

## Changes to the Level 3 Immigration Syllabus

The new syllabus is significantly broader and more competency-focused than the current syllabus. While the current syllabus primarily sets out the substantive legal knowledge required at Level 3, the new syllabus retains most of that content but adds:

1. **Explicit practical competencies ("can do" outcomes)**
2. **New specialist subject areas:**
  - Trafficking and Modern Slavery
  - Migrant Victims of Domestic Abuse
  - Statelessness
3. **Greater emphasis on safeguarding and vulnerable clients**
4. **Enhanced ethics and professional conduct requirements**
5. **Expanded appeals and judicial review competencies**
6. **More detailed expectations around evidence, expert reports and case preparation**

### Overall assessment

| Area                         | Current syllabus | New syllabus            |
|------------------------------|------------------|-------------------------|
| Core immigration law         | ✓                | ✓                       |
| Applications and rules       | ✓                | ✓ Enhanced              |
| Human rights                 | ✓                | ✓ Enhanced              |
| Nationality                  | ✓                | ✓ Enhanced              |
| Appeals                      | ✓                | ✓ Enhanced              |
| Judicial review              | ✓                | ✓ Competence based      |
| Detention and bail           | ✓                | ✓ Similar               |
| Ethics                       | Basic            | Major Expansion         |
| Trafficking & Modern Slavery | ✗                | ✓ New                   |
| Domestic Abuse               | ✗                | ✓ New                   |
| Statelessness                | Limited          | ✓ Dedicated section     |
| Safeguarding                 | Limited          | ✓ Significant expansion |
| Expert evidence              | Minimal          | ✓ Extensive             |
| Practical competencies       | Limited          | ✓ Throughout            |
|                              |                  |                         |

## **Major differences by subject area**

### **1. Immigration Law**

#### **Current syllabus**

Focuses on knowledge of:

- Immigration legislation
- Immigration Rules
- Application procedures
- Entry and settlement routes
- Refusal grounds
- Case law

#### **New syllabus**

Retains all of the above, but additionally requires advisers to demonstrate practical competence.

#### **New competencies include:**

- Identifying and distinguishing primary and secondary legal sources.
- Understanding hierarchy between legislation, rules, policy and case law.
- Applying legal sources to client situations.
- Monitoring and implementing legal changes.
- Preparing valid applications.
- Managing procedural risks.
- Using evidential flexibility provisions.
- Explaining immigration terminology in plain language.
- Understanding decision notices and available remedies.

## **Key differences**

**Current Syllabus = knowledge-based**

**New Syllabus = knowledge + practical application**

### **2. Application Procedures**

#### **New in the syllabus**

Explicit requirement to:

- Complete applications meeting validity requirements.
- Apply evidential flexibility rules.

- Identify:
  - incorrect fees
  - invalid applications
  - missing evidence
  - timing problems
- Explain online processes, biometrics and document submission.

### **3. Immigration Rules**

#### **Additional content in new syllabus**

More detailed treatment of:

- Suitability grounds.
- Interaction between suitability and eligibility.
- Appendix-specific evidence requirements.
- Home Office caseworker guidance.
- Switching requirements.
- Decision-making analysis.

#### **Practical focus**

New syllabus expects advisers to:

- Analyse client eligibility.
- Determine applicable routes.
- Apply rules to facts.

### **4. Human Rights**

#### **New syllabus**

Changes include:

#### **Additional emphasis on:**

- Section 55 Borders, Citizenship and Immigration Act 2009.
- Building legal arguments using Section 55.
- Child welfare considerations.

#### **Structural change**

Rights of trafficking victims are removed from this section because an entirely new section on trafficking is introduced.

## **5. NEW SECTION: Trafficking and Modern Slavery**

### **Only in the new syllabus**

This is one of the largest additions.

#### **Covers:**

##### **Legislation**

- Palermo Protocol
- Modern Slavery Act 2015
- Scottish legislation
- Northern Ireland legislation

##### **National Referral Mechanism (NRM)**

- Reasonable Grounds decisions
- Conclusive Grounds decisions
- Competent Authorities

##### **Representation skills**

- Drafting statements
- Preparing representations
- Supporting evidence
- Discretionary Leave applications
- Judicial review challenges

##### **Expert evidence**

- Medico-legal reports
- Trafficking experts

##### **Safeguarding**

- Adult victims
- Child victims

##### **Significance**

This subject area is entirely absent as a standalone topic in current syllabus.

