



**Immigration  
& Asylum**



The Law Society

# **Immigration and Asylum Accreditation - Probationer, level 1 and level 2**

Application form guidance notes



## Accreditation application form guidance notes – Immigration and Asylum Accreditation - Probationer, level 1 and level 2

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## Overall guidance

Thank you for applying to the Law Society's Immigration and Asylum Accreditation (**IAAS**).

1. These guidance notes are to assist you in applying for initial accreditation for **IAAS**. The application form includes basic instructions to help you complete the form correctly.
2. **Emboldened words** (apart from document headings and advisory notes) are defined in the **glossary of terms** which follows.
3. The application form is designed to be completed electronically in Microsoft Word (1997 and later). Please answer all relevant questions and use the 'tab' key to progress through the form. Questions require a combination of typed answers, choosing an option from a drop-down menu or check box confirmation. You are also required to provide separate supporting documentation, which must be submitted along with your completed application form.
4. References to statutes and regulations include any subsequent statute, legislation or regulation directly or indirectly amending, consolidating, extending, replacing or re-enacting that statute or regulation and to all orders, directions and notices made or served under them.

If any development affecting the applicant after submission of this form would affect the answers given on this form (whether in relation to complaints, claims, regulatory matters, changes to relevant persons or otherwise), you must notify the **accreditation office** as soon as possible and, in any event, within 14 days of the change or the decision to make the change, whichever is the earlier.

### Questions?

We cannot process your application if any relevant information or documentation is missing from your application form. If you are unable to resolve your query using information provided in the **scheme** guidance notes, please contact us:

**Tel:** 020 7320 5797

**Email:** [accreditation@lawsociety.org.uk](mailto:accreditation@lawsociety.org.uk)

## Glossary of terms

Term	Definition
<b>Accreditation office</b>	The Law Society's accreditation office, which receives and processes accreditation applications.
<b>Designated Professional Body (DPB)</b>	Designated professional body. For example, the Law Society
<b>Glossary of terms</b>	The glossary contained within these guidance notes.
<b>FILEX</b>	Fellow of the Institute of Legal Executives
<b>IAAS</b>	The Law Society's Immigration and Asylum Accreditation
<b>LAA</b>	The Legal Aid Agency
<b>Limited liability partnership (LLP)</b>	A recognised body within the <b>SRA</b> Practice Framework Rules 2011.
<b>Multiple Choice Test (MCT)</b>	The pre-requisite examination, provided by Central Law Training that applicants should complete and pass before submitting an application for accreditation at probationer level.
<b>OISC</b>	Office of Immigration Services Commissioner
<b>Probationer</b>	One-off membership under <b>IAAS</b> that allows an immigration practitioner to carry out and receive payments under an LAA contract while they are in the process of attaining full membership. It is not mandatory to be a probationer member before applying to level 1 or level 2.
<b>Professional development (PD)</b>	A structured approach to learning to help ensure continued competence in law, practice and procedure. For the purpose of accreditation, <b>PD</b> should involve structured events or activities.  Once accredited, all members of the <b>scheme</b> will be required to ensure that they complete at least 6 <b>PD</b> hours of immigration and asylum related courses.
<b>Practice</b>	Any law firm regulated by the <b>SRA</b> , including sole practitioners partnerships, companies and <b>LLPs</b>
<b>SRA</b>	Solicitors Regulation Authority
<b>The scheme</b>	The Law Society's Immigration and Asylum Accreditation

## About the accreditation

The Immigration and Asylum Accreditation covers all asylum advice and services work. Membership is a mandatory requirement only for practitioners who wish to carry out and receive payment under a **Legal Aid Agency (LAA)** contract in the immigration and asylum category, save for advocacy services from the independent Bar.

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 an independent objective mark of high 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)**
- 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 **DPB** or work under the supervision of such a person or are otherwise authorised in terms of the IAA 1999.

Immigration practitioners must satisfy themselves that they comply with the requirements of the legislation. Whilst most individuals who are accredited must be qualified persons or employed by a qualified person, where an individual changes employment it is imperative that they ensure that all relevant legislative provisions are complied with as membership of the scheme will not in itself ensure that an individual is a qualified person.

## Membership levels

There are four different levels of membership. Probationer, Immigration and Asylum Accreditation - levels 1 - 2. Level 3 is for Immigration Law Advanced.

Level and description	Law Society Accreditation
Probationer	Immigration and Asylum Accreditation
Level 1 - Accredited	Immigration and Asylum Accreditation
Level 2 - Senior caseworker Level 2 - Supervisor	Immigration and Asylum Accreditation
Level 3 (Advanced) - Supervisor	Immigration Law Advanced Accreditation

The LAA require a **practice** or organisation that is providing immigration and asylum services under a contract to have a level 2 or level 3 **IAAS** member, who is also a supervisor member. Any individual working under a contract must be a member of **IAAS**.

Work restrictions are applied by the **LAA** to the different levels of membership. If you have any queries regarding the **LAA** contract, contractual requirements or work restrictions, please contact the **LAA** at: [www.legalservices.gov.uk](http://www.legalservices.gov.uk).

