



# Assessment guidelines

## Immigration and Asylum Accreditation

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## Introduction

1. This document is to assist you in preparing for the **IAA** examinations.
2. These examination guidelines are accurate as at 2 September 2018 and may be updated again before the exams.
3. 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.

### Questions?

If you have any questions on any aspect of these guidelines please contact us:

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## 1. Exam duration

The duration of the Senior Caseworker and Casework Assistant exam is 3 hours and 30 minutes.

The first 30 minutes is reading time. You are advised to use this time to read the question paper in full. During the 30 minutes' reading time, you may not write in your answer booklet, but you may make notes on the exam question paper or on scrap paper.

The duration of the Trainee Casework Assistant (TCA) exam is 90 minutes and is a multiple-choice test.

## 2. Pass mark

The pass mark for the TCA exam is 60%

The pass mark for the Casework Assistant and Senior Caseworker exam is 50%

## 3. Exam format and content

Format	Content	Total marks
Part 1	Asylum and related questions arising from advance fact pattern Legal Analysis and Application	30 marks
Part 2	Compulsory drafting question arising from advance materials. Question/s arising from advance materials	24 marks 6 marks
Part 3	Five multiple choice questions	15 marks
Part 4	Questions arising from unseen fact pattern	25 marks
Total		100 marks

## 4. Advance materials – Casework Assistant and Senior Caseworker

Candidates will be issued with advance materials/fact patterns, going to 60% of the marks, seven days before the exam.

The first fact pattern will give rise to questions about asylum and related areas [30 marks].

The second scenario will give rise to the compulsory drafting question [24 marks] and supplementary questions [6 marks].

Candidates are advised to treat the advance materials in the same way as they would in practice. They should consider all possible immigration questions that could arise from the materials, research the law, policy and procedure and be ready to draw on that research to answer the questions that arise in the

exam. When candidates have identified the relevant law, policy and procedure from section 9, they are advised to include that in their file of permitted materials (see section 7).

The remaining 40% of the exam will cover areas other than those contained in the advance materials.

The advance materials will be provided again in the examination.

## 5. Professional conduct and gross professional error - Casework Assistant and Senior Caseworker

Professional conduct will be assessed throughout the exam. If the candidate is found to have committed a gross professional error, s/he will fail the examination irrespective of the overall mark obtained.

There will be a compulsory professional conduct question in the exam. If the candidate does not attempt to give a **substantive answer** to the professional conduct question, s/he will fail the examination, irrespective of the overall mark obtained. It is **not sufficient** to state only: 'This is a professional conduct question, I will consult my supervisor/office manual' or similar. Candidates who write this, without an attempt to answer the question, will fail the examination.

A gross professional error is defined as: "*a serious departure from, or breach of, the standards of professional conduct and ethics.*"

## 6. Drafting, English and overriding fault in English

Part 2 of the exam contains a compulsory drafting question worth 24 marks.

If the drafting question is not attempted, the candidate will fail the examination irrespective of the overall mark obtained.

The candidate must achieve 50% of the marks available in the drafting question. If a candidate does not achieve 50%, s/he will fail the whole examination, irrespective of the overall mark obtained.

If an overriding fault in English is found anywhere in the examination script, the candidate will fail the whole examination, irrespective of the overall mark obtained. An overriding fault in English is "*an error, or a combination of errors, that compromises the client*".

In the drafting question, candidates should demonstrate:-

- a) A good and appropriate structure and a complete answer.
- b) Identification of correct law.
- c) Inclusion of all relevant facts and supporting material.
- d) Accurate transposition of facts.
- e) Exclusion of irrelevant facts or other material.
- f) Correct application of law to facts of case.
- g) Correct sentence construction, punctuation and accurate grammar.
- h) Appropriate and correct vocabulary.
- i) Correct spelling.

## 7. Permitted materials All exams

This section sets out the materials that candidates may take into the exam.

Candidates are advised to read sections 9 and 10 below. Section 9 sets out sources of law, policy and procedure and section 10 sets out the syllabus. The exam questions will be drawn from the sources listed in section 9 and confined to the syllabus set out in section 10. If any other sources are relevant, these will be provided in the exam.

- Any edition of: Margaret Phelan & James Gillespie Immigration Law Handbook (Note that this does not contain all the permitted materials and is not completely up-to-date).
- SRA Code of Conduct (SRA Handbook or download from SRA website).
- Maximum one lever arch file for Casework and Trainee Casework Assistant exam and two lever arch files for Senior Caseworker exam, containing any of the following:
  - Any law, policy or procedure listed in section 9 below.
  - Page numbers may be added.
  - A typed contents list of these documents.
  - Dividers.
- The text of the book and of the printed materials can be high-lighted and/or annotated with hand-written notes
- Small, sticky, page tabs can be used and these can be written on.
- Candidates may take a pocket calculator into the examination.

