

26 June 2007

Dear Practitioner

#### IMMIGRATION AND ASYLUM

There have been some changes to the operation of the Immigration and Asylum Accreditation Scheme and the Community Legal Service (Asylum and Immigration Appeals) Regulations 2005 these are set out below along with a general update on the new contracting arrangements from October.

#### Immigration and Asylum Accreditation Scheme (IAAS)

The Legal Services Commission (LSC), the Solicitors Regulation Authority (SRA) and the Office of the Immigration Services Commissioner (OISC) have agreed a new approach to the operation and administration of the Immigration and Asylum Accreditation Scheme (IAAS), which clarifies the roles of the regulatory bodies and the LSC in relation to the scheme.

This will not result in significant changes to the process of accreditation for candidates but is aimed to overcome existing ambiguities around accreditation and regulation, particularly in relation to issues of character and suitability.

Since the introduction of the IAAS there has been some confusion over the roles of the regulatory bodies (SRA and OISC) and the LSC when it comes to quality requirements for immigration advisers. There has been some misunderstanding that there is "double regulation" as the LSC maintains a register of accredited representatives as well as the regulatory bodies and also a lack of clarity over the process for dealing with complaints or concerns regarding the competence, character or behaviour of anyone accredited under IAAS.

Therefore, from 1 October 2007 the LSC will require all advisers to be accredited to an appropriate standard under IAAS and to be registered with the relevant regulatory organisation for inclusion on their respective lists of approved accredited advisers (SRA Register of Accredited Representatives and OISC list / register of regulated advisers).

The SRA and OISC will continue to deal with complaints concerning the character, conduct or behaviour of those they regulate. If any complaint or concern concludes with an adviser being suspended or removed from their respective lists the adviser will be ineligible to perform publicly funded work under an LSC Immigration Contract until such time the caseworker is reinstated or re-approved by the regulatory body.

Furthermore, as of 1 June, the SRA took full responsibility for the operation of IAAS for solicitors and their employees. The SRA alone will maintain the register of solicitors and their employees who have successfully completed the accreditation assessments.

The SRA has also taken on the administration of all applications for registration as a probationary immigration and asylum caseworker for LSC contract purposes. The form for applying for registration can be found at the following web address:

[www.lawsociety.org.uk/professional/accreditationpanels/lawpanel.law](http://www.lawsociety.org.uk/professional/accreditationpanels/lawpanel.law)

Fuller details of how the IAAS will operate in practice are available on the LSC's web-site at: [www.legalservices.gov.uk/civil/immigration/accreditation.asp](http://www.legalservices.gov.uk/civil/immigration/accreditation.asp)

#### The Community Legal Service (Asylum and Immigration Appeals) (Amendment) Regulations 2007

The regulations were made under section 103D of the Nationality, Immigration and Asylum Act 2002. As you will know section 103D makes provision for the High Court and the Asylum and Immigration Tribunal (AIT) to order payment of an appellant's costs for a review of an AIT decision and any pursuant reconsideration, out of the Community Legal Service Fund.

The regulations came into force on the 30 April 2007 and amended the Community Legal Service (Asylum and Immigration Appeals) Regulations 2005. They give effect to section 8 of the Immigration Asylum & Nationality Act 2006 which extends the power of the AIT and gives judges the authority to make a costs order for work that representatives have done preparing for a reconsideration that has been ordered, but does not proceed. Prior to these amendments coming into force there was no provision to claim these costs, however, we had allowed the reasonable costs of such work to be claimed without a costs order. This will no longer be the case.

#### The Immigration Specification and Exclusive Contracting Tender Process

The consultation process in relation to the Immigration Specification closed on 16 April and we have carefully considered all the responses received. There will be some amendments to the specification in light of the responses. Copies of the specification will be sent to all immigration contract holders in August.

There is scope within the new specification to exclude the provision of some advice services from the Immigration Specification, as we currently do for clients whose cases are subject to the Home Office Fast Track processes. This will mean that the provision of certain areas of immigration and asylum advice will be limited to those providers who hold an 'exclusive contract' to undertake such work.

The new specification will come into operation as planned in October 2007 however the new arrangements for services excluded from the specification, will not come into effect at this time. Tender processes will take place in the autumn in relation to the provision of advice services for clients in detention with contracts coming into operation in April 2008. In the meantime existing exclusive arrangements for clients detained under the Home Office Fast Track process will continue, as will the detention centre surgeries and police station telephone advice schemes. We will be writing to existing providers to extend their contracts in due course.

Tenders will also take place in relation to other excluded services i.e. unaccompanied children seeking asylum and advice at the ASU.

Details of these tenders and all other tendering opportunities will appear on our website at [www.legalservices.gov.uk/civil/tendering\\_opportunities.asp](http://www.legalservices.gov.uk/civil/tendering_opportunities.asp)

Yours sincerely

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