## The initial accreditation process

**Probationer level** - membership is awarded for a 12 month period only. Once a level accreditation has expired, you are not allowed to re-accredit at this level.

**Level 1 and level 2** - membership is awarded for an initial term of three years, after which time you will be required to demonstrate your continued suitability to remain on the **scheme** by successfully completing a process of re-accreditation every three years.

## Eligibility to apply

You can apply for accreditation if:

- You are a solicitor or **FILEX** and hold a practising certificate, normally free of conditions.
- You are a barrister in independent practice.
- You are a non-solicitor employed in a **practice** or an organisation that is regulated by the **OISC**.

Please note you may apply for **IAAS** if you are not in employment however you are unable to provide immigration advice and services under a Legal Aid contract or otherwise unless you are employed to do so for a regulated entity.

For non-solicitor applicants, who are not in chambers, you must remain in such employment throughout the period of membership. Your application must be countersigned by a partner or senior manager to confirm your current employment and your suitability for membership. This provision will apply to members of the Bar who are employed in a solicitor's firm or an organisation regulated by **OISC**.

## Expected standards of competence

Achieving accreditation is based on two elements:

1. Pass the competency standards relevant to the level of accreditation to be maintained, which set out the key knowledge and skills advisers should have. Standards are designed to reflect the issues encountered by practitioners, rather than knowledge of specific case law and ensure that those who are accredited are able to deliver good quality, practical advice.
2. Meet fitness and propriety standards by passing vetting checks carried out by the **accreditation office** (see section 1, part C - suitability for accreditation).

Once the competency standards and fitness and propriety checks are satisfied, the **accreditation office** will grant membership to the **scheme**.

## Initial application assessment

To apply for accreditation for all levels, you need to complete and pass the relevant examination. The assessments are carried out by an external assessment organisation, Central Law Training ([www.clt.co.uk](http://www.clt.co.uk)), which is the approved assessment organisation.

### Probationer

<b>Exam format</b>	Multiple Choice Test ( <b>MCT</b> ) - under exam conditions. Time allowed: 1.5 hours See section 3: examination guidelines
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**Probationer** is a one-off membership that allows an immigration practitioner to carry out and receive payments under an **LAA** contract while they are in the process of attaining full membership. It is not mandatory to be a probationer member before applying to level 1 or level 2.

Once a probationer level accreditation has expired, you are not allowed to re-accredit at this level. You are still eligible to apply for level 1 or level 2. In contrast, a person who has been accredited at level 1 or level 2 cannot re-apply for **probationer** membership.

The work that can be undertaken by a probationer member is limited under the **LAA** contract. Please contact the **LAA** for further details.

Applications for accreditation can be made before or after you have passed the **Multiple Choice Test (MCT)**. You should not apply for **probationer** membership if you cannot comply with the conditions of membership.

Individuals are reminded that it is the evidence of the passing of the examination that will determine entitlement to membership, not the sitting of the exam, even if ultimately successful. The completed examination results must be evidenced to demonstrate eligibility for membership.

### Applications made before the MCT

You can apply for probationer membership before you have taken and passed the **MCT**. If you have not passed the **MCT** when you apply, it is a condition of membership that you pass the assessment and inform the **accreditation office** within three months from the date your membership was registered. Please note that CLT does not send the results to the accreditation office on your behalf.

Once the **accreditation office** receives your written confirmation that you passed the **MCT**, your membership will be extended to a maximum of 9 months from the date of registration. During this period, you must apply for membership at level 1 or level 2.

### Applications made after the MCT

If you have passed the **MCT** at the time of application, membership is granted for a maximum period of 12 months. During this period, it is a condition of membership that you must apply for membership at level 1 or level 2.

### Failure to pass the MCT

Failure to pass the relevant assessments and informing the **accreditation office** within the timeframes will result in your membership terminating at the expiry date. You will lose your entitlement to work and receive payments under an LAA contract. You will not regain that entitlement until you have been accredited at level 1 or level 2.

### Level 1 - Accredited caseworker

<b>Exam format</b>	Written assessment - under exam conditions Time allowed: 3 hours See section 3: examination guidelines
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At level 1, candidates can be tested in all areas of immigration and asylum law that are in-scope of legal aid and that they are permitted to conduct as level 1 accredited caseworkers under the **LAA** contract.

At this level, candidates must be able to demonstrate an awareness of relevant out-of-scope areas, exceptional case funding and be able to conduct family reunion applications.

Once successfully completed, the examination result is valid for 12 months. To apply for **IAAS** accreditation, a fully completed application form, together with supporting documentation, must be submitted to the **accreditation office** within 12 months of receiving your assessment result.

### Level 2 - Senior caseworker

<b>Exam format</b>	Written assessment - under exam conditions Time allowed: 3 hours See section 3: examination guidelines
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At level 2 - Senior caseworker, candidates can be tested in all areas of immigration and asylum law that are in scope of legal aid and that can be conducted as controlled work.

At this level, candidates must be able to demonstrate an ability to conduct out-of-scope work specified in the syllabus.