## 8. Prohibited materials All exams

The following materials are **NOT** permitted: This is not an exhaustive list. It is a list of materials, which previous candidates have asked the Law Society for permission to take into the exam, and permission has been refused:

- The candidates' guidance (i.e. this document) is **not** permitted
- Any book or other material that contains commentary.
- O Richards: British and Immigration Practice Handbook
- OISC Exam Resource Booklet
- HJT Immigration Training Manual
- Post-it notes or other sticky notes or inserts are not permitted
- Any hand-written or printed material, prepared by the candidate or a third party
- Candidates may not refer to any other electronic devices/materials during the examination.

Candidates found in possession of prohibited materials will be asked to hand in those materials until the end of the exam.

If the invigilators find that a candidate has accessed prohibited materials, the candidate will be asked to leave and will fail the examination. The Law Society will be informed and accreditation may be refused or withdrawn.

## 9. Legal authorities, Policy and Procedure

Candidates will be tested on their awareness, knowledge and understanding of law, policy and procedure arising from the authorities set out in the table below, and confined to the syllabus set out at section 10 of this guidance.

If any other authority is to be relied on, it will be provided in the exam.

Candidates are expected to know what sources of law, policy and procedure apply to the area of the syllabus, in which they are being tested, and be able to look at those authorities to find answers to questions.

Candidates are advised to undertake self-study to supplement legal practice experience and to access relevant training and/or education (in-house or externally). Candidates are permitted to prepare for the exam with the assistance of other practitioners and candidates. Candidates are however reminded that, subject to the permitted materials listed in section 7, they are not permitted to take into the examination, any hand-written or printed materials prepared by themselves or by third parties.

Marks are available for application of relevant law to facts and for citing the correct legal authority. It is not sufficient to write out facts or law, without connecting the two.

After achieving accreditation, members will need to draw on additional sources as they become more experienced and deal with a wider range of cases. We have confined the syllabus for exam purposes and accreditation only.

<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	
<b>MAKING APPLICATIONS</b>	
<b>Domestic Rules</b>	Parts 1 and 9 Immigration Rules and suitability criteria in Appendix FM
<b>Home Office UKVI policy guidance and materials</b>	<p>Application forms for areas within the syllabus</p> <p>Application fees for areas within the syllabus</p> <p>Fee waiver policy</p> <p>Immigration Health Surcharge Guidance</p>
<b>IMMIGRATION</b>	
<b>Domestic Rules</b>	The Immigration Rules
<b>EEA MIGRATION</b>	
<b>Domestic Regulations</b>	The Immigration (European Economic Area) Regulations 2016



<b>INTERNATIONAL PROTECTION</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	<b>Senior Caseworker</b>
<b>International Conventions</b>	Article 1A(2) 1951 Convention and 1967 Protocol relating to the Status of Refugees.		Articles 1, 31, 32 & 33 1951 Convention and 1967 Protocol relating to the Status of Refugees
<b>EU Legislation</b>		Dublin III: Regulation (EU) no 604/2013 of the European parliament and of the council	
<b>Domestic Legislation</b>		Section 8 Asylum and Immigration (Treatment of Claimants etc.) Act 2004.	Section 72 Nationality, Immigration and Asylum Act 2002.
<b>Domestic Regulations and Rules</b>		The Refugee or Person in Need of International Protection (Qualification) Regulations 2006.  Part 11 Immigration Rules  Part 12 Immigration Rules	Part 14 Immigration Rules
<b>Home Office UKVI policy guidance and materials</b>	Procedure for claiming asylum (including screening procedure and routing decisions).	Procedure for making further submissions/fresh claim.  Asylum claims in detention	Humanitarian Protection  Statelessness and applications for leave to remain

