

Level 3 Asylum Syllabus

Immigration law	Detailed learning objective
Detailed knowledge of the structure and sources of immigration law, including the framework of the immigration legislation	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	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	- The main categories of entry under the Immigration rules – Visitors, Students, Points Based Immigration System and other work and business visas, Partners, Adult Dependent Relatives, and other family applications, long residence, Appendix EU, EU (Family Permit) and victims of domestic abuse - 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 Suitability of the immigration rules; identify which suitability grounds apply to the specific route and how they interact with eligibility requirements
Awareness of the scope for applications outside the rules	- The concept of leave to remain outside the immigration rules - Where to locate policies operating outside the immigration rules

Knowledge of the appropriate application forms, fees and supporting documentation	• The appropriate application form for each category of entry, fees for immigration applications, and what documentation should be obtained to ensure that the criteria of the immigration rules are 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	• The common terms encountered in immigration as they 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 dependent upon the stage of the entry or expulsion process that they have reached	• 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 and applies the requirements of the 1951 Refugee Convention under Article 1A(2) to assess claims by individuals with a single nationality, demonstrating the ability to interpret and implement the Convention's criteria in practice.	• The constituents of the refugee definition – i.e. 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 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 Section 32 of the Nationality and Borders Act 2022	• Ability to explain the statutory test in Section 32, including the requirement to assess a claimant's well-founded fear of persecution using a split evidential standard • Ability to describe and apply the two-stage evidential approach introduced by Section 32: ○ past facts and subjective fear assessed on the <i>balance of probabilities</i> ○ future risk assessed on a <i>reasonable degree of likelihood</i> • Can identify how Section 32 departs from the pre-existing approach under <i>Karanakaran</i> and other case law, and explain the implications for asylum assessments • Can apply the two-stage test to real or hypothetical cases, correctly allocating evidence and findings to the appropriate evidential threshold • Can integrate country of origin information into the future-risk assessment under the "reasonable degree of likelihood" standard • Can produce clear, structured reasoning that links factual findings to the statutory test in Section 32 • Can explain how Section 32 operates within the Refugee Convention framework, including its interaction with the definition of a refugee under Article 1A(2) and 1(c)
Detailed knowledge of the procedure for making an asylum application – applications, screening, substantive interviews	• 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	• 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
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)	• Family reunion for refugees and the procedure for obtaining travel documents • The form of leave granted to refugees and the route to settlement • The safe return review process
Detailed knowledge of the procedures for asylum seeking children	• 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
Knowledge of Age Assessment procedures for Asylum Seeking Children	• The initial procedure the assessment office must follow when assessing the age of an asylum seeker or migrant who claims to be a child or who claims to be an adult and their claimed age is doubted by the Home Office • Section 55 of the Borders, Citizenship and Immigration Act 2009 • Section 51 of the Modern Slavery Act 2015 (England and Wales and section 12 of the Human Trafficking and Exploitation Scotland (Act 2015) (In Scotland) • Merton compliant age assessments and the use of AI in age assessments
Awareness of provisions relating to benefits and support for asylum seekers	• 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
Thorough knowledge of leading cases relating to the interpretation of the ECHR and subsidiary protection	• As set out by the courts and Tribunals in reported cases from time to time • The ability to apply leading cases appropriately to the facts of a particular case • The ability to apply precedents properly before the IAC • The ability to distinguish case law or challenge the reliability of the same

Human rights and humanitarian protection	Detailed learning objective
Detailed knowledge of and demonstrated competence in applying Articles 2 and 3 of the ECHR in practical, analytical, and decision-making contexts	• 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	• 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 family reunion and travel document procedures for persons granted discretionary leave to remain and humanitarian protection	• Humanitarian protection and discretionary leave to remain: their length, terms, procedure on expiry, and access to settlement • Access to family reunion for persons with humanitarian protection and discretionary leave to remain

