

## Level 3 Immigration Syllabus

Immigration Law	Detailed Learning Objective
<p><b>Detailed knowledge of the structure and sources of immigration law, including the framework of the immigration legislation</b></p>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<p><b>Detailed knowledge of the procedure for making applications under the immigration rules</b></p>	<ul style="list-style-type: none"> <li>• The procedures and processes for making applications under the immigration rules.</li> <li>• General provisions within Part 1 of the immigration rules.</li> </ul>
<p><b>Detailed knowledge of the structure and operation of the immigration rules</b></p>	<ul style="list-style-type: none"> <li>• Understanding how the immigration rules are amended.</li> <li>• Effective navigation of the rules to enable determination of which immigration category and which rules are applicable to a client's case.</li> <li>• The main categories of entry and stay under the immigration rules – Visitors, Students, PBS and other work and business visas, Partners, Children, Parents, Adult Dependent Relatives, and the operation of Appendix FM, long residence, Appendix EU and Appendix EU (Family Permit).</li> <li>• The key concepts within the immigration rules – validity, eligibility, suitability, financial and English language requirements, accommodation, sponsorship.</li> <li>• Key definitions in the Introduction of the immigration Rules, the definition of public funds, parent, adequately, leading an independent life etc.</li> <li>• 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.</li> <li>• Conditions that will be imposed on grants of leave.</li> </ul>

	<ul style="list-style-type: none"> <li>• The mandatory and discretionary general grounds for refusal within Part 9 of the Immigration Rules, and the Suitability criteria.</li> <li>• Ability to identify how to determine the criteria for a grant of leave for a particular category of applicant under the rules, grounds for refusal, administrative removal or deportation.</li> <li>• The Home Office policies that supplement the Immigration Rules.</li> </ul>
<p><b>Detailed knowledge of the appropriate application forms, fees and supporting documentation</b></p>	<ul style="list-style-type: none"> <li>• The appropriate application form for each category of entry and stay, fees for immigration applications, and what documentation should be obtained to ensure that a criteria of the immigration rules is satisfied.</li> <li>• The consequences of failure to make an application within time or on the appropriate prescribed form.</li> <li>• The procedures that people who are subject to immigration control who wish to marry in the United Kingdom must follow.</li> <li>• The operation of the statutory extension of leave to remain when an application is made.</li> </ul>
<p><b>Knowledge of key UKVI concessionary policies and how to make out of time and discretionary applications.</b></p>	<ul style="list-style-type: none"> <li>• The concept of leave to remain outside the immigration rules.</li> <li>• The form of applications outside the rules and representing overstayers.</li> <li>• How to identify whether there is a policy outside the immigration rules that is relevant to the facts of a client's case.</li> <li>• Where to locate policies outside the immigration rules.</li> </ul>
<p><b>Detailed knowledge of the personnel and terminology relating to immigration law</b></p>	<ul style="list-style-type: none"> <li>• The common terms encountered in immigration practice as they appear in the interpretation section of the immigration rules or relevant statutory provisions.</li> </ul>

<p><b>Detailed knowledge of 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</b></p>	<ul style="list-style-type: none"> <li>• Extensions, variations and cancellation of leave, illegal entry, overstaying, administrative removal and removal directions, and deportation orders.</li> <li>• Indefinite leave to remain and the grant of citizenship.</li> </ul>
<p><b>A thorough knowledge of leading cases relating to the application and interpretation of immigration law by the courts</b></p>	<ul style="list-style-type: none"> <li>• As set out by the courts and Tribunals in reported cases from time to time.</li> <li>• The ability to apply leading cases appropriately to the facts of a particular case.</li> <li>• The ability to apply precedents properly before the IAC.</li> <li>• The ability to distinguish case law or challenge the reliability of the same.</li> </ul>

<p><b>Asylum and Protection</b></p>	<p><b>Detailed Learning Objective</b></p>
<p><b>Awareness of the requirements of the Refugee Convention and the principle Articles of the ECHR</b></p>	<ul style="list-style-type: none"> <li>• The Refugee Convention and the Qualification Directive</li> <li>• The definition of a Refugee</li> <li>• The basis for exclusion</li> <li>• 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.</li> </ul>
<p><b>Awareness of the procedure for making an asylum application and managing those within the system</b></p>	<ul style="list-style-type: none"> <li>• The procedure for claiming</li> <li>• Safe third country procedures</li> <li>• Procedures at Home Office interviews</li> <li>• The "one stop" procedure</li> <li>• The existence of the Asylum Policy Instructions (APIs)</li> <li>• Processes for assessing claims by vulnerable people, including minors and those who are mentally incapacitated.</li> <li>• Section 55 of the Borders, Citizenship and Immigration Act 2009</li> <li>• Availability of asylum support</li> <li>• Awareness of grants of bail</li> </ul>