<p><b>Case Law</b></p>		<p>Sivakumaran, R (on the application of) v SSHD [1987] UKHL 1: <i>Standard of proof in an asylum claim.</i></p> <p>R v Secretary of State for the Home Department <i>ex parte</i> Adan [1998] Imm AR: <i>persons fleeing civil war</i></p> <p>R v Uxbridge Magistrates' Court <i>ex parte</i> Adimi [2001] QB 667: <i>No absolute requirement in international law that a refugee claim asylum in the first safe country they reach</i></p> <p>Horvath v SSHD [2000] UKHL 37: <i>State protection; persecution – discrimination - severity</i></p> <p>HJ(Iran) v SSHD [2010] UKSC 31; RT (Zimbabwe) v SSHD UKSC 2011/0011: <i>Whether an asylum-seeker should change behaviour to avoid persecution.</i></p> <p>Shah and Islam v SSHD and IAT [1999] UKHL 20: <i>Risk of persecution cannot define membership of a social group.</i></p> <p>Skenderaj v SSHD [2002] EWCA Civ 567; Fornah v SSHD [2006] UKHL 46; SB(Moldova); SB (PSG - Protection Regulations-Reg 6) Moldova CG [2008] UKIAT 00002: <i>Definition of Particular Social Group</i></p>	<p>Country Guidance cases: only those which are relevant to advance materials.</p> <p>Danian v SSHD [1999] EWCA Civ 3000: <i>Activities conducted in bad faith.</i></p> <p>Ahmed v SSHD [2002] UKIAT 439: <i>Treatment of documentary evidence</i></p> <p>A, R (on the application of) v LB Croydon) [2009] UKSC 8: <i>It is for the court to decide whether or not a person is a child, for the purposes of section 20 Children Act 1989.</i></p> <p>Elgafaji (Justice and Home Affairs) [2009] EUECJ C-465/07: <i>Article 15(C) application.</i></p> <p>Said (Article 1D: meaning) Palestinian Territories [2012] UKUT 413 (IAC)</p> <p>R(Rahimi) v SSHD [2005] EWHC 2838, confirmed on appeal in WM(DRC) &amp; AR (Afghanistan) [2006] EWCA Civ 1495 <i>Fresh claims threshold</i></p>
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		<p>JT(Cameroon) v SSHD [2008] EWCA Civ 878: <i>Section 8 Asylum and Immigration (Treatment of Claimants etc) Act 2004.</i></p> <p>AH(Sudan) v SSHD [2007] EWCA Civ 297: <i>Internal relocation/unduly harsh</i></p>	
<b>HUMAN RIGHTS</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>
<b>International Conventions</b>	Articles 3 & 8 The European Convention on Human Rights	Articles 3, 4, 5, 8, 13 and 14 The European Convention on Human Rights	Articles 2 to 12 and 14 of the Convention, Articles 1 to 3 of the First Protocol, and Article 1 of the Thirteenth Protocol, The European Convention on Human Rights
<b>Domestic Legislation</b>		<p>British Nationality Act 1981 sections 1 to 6 and sections 40, 40A and 40B</p> <p>Section 1 and 6 Human Rights Act 1998</p> <p>Section 55 Borders, Citizenship and Immigration Act 2009.</p>	Section 117 Nationality, Immigration and Asylum Act 2002.
<b>Domestic Regulations and Rules</b>		<p>Immigration Rules: Part 7: para 276ADE</p> <p>Immigration Rules: Appendix FM. EX1</p>	

<p><b>Home Office UKVI policy guidance and materials</b></p>		<p>Discretionary Leave</p> <p>Asylum Claims in detention</p>	
<p><b>Case Law</b></p>		<p>Razgar v SSHD [2004] UKHL 27: <i>5-step test in Article 8 claims.</i></p> <p>Beoku Betts v SSHD [2008] UKHL 39: <i>Whose Article 8 rights should be considered?</i></p> <p>JO and Others (section 55 duty) Nigeria [2014] UKUT 517 (IAC); ZH(Tanzania) v SSHD [2011] UKSC 4: <i>Section 55 duty to safeguard the best interests of the child, Article 8, proportionality</i>; MK (section 55 – Tribunal options) [2015] UKUT 223 (IAC)</p> <p>SS (Congo) [2015] EWCA Civ 387: <i>Immigration rules and codified case law</i></p>	<p>D v UK [1997] 24 EHRR 423; N v Secretary of State for the Home Department [2005] UKHL 31; Paposhvili v Belgium (Appn 41738/10) ECHR 13/12/16: <i>Threshold in medical cases</i></p> <p>Dube (ss.117A-117D) [2015] UKUT 90 (IAC)</p> <p>Hesham Ali v. SSHD [2016] UKSC 60.</p>

<b>FAMILY REUNION</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>
<b>Domestic Regulations and Rules</b>	Part 11 Immigration Rules  Immigration Rules, Part 8, paragraph 319X (& A280(b))		
<b>Home Office UKVI policy guidance and materials</b>		Home Office: Asylum Policy: UKVI Operational Guidance: Family Reunion: for refugees and those with humanitarian protection.	
<b>Case Law</b>		MS(Somalia) [2010] Civ 1236: <i>Family members/family reunion/not refugees</i>	
<b>TRAFFICKING AND MODERN SLAVERY</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>
<b>International Conventions</b>		Article 4 Council of Europe Convention against trafficking in Human Beings	
<b>Home Office UKVI policy</b>		Home Office: UKVI Operational Guidance: Victims of Modern Slavery: Frontline Staff Guidance.	Home Office: UKVI Operational Guidance: Victims of Modern Slavery: Competent Authority Guidance

<b>guidance and materials</b>		Paragraphs 3.5 and 5.4 Home Office: Asylum Policy Instruction: Discretionary Leave	
<b>Case Law</b>		R (on the application of Mutesi) v SSHD [2015] EWHC 2467 (Admin) and R (on the application of SF) v SSHD [2015] EWHC 2705 Admin: <i>No requirement of corroboration and striking down a decision.</i>  R (on the application of Minh) v SSHD [2015] EWHC 1725: <i>Late disclosure, credibility assessments, historical trafficking, expert reports,</i>	
<b>DOMESTIC VIOLENCE</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	<b>Senior Caseworker</b>
<b>Domestic Rules and Regulations</b>		Immigration Rules: Appendix FM: Section DV and Section S  Regulations 10, 17 & 18 Immigration (European Economic Area Regulations) 2016.	
<b>Home Office UKVI policy</b>		Home Office: UKVI Operational Guidance: Victims of Domestic Violence	

