

 CILEX



P10 – Immigration Law and Practice

Professional Stage

2025-2026

P10: Immigration Law and Practice

The aim of this module is to equip you with the knowledge and skills you need to work in, or to start and maintain a successful practice in this complex and challenging field. You will have an overview of how the whole system works: the legislative underpinning for it, how it is administered, and what remedies there are for adverse decisions. You will consider in detail the main areas into which Immigration Law can be divided – Visits, Work & Study, Private & Family Life, Asylum, and Nationality and the practical ways in which clients can be assisted in achieving the resolution of their ‘immigration matters’. Finally, the module considers the circumstances in which people can be removed or deported from the United Kingdom, and whether this can be resisted on human rights grounds.

This module covers:

1. The legal framework
2. Applying to stay in the UK
3. The appeal process
4. Judicial review
5. Immigration detention
6. Visiting the UK
7. Coming to the UK to work or to study
8. Staying in the UK due to private or family life
9. Asylum and Humanitarian Protection
10. Trafficking and modern slavery
11. Ukraine Permission Extension Scheme
12. EU Settlement Scheme
13. British Citizenship
14. Removal, Deportation and Human Rights
15. Communication skills and people management
16. Drafting

Learning Outcomes

By the end of this module you will be able to:

1. Understand overarching principles, such as the ECHR and the “section 55 duty”.
2. Gather, analyse and synthesise a range of material with appropriate application to a case to develop solutions which are in your client’s best interests.
3. Devise a strategy to manage an immigration case, achieving the best outcome for the client.
4. Draft a range of documents such as covering letters for applications, grounds of appeal and skeleton arguments.
5. Communicate effectively with clients and third parties including Home Office staff and others who may be involved in the application process.
6. Identify situations that potentially give rise to conflicts of interest, issues of professional ethics or other issues under the applicable Codes of Conduct.

Linked online assessment: P10

TQT: 300 hours

Module Resources

In addition to the VitalSource manual, there is a reading list to accompany the module which is located in the 'Study Guide and Content Updates – Professional Stage 1st Editions' document in the VitalSource bookshelf, Training Provider hub and in myCILEX.

Details of updates included in 2025-2026 Module Specification

- 2a: addition of eVisas and Electronic Travel Authorisation
- 6