

Level 2 Immigration Syllabus

Immigration law	Detailed Learning Objective
Detailed knowledge of the structure and sources of immigration law, including the framework of the immigration legislation	<ul style="list-style-type: none"> • the key principles of immigration control - the right of abode, entry clearance, visa nationals, leave to enter and leave to remain
Detailed knowledge of the procedure for making applications under the immigration rules	<ul style="list-style-type: none"> • effective navigation of the rules to enable determination of which immigration rule is applicable to a client's case
Detailed knowledge of the structure and operation of the immigration rules	<ul style="list-style-type: none"> • the main categories of entry under the immigration rules – Visitors, Students, Tiers 1- 5 PBS – with particular emphasis on Tiers 2 and 4, Spouses, Fiancé(e)s, Unmarried partners, Children, Parents, Grandparents and other Dependent Relatives, and the operation of Appendix FM. • the key concepts within the immigration rules –financial requirements, maintenance, accommodation, the definition of public funds, intention to leave the country at the end of a period of leave, intention to live together permanently, and the Points Based System and their relevant Appendices • how to identify whether a particular category of entry can lead to settlement, whether switching is permitted, and what period of leave an applicant under a particular rule can anticipate receiving • the mandatory and discretionary general grounds for refusal within Part 9 of the Immigration Rules • ability to identify how to determine the criteria for a grant of leave for a particular category of applicant under the rules the immigration rules on general refusal, especially rules 320(7A)-(7C) and 320(11) UK Borders Act 2007: Automatic Deportation Sections 32 – 39; and of the immigration rules on deportation rules 364-367 • the Home Office policies that supplement the Immigration Rules

Detailed knowledge of the appropriate application forms, fees and supporting documentation	<ul style="list-style-type: none"> • the appropriate application form for each category of entry, fees for immigration applications, and what documentation should be obtained to ensure that a criteria of the immigration rules is satisfied • the consequences of failure to make an application within time or on the appropriate prescribed form • the procedures that people who are subject to immigration control who wish to marry in the United Kingdom must follow • the operation of the statutory extension of leave to remain when an application is made
Knowledge of key UKBA concessionary Policies and how to make applications out of time	<ul style="list-style-type: none"> • the concept of leave to remain outside the immigration rules • the form of applications outside the rules and representing overstayers • how to identify whether there is a policy outside the immigration rules that is relevant to the facts of a client's case • where to locate policies outside the immigration rules • the Legacy scheme and the operation of the Case Resolution Directorate and Case Assurance and Audit Unit
Knowledge of the personnel and terminology relating to immigration law	<ul style="list-style-type: none"> • the common terms encountered in immigration as appear from time to time in the Glossary of the Immigration, Nationality and Refugee Law Handbook of the Joint Council for the Welfare of Immigrants
Detailed knowledge of the types of immigration decision that may be made in an individual's case dependant upon the stage of the entry or expulsion process that they have reached	<ul style="list-style-type: none"> • extensions, variations and curtailments of leave, illegal entry, overstaying, administrative removal and removal directions, and deportation orders • indefinite leave to remain and the grant of citizenship

Knowledge of leading cases relating to the application and interpretation of immigration law by the courts	<ul style="list-style-type: none"> • As set out by the courts and Tribunals in reported cases from time to time
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Asylum and Protection	Detailed Learning Objective
Awareness of the requirements of the Refugee Convention and the principle Articles of the ECHR	<ul style="list-style-type: none"> • the Refugee Convention and the Qualification Directive • the definition of a Refugee • the basis for exclusion • the ability to identify whether Articles 2, 3 and 8 of the ECHR are applicable to the facts of their client's case regarding leave to enter or remain in the UK
Awareness of the procedure for making an asylum application and managing those within the system	<ul style="list-style-type: none"> • the procedure for claiming • safe third country procedures • procedures at Home Office interviews. • the "one stop" procedure • the existence of the Asylum Policy Instructions (APIs) • processes for assessing claims by vulnerable people, including minors and those who are mentally incapacitated • section 55 of the Borders, Citizenship and Immigration Act 2009 • availability of NASS support • notifying change of address • seeking extension of temporary admission • seeking permission to work