	<ul style="list-style-type: none"> <li>• Notifying change of address</li> <li>• Seeking extension of temporary admission</li> <li>• Seeking permission to work</li> </ul>
<b>Awareness of consequences of a grant of refugee status</b>	<ul style="list-style-type: none"> <li>• The immigration rules on family reunion for refugees and those with HP/DL.</li> <li>• Humanitarian protection and discretionary leave to remain: their length, terms, procedure on expiry, and access to settlement.</li> <li>• The Active review process and access to settled status.</li> </ul>

<b>Human rights and Humanitarian Protection</b>	<b>Detailed Learning Objectives</b>
<b>Knowledge of Articles 2 and 3 of the ECHR</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• The standard of proof for human rights arguments.</li> <li>• The circumstances in which fresh claims on human rights grounds might be made.</li> <li>• Rights of trafficking victims.</li> <li>• Operation of the best interests of the child principle.</li> </ul>
<b>Detailed knowledge of Article 8 of the ECHR</b>	<ul style="list-style-type: none"> <li>• Article 8 ECHR and the right to family and private life.</li> <li>• The notion of qualified rights and proportionality.</li> <li>• The consequences of making a successful case on human rights grounds based on Article 8 ECHR under and outside the immigration rules.</li> </ul>
<b>Detailed knowledge of consequences of grant of leave to remain</b>	<ul style="list-style-type: none"> <li>• Humanitarian protection and discretionary leave to remain: their length, terms, procedure on expiry, and access to settlement.</li> </ul>

	<ul style="list-style-type: none"> <li>Family reunion and access to travel documents for persons with humanitarian protection and discretionary leave to remain.</li> </ul>
<b>Knowledge of leading cases relating to the interpretation of the ECHR and subsidiary protection</b>	<ul style="list-style-type: none"> <li>As set out by the courts and Tribunals in reported cases from time to time</li> </ul>

<b>Nationality</b>	<b>Detailed Learning Objective</b>
<b>Detailed Knowledge of the processes for naturalisation/registration</b>	<ul style="list-style-type: none"> <li>The modes of obtaining nationality – by operation of law, by registration, and naturalisation.</li> <li>The structure of UK nationality law: the key provisions under sections 1,2,3 and 6 of the British Nationality Act 1981.</li> <li>The procedure for making an application for naturalisation and registration as a British citizen.</li> <li>The procedure for making an application for registration as a British citizen for children born in the United Kingdom.</li> </ul>

<b>Appeals and High Court proceedings</b>	<b>Detailed Learning Objective</b>
<b>Detailed knowledge of the structure and remedies available in the Tribunal</b>	<ul style="list-style-type: none"> <li>The structure of the First-tier (FTT) and Upper Tribunal (UT) Immigration and Asylum Chambers (IAC).</li> <li>The consequences of a successful appeal including the possibility of further challenges by the Home Office.</li> </ul>
<b>Detailed knowledge of the time limits for appealing</b>	<ul style="list-style-type: none"> <li>Identifying the date of service of a decision at first instance, and the time limit for any subsequent appeal</li> </ul>

	<ul style="list-style-type: none"> <li>• The procedure and practice for making applications out of time to the FTT and UT.</li> </ul>
<b>Detailed knowledge of the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate</b>	<ul style="list-style-type: none"> <li>• Which decisions are capable of appeal and the limitations on rights of appeal.</li> <li>• How to lodge an appeal to the FTTIAC where appropriate with properly identified grounds of appeal.</li> <li>• Procedure Rules and Practice Directions of the Tribunals.</li> </ul>
<b>Detailed knowledge of procedures and practice before the IAC</b>	<ul style="list-style-type: none"> <li>• Applications for adjournment.</li> <li>• Applications to admit argument and evidence outside the time frame permitted by directions.</li> <li>• Applications to admit new argument consequent to service of grounds of appeal.</li> <li>• The ability to identify material errors of law in a determination of the FTT.</li> <li>• The preparation of grounds to the FTT for leave to appeal and supplementary grounds to the UT where leave is initially declined by the FTT.</li> <li>• The preparation of a reply in an appeal by the Home Office to the UT.</li> <li>• The facility to admit fresh evidence in an error of law hearing before the UT.</li> <li>• The two stage process applicable to appeals from the UT to the Court of Appeal.</li> <li>• The thresholds applicable in relation to the second appeals test for appeals to the Court of Appeal.</li> <li>• The ability to know when to refer a case on to a suitably qualified person.</li> </ul>
<b>Knowledge of the remedies available before the High Court</b>	<ul style="list-style-type: none"> <li>• Awareness of the processes related to Judicial review, including the Civil Procedure Rules Chapter 54, and related Practice Directions.</li> <li>• The ability to assess if a case is suitable for Judicial Review.</li> <li>• The ability to prepare a pre-action protocol letter.</li> <li>• The ability to know when to refer a case on to a suitably qualified person.</li> </ul>