Once successfully completed, the examination result is valid for 12 months. To apply for **IAAS** accreditation, a fully completed application form, together with supporting documentation, must be submitted to the **accreditation office** within 12 months of receiving your assessment result.

### Level 2 - Supervisor

<b>Exam format</b>	Timed assessment skills test - under exam conditions Time allowed: 3 hours, plus 45 minutes reading time See section 3: examination guidelines
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Level 2 supervisor membership runs concurrently to either level 2 senior caseworker or Immigration Law Advanced Accreditation.

You can apply for level 2 - Supervisor if:

- You are already a level 2 - Senior caseworker or a member of the Immigration Law Advanced Accreditation
- You have passed the timed assessment.

If your membership ceases, or you fail to re-accredit your membership at either level 2 or Immigration Law Advanced, your supervisor membership will also cease.

The **LAA** requires all firms holding a contract for immigration and asylum services to have at least one practitioner who is a supervisor member.

## Application form guidance

### Section 1 - General information

All applicants should complete sections A, B and C.

#### A - Your details

Question	Guidance
2	Please provide the daytime telephone number for the <b>practice</b> or organisation at which you work. This will be the telephone number we will use in the event that we need to contact you to discuss your application.
3	Please provide the email address for the practice or organisation at which you work. This will be the email address we will use in the event that we need to contact you to discuss your application.
4	To be completed by <u>solicitor applicants</u> only. Everyone regulated by the <b>SRA</b> has a unique ID. The <b>SRA ID</b> being asked for here is the <b>SRA</b> number found on your practising certificate.
5	To be completed by <u>solicitor applicants</u> only. Please indicate whether you currently hold a practising certificate.
6	To be completed by <u>solicitor applicants</u> only. Please indicate whether you have held an unconditional practising certificate. If your answer is 'no', please provide further details.
7	To be completed by <u>all other applicants</u> only. Please indicate your job title from the list of available options. If your title is not in the list, please select 'Other' and specify the title separately.
8	To be completed by <u>all other applicants</u> only. Where professional qualifications are held, please confirm the full name of the qualification held, along with the professional body it was awarded by, your membership number and the date the qualification was attained.

#### B - Organisation information

Question	Guidance
9	To be completed by <u>solicitor applicants or those employed by an SRA regulated practice</u> only. The 'main office' will be the office that you have listed with the <b>SRA</b> as the main address for your <b>practice</b> .
10	To be completed by <u>solicitor applicants or those employed by an SRA regulated practice</u> only. The <b>SRA ID</b> is the <b>practice's</b> reference number which identifies the <b>practice</b> and appears on the Law Society's public register. Each branch office of the <b>practice</b> will have its own individual <b>SRA ID</b> . The <b>SRA ID</b> being asked for here is the <b>SRA ID</b> for the main office.
11	To be completed by <u>applicants not employed by an SRA regulated practice or organisation</u> only. Please provide the full registered name of your organisation, including a trading name if appropriate.

Question	Guidance
12	To be completed by <u>applicants not employed by an SRA regulated practice or organisation</u> only. Please provide the full postal address for your organisation. This will be the address that we use to send you any post communications in connection with your application.

### C - Suitability for accreditation

Question	Guidance
13 - 16	Please ensure that you provide full details of any issues that may affect your application and the reputation of the Immigration and Asylum Accreditation. Kindly note this information will be cross-checked against information we hold.

You must demonstrate that you are a fit and proper person to remain a member of the accreditation. The **accreditation office** 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 **accreditation office** will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence. It will also check for 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 an accredited 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 **accreditation office**, 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 such a decision have a right to request a review in accordance with the appeal procedures.

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

For all applications, the **accreditation office** 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 accreditation, 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 **accreditation office** considers it necessary to obtain vetting checks from other bodies you will be notified of which body is being approached and the reason.

Firms employing solicitors or **OISC** regulated organisations must also certify that any non-solicitor employee applying for accreditation is a fit and proper person.

## Section 2 - Initial assessment

All applicants should complete sections D

### D - scheme specific requirements

Question	Guidance
17	All applicants are required to indicate which level they wish to accredit at
18 - 21	Applicants should complete the relevant field for the level they are applying for

## Declarations

The scheme's reputation rests on the professional integrity of its members. By submitting an accreditation application you agree to accept the terms and conditions outlined in the [general application criteria and guidance for individual accreditations](#).

Applicants must complete a declaration to confirm that:

- the information provided by is accurate and true
- they understand and agree to the terms and conditions of membership
- the applicant understands how the information provided by them will be used by the Law Society

A partner or senior manager for non-solicitor applicants must complete a declaration to confirm that:

- is employed by their practice/organisation
- is of good character
- is supervised by a solicitor or is regulated by **OISC**
- that the Law Society may seek verification from **OISC**

A partner or senior manager for solicitor applicants must complete a declaration to confirm that:

- the information provided in the application is correct to the best of their knowledge

## Section 3 - Examination guidelines

Details of the examination and the Syllabus for **IAAS** can be found in the examination guidelines document on our website.