Awareness of consequences of grant of refugee status	<ul style="list-style-type: none"> • the immigration rules on family reunion for refugees and those with HP/DL • humanitarian protection and discretionary leave to remain: their length, terms, procedure on expiry, and access to settlement • the Active review process and access to settled status • travel document provisions for refugees and HP/DL cases
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Human rights and Humanitarian Protection	Detailed Learning Objective
Knowledge of Articles 2 and 3 of the ECHR	<ul style="list-style-type: none"> • ability to identify whether Articles 2 and 3 of the ECHR are applicable to the facts of a client's case both in terms of expulsion from the country and treatment within the UK • arguing an evidence-backed case under Article 3 ECHR including appreciation of the need to show a minimum level of severity for the Article to be engaged • the standard of proof for human rights arguments • the circumstances in which fresh claims on human rights grounds might be made • rights of trafficking victims • operation of the best interests of the child principle
Detailed knowledge of Article 8 of the ECHR	<ul style="list-style-type: none"> • Article 8 ECHR and the right to family and private life • the notion of qualified rights and proportionality • the consequences of making a successful case on human rights grounds based on Article 8 ECHR under and outside the immigration rules
Detailed knowledge of consequences of grant of leave to remain	<ul style="list-style-type: none"> • humanitarian protection and discretionary leave to remain: their length, terms, procedure on expiry, and access to settlement • family reunion and access to travel documents for persons with humanitarian protection and discretionary leave to remain

Knowledge of leading cases relating to the interpretation of the ECHR and subsidiary protection	<ul style="list-style-type: none"> As set out by the courts and Tribunals in reported cases from time to time
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European economic area (EEA) free movement law	Detailed Learning Objective
Knowledge of the status of 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 2006	<ul style="list-style-type: none"> which countries are members of the EEA and which countries are the “A8” and “A2” countries the principle of free movement for individuals who are exercising Treaty rights under European Community law the principle that European Community law is directly effective where to find which European Directives and Regulations are relevant to the client’s case the Immigration (EEA) Regulations 2006 and the meaning of key concepts within those Regulations: “qualified persons” including the Community law meaning of “worker”, and the definitions of “self sufficient person” and “student”; the meaning of “family members” and “extended family members”, “retained rights of residence”, <i>Zambrano</i> cases, the initial, extended, permanent and retained rights of residence, residence cards, residence certificates, family permits and family member residence stamps, and the meaning of “marriage of convenience” the procedure set out in the Immigration (EEA) Regulations 2006 whereby family members not previously lawfully resident in the EEA will qualify for family permits only if they fit into the immigration rules the grounds on which a person can be expelled under European Community law ability to identify which, if any, treaty rights are applicable to the facts of the client’s case
Knowledge of the rights available to Turkish nationals as workers or persons offering services	<ul style="list-style-type: none"> the criteria for applications to be made for workers and the self employed who are Turkish nationals the means of making an application relying on European Community law for a Turkish national exercising Association Agreement rights

Detailed Knowledge of the procedures for making applications for those exercising EEA treaty rights and their family members	<ul style="list-style-type: none"> • the appropriate application forms for applying for residence documents, residence permits, and family permits for EEA nationals and their family members • the fees and supporting documentation for such applications • the registration requirements for workers for A8 nationals
Knowledge of leading cases relating to the interpretation of EEA free movement law	<ul style="list-style-type: none"> • As set out by the courts and Tribunals in reported cases from time to time

Nationality	Detailed Learning Objective
Detailed Knowledge of the process of naturalisation/registration	<ul style="list-style-type: none"> • the modes of obtaining nationality – by operation of law, by registration, and naturalisation • the procedure for making an application for naturalisation as a British citizen • the procedure for making an application for registration as a British citizen for children born in the United Kingdom

Business immigration	Detailed Learning Objective
Knowledge of the structure and operation of the programmes that manage business related entry to the UK	<ul style="list-style-type: none"> • skilled and unskilled categories of managed migrant • work permits and the requirements for leave to enter or remain for holders of work permits • Tier 1 of PBS • Tier 2 of PBS • Tier 5 of PBS for Temporary Workers and others

Appeals	Detailed Learning Objective
Knowledge of the structure and remedies available in the Tribunal	<ul style="list-style-type: none"> the structure of the First-tier and Upper Tribunal Immigration and Asylum Chambers the consequences of a successful appeal including the possibility of further challenges by the Home Office
Detailed knowledge of the time limits for appealing	<ul style="list-style-type: none"> calculating the date of deemed service of a decision at first instance, and the time limit for any subsequent appeal
Knowledge of the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate	<ul style="list-style-type: none"> which decisions are capable of appeal and the limitations on rights of appeal how to lodge an appeal to the FTTIAC where appropriate with properly identified grounds of appeal procedure Rules and Practice Directions of the Tribunals

