



# **OISC**

# **Judicial Review**

# **Case Management**

# **Application and**

# **Competence**

# **Statement**

June 2017

## Personal Details

Your application form **MUST** be fully completed or your application may be refused.  
Please ensure that all declarations are signed prior to submitting your form.

Full name of adviser:

OISC Authorisation number:

Business e-mail address:

Organisation's name:

OISC registration number:

## Judicial Review Case Management Application

Advisers must already be registered with the OISC at Level 3 in order to apply to undertake Judicial Review Case Management (JRCM) work. Please tick which categories you are seeking to advise in relation to JRCM, keeping in mind that you must already be registered in the category at Level 3 in order to be authorised in the JRCM in this area.

Category of advice	Judicial Review Case Management
Asylum and Protection	
Immigration	

Advisers who provide immigration advice and services in relation to Judicial Review Case Management will be required to act in accordance with the Commissioner's Practice note on JRCM which can be found here.

### **Declaration**

I have read the Commissioner's Judicial Review Case Management Practice Note and agree to abide by it. In particular:

- I understand the responsibilities which I undertake in the case management of a client's Judicial Review matter and the limitations of this work in relation to litigation and advocacy before the courts.
- I am aware of the requirement to instruct only counsel who has the proper authorisations to undertake both the litigation and advocacy elements of my client's case.
- As an authorised adviser I am aware of and committed to demonstrating a duty of candour to the courts and a commitment to the integrity of the UK immigration system.
- I commit to obtain Professional Indemnity Insurance to cover my work in JRCM.

**By ticking this box, I agree to comply with the requirements contained within the declarations above:**

**Name:**

**Date:**

## **Counsel's Details**

Please provide the names and business addresses of counsel you would be likely to instruct and who you have confirmed have permission to litigate, have the capacity to deal with emergency applications if necessary, and are willing to take instruction from an OISC registered organisation:

1

2

3

## **Licensed Access**

If your licence has ever been withdrawn, please state when and under what circumstances. If it was subsequently restored, please state when it was restored.

Please note that Licensed Access is not for the purpose of briefing counsel to appear in or exercise any right of audience before the Judicial Committee of the House of Lords, the Privy Council, the Supreme Court, the Crown Court, a County Court or the Employment Appeals Tribunal.

## **Client Account**

Please provide evidence of your organisation's client account in the form of your most recent statement.

Please note that the Bar Standards Board is unlikely to grant a licence unless your organisation can demonstrate that it has a separate client account.

I have provided evidence of my organisation's client account

## **Complaints Procedure/Fee Scale**

Please provide copies of your organisation's complaints procedure (showing how you will deal with complaints about counsel instructed by you) and amended fee scale (showing your fees for Judicial Review Case Management).

I have enclosed a copy of my complaints procedure and fee scale

## Experience

Please include with this application details of relevant experience, supported by evidence.

The Commissioner will normally expect applicants to have had some significant direct experience of Judicial Review Case Management (not necessarily in Asylum or Immigration) during the last 5 years. In this context, “significant” means experience covering all or most of the activities below in more than two or three cases.

- Advising on the merits of judicial review proceedings
- Drafting written instructions for counsel to represent a client in proceedings
- Drafting witness statements and skeleton arguments
- Preparing hearing bundles
- Drafting pre-action protocol letters
- Gathering evidence
- Assessing whether a client will qualify for Legal Aid applications and dealing with other costs related to judicial review applications.

Alternatively, applicants may have significant direct experience of performing these activities in the context of ordinary civil litigation. The Commissioner will also consider experience of carrying out some of these activities in relation to particularly complex OISC Level 3 cases, but this should be combined with experience of Judicial Review Case Management or ordinary civil litigation.

Applicants should provide a list of relevant cases worked on, including dates of instruction and details of outcomes where possible; also details of counsel instructed.

Evidence may take the form of verifiable references from former employers, supervisors and/or instructed counsel; verifiable samples of work; or a combination of the two. The Commissioner may make enquires to verify any information or corroborate evidence. The Commissioner may request further evidence where necessary.

**Details of relevant experience:**

## Training and Qualifications

Please include with this application details of relevant training and qualifications, supported by evidence.