	• Access to travel documents for persons with humanitarian protection and discretionary leave to remain
Thorough knowledge of leading cases relating to the interpretation of the ECHR and subsidiary protection	• As set out by the Courts and Tribunals in reported cases from time to time • The ability to apply leading cases appropriately to the facts of a particular case • The ability to apply precedents properly before the IAC • The ability to distinguish case law or challenge the reliability of the same

Trafficking and modern slavery	Detailed learning objective
Detailed knowledge of the relevant legislation and the competence in correctly applying it to an individual client case	• Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol 2000) • Modern Slavery Act 2015 • Human Trafficking and Exploitation (Scotland) Act 2015 • Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
Detailed knowledge and skills to identify, assess, and support potential victims of trafficking and modern slavery within the UK immigration system, ensuring accurate advice, lawful representation, and effective safeguarding.	• Competence in understanding who is a victim of slavery, including how to identify relevant indicators • Competence in NRM procedures, including Competent Authority Reasonable and Conclusive Grounds decision making • Competence in understanding the interplay between NRM decision making and asylum and human rights claims, and other immigration options • Confidence in pursuing Discretionary leave for victims of slavery • Competence in best practice in working with and representing victims of slavery • Competence in understanding the UK government's duties to victims of slavery • Knowledge of safeguarding issues relating to victims of slavery • Competence in how to represent child victims of slavery

	• Competence in how to draft statements, representations and provide supporting evidence in support of Conclusive Grounds decisions and for grants of Discretionary Leave • Competence in how and when to commission expert evidence, including medico-legal and trafficking reports. • Competence in how to challenge negative Reasonable and Conclusive Grounds decisions by reconsideration
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Migrant victims of domestic violence	Detailed learning objective
Knowledge of Most Vulnerable Dependant Adult Claimants (MVDAC) / Migrant Victims of Domestic Abuse Concession	• Awareness of how domestic abuse interacts with immigration law, including the Domestic Violence Rule (DVILR) Appendix FM • Understands the purpose of the MVDAC — Explains the policy intent, eligibility criteria, and protections available to migrant victims of domestic abuse • Identifies immigration categories eligible for MVDAC — Describes which visa holders may apply, including limitations and exclusions. Explains evidential requirements — Outlines acceptable forms of evidence of domestic abuse, financial hardship, and relationship breakdown • Understands safeguarding duties — Describes safeguarding principles, risk indicators, and referral pathways for victims of abuse • Describes financial support provisions — Summarises the temporary leave, access to public funds, and support entitlements granted under the concession • Understands interaction with wider immigration routes — Explains how MVDAC interacts with the domestic violence ILR route, family routes, and other protection pathways • Identifies confidentiality and data-sharing rules — Outlines legal and ethical duties around handling sensitive information relating to abuse

Nationality	Detailed learning objective
Detailed knowledge of the process and legal framework of naturalisation/ registration	• 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

Appeals and High Court proceedings	Detailed learning objective
Detailed knowledge of the structure and remedies available in the Tribunal	• The structure of the First tier (FTT) and Upper Tribunal (UT) Immigration and Asylum Chambers (IAC) • The consequences of a successful appeal including the possibility of further challenges by the Home Office
Detailed knowledge of the time limits for appealing	• Calculating the date of deemed service of a decision at first instance, and the time limit for any subsequent appeal • The procedure and practice for making applications out of time to the FTT and UT
Detailed knowledge of the legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate	• Which decisions are capable of appeal and the limitations on rights of appeal • How to lodge an appeal to the FTT where appropriate with properly identified grounds of appeal • Procedure rules, practice directions and presidential statements of the tribunals • Detailed knowledge of Practice Direction of the Immigration and the Asylum Chamber of the First-tier Tribunal issued in November 2024
Detailed knowledge of procedures and practice before the IAC	• Applications for adjournment • Applications to admit argument and evidence outside the time frame permitted by directions • Applications to admit new argument consequent to service of grounds of appeal • The ability to identify material errors of law in a determination of the FTT