Detention and bail	Detailed Learning Objective
Knowledge of 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	<ul style="list-style-type: none"> the procedures that accompany detention the reasons for detention and the factors to be taken into account in a detention case the categories of cases where detention will be permissible only in exceptional circumstances
Knowledge of the main provisions relating to bail/temporary	<ul style="list-style-type: none"> how to seek bail from the chief immigration officer and temporary admission from the Immigration Service the likely conditions to be set on bail and temporary admission

admission	<ul style="list-style-type: none"> the circumstances in which there will be no power to detain an individual
Awareness of the remedies before the High Court	<ul style="list-style-type: none"> judicial review and habeas corpus

Offences	Detailed Learning Objective
Knowledge of the major offences under the immigration legislation	<ul style="list-style-type: none"> offences under the Immigration Act 1971 – illegal entry, overstaying and breaching conditions (section 24(1)(a)-(c), deception (section 24A(1)-(3)), facilitating (section 25(1)-(1A), harbouring (section 25(2)), assisting entry in breach of a deportation or exclusion order (section 25B(1-3) and offences regarding administration of 1971 Act (section 26(1)) offences under sections 2 and 35 of the Immigration and Asylum (Treatment of Claimants Act 2004) offences connected with support under section 105 of the Immigration and Asylum Act 1999 offences regarding employment under section 8 of the Asylum and Immigration Act 1996

Welfare/support	Detailed Learning Objective
Awareness of the main provisions relating to benefits/support for persons subject to immigration control	<ul style="list-style-type: none"> the effect of the main provisions on welfare and support is to exclude certain persons subject to immigration control from obtaining certain benefits
Knowledge of the circumstances in which employment is prohibited for persons subject to immigration control	<ul style="list-style-type: none"> the circumstances in which employment is prohibited for persons subject to immigration control

Ethics	Detailed Learning Objective
<p>Knowledge of the professional and ethical rules relating to confidentiality and conflicts, the independence of the legal representative, their duty to act in the best interests of the client, to maintain a proper standard of work and their duty to the Court</p>	<ul style="list-style-type: none"> • the duty of care owed by a legal representative to clients and to upholding UK law, including issues around conflict of interest and confidentiality, acting in the clients best interests and appropriately and professionally in their dealings with the Home Office and other legal representatives, as laid down in the Commissioner’s Rules and Code of Standards

Essential skills and abilities	Detailed Learning Objective
<p>Communication Skills</p>	<ul style="list-style-type: none"> • ability to communicate to a high standard in written English with the client, Home Office and other agencies so as to be able to; <ul style="list-style-type: none"> - identify to whom an enquiry relates to, establish their wishes and intentions and the relevant facts of the case - communicate advice clearly, giving reasons and explaining options - draft letters and complete application forms clearly and accurately in plain English - produce clear, pertinent and effective written representations - use correct terminology and enclose the appropriate evidence, or provide a clear explanation why it has not been provided • ability to identify the need for and use of appropriate interpreters
<p>Casework Skills</p>	<ul style="list-style-type: none"> • ability to identify if it is appropriate for an application to be made and, if so, the appropriate

	<p>application to be made according to the client's circumstances</p> <ul style="list-style-type: none"> • ability to assess the merits of the case presented • awareness of the cultural, gender and disability issues that may arise in the course of a case and the ability to deal sensitively with these issues • ability to identify vulnerable clients and to make appropriate provisions (including referral) • ability to identify the range of evidence needed to support an application • ability to identify and use the most up to date and relevant information, including case-law • ability to draft grounds of appeal to the FTT • awareness of and a commitment to follow established good practice • ability to act with an appropriate sense of urgency • awareness of the limitations of competence and when to refer cases on to a suitably qualified adviser
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Detailed knowledge

An adviser will be familiar with and understand specific information and have the skills, training and experience to know and apply its fullest implication, to a client's case.

Knowledge

An adviser will be familiar with and understand information and have the skills to apply it directly to a problem or case.

Understanding

An adviser will be able to identify and comprehend information and be able to summarise and apply it to a problem or a case.

Awareness

Knowing general concepts, topics, procedures and methods without needing to be able to apply the information directly. An adviser should be able to identify the limits of their awareness. They should also be able to identify and refer to relevant sources of information for more in-depth knowledge.