<b>Detention and bail</b>	<b>Detailed Learning Objective</b>
<b>Knowledge of the circumstances in which detention is thought justified</b>	<ul style="list-style-type: none"> <li>• The procedures that accompany detention</li> </ul>

<p><b>by the immigration authorities and the factors to be taken into account in determining whether detention is the right course of action</b></p>	<ul style="list-style-type: none"> <li>• The reasons for detention and the factors to be taken into account in a detention case.</li> <li>• The categories of cases where detention will be permissible only in exceptional circumstances.</li> </ul>
<p><b>Knowledge of the main provisions relating to bail/temporary</b></p>	<ul style="list-style-type: none"> <li>• How to seek bail from an Immigration judge or the chief immigration officer and temporary admission from the Immigration Service.</li> <li>• The likely conditions to be set on bail and temporary admission.</li> <li>• The circumstances in which there will be no power to detain an individual.</li> </ul>
<p><b>Knowledge of the remedies before the Upper Tribunal/High Court</b></p>	<ul style="list-style-type: none"> <li>• Judicial review and habeas corpus</li> </ul>

<p><b>Offences</b></p>	<p><b>Detailed Learning Objective</b></p>
<p><b>Knowledge of the major offences under the immigration legislation</b></p>	<ul style="list-style-type: none"> <li>• 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)).</li> <li>• Offences under sections 2 and 35 of the Immigration and Asylum (Treatment of Claimants Act 2004).</li> <li>• Offences connected with support under section 105 of the Immigration and Asylum Act 1999.</li> <li>• Offences regarding employment under section 8 of the Asylum and Immigration Act 1996.</li> </ul>

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

<b>Ethics</b>	<b>Detailed Learning Objective</b>
<b>Knowledge of professional and ethical practices in the provision of immigration advice and services.</b>	<ul style="list-style-type: none"> <li>• Knowledge of the principles which define OISC Level 3 work and awareness of work that should be referred or signposted.</li> <li>• 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 client's best interests and appropriately and professionally in their dealings with the Home Office, the courts and other legal representatives, as laid down in the Commissioner's Code of Standards</li> </ul>

<b>Essential skills and abilities</b>	<b>Detailed Learning Objective</b>
<b>Communication Skills</b>	Ability to communicate effectively 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"> <li>• Identify to whom an enquiry relates to, establish their wishes and intentions and the relevant facts of the case.</li> <li>• Communicate advice clearly, giving reasons and explaining options.</li> <li>• Draft letters and complete application forms clearly and accurately in plain English.</li> <li>• Produce clear, pertinent and effective written representations.</li> <li>• Use correct terminology and enclose the appropriate evidence or provide a clear explanation why it has not been provided.</li> </ul> <p>Ability to identify the need for, and use of interpreters.</p>
<p><b>Casework Skills</b></p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Ability to assess the merits of the case presented.</li> <li>• 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.</li> <li>• Ability to identify vulnerable clients and to make appropriate provisions (including referral).</li> <li>• Ability to identify the range of evidence needed to support an application.</li> <li>• Ability to identify and use the most up to date and relevant information, including case-law.</li> <li>• Ability to draft grounds of appeal to the FTT and UT, and briefs to counsel and skeleton arguments for IAC proceedings awareness of and a commitment to follow established good practice.</li> <li>• Awareness of, and a commitment to follow established good practice.</li> <li>• Ability to act with an appropriate sense of urgency.</li> <li>• Awareness of the limitations of competence and when to refer cases on.</li> </ul>

**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.