<b>guidance and materials</b>		
<b>Case Law</b>		JL (Domestic Violence: evidence of procedure) India [2006] UKAIT 00058;  Ishtiaq v Secretary of State for the Home Department [2007] EWCA Civ 386: <i>Evidence requirements</i>
<b>DETENTION AND BAIL</b>		
	<b>Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>
<b>Domestic Legislation</b>	Schedules 2 & 3 Immigration Act 1971  Section 62 Nationality, Immigration and Asylum Act 2002  Section 36 UK Borders Act 2007  Schedule 10 Immigration Act 2016.	Section 61(1) and (2), Immigration Act 2016
<b>Domestic Regulations and Rules</b>	Regulation 32(1) Immigration (European Economic Area) Regulations 2016	Parts 4 & 5 Immigration (European Economic Area) Regulations 2016  Part 5 Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.
<b>Home Office UKVI policy guidance and materials</b>	Adults at Risk in Immigration detention  Detention of Pregnant Women (Chapter 55a)	

<p><b>Tribunal Guidance</b></p>		<p>Guidance on Immigration Bail for Judges of the First-tier Tribunal 15 January 2018</p>
<p><b>Case Law</b></p>		<p>R (on the application of Singh) v Governor of Durham Prison [1084] 1 WLR 704 (QB): <i>Hardial Singh principles in detention cases.</i></p> <p>Saadi v UK [2008] ECHR 80: <i>Detention for a quick decision in an asylum claim is lawful.</i> The Lord Chancellor v Detention Action [2015] EWCA Civ 840: <i>Inherent unfairness of detained fast track appeal system.</i> Hossain and Others v Secretary of State for the Home Department [2016] EWHC 1331 (Admin): <i>Lawfulness of "Detained Asylum Casework".</i></p> <p>Lumba (WL) v SSHD [2011] UKSC 12: <i>Detention in reliance on unpublished guidance may be unlawful.</i></p> <p>SK(Zimbabwe) v SSHD [2011] UKSC 23: <i>Failure to conduct reviews as laid out in the Enforcement Instructions and Guidance.</i></p>



<b>DEPORTATION</b>	
<b>Senior Caseworker</b>	
<b>Domestic Legislation</b>	<p>Sections 3(5) and (6), 5, 7 Immigration Act 1971</p> <p>Section 76(1) Nationality, Immigration and Asylum Act 2002.</p> <p>Section 117C Nationality, Immigration and Asylum Act 2002.</p> <p>Sections 32-39 UK Borders Act 2007</p>
<b>Domestic Regulations and Rules</b>	<p>Parts 4 &amp; 5: The Immigration (European Economic Area) Regulations 2016</p> <p>Immigration Rules Part 13</p>
<b>Home Office UKVI policy guidance and materials</b>	<p>Home Office: Immigration Directorate Instructions: Chapter 13: Criminality Guidance in Article 8 ECHR cases.</p>
<b>Case Law</b>	<p><i>Üner v The Netherlands</i> (Appn 46410/99) and <i>Maslov v Austria</i> 1638/03 [2008] ECHR 546: <i>Article 8 considerations outside the rules in deportation</i></p> <p><i>Hesham Ali v SSHD</i> [2016] UKSC 60</p> <p><i>R (on the application of Kiarie) v Secretary of State for the Home Department; R (on the application of Byndloss) v SSHD</i> [2017] UKSC 42</p>

<b>REMOVAL</b>	
<b>Senior Caseworker</b>	
<b>Domestic Legislation</b>	<p>Immigration Act 1971: Schedule 2: Part 1: Para 8</p> <p>Section 10 Immigration and Asylum Act 1999</p> <p>Section 76 &amp; 78A Nationality, Immigration and Asylum Act 2002.</p> <p>Section 55 Borders, Citizenship and Immigration Act 2009</p>
<b>Domestic Rules and Regulations</b>	<p>Immigration Rules Part 12</p> <p>Parts 4 &amp; 5 Immigration (European Economic Area) Regulations 2016</p>
<b>Home Office UKVI policy guidance and materials</b>	<p>Arranging Removal</p> <p>Family Returns Policy</p> <p>Judicial Review and Injunction</p>
<b>Case Law</b>	<p>Akrich Case C-109/01 and Emsland-Stärke (Case C-110/99) <i>On misuse of EEA Rights</i></p> <p>JO and Others (section 55 duty) Nigeria [2014] UKUT 517 (IAC); ZH(Tanzania) v SSHD [2011] UKSC4; MK (section 55 – Tribunal options) [2015] UKUT 223 (IAC)</p>

<b>OFFENCES</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	
<b>Domestic Legislation</b>	Sections 24, 24 A, 25, 25A, 25B, 26 Immigration Act 1971	Sections 2 and 4 Asylum and Immigration (Treatment of Claimants etc.) Act 2004.	
<b>REMEDIES</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	<b>Senior Caseworker</b>
<b>Domestic Legislation</b>	Section 3C Immigration Act 1971		Parts 5 and 5A Nationality, Immigration and Asylum Act 2002.  Section 120 Nationality, Immigration and Asylum Act 2002.