The Commissioner will normally expect applicants to have had professional training in high court procedures and the Legal Aid System within the last 2 years. They should also show evidence of the immigration law training they have undertaken within the last year. The training should have been undertaken by a Designated Professional Body or a Designated Qualifying Regulator<sup>1</sup>.

Applicants may also submit evidence of any relevant academic or professional qualifications (e.g. IAAS accreditation, qualification as a solicitor, barrister or CILEX Fellow).

Evidence should take the form of certificates issued by the relevant body. Where it is not possible to provide certificates, written confirmation from the relevant body should be provided.

### **Details of Relevant Training and/or Qualifications**

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<sup>1</sup> Designated Professional Bodies & Designated Qualifying Regulators include:

- The Law Society of England and Wales.
- The Law Society of Scotland.
- The Law Society of Northern Ireland.
- The Chartered Institute of Legal Executives (CILEX).
- The General Council of the Bar of England and Wales.
- The Faculty of Advocates and
- The General Council of the Bar of Northern Ireland.

## Other matters that may be taken into account

Please note that when considering your application the Commissioner will take into account any matters which may cast doubt on your fitness or competence to practice in this area. This will include a history of substantiated complaints or audit findings relating to (for example):

- Dishonesty/failure to disclose information
- Incompetence
- Failure to act in the client's best interests
- Failure to act within authorisation
- Seeking to abuse any UK immigration or asylum procedure or any appellate or other judicial procedure; or advising a person to do something amounting to such abuse;
- Failure to advise on merits or giving inadequate advice on merits
- Inadequate record-keeping
- Overcharging, failure to maintain clear and accurate accounts or misuse of the client account
- Inadequate client care

**If you are aware of any such issues and wish to make representations in respect of them, you may attach your representations to this statement.**

## Declarations

<p>Are you subject to any restrictions on your residence in or permission to work in the United Kingdom?</p>		<p>If yes, please give details</p>
<p>Do you have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?</p> <p><b>And/or</b></p> <p>Are you currently subject to any criminal proceedings in the UK or abroad?</p>		<p>If yes, please give details</p>
<p>Have you been the subject of any adverse finding or settlement in civil proceedings?</p>		<p>If yes, please give details</p>
<p>Have you been or are you the subject of any existing or previous disciplinary proceedings by other regulatory authorities or professional bodies in the UK or abroad?</p>		<p>If yes, please give details</p>
<p>Have you, or any business of which you have been an owner or manager, been the subject of any substantiated complaint relating to regulated activities?</p>		<p>If yes, please give details</p>
<p>Have you, or any business with which you have been involved, been investigated, disciplined, censured or suspended or criticised by a regulatory or professional body, a court or Tribunal, whether publicly or privately?</p>		<p>If yes, please give details</p>



<p>Have you ever been dismissed, or asked to resign and resigned, from employment or from a position of trust, fiduciary appointment or similar?</p>		<p>If yes, please give details</p>
<p>Have you ever been a Barrister, Solicitor, Advocate or member of CILEX, or supervised by one of the above?</p>		<p>If yes, please give details</p>
<p>Have you ever been subject to disciplinary action or intervention by a Designated Professional Body or a Designated Qualifying Regulator, e.g. The Law Society or Bar Council or overseas body equivalent to the OISC?</p>		<p>If yes, please give details</p>
<p>Have you been sued by a client or made a claim on your Professional Indemnity Insurance in the last five years?</p>		<p>If yes, please give details</p>
<p>Have you ever been disqualified from acting as a charity trustee?</p>		<p>If yes, please give details</p>
<p>Have you ever been involved in any conduct which may call into question your honesty, integrity or respect for the law?</p>		<p>If yes, please give details</p>

## Declaration

I declare that the answers that I have given are true and correct to the best of my knowledge and belief. I have declared all information relevant to the consideration of my fitness as a person providing immigration advice.

I understand that the information given in this application form may need to be checked against the records of other agencies including professional bodies, regulatory agencies and the police in the UK and abroad.

I undertake to notify the OISC of any material changes to the information I have given in this application.

I understand that any false statement or deliberate omission in the information I have given could result in the application being refused.

**I will be available to supply the Commissioner with any requested amendments or additional information for the duration of my application process.**

**By ticking this box, I agree to comply with the requirements contained within the declarations above.**

**By ticking this box, I can confirm I have provided all necessary documents.**

**Name:**

**Date:**