

Level 2 Asylum 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 and the relevance of being a visa national, leave to enter and leave to remain
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
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

Awareness of the scope for applications outside the rules	<ul style="list-style-type: none"> • the concept of leave to remain outside the immigration rules • where to locate policies operating outside 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
Detailed 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 • indefinite leave to remain and the grant of citizenship • awareness of illegal entry, overstaying, administrative removal and removal directions, and deportation orders

Asylum law and practice	Detailed Learning Objective
Detailed knowledge of the requirements of the 1951 Convention according to Article 1A(2) for persons with a single nationality	<ul style="list-style-type: none"> • the constituents of the Refugee Definition – ie the meaning of well founded fear, persecution, Convention reason, state protection, including an ability to recognise which facts of a client’s claim are relevant to each of these concepts • the European Union approach to refugee status and its domestic transposition • the existence and operation of the exclusion clauses • the importance of taking instructions without creating discrepancies and addressing any inconsistencies which arise, and in anticipating common issues in relation to the Home Office approach to credibility • the importance of addressing issues of plausibility when preparing statements
Detailed knowledge of the procedure for making an asylum application – applications, screening, substantive interviews	<ul style="list-style-type: none"> • the procedure for claiming asylum in the United Kingdom including refusal of asylum within normal procedures, along with accelerated procedures such as the “detained fast track” appeals procedure and the non-suspensive appeal process and appreciation of the Key Concepts of the New Asylum Model • procedures at Home Office interviews • the meaning of key terms and abbreviations • the “one stop” procedure • the circumstances, test and remedies relating to fresh claims for asylum • the main sources of country information • the procedure in national security cases • key Home Office policies regarding policy and practice • issues surrounding vulnerable people, including minors, trafficking victims and those who are mentally incapacitated
Detailed knowledge of “safe third country” procedures	<ul style="list-style-type: none"> • the Home Office policy to remove asylum seekers to safe third countries • the limited grounds on which, and means by which, such decisions can be challenged

<p>Detailed knowledge of 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)</p>	<ul style="list-style-type: none"> • family reunion for refugees and the procedure for obtaining travel documents
<p>Awareness of the procedures for Asylum Seeking Children</p>	<ul style="list-style-type: none"> • the procedures and principles regarding Accompanied Children and Unaccompanied Asylum Seeking Children as set out in the Home Office Asylum Policy Instructions • Operation of the best interests of the child principle
<p>Awareness of provisions relating to benefits and support for asylum seekers</p>	<ul style="list-style-type: none"> • eligibility for NASS support to a person making an asylum claim for the first time • eligibility for NASS support for a person with child dependants • the availability of support from local authorities under Section 21 of the National Assistance Act 1948 • which decisions of NASS are capable of appeal and which can only be challenged by way of judicial review
<p>Knowledge of leading cases relating to the interpretation of the Refugee Convention by the courts.</p>	<ul style="list-style-type: none"> • As set out by the courts and Tribunals in reported cases from time to time

<p>Human rights and Humanitarian Protection</p>	<p style="text-align: center;">Detailed Learning Objective</p>
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Detailed 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 by the European Court	<ul style="list-style-type: none"> • as set out by the courts and Tribunals in reported cases from time to time
European economic area (EEA) free movement law	Detailed Learning Objective
Knowledge of basic applications for EEA	<ul style="list-style-type: none"> • the membership of the EEA • the principles of free movement

nationals and their dependants	<ul style="list-style-type: none"> • the definition of qualified person • the initial right to reside • those admissible as dependants of qualified persons • the definition of extended family member • retained rights of residence
Knowledge of the criteria for admission of accession state nationals	<ul style="list-style-type: none"> • the A8 and A2 Accession scheme
Awareness of the circumstances in which EEA nationals can be denied entry or removed	<ul style="list-style-type: none"> • the general grounds for exclusion or expulsion
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

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
Awareness 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 • knowledge of Tier 1 of PBS • knowledge of 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

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 admission	<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 • 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 the circumstances in which employment is prohibited for asylum seekers

Ethics	Detailed Learning Objective
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>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</p>

Essential skills and abilities	Detailed Learning Objective
Communication Skills	<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
Casework Skills	<ul style="list-style-type: none"> • ability to identify if it is appropriate for an application to be made and, if so, the appropriate application to be made according to the client's circumstances • 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

**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.