<b>Domestic Regulations</b>		Appendix AR Immigration Rules.	Part 6 Immigration (European Economic Area) Regulations 2016
<b>Procedure Rules</b>	<p>Rule 11 (Part 2, Chapter 1) and Rule 19 (Part 3, Chapter 1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.</p> <p>CPR 54.5 Civil Procedure Rules</p>	<p>Paragraph 28 (2) The Tribunal Procedure (Upper Tribunal) Rules 2008.</p> <p>Civil Procedure Rules Pre Action Protocol for Judicial Review</p>	<p>The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.</p> <p>The Tribunal Procedure (Upper Tribunal) Rules 2008.</p>
<b>Home Office UKVI policy guidance and materials</b>		Rights of Appeal	
<b>Case Law</b>			<p><i>Devaseelan [2002] UKIAT 00702: In second appeals, the first appeal determination forms the starting point for the second determination, facts occurring since should also be taken into account.</i></p> <p><i>FP(Iran) v SSHD [2007] EWCA Civ 13: there is no law that binds an appellant by the procedural errors of her/his representative.</i></p>

			<p>ZT(Kosovo) v SSHD [2009] UKHL 6; Razgar [2004] 2 AC 68 [2004] UKHL 27: <i>Clearly unfounded test</i></p> <p>R(YH) v SSHD [2010] EWCA Civ 115: <i>Burden of proof in certification</i></p> <p>RS(Immigration and Family Court Proceedings) India [2015] UKUT 00218 (IAC).</p> <p>Nwaige (adjournment: fairness) [2014] UKUT 418 (IAC): <i>The question for the UT is whether there was any deprivation of the affected party's right to a fair hearing.</i></p> <p>R (Bilal Ahmed) v SSHD IJR [2015] UKUT 00436 (IAC): <i>Out of country appeals &amp; EEA Regulations</i></p>
<b>ASYLUM SUPPORT</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	
<b>Domestic Legislation</b>	<p>Sections 4, 95, 98 and 122 Immigration Act 1999</p> <p>Section 55 Nationality, Immigration and Asylum Act 2002</p>	<p>Sections 17 &amp; 20 Children Act 1989</p> <p>Sections 18-21 Care Act 2014</p>	

<b>LEGAL AID</b>			
	<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	<b>Senior Caseworker</b>
<b>Domestic Legislation</b>		Schedule 1, Part 1 and Section 10 Legal Aid, Sentencing and Punishment of Offenders Act 2012.  Regulation 32 Civil Legal Aid (Merits Criteria) Regulations 2013	Regulations 32, 39-43, 46 Civil Legal Aid (Merits Criteria) Regulations 2013
<b>Domestic Regulations</b>			Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013.  The Civil Legal Aid (Immigration Interviews) (Exceptions) Regulations 2012
<b>Legal Aid Agency contract, materials and policy guidance</b>	Legal Aid Agency key card.	Legal Aid Agency Civil Contract Specification: Section 8: Immigration.  Guide to Determining Financial Eligibility for Controlled Work and Family Mediation April 2015 v1	Lord Chancellor's Guidance on Exceptional Case Funding

## 10. Syllabus

The syllabus is confined to work that can be conducted under an Immigration Legal Aid contract and comprises:-

1. All areas of immigration law that are in-scope of Legal Aid i.e.:
  - i. Asylum and article 3
  - ii. Domestic violence (Immigration Rules and EEA)
  - iii. Human trafficking
  - iv. Detention and Immigration bail
  - v. Appeals and administrative review
  - vi. Pre-certificate Judicial Review
2. Article 8
3. Statelessness
4. Family Reunion
5. Deportation
6. Removal
7. Asylum support
8. Legal Aid
9. Professional Conduct
10. Drafting

The LAA contract immigration specification sets out what tasks can be carried out by Senior Caseworkers, Casework Assistants and Trainee Casework Assistants.

There are many tasks that can be undertaken by a Casework Assistant, but which will not be examined on because interim accreditation is an "entry level" and once accredited, members will gain more knowledge and experience.

Similarly, there are tasks that can be undertaken by Senior Caseworkers, but which will not be examined on until re-accreditation, when a Senior Caseworker will have at least 3 years' experience.