## **6. NEW SECTION: Migrant Victims of Domestic Abuse**

### **Only in the new syllabus**

Not covered separately in current syllabus (other than Appendix Victim of Domestic Abuse being mentioned within immigration routes).

### **New requirements include:**

#### **Domestic Violence Rule (DVILR)**

- ILR applications
- Evidential requirements

#### **Appendix EU**

- Retained rights of residence

#### **Administrative Reviews**

- Domestic abuse refusal challenges

#### **MVDAC**

A substantial new area:

- Eligibility
- Evidence
- Safeguarding
- Public funds
- Confidentiality
- Data sharing
- Relationship with other immigration routes

### **7. NEW SECTION: Statelessness**

Current syllabus refers to Appendix Statelessness as a route within Immigration Rules.

However, the new syllabus creates a dedicated specialist section.

#### **Includes:**

- 1954 Convention
- Part 14 Immigration Rules
- Evidence gathering
- Embassy correspondence
- Applications and representations

- Settlement routes
- Refusal options

## **8. Nationality**

New syllabus Adds awareness of:

- Sections 4 and 5 British Nationality Act 1981.

## **9. Appeals and Tribunal Work**

### **New syllabus adds**

#### **New procedural requirements**

- Practice Direction of the Immigration and Asylum Chamber (November 2024).
- Procedural justice principles.
- Duties to the Tribunal.
- Confidentiality limits.
- Professional conduct expectations.
- Evidence integrity obligations.

#### **Greater litigation focus**

New syllabus places much stronger emphasis on:

- Tribunal ethics.
- Management of evidence.
- Permission applications.
- Judicial review suitability assessments.

## **10. Judicial Review**

### **New syllabus**

Removes some detailed procedural references but adds competence-focused requirements:

- Assessing suitability for JR.
- Referral decisions.
- Advising clients on merits.

### **Difference**

Less procedural detail, more practical judgment.

## **11. Detention and Bail**

Largely unchanged.

## **12. Ethics**

This is one of the biggest changes.

### **Current syllabus**

Focuses on:

- Duty to clients.
- Confidentiality.
- Conflict management.
- IAA Code of Standards.
- Understanding Level 3 work.

### **New syllabus**

Substantially expands ethics.

### **New requirements**

- Regulatory compliance.
- Complaints Scheme.
- Guidance on Competence.
- Ethical leadership.
- Independence and objectivity.
- Trauma-informed practice.
- Conflict resolution.
- Vulnerable client management.
- Duties to the Tribunal.
- Evidence handling.
- High-risk ethical decision making.

## **13. Communication Skills**

### **New in the syllabus**

Requirement to:

- Keep contemporaneous attendance notes.
- Record advice clearly.
- Explain decisions and options following appeals.

More emphasis on professional case management.

## **14. Casework Skills**

### **Additional requirements in the new syllabus**

#### **Expert evidence**

- Instructing experts.
- Understanding experts' duties to courts.

#### **Judicial Review**

- Advising on JR merits.
- Assessing JR prospects.
- Referral decisions.

#### **Advanced advocacy**

- Challenging existing case law.
- Re-evaluating evidence following:
  - new country information
  - new case law
  - UKVI responses

#### **Client care**

- Explaining outcomes.
- Explaining appeal options.
- Costs and risks advice.

#### **Practical drafting**

- More detailed requirements regarding representations and statements.

#### **In practical terms**

The New Syllabus is not a simple revision of the Current Syllabus. It represents a shift from a predominantly knowledge-based Level 3 syllabus to a competency-based professional practice syllabus.

The most significant additions are:

1. **Trafficking and Modern Slavery**
2. **Domestic Abuse and MVDAC**
3. **Statelessness**
4. **Safeguarding and vulnerable clients**
5. **Ethics and professional conduct**

6. **Expert evidence and judicial review skills**
7. **Explicit "can demonstrate" practitioner competencies throughout the syllabus.**