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#### Overview

This unit is designed for you if you specialise in the provision of legal advice in a broad range of immigration contexts. This includes advising clients on more complex areas of immigration law. You will also know how to prepare and present cases in formal or informal hearings. The unit is compatible with the Office of the Immigration Services Commissioner (OISC) 1 Guidance on Competence 2008, Level 2. Under OISC requirements, Level 2 advisers must be fully competent in the Level 1 requirements with the additional Level 2 casework competencies. It does not however confer competence as all advisers **MUST** be assessed by an OISC approved assessor

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## Immigration legal advice and casework

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### Performance criteria

*You must be able to:*

- P1 describe the structure and sources of immigration law and nationality law, the framework of immigration legislation and explain the roles and terminology used
- P2 describe the structure and operation of the Immigration Rules and explain the procedures for making applications
- P3 explain the role of the UK Borders Agency
- P4 identify and explain current leading cases relating to interpretation of the European Convention on Human Rights (ECHR)
- P5 describe the types of immigration decisions that may be made and explain how they are dependent on the stage of the entry or expulsion process that has been reached
- P6 describe the relevant provisions of European Economic Area (EEA) and European Union (EU) treaties and the procedures for making appropriate applications
- P7 describe the process of naturalisation/registration and explain the structure and operation of the programmes that manage business-related entry to the UK
- P8 describe the structure and remedies available in the Asylum and Immigration Tribunal (AIT)
- P9 describe the rights to appeal and the relevant grounds and time limits
- P10 explain the circumstances where detention may be thought to be justified and the factors that influence such decisions
- P11 describe the main provisions relating to bail/temporary admission
- P12 explain the major offences under the immigration legislation
- P13 describe the main provisions relating to benefits/support for those subject to immigration control and explain when employment is prohibited
- P14 explain the types of legal aid available to applicants at all stages and the tests for eligibility

### Knowledge and understanding

*You need to know and understand:*

- K1 the structure and sources of immigration law, including the framework of the immigration legislation:
  - K1.1 grounds for application
  - K1.2 UKBA practice for consideration of cases
  - K1.3 UKBA concessionary policies
  - K1.4 grounds for lodging appeals including human rights grounds
  - K1.5 procedures for human rights applications
- K2 the personnel and terminology relating to immigration law
- K3 the procedure for making applications under the Immigration Rules
  - K3.1 Residence permit for EU/EEA nationals
  - K3.2 family permit for a non EU/EEA family member
  - K3.3 entry clearance for a non EU/EEA family member
  - K3.4 workers registration scheme
  - K3.5 A2Accession scheme
- K4 the structure and operation of the Immigration Rules
- K5 the relevant application forms, fees and supporting documentation
- K6 the role and policies of the UKBA in relation to immigration including the points based system and the requirement for a sponsor licence
- K7 the current and up-to-date leading cases relating to the interpretation of the European Convention on Human Rights (ECHR) by the European Court and the domestic courts
- K8 the types of immigration decision that may be made in an individual's case dependent upon the stage of the entry or expulsion process that they have reached
- K9 which countries are members of the European Economic Area (EEA) and which have recently acceded to the European Union (EU) and are treated as special cases – i.e. the 'A8' countries
- K10 the status of European Community (EC) law treaties, and of the operation of EC free movement law in the UK context in so far as it is set out in the Immigration (EEA) Regulations 2000
- K11 the Romanian/Bulgarian and Turkish association agreements
- K12 The procedures for making applications for those exercising EEA treaty rights and their family members
- K13 the process of naturalisation/registration
- K14 the structure and operation of the programmes that manage business-related entry to the UK
- K15 the structure and remedies available in the Asylum and Immigration Tribunal(AIT)
- K16 the time limits for appealing
- K17 the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate

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- K18 the circumstances in which detention is thought justified by the immigration authorities and the factors to be taken into account in determining whether detention is the right course of action
- K19 the main provisions relating to bail/temporary admission
- K20 the major offences under the immigration legislation
- K21 the main provisions relating to benefits/support for persons subject to immigration control
- K22 the circumstances in which employment is prohibited for persons subject to immigration control
- K23 the types of legal aid available for immigration, asylum and nationality applicants under Legal Help and Controlled Legal Representation
- K24 the relevant tests – sufficient benefits, means and merits – to be applied in order to assess eligibility for Legal Help and Controlled Legal Representation

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<b>Developed by</b>	Skills for Justice
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<b>Status</b>	Original
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<b>Originating organisation</b>	Skills for Justice
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<b>Original URN</b>	SfJ IB288
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<b>Relevant occupations</b>	Public Services; Public Service and Other Associate Professionals
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<b>Suite</b>	Legal Advice
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<b>Key words</b>	complex areas of law, present cases in court, immigration
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