The exam will test for levels of learning within the syllabus as follows:-

<b>Level of ability</b>	<b>Definition</b>
Awareness	Knowledge that law/policy/procedure exists.
Knowledge	Knowledge of content of law, policy, procedure
Understanding	Knowledge and ability to apply law, policy and procedure
Competence	Knowledge, understanding and ability to complete a task

<b>Trainee Casework Assistant, Casework Assistant and Senior Caseworker</b>	<b>Casework Assistant and Senior Caseworker</b>	<b>Senior Caseworker</b>
<p><b>LEGAL AID</b></p> <p>Knowledge of what areas are in scope of Legal Aid.</p> <p>Knowledge of what work is permitted at interim and full accreditation.</p> <p>Awareness of exceptional case funding scheme.</p> <p>Knowledge that only accredited Senior Caseworkers can act for unaccompanied asylum-seeking children.</p> <p>Knowledge that of contractual requirements, with respect to accreditation, in exclusive contracting.</p> <p>Awareness of means and merits tests for legal help.</p>	<p><b>LEGAL AID</b></p> <p>Understanding of means and merits test for Legal Help and completing CW1 form.</p> <p>Understanding of when an out-of-scope area is relevant.</p> <p>Knowledge of the exceptional case funding scheme.</p> <p>Awareness of the immigration category section of the LAA civil contract specification.</p>	<p><b>LEGAL AID</b></p> <p>Understanding of the immigration category section of the LAA civil contract specification.</p> <p>Understanding of schedule 1, part 1 and section 10 of LASPOA 2012.</p> <p>Understanding of means and merits tests for Controlled Legal Representation (CLR) and completing form CW2(IMM).</p> <p>Awareness of Legal Aid Agency “pre-funding” requirements for Investigative Representation certificates.</p> <p>Awareness of merits tests for Investigative and Full Representation certificates.</p> <p>Awareness of how to apply to the Legal Aid Agency for certificates for Investigative and Full Representation.</p> <p>Understanding of the requirements of the LAA immigration contract with respect to unaccompanied asylum-seeking children.</p>



		Awareness of relevant case-law and guidance with respect to exceptional case funding.
<p><b>PROFESSIONAL CONDUCT</b></p> <p>Awareness of the SRA Code of Conduct.</p> <p>Awareness of duty to client and duty not to mislead the Court and the immigration authorities.</p> <p>Awareness of duty of confidentiality.</p> <p>Awareness of immigration offences.</p>	<p><b>PROFESSIONAL CONDUCT</b></p> <p>Understanding of the SRA code of conduct.</p> <p>Awareness of Immigration Offences</p>	<p><b>PROFESSIONAL CONDUCT</b></p> <p>Understanding of Immigration Offences</p>
<p><b>DRAFTING AND ENGLISH</b></p> <p>Competence to write accurate English.</p> <p>Competence to draft a chronology.</p>	<p><b>DRAFTING AND ENGLISH</b></p> <p>Competence to write in clear, accurate and professional English.</p> <p>Competence to draft with appropriate structure and vocabulary.</p> <p>Competence to draft client advice letters, letters making representations to the Home Office or Entry Clearance Officer, Legal Aid Agency, letters to GPs and other professionals and letters to witnesses.</p>	<p><b>DRAFTING AND ENGLISH</b></p> <p>Competence to draft witness statements, instructions to Counsel and skeleton arguments for and letters to the Tribunal.</p> <p>Understanding of law, policy and procedure that apply when instructing an independent expert.</p>
<p><b>LEGAL PRACTICE</b></p>	<p><b>LEGAL PRACTICE</b></p> <p>Knowledge of what client care/terms of business letter should include.</p>	<p><b>LEGAL PRACTICE</b></p>

	<p>Understanding of what client closure letter should contain.</p> <p>Understanding of case law, legal and statutory provisions, policy, procedure, fees and evidential requirements relevant to pervasive subject areas and work listed.</p> <p>Understanding required to research, identify and apply relevant law to fact patterns.</p> <p>Understanding required to take initial instructions and record in an attendance note.</p> <p>Understanding required to advise in person (advice on law, procedure, evidence, timescales, strengths and weaknesses, potential outcomes and next steps) and in a written advice letter.</p> <p>Understanding required to apply relevant law to facts.</p>	
<p><b>SPECIALIST IMMIGRATION PRACTICE</b></p> <p>Awareness of Immigration Rules</p> <p>Knowledge of the Common Travel Area</p> <p>Awareness of Immigration (European Economic Area) Regulations 2016.</p> <p>Awareness of EEA Member states.</p>	<p><b>SPECIALIST IMMIGRATION PRACTICE</b></p> <p>Understanding of best practice in in-scope areas.</p> <p>Understanding required to conduct applications in all in-scope areas.</p> <p>Knowledge that recognised victims of trafficking/modern slavery can obtain legal aid for any immigration application.</p>	<p><b>SPECIALIST IMMIGRATION PRACTICE</b></p> <p>Understanding in all areas, relevant to immigration practice, that are in scope of legal aid.</p> <p>Understanding required to recognise when an out-of-scope area is relevant.</p> <p>Understanding of law, policy and procedure regarding UASC screening interview.</p>

