



**Immigration
& Asylum**



The Law Society

**Immigration and Asylum Accreditation –
Senior Caseworker, Casework Assistant and
Trainee casework assistant**

Application form guidance notes



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Overall guidance

Thank you for applying for membership of the Law Society's Immigration and Asylum Accreditation (**IAA**).

1. These guidance notes are to assist you in applying for initial accreditation as a member of the **IAA**. The application form includes basic instructions to help you complete it 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 the 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 there is any development affecting your application after submission of this form that would affect the answers provided (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

Glossary of terms

Term	Definition
Accreditation office	The Law Society's accreditation office, which receives and processes accreditation applications.
Designated Professional Body (DPB)	Designated professional body. For example, the Law Society
Glossary of terms	The glossary contained within these guidance notes.
FILEX	Fellow of the Institute of Legal Executives
IAA	The Law Society's Immigration and Asylum Accreditation
LAA	The Legal Aid Agency
Limited liability partnership (LLP)	A recognised body within the SRA Practice Framework Rules 2011.
Multiple Choice Test (MCT)	The pre-requisite examination, provided by Central Law Training that applicants should complete and pass before submitting an application for accreditation as a Trainee casework assistant.
OISC	Office of Immigration Services Commissioner. The 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.
Professional development (PD)	A structured approach to learning to help ensure continued competence in law, practice and procedure. For the purpose of accreditation, PD should involve structured events or activities. Once accredited, all members of the accreditation will be required to ensure that they complete at least 6 PD hours of immigration and asylum related courses.
Practice	Any law firm regulated by the SRA , including sole practitioners, partnerships, companies and LLPs
SRA	Solicitors Regulation Authority
The accreditation	The Law Society's Immigration and Asylum Accreditation

About the accreditation

The Immigration and Asylum Accreditation (IAA) covers all immigration work that can be conducted under a Legal Aid Agency (LAA) contract. Membership is mandatory, only for practitioners who wish to carry out and charge for services, under a **LAA** contract in the immigration category. Barristers at the independent bar, instructed under the contract, are not required to be accredited.

Accreditation is not compulsory for non-legal aid providers of immigration services; 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

Immigration practitioners must satisfy themselves that they comply with the requirements of the legislation.

Most accredited members are qualified persons, working within an OISC or SRA regulated organisation.

If an accredited member changes employment, it is imperative that they ensure that all relevant legislative provisions are complied with, as membership of the IAA does not in itself mean that an individual is qualified.

Membership Stages

Members are required to be fully accredited as Senior Caseworkers.

Applicants who do not feel ready to take the Senior Caseworker examination, may apply for interim accreditation as a Casework Assistant. Members can practise at this stage for a maximum 12 months.

There is also a probationary stage, in which members may apply for accreditation as a **Trainee Casework Assistant**. Members can practise at this stage for a maximum 9 months.

Senior Caseworkers may also apply to accredit as Supervising Senior Caseworkers and as Advanced Caseworkers. Please follow the following link to find out how to apply as an [Advanced Caseworker](#).

The LAA requires a **practice** or organisation that is providing immigration and asylum services under a contract to have a Senior or Advanced caseworker, who must also be accredited as a Supervising Senior Caseworker.

The LAA decides what work may be carried out at each stage of accreditation. If you have any queries regarding the **LAA** contract, contractual requirements or work restrictions, please contact the **LAA** at: www.legalservices.gov.uk.

The initial accreditation process

Senior Caseworker - membership is awarded for an initial term of three years, after which time you will be required to demonstrate your continued suitability to remain accredited by successfully completing a process of re-accreditation.

Casework Assistant – membership is awarded for a 12-month period only. Once the accreditation has expired, you cannot re-accredit at this stage.

Trainee Casework Assistant - membership is awarded for a 9-month period only. Once the accreditation has expired, you cannot re-accredit at this stage.

Special Circumstances

Casework Assistants who, owing to special circumstances, such as maternity, paternity or illness, are unable to complete senior accreditation, within the 12-month period, should contact the Accreditation Office to request an extension of the interim accreditation period.

Eligibility to apply and to practise as an accredited member

Any person may apply for and be granted accreditation if they pass the assessment and fitness and propriety checks. There is no requirement that the applicant or member is employed or qualified under Section 84 Immigration and Asylum Act 1999.

Accredited members may not provide immigration services under a Legal Aid Contract, unless they are 'qualified' under Section 84 Immigration and Asylum Act 1999.

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 working under the supervision of such a person or are otherwise authorised in terms of the IAA 1999.

Expected standards of competence

Achieving accreditation is based on two elements:

1. Pass the competency standards, relevant to the stage of accreditation to be maintained, which set out the key knowledge and skills that advisers should have. Standards are designed to reflect the issues encountered by practitioners and ensure that accredited members are able to deliver good quality advice and representation.
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.

