



**Immigration  
& Asylum**



The Law Society

# **Immigration and Asylum Accreditation**

## Re-accreditation application form guidance notes



## Re-accreditation application form guidance notes – Immigration and Asylum Accreditation

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## Overall guidance

Thank you for applying to re-accredit to the Law Society's Immigration and Asylum Accreditation (**IAA**) as a Senior Caseworker.

1. These guidance notes are to assist you in applying for re-accreditation as a Senior Caseworker and Supervising Senior Caseworker. 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 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](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>IAA</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>Mandatory course</b>	The Law Society course that must be completed as part of the re-accreditation process.
<b>OISC</b>	Office of Immigration Services Commissioner. <b>OISC</b> is responsible for the regulation of persons providing immigration advice and services who are not regulated by a <b>DPB</b> or work under the supervision of such a person or are otherwise authorised in terms of the IAA 1999.
<b>Online assessment</b>	The assessment that applicants undertake online (following the completion of the mandatory course) to demonstrate that the key knowledge and skills are held as part of the <b>accreditation's</b> competency standards. Please see the <a href="#">Professional Development Centre</a> .
<b>Practice</b>	Any law firm regulated by the <b>SRA</b> , including sole practitioners, partnerships, companies and <b>LLPs</b> .
<b>Professional Development (PD)</b>	A structured approach to learning and development to help ensure continued competence in law, practice and procedure. Once accredited all members of <b>the scheme</b> will be required to ensure that they complete at least six <b>PD</b> hours of immigration and asylum law related courses or activities.
<b>SRA</b>	Solicitors Regulation Authority
<b>The accreditation</b>	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 **Legal Aid Agency (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; 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 will not in itself ensure 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 6 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** require a **practice** or organisations 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](http://www.legalservices.gov.uk).

## The re-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.

Whilst the **Accreditation Office** will send a reminder ahead of the expiry of your accreditation, it is your responsibility as an accredited member to ensure that your application for re-accreditation is submitted before the expiry of your current accreditation. This will ensure continued accreditation to the scheme. If a completed re-accreditation application is not received by the **Accreditation Office** by the time your current accreditation lapses, your accreditation will end, and you will need to reapply for initial accreditation.

We recommend that you start the process of re-accreditation well in advance of your membership period ending.

## Eligibility to apply

Please note you may renew your **IAAS** membership if you are not in employment. Accredited members may not provide immigration services under a Legal Aid Contract, unless they are 'qualified' under Section 84 Immigration and Asylum Act 1999.

For solicitor applicants who are employed, 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

Maintaining accreditation is based on three elements:

1. Pass the competency standards relevant to the stage 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 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 **Accreditation Office** (see section 1, part C - suitability for re-accreditation).
3. Demonstration of six **PD** hours of external or in-house training in immigration law for the last three **PD** years.

Once the competency standards and fitness and propriety checks are satisfied, the **Accreditation Office** will grant continued membership.

## Re-accreditation course and online assessment

To apply for re-accreditation, you need to complete the course and pass the online assessment, prior to submitting your completed re-accreditation application form.

1. **Mandatory course** - Complete a mandatory course provided by the [Professional Development Centre](#). The course must be taken. The online course is divided into three modules, each lasting 1.5 hours. Afterwards, you will take an online assessment.
2. **Online assessment** - Following completion of the mandatory course, you will complete an online assessment. A minimum pass mark is 60% for each module.
3. **Application form** - Submit your completed re-accreditation application form before the expiry date of your accreditation.

Applicants must complete the **online assessments** themselves, without assistance from any person or device, and without any cheating, collusion or assistance by any other unfair means. Any breach of this requirement will result in the application for re-accreditation being rejected, and any accredited status being revoked. Furthermore, the matter may be referred to relevant regulatory and prosecution authorities.

You may re-sit the **online assessment** if you do not pass on the first attempt. If you fail after the second attempt, you may apply to the **Accreditation Office** to request the opportunity to take a third or subsequent assessment. The **Accreditation Office** will only grant such requests in exceptional circumstances which include, but not limited to, long-term illness or bereavement, and will deal with requests for a second re-sit on a case by case basis. If you do not pass the re-sit(s), your application for re-accreditation will not be successful.

