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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 asylum contexts. This includes advising clients on more complex areas of asylum 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) Guidance on Competence 2008, Level 2 (July 2008). Level 2 advisers must be fully competent in the Level 1 competencies as well as the additional Level 2 case work competencies. It does not however confer competence as all advisers **MUST** be assessed by an OISC approved assessor.

# SFJIB31

## First line asylum legal advice

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### Performance criteria

*You must be able to:*

- P1 explain the requirements of the 1951 UN Refugee Convention and identify and describe the current leading cases relating to interpretation by the courts
- P2 explain the procedure for making an asylum application
- P3 describe 'safe third country' procedures
- P4 explain the consequences of grant of refugee status and the permitted actions within this
- P5 describe the procedures for unaccompanied asylum-seeking children
- P6 define the provisions relating to benefits and support for asylum seekers
- P7 describe relevant Articles of the European Convention on Human Rights (ECHR) and the leading cases relating to interpretation of the ECHR in the courts and explain the consequences of grant of leave to remain under this legislation
- P8 identify and explain the structure and remedies available in the Asylum and Immigration Tribunal (AIT) and explain the relevant grounds and time limits for appeal
- P9 explain the circumstances where detention may be thought to be justified and the factors that influence such decisions
- P10 describe the main provisions relating to bail/temporary admission
- P11 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 requirements of the 1951 UN Refugee Convention according to Article 1A(2) for persons with a single nationality
- K2 the leading cases relating to the interpretation of the 1951 UN Refugee Convention by the courts
- K3 the procedure for making an asylum application – applications, screening, substantive interviews
- K4 the framework of 'safe third country' procedures
- K5 the consequences of grant of refugee status (but limited to the form of leave to remain granted to refugees, and to family reunion issues under the Immigration Rules, and to the procedure for obtaining travel documents)
- K6 the procedures for unaccompanied asylum-seeking children
- K7 provisions relating to benefits and support for asylum seekers
- K8 Articles 2, 3, 5 and 8 of the European Convention on Human Rights (ECHR)
- K9 the consequences of grant of leave to remain under the ECHR (but limited to the form of leave to remain granted to refugees, and to family reunion issues under the Immigration Rules, and to the procedure for obtaining travel documents)
- K10 key aspects of leading cases relating to the interpretation of the ECHR by the European Court and the domestic courts
- K11 the structure and remedies available in the Asylum and Immigration Tribunal (AIT)
- K12 the time limits for appealing
- K13 the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate
- K14 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
- K15 the main provisions relating to bail/temporary admission
- K16 the types of legal aid available for immigration, asylum and nationality applicants under Legal Help and Controlled Legal Representation
- K17 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>Originating organisation</b>	Skills for Justice
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<b>Original URN</b>	SfJ IB31
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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>	Asylum law, referral to specialist advice, provide information
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