Once accredited, you must complete 6 **PD** hours of external or in-house training in immigration law, per year of membership. Please see the reaccreditation guidance notes for further details.

Initial application assessment

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

Senior Caseworker

Exam format	Written assessment - under exam conditions
	Time allowed: 3.5 hours
	See section 3: IAA Candidates' Guidance

For full accreditation as a Senior Caseworker, candidates can be tested in selected areas of Immigration Law, that are encountered in Legal Aid practice. Candidates should read the [IAA Candidates' Guidance](#) for details of the syllabus. There is no limit to the number of times that the examination may be taken.

Once successfully completed, the examination result is valid for 12 months. To apply for **IAA** accreditation, a fully completed application form, together with supporting documentation, must be submitted to the **Accreditation Office** within 12 months of the date of receipt by the candidate of the assessment result letter.

Casework Assistant

Exam format	Written assessment - under exam conditions
	Time allowed: 3.5 hours
	See section 3: IAA Candidates' Guidance

For interim accreditation as a Casework Assistant, candidates can be tested in selected areas of immigration law, that are encountered in Legal Aid practice. Candidates should read the [IAA Candidates' Guidance](#) for details of the syllabus. There is no limit to the number of times that the examination may be taken.

Once successfully completed, the examination result is valid for 12 months. To apply for **IAA** accreditation, a fully completed application form, together with supporting documentation, must be submitted to the **Accreditation Office** within 12 months of the date of receipt by the candidate of the assessment result letter.

Casework Assistant accreditation can only ever be held for a maximum 12 months.

Trainee Casework Assistant

Exam format	Multiple Choice Test (MCT) - under exam conditions.
	Time allowed: 1.5 hours
	See section 3: IAA Candidates' Guidance

Trainee Casework Assistant is a one-off membership that allows an immigration practitioner to work and charge under an **LAA** contract, while they are in the process of attaining full membership. It is not mandatory to be a **Trainee Casework Assistant** member before applying for Senior Caseworker or Casework Assistant accreditation.

Once **Trainee Casework Assistant** accreditation has expired, the person may not continue to practise, under a Legal Aid contract, unless and until they have achieved full accreditation as a Senior Caseworker or interim accreditation as a Casework Assistant.

A person who has been accredited as a Senior Caseworker or a Casework Assistant, or who has previously been a Trainee Casework Assistant, cannot re-apply for **Trainee Casework Assistant** membership.

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

Applications for accreditation is to be made after passing the **Multiple Choice Test (MCT)**. Membership is granted for a maximum of 9 months.

To continue in Legal Aid practice, the member must achieve full accreditation as a Senior Caseworker or interim accreditation as a Casework Assistant.

Supervising Senior Caseworker

Exam format	<p>Timed assessment skills test - under exam conditions</p> <p>Time allowed: 3 hours, plus 45 minutes reading time</p> <p>See section 3: IAA Candidates' Guidance</p>
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Supervising Senior Caseworker membership runs concurrently with Senior and Advanced Caseworker Accreditation.

Members may apply for accreditation as a Supervising Senior Caseworker if:

- They are accredited as a Senior or Advanced Caseworker.
- They have passed the timed assessment.
- They have completed 6 **PD** hours' external or in-house training in immigration law in each of the years that they have been a member of the IAA.

Accreditation as a Supervising Senior Caseworker ends if accreditation as a Senior or Advanced Caseworker ends.

Applicants are advised to read the Legal Aid Agency requirements to supervise, set out in their self-declaration form 'SUPP(IMM)' under the Legal Aid contract. Accreditation is one of these requirements.

The **LAA** requires all firms holding a contract for immigration and asylum services to have at least one practitioner who is a Supervising Senior Caseworker. Members should read the Civil Contract Specification for the required ratio of Supervising Senior Caseworkers to Caseworkers.

Application form guidance

Section 1 - General information

All applicants should complete sections A, B and C.

A - Your details

Question	Guidance
2	If you are employed, please provide the daytime telephone number for the practice 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. If you are not employed, please provide your preferred contact number.
3	If you are employed, 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. If you are not employed, please provide your preferred contact number.
4	To be completed by <u>solicitor applicants</u> only. Everyone regulated by the SRA has a unique ID. The SRA ID being asked for here is the SRA 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 employed 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 SRA as the main address for your practice .
10	To be completed by <u>solicitor applicants or those employed by an SRA regulated practice</u> only. The SRA ID is the practice's reference number which identifies the practice and appears on the Law Society's public register. Each branch office of the practice will have its own individual SRA ID. The SRA ID being asked for here is the SRA ID 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.
12	To be completed by <u>applicants not employed by an SRA regulated practice or organisation</u> only.

Question	Guidance
	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 stage they wish to accredit at
18 - 21	Applicants should complete the relevant field for the stage 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, who are in employment, 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 - IAA Candidates' Guidance

Details of the examination and the Syllabus for **IAA** can be found in the [IAA Candidates' Guidance](#) document on our website.