

## **IAA regulation of University Law Clinics**

### **Introduction**

The Immigration Advice Authority (IAA) remains keen to support the work of University Law Clinics in providing high quality immigration advice while supporting law students to gain valuable experience under close supervision.

This guidance note sets out the IAA's approach to the regulation of immigration advice within University Law Clinics, including advice provided and supervised by solicitors and barristers employed directly by University Law Clinics. In particular this guidance note sets out the option of simplifying IAA requirements for University Law Clinics whose students provide limited advice under close supervision for relatively short periods of time (typically under 12 months) in line with the academic year.

### **University Law Clinics and regulated immigration advice**

University Law Clinics, which provide immigration advice and services to the public may need to be registered with the IAA where the advice given relates to a relevant matter as defined by the Immigration and Asylum Act 1999 as amended ('the Act'). The IAA's [Immigration Assistance Practice Note](#) provides further details on the relevant matters and what assistance can be provided without the requirement to be regulated.

### **Direct provision of immigration advice by solicitors and barristers employed in University Law Clinics**

University Law Clinics can structure their advice services in a variety of ways but normally the clinic is overseen by an adviser who is themselves individually regulated as a solicitor or barrister by a Designated Qualifying Regulator (DQR) in England and Wales<sup>1</sup>, or by a Designated Professional Body (DPB) in Scotland and N. Ireland.

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<sup>1</sup> In England and Wales, the Solicitors' Regulation Authority (SRA) regulates solicitors and the Bar Standards Board regulates barristers.

## England and Wales

Where such regulation is in place, an adviser employed in a University Law Clinic in England or Wales is deemed to be a 'qualified person' under Section 84(2)(ba) of the Act and can themselves provide direct advice to members of the public without the additional need to be individually registered with the IAA, provided the University Law Clinic in which they are employed is IAA registered, the nature of the advice is within their professional competence, they have adequate insurance and they otherwise meet the requirements of their DQR<sup>2</sup>.

### **Supervision of immigration advice by solicitors and barristers employed in University Law Clinics**

#### *[Internal supervision by practising solicitors employed in a University Law Clinic](#)*

Practising solicitors employed directly by University Law Clinics in England and Wales who provide immigration advice to members of the public on behalf of the University Law Clinic (which is not a law firm or ABS) cannot supervise others, so as to make them a 'qualified person' under Section 84(2)(e) of the Act, unless the Law Clinic is regulated as an entity by the IAA, the supervisor meets the [IAA's supervision requirements](#)<sup>3</sup> and an application to supervise has been made to and agreed in advance by the IAA. Where the IAA have authorised such supervision, non-qualified persons and students may provide immigration advice and services to the public by virtue of Section 84 (2)e of the Act.

#### *[External supervision by practising solicitors employed in an SRA-regulated firm](#)*

In England and Wales, a practising solicitor employed in a firm of solicitors regulated by the Solicitors' Regulation Authority (SRA), is permitted to supervise non-legally qualified individuals so as to make them a 'qualified person' under Section 84(2)(e) of the Act, to provide immigration advice and services to the public, provided the SRA's supervision requirements are met<sup>4</sup>.

For University Law Clinics, this means that practising solicitors employed in external SRA-regulated solicitors' firms are permitted to supervise immigration work within the clinic in the following ways:

- Practising solicitors employed in regulated external firms provide advice in the firm's name, with students assisting or shadowing under the solicitors'

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<sup>2</sup> See the [SRA's 'Guidance on Immigration Work', 23 November 2022](#); the SRA's '[Authorisation of Individuals Regulations 9.5-9.7C: Immigration Work](#)' and the IAA guidance '[IAA Regulation and Solicitors](#)', 15 December 2021.

<sup>3</sup> In addition to meeting the SRA's supervision requirements as above and set out in the SRA's '[Guidance on Immigration Work](#)', 23 November 2022

<sup>4</sup> See the SRA's [Guidance on Immigration work, 23 November 2022](#). For barristers, see the Bar Standards Board's [Guidance on Barristers Supervising Immigration Advisers, February 2020](#) (there are additional [Legal Aid Agency requirements](#) for work carried out and supervised under a legal aid immigration contract).

supervision. This does not ordinarily require the University Law Clinic or the students to be IAA registered as the advice is provided directly by the external firm.

- Practising solicitors employed in regulated external firms, can supervise students providing advice in the University Law Clinic's name, where the Law Clinic is regulated by the IAA and the IAA have authorised the supervision arrangement. Ordinarily external persons cannot supervise in this fashion within the IAA scheme without IAA approval.

## **Scotland and N. Ireland**

In Scotland and N. Ireland a practising solicitor or barrister is normally permitted to supervise non-legally qualified staff so as to make them a 'qualified person' permitted to provide immigration advice and services, by virtue of Section 84(2)(b) of the Act while acting on behalf of their business or organisation, regardless of the business or organisation's legal structure.

## **Registration of students with the IAA**

University Law Clinics in England and Wales who wish to give students direct (but still supervised) experience of providing immigration advice and services to the public must apply to the IAA for registration of the clinic as an entity with the Commissioner. The clinic can seek registration at any of the three IAA levels and in either or both of the categories (Immigration and/or Asylum) in which they wish to provide advice and services.

The clinic can additionally make individual adviser applications for any non-DQR or non-DPB regulated advisers who they wish to add to their organisation's registration. These applicants will ordinarily be subject to the IAA individual adviser application process, which includes an online competence assessment and DBS checks. If successful they will be granted registration at IAA level 1, 2 or 3 in Immigration and/or Asylum.

**However, where the clinic wishes students to be supervised to provide immigration advice and services to the public and the expectation will be that this supervision will last for a period of under 12 months, they can submit to the Commissioner a detailed plan of the supervision arrangements proposed for the individual student, or a cohort of students.**

The supervision plan should include:

- the name or names of the student supervisor(s)
- details of the supervisor's qualifications, training and experience in immigration law and practice
- details of how the student or cohort of students will be managed in line with the services the clinic expects them to provide
- details of induction training for new student advisers

- details of how work undertaken will be reviewed and feedback given and recorded
- copies of relevant policies or procedures that apply to the students working in the clinic

The IAA will also need basic details of the students (names and date of birth). If the supervision plan provides sufficient assurance that work undertaken will be adequately reviewed and monitored by a suitably qualified supervisor, **the IAA will grant permission for students to work under supervision within the law clinic, normally for a 12-month period, without the ordinary requirement for the students to seek individual registration.**

If successful, students will be allowed to work under the agreed supervision arrangements, to any IAA level and in any category of advice that has been granted to the clinic as an entity.

### **Review of registration and supervision arrangements**

The IAA will review the arrangements at the point of continued registration of the law clinic each year. Assuming supervision continues to be effective, and no issues of concern are raised with the Commissioner, the law clinic is likely to be allowed to continue to allow the students or a new cohort of students, to work under supervision.

Should students wish to apply for authorisation on completion of their 12-month supervision period, they may apply to the IAA for an extension of the supervision period for the existing arrangements to continue for an additional 12-month period, enabling them to continue to work at the clinic under the same conditions, if such an application is supported by the law clinic. Students may alternatively apply for registration as an individual adviser within the law clinic, provided that application is also supported by the law clinic.

Details of how to apply to the IAA for regulation can be found within our application [Guidance](#) document or law clinics who would like to discuss further the application process can e-mail [info@immigrationadviceauthority.gov.uk](mailto:info@immigrationadviceauthority.gov.uk) to discuss their clinic prior to making an application.