. Influencing the development of immigration/asylum law, policy and practice, with credibility, if not success**

You will need to choose which you wish to be assessed on. Please note that you must choose between demonstrating one or the other. You cannot rely on both.

3a. Sharing your expertise and experience of immigration and asylum work and

This can be demonstrated by your written work (sole or co-author of appropriate legal texts, published articles in legal journals, press etc), teaching or lecturing on external training events, active and documented coaching or mentoring of senior colleagues.

Evidence of your achievements will be required and may include:

- details of books published
- copies of articles published and details of where published
- testimonials from those attending training events or copies of course feedback; you should provide details of your witnesses; and the Law Society will send them a specific questionnaire
- testimonials from colleagues you have coached or mentored; you should provide details of your witnesses, and the Law Society will send them a specific questionnaire

3b. Influencing the development of immigration/asylum law, policy and practice, with credibility, if not success

This can be demonstrated by reported cases in which you are named, or effective lobbying, written or verbal contributions to policy development.

Evidence of your achievements will be required and may include:

- copies of published case reports
- copies of media reports
- debate minutes and notes
- testimonials from persons who have witnessed your contribution to policy development; you should provide details of your witnesses and the Law Society will send them a specific questionnaire
- or certified copy letters with replies or papers of such contributions

E. How to apply and what you should include

All applications for Law Society Accreditation Schemes are in three sections;

Section 1 covers details of the practice you work for.

Section 2 covers your individual details.

Section 3 is scheme specific.

You will be required to fully complete each section, and forward your completed application, with the relevant fee, to The Law Society.

You will need to demonstrate to the satisfaction of the Selection Panel you meet the criteria above with statements, case reports and supporting evidence.

F. How you will be assessed

The Law Society assessors consider and mark applications for Immigration Advanced accredited membership.

Applications are sent to an assessor once all references have been received. Please note that the Law Society does not chase references.

The assessor will mark your application against the relevant scheme competence criteria. The assessor will produce a report for the Law Society giving a recommendation based on the mark you have achieved.

If the assessor considers that any or some of your answers given in response to any questions are contradicted by any other answers or materials provided, they may refer your application back to you for clarification.

If the assessor identifies answers which are fundamentally wrong in law and/or practice, or which raise ethical and conduct issues, a decision to refuse your application may be taken irrespective of the overall mark obtained.

G. What other checks and assessments are made?

You must demonstrate that you are a fit and proper person to become an accreditation scheme member, and must continue to be so throughout your membership. The Law Society reserves the right during the currency of any voluntary scheme membership to investigate any matter which may call into question the fitness and propriety of any scheme member to act as such, and to take whatever action is considered appropriate at whatever stage of the investigation.

The Law Society will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence.

The Law Society will also be concerned with any practice in which you may have engaged in the course of any business or employment which do not conform with the best standards of professional conduct. Evidence showing delays in dealing with cases, failure to answer correspondence and failures or delays in responding to enquiries from regulatory and revenue authorities will raise doubts as to your competence to remain a scheme member.

The assessment of fitness is not a mechanical exercise whereby compliance with a number of specific requirements ensures the grant of an authorisation. It is rather a judgement based on the review of your whole record and individual circumstances.

If the Law Society, with due regard to the rules of procedural fairness, determines that you have ceased to be a fit and proper person to continue to be a member of the scheme, or that the fitness or propriety to act as such has been compromised, it may refuse, revoke or suspend the membership or attach conditions to it. Members affected by a decision taken under this paragraph have a right to request a review in accordance with the procedures set out elsewhere in this document.

Where a complaint or other matter which may affect your suitability to remain on the scheme is considered to be of sufficient seriousness, the Law Society may suspend your membership pending the completion of the investigation and any proceedings as may arise.

For all applications, the Law Society carries out vetting checks against its database and, if considered necessary, will request vetting checks from other professional and regulatory bodies, for example, the Home Office, the Immigration Services Tribunal, the Bar Council or the OISC.

When applying for registration with the Law Society you must declare any matters that may affect your fitness and propriety to conduct immigration and asylum work; this will include, but is not limited to:

- criminal convictions, cautions and pending charges or investigations
- disciplinary findings by the Solicitors Disciplinary Tribunal, SRA adjudicator or any other regulatory body
- complaints found or pending with the Legal Ombudsman or any other regulatory body
- personal bankruptcy, voluntary arrangements and county court judgements
- actions taken by the Immigration Services Commissioner to refuse or withdraw regulation or exemption
- being subject to a direction made by the Immigration Services Tribunal.

If the Law Society considers it necessary to obtain vetting checks from other bodies you will be notified of which body is being approached and the reason.

Employing solicitors firm or OISC regulated organisations must additionally certify that any non solicitor employee applying for membership is a fit and proper person.

H. What fees are payable for making your application?

Please see the website for the most up to date fee schedule.

I. Information on re-accreditation

The Law Society is expecting to bring in a re-accreditation process in 2013.

J. Our requirements for continued professional development

Scheme members are expected to keep their knowledge of immigration and asylum law, practice and procedures up to date by regularly undertaking relevant training events.

You will be expected to have done a minimum of 6 hours of immigration and/or asylum focused training during each of the previous three years.

K. What standards of competence are expected of a member of the scheme?

See above at section D.