

Unit Title

LA61 Asylum Legal Advice and Casework

Summary

This Unit is designed for you if you specialise in the provision of legal advice in a broad range of asylum contexts. This includes advising clients on more complex areas of asylum law. You will also know how to prepare and present cases in formal or informal hearings.

This is a new Knowledge Unit that has been developed for the independent Legal Advice sector. This Knowledge Unit supports the generic National Occupational Standards for Legal Advice.



To meet the National Standard, you must be able to:

- a) Explain the requirements of the 1951 UN Refugee Convention and identify and describe the current leading cases relating to interpretation by the courts
- b) Explain the procedure for making an asylum application
- c) Describe 'safe third country' procedures
- d) Explain the consequences of grant of refugee status and the permitted actions within this
- e) Describe the procedures for unaccompanied asylum-seeking children
- f) Define the provisions relating to benefits and support for asylum seekers
- g) Describe relevant Articles of the European Convention on Human Rights (ECHR) and the leading cases relating to interpretation of the ECHR in the courts and explain the consequences of grant of leave to remain under this legislation
- h) Describe relevant Articles of the European Convention on Human Rights (ECHR) and the leading cases relating to interpretation of the ECHR in the courts and explain the consequences of grant of leave to remain under this legislation
- i) Explain the circumstances where detention may be thought to be justified and the factors that influence such decisions
- j) Describe the main provisions relating to bail/temporary admission
- k) Explain the types of legal aid available to applicants at all stages and the tests for eligibility

Knowledge and Understanding

You must show that you know and understand:

1. The requirements of the 1951 UN Refugee Convention according to Article 1A(2) for persons with a single nationality
2. The leading cases relating to the interpretation of the 1951 UN Refugee Convention by the courts
3. The procedure for making an asylum application – applications, screening, substantive interviews
4. The framework of ‘safe third country’ procedures
5. The 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)
6. The procedures for unaccompanied asylum-seeking children
7. Provisions relating to benefits and support for asylum seekers
8. Articles 2, 3, 5 and 8 of the European Convention on Human Rights (ECHR)
9. The consequences of grant of leave to remain under the ECHR (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)
10. Key aspects of leading cases relating to the interpretation of the ECHR by the European Court and the domestic courts.
11. The structure and remedies available in the Asylum and Immigration Tribunal (AIT)
12. The time limits for appealing
13. The legislative provisions in relation to whether there is a right of appeal and what grounds of appeal might be appropriate
14. 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
15. The main provisions relating to bail/temporary admission
16. The types of legal aid available for immigration, asylum and nationality applicants under Legal Help and Controlled Legal Representation
17. The relevant tests – sufficient benefits, means and merits – to be applied in order to assess eligibility for Legal Help and Controlled Legal Representation