<p>Knowledge of Article 1A(2) 1951 Convention and 1967 Protocol relating to the Status of Refugees.</p> <p>Knowledge of Home Office procedure for claiming asylum.</p>	<p>Knowledge and understanding of the Immigration Rules that are in-scope or relevant to in-scope areas, Article 8, and family reunion.</p> <p>Understanding required to identify whether a client is subject to/can take the benefit of the EEA Regulations or not.</p> <p>Understanding required to conduct asylum claims (claims for international protection including Humanitarian Protection and Human Rights).</p> <p>Understanding required to conduct family reunion applications.</p> <p>Understanding required to conduct applications for ILR for victims of domestic violence and for DL under the destitution domestic violence concession.</p> <p>Understanding required to conduct applications for EEA residence documents for those who have a retained right or permanent residence following the termination of the marriage/civil partnership, owing to domestic violence.</p> <p>Understanding required to represent clients in the national referral mechanism (NRM) for victims of trafficking and modern slavery.</p> <p>Understanding required to apply for exceptional case funding for Article 8/other matters.</p>	<p>Understanding of law, policy and procedure regarding UASC substantive interview.</p> <p>Understanding required to identify grounds for further submissions/fresh asylum claims.</p> <p>Understanding required to develop and lodge further submissions/fresh asylum claims.</p> <p>Understanding required to advise and represent in detention and immigration bail matters.</p> <p>Understanding required to advise and represent in removal matters.</p> <p>Understanding required to advise and represent clients in deportation matters.</p> <p>Understanding of the law, policy and procedure in conducting statelessness applications.</p>
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	<p>Understanding required to advise on liability to be detained.</p> <p>Awareness of Immigration Bail.</p> <p>Understanding required to write to Home Office to vary conditions of Immigration Bail.</p> <p>Awareness of removal.</p> <p>Awareness of deportation.</p> <p>Understanding required to advise on procedure for claiming asylum (screening, detained asylum casework, new asylum model/asylum operating model and substantive processes) and timescales.</p> <p>Awareness of Dublin III Regulation and its relevance at screening.</p> <p>Understanding required to advise on law, policy and procedure for making other in-scope applications.</p> <p>Understanding required to advise on law, policy and procedure for refugee/HP family reunion applications.</p> <p>Understanding required to advise on legal criteria relevant to the type of application or asylum claim.</p>	
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	<p>Understanding required to advise on required evidence.</p> <p>Understanding required to advise on potential outcomes.</p> <p>Understanding required to advise on rights if the application is successful.</p> <p>Understanding required to advise on and preparing clients for asylum screening.</p> <p>Understanding required to take post-screening instructions.</p> <p>Understanding of format and purpose of asylum interview.</p> <p>Understanding required to draft an asylum statement pre-interview.</p> <p>Understanding required to advise on and prepare a client for an asylum interview.</p> <p>Understanding required to take instructions on interview record.</p> <p>Competence in drafting instructions to GPs and other people for relevant reports or other evidence.</p> <p>Understanding required to make written representations to the Home Office before asylum decision.</p>	
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	<p>Understanding required to complete the correct application form and draft written representations to accompany the application.</p> <p>Understanding required to take instructions on reasons for refusal.</p>	
<p><b>APPEALS AND ADMINISTRATIVE REVIEW</b></p> <p>Awareness of Tribunal appeals, appeals in the appellate courts and administrative review as potential remedies.</p> <p>Competence to draft a chronology for an appeal hearing.</p>	<p><b>APPEALS AND ADMINISTRATIVE REVIEW</b></p> <p>Knowledge of time-limit to lodge in-country notice of appeal, following a refusal of an asylum/HP/Human Rights claim.</p> <p>Knowledge of time-limit to lodge notice of appeal, following a refusal of entry clearance.</p> <p>Knowledge of time-limit to lodge in-country notice of administrative review.</p>	<p><b>APPEALS AND ADMINISTRATIVE REVIEW</b></p> <p>Knowledge of time-limits for lodging all types of in-scope appeal in the Tribunal.</p> <p>Knowledge of time-limits for lodging all types of in-scope application for administrative review, with the Home Office/ECO.</p> <p>Understanding required to advise on prospects of success at appeal for purposes of grant of CLR.</p> <p>Understanding of law, evidence and procedure required to prepare and present appeals in the Tribunal.</p> <p>Understanding required to conduct appeals in all in-scope areas.</p> <p>Understanding required to conduct appeals where victims of trafficking are granted legal aid for appeals.</p> <p>Understanding required to conduct appeals in deportation cases.</p>