## Consequence of failed assessments

If you fail to pass the re-accreditation assessment and/or do not pass the fitness and propriety standards, your membership will be terminated, including any supervisor status.

If you wish to regain your membership, you will need to reapply by following the initial accreditation process. You can take the initial accreditation assessments and make an application for membership at any time after your unsuccessful application for re-accreditation. You are not limited to applying for the same stage of membership. For example, a Senior Caseworker who fails the re-accreditation process can undergo the Casework Assistant initial process.

If you were previously a Supervising Senior Caseworker, you will be required to retake the Supervisor timed assessment and reapply for membership. For the purposes of the **LAA** contract you will not be treated as being a Supervisor until the retake has been successfully completed. However, you cannot be granted Supervisor status unless you have accredited as a Senior Caseworker or Advanced Caseworker.

## 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 <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. 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 email address.
4	To be completed by <u>solicitor applicants</u> only. Everyone regulated by the <b>SRA</b> has a unique ID. The <b>SRA</b> ID 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 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 <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</b> ID 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</b> ID. The <b>SRA</b> ID being asked for here is the <b>SRA</b> 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 re-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 re-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 - Re-accreditation assessment

All applicants should complete section D

### D - Accreditation specific requirements

Question	Guidance
17	Please indicate at which stage you are applying to re-accredit at.
18	Please confirm that you have completed the online assessment prior to submission of your application. The Accreditation Office will check your <b>Professional Development Centre</b> record to confirm that you have completed the training and achieved the minimum pass mark of 60% for each module.

## Section 3 - Professional development statement

The Law Society requires all re-accreditation applicants to provide full **PD** records for the last three complete practicing years preceding submission of the application. Applicants must have gained at least six **PD** hours in each of the practicing year in the subject area of immigration and asylum law.

Please complete the professional development training record for each year:

- **Date** - the month and year the professional development was completed.
- **Description of the development** - summarise the development undertaken.
- **Course provider** - where applicable, state the name of the organisation/provider that provided the development.
- **Learning outcomes** - explain what you learnt from the development undertaken; clearly outline how it was delivered, the learning outcomes and how it has benefitted you in your ongoing professional development in immigration and asylum law.
- **Category of learning and relevant competence** - select the appropriate category of learning and the relevant SRA competence that your development meets. Where the development undertaken was prior to the implementation of the [SRA's new approach to continuing competence](#), you only need to select the relevant category of learning.
- **Number of hours** - state the duration of the development undertaken, in hours.

At least four of the required **PD** hours in each practicing year must consist of structured activities/courses. Activities such as observations, discussions, team meetings and reading journals will not be accepted as structured activities/courses for the purposes of re-accreditation. Any in-house training must consist of an

organised program of learning with clearly defined learning objectives and outcomes to be considered structured and you may be asked to provide copies of the related learning materials.

Category of learning	Structured / Unstructured
Reading and self-reflection	Unstructured
Attending a course/training	Structured
In-house training	Structured, subject to conditions above
Team meetings/discussions	Unstructured
Online webinar/similar	Structured

All applicants must have completed six **PD** hours in each of the last three practicing years. If you have not completed the required hours for any reason, you must specify a reason. If the reason for non-completion is due to maternity or long-term sick leave, please tick the appropriate box and state the period of leave. You must also provide supporting documentation to confirm the reason for this period of leave (e.g. a maternity certificate (MAT B1) or a doctor's fit note). If you have been unable to complete the required hours for any other reason, please explain why in 'Other'. Reasons for non-completion will be considered by the accreditation office in order to determine whether your application can proceed.

Please note that should you fail to provide a complete training record and you are unable to provide a valid reason, your application may be returned to you.

## Declarations

The accreditation's reputation rests on the professional integrity of its accredited members. By submitting a re-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
- They will complete online assessments themselves, without assistance from any person or device, and without any cheating, collusion or assistance by any other unfair means. Any breach of this requirement will result in the application for re-accreditation being rejected, and any accredited status being revoked. Furthermore, the matter may be referred to relevant regulatory and prosecution authorities.

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**
- Has undertaken the re-accreditation course and completed the related assessments personally

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.
- The applicant has undertaken the re-accreditation course and completed the related assessments personally.