	• The preparation of grounds to the FTT for permission to appeal and supplementary grounds to the UT where permission is initially declined by the FTT • The preparation of a reply in an appeal by the Home Office to the UT • The facility to admit fresh evidence in an error of law hearing before the UT • The two-stage process applicable to appeals from the UT to the Court of Appeal • The thresholds applicable in relation to the second appeals test for appeals to the Court of Appeal • Ability to determine when to refer a case on to a suitably qualified person • Ability to identify procedural justice principles • Ability to explain confidentiality limits • Understands the duties to the Tribunal • Understands the obligations regarding evidence integrity • Understands professional conduct expectations
Knowledge of the remedies available before the High Court	• The ability to assess if a case is suitable for Judicial Review • The ability to prepare a pre-action protocol letter • The ability to know when to refer a case to a suitably qualified person

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	• 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	• How to seek bail from an immigration judge or 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

Knowledge of the remedies available before the High Court	Judicial review and habeas corpus
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Offences	Detailed learning objective
Knowledge of the major offences under the immigration legislation	- 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 and support	Detailed learning objective
Awareness of the main provisions relating to benefits/support for persons subject to immigration control	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	- 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 relevant professional and ethical rules, including the requirements set out in the Code of Standards.	• Knowledge of the principles which define IAA Level 3 work and awareness of work that is restricted to advisers registered at a higher level which should be referred or signposted • Knowledge of core regulatory documents, – Code of Standards, Guidance on Competence and Complaints Scheme • Regulatory Compliance – Applies the Code of Standards practice–system requirements and organisational policies consistently • 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 and other legal representatives, as laid down in the IAA Code of Standards • Ethical Judgement in High-Risk Contexts – Makes sound ethical decisions under pressure, including urgent or tribunal-related matters • Duties to the Tribunal – Acts with candour, avoids misleading the tribunal and ensures evidence is accurate and properly disclosed. • Vulnerable Clients – Demonstrates trauma-informed culturally competent practice in complex asylum and protection cases • Complex Conflict Management - Navigates multi-party or organisational conflicts with advanced judgement • Ethical Leadership – Models ethical behaviour, supports colleagues and contributes to a compliant practice environment • Evidence Handling – Manages late evidence, credibility issues and expert reports with integrity. • Independence and Objectivity - Maintains independence of judgement and resists improper pressure from clients and external actors

Essential skills and abilities	Detailed learning objective
Communication skills	• Ability to identify the need for and use of appropriate interpreters • Ability to communicate to a high standard in written English with the client, Home Office and other agencies so as to be able to: ○ 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, while keeping contemporaneous attendance notes ○ 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
Casework skills	• Ability to identify if it is appropriate for an application to be made and, if so, the appropriate application to be made according to each 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 witness statements, representations, grounds of appeal to the FTT and UT, and briefs to counsel and skeleton arguments for IAC proceedings and Judicial Review materials — using pertinent case law and human rights legislation where appropriate • Competence in how and when to instruct experts, including finding an appropriate expert, working with the expert and an expert's duties to the court

	• Awareness of and a commitment to follow established good practice • Ability to act with an appropriate sense of urgency • Ability to explain clearly to a client in plain language the progress of their case, including any appeal, the outcome of a hearing, the implications for the client and the options open to them. Also to be able to advise on the merits of further appeals or Judicial Review (including the risks related to costs and time) and take clear instructions from the client as to how they wish to proceed • Ability to give clear, detailed advice based on relevant laws and policies • Ability to explain complex legislation and policies in simple, clear language • Ability to draft clear, detailed, structured and effective statements in English on behalf of clients • Ability to re-evaluate evidence in the light of responses or other information from UKVI or a change in country conditions or new case law • Ability to challenge existing case law, if appropriate • Ability to accurately assess the merits of taking forward an application for Judicial Review or referring a case to a solicitor or authorised IAA adviser for judicial review proceedings • Awareness of the limitations of competence and when to refer cases on
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Definitions:

- **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