		<p>Understanding required to conduct appeals in Article 8 cases.</p> <p>Understanding required to conduct appeals in family reunion cases.</p> <p>Understanding required to conduct for unaccompanied asylum-seeking children (UASC)s.</p> <p>Understanding of appeals procedure.</p> <p>Competence in drafting grounds of appeal.</p> <p>Competence in drafting and lodging notice of appeal.</p> <p>Understanding required to take and draft witness statements and preparing witnesses.</p> <p>Understanding of what evidence to gather and how.</p> <p>Understanding required to instruct independent experts.</p> <p>Understanding required to compile a bundle &amp; draft and index.</p> <p>Understanding required to file and serve bundles.</p> <p>Competence in instructing Counsel.</p>
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<p><b>DETENTION</b></p>	<p><b>DETENTION</b></p> <p>Understanding required to advise on liability to be detained.</p> <p>Awareness of Immigration Bail.</p> <p>Understanding required to write to Home Office to vary conditions of Immigration Bail.</p>	<p><b>DETENTION</b></p> <p>Understanding required to advise clients on detention, immigration bail and the existence of Tribunal bail as a potential remedy.</p> <p>Understanding of how to apply to Immigration Officer for immigration bail.</p> <p>Knowledge of potential relevant sources of evidence to support applications for variations of reporting requirements and immigration bail.</p> <p>Understanding required to gather evidence, relevant to support applications for variations of reporting requirements and immigration bail.</p>



		<p>Advising clients on Tribunal bail (law, evidence, procedure).</p> <p>Completing and lodging application form for Tribunal bail.</p> <p>Understanding required to prepare a bail application for hearing in the Tribunal (gathering evidence, preparing witnesses, serving and filing evidence, preparing applicant, instructing Counsel/drafting skeleton argument).</p> <p>Awareness that unlawful detention can be challenged by way of JR or habeas corpus.</p>
<p><b>DEPORTATION</b></p> <p>Awareness of difference between deportation and removal.</p>	<p><b>DEPORTATION</b></p> <p>Awareness of deportation.</p>	<p><b>DEPORTATION</b></p> <p>Understanding required to conduct proceedings for clients subject to deportation.</p>
<p><b>REMOVAL</b></p> <p>Awareness of difference between deportation and removal.</p>	<p><b>REMOVAL</b></p> <p>Awareness of Removal</p>	<p><b>REMOVAL</b></p> <p>Awareness of proceedings needed to represent clients subject to removal.</p>
<p><b>JUDICIAL REVIEW</b></p> <p>Awareness of Judicial Review as a potential remedy.</p> <p>Knowledge of time limit to bring a claim for Judicial Review (excluding Cart JR).</p>	<p><b>JUDICIAL REVIEW</b></p> <p>Awareness of decisions that can be subject to Judicial Review.</p> <p>Awareness of Judicial Review Pre-Action protocol.</p>	<p><b>JUDICIAL REVIEW</b></p> <p>Understanding required to identify decisions that are amenable to Judicial Review.</p> <p>Understanding required to recognise when the remedy is a "Cart" JR.</p>

		<p>Knowledge of time-limit for Cart JR.</p> <p>Awareness of the Judicial Review pre-action protocol.</p> <p>Understanding required to draft a letter before claim / pre-action protocol letter.</p> <p>Awareness of Judicial Review funding and costs risks to claimants.</p> <p>Awareness of pre-certificate work under Legal Help funding (funding advice and applications, statement of case, letter before claim)</p>
<p><b>HUMAN RIGHTS</b></p> <p>Awareness of Article 3 and 8 ECHR.</p>	<p><b>HUMAN RIGHTS</b></p> <p>Awareness of all ECHR Articles that UK public bodies must not breach.</p> <p>Knowledge of law relating to applications relying on Article 8 ECHR and relevant procedures for making such applications.</p> <p>Understanding required to conduct Article 8 matters.</p> <p>Understanding of Article 3 ECHR.</p> <p>Understanding of law required to identify whether an individual is a British Citizen.</p>	<p><b>HUMAN RIGHTS</b></p> <p>Understanding of Human Rights Act 1998 (Ss 1, 2 and 6).</p> <p>Understanding of law, policy and procedure relating to making stand-alone Article 3 ECHR claims and Article 3 and 8 Medical Grounds claims.</p>

<b>ASYLUM SUPPORT</b>	<b>ASYLUM SUPPORT</b>	<b>ASYLUM SUPPORT</b>
Awareness of asylum support.	Knowledge of asylum support.  Awareness Local Authority support including Section 17 and 20 Children Act 1989  Awareness of section 21 Care Act	

THIS DOCUMENT IS UP-TO-DATE AT 2 SEPTEMBER 2018 AND IS VALID FOR THE AUTUMN 2018 EXAMS

CANDIDATES SHOULD ALWAYS CHECK THE LAW SOCIETY WEBSITE  
FOR UPDATES BEFORE AN EXAM.