

Unit Title

LA62 Specialised Asylum Legal Advice and Casework

Summary

This Unit is designed for you if you provide specialised asylum advice and representation. This includes advising clients on the detail of specialised areas of asylum law and related areas of legislation.

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 how to define a refugee in terms of the 1951 UN Refugee Convention
- b) Identify and explain the issues that are raised routinely by the Home Office or other relevant body
- c) Explain the consequences of applications made at entry or after entry and describe accelerated procedures and to whom they apply
- d) Describe the criteria and process relating to refugees in terms of family reunion, travel documents, work, benefits and education
- e) Explain the process involved where immigration authorities raise issues of national security
- f) Describe the process of the Special Immigration Appeals Commission
- g) Describe 'safe third country' procedures and explain the remedies and grounds against third-country removal
- h) Describe the rights protected by relevant articles of the European Convention on Human Rights (ECHR) and explain the difference between absolute, limited and qualified rights
- i) Explain the consequences of making an application for leave to remain based on human rights
- j) Describe the criteria and process for humanitarian protection or discretionary leave
- k) Describe the procedures and grounds for making bail applications to the Asylum and Immigration Tribunal (AIT) and explain the other remedies available to detainees
- l) Describe the main provisions relating to benefits/support for asylum seekers, including those for children

Knowledge and Understanding

You must show that you know and understand:

1. The definition of a refugee under Article 1(A)(2) of the 1951 UN Refugee Convention for persons with a single nationality, for the stateless and for dual nationals
2. The issues that the Home Office routinely raise, including statutory issues of credibility
3. The consequences of making an application at a port of entry or after entry
4. Accelerated procedures and to whom they apply
5. The criteria and the process for family reunion for refugees inside and outside the Immigration Rules
6. The criteria and process relating to travel documents, work, benefits and education for recognised refugees
7. The processes involved if the immigration authorities raise issues of national security
8. The Special Immigration Appeals Commission
9. 'Safe third country' procedures, namely the Dublin (II) Regulation, and remedies against third-country removal and the grounds that can be argued in the course of such remedies
10. The rights protected by Articles 2-14 of the European Convention on Human Rights and of the most important protocol rights
11. The difference between absolute, limited and qualified rights
12. The consequences of making an application with a human rights dimension within the currency of leave to remain, at any stage of the expulsion process or from abroad
13. The criteria and process for humanitarian protection and discretionary leave
14. When an application for bail can be made
15. Other remedies for detainees – temporary admission, habeas corpus, bail from a Chief Immigration Officer (CIO) or other authorised person
16. Understanding of the procedure for making bail applications to the Asylum and Immigration Tribunal (AIT)
17. The main provisions relating to benefits/support for asylum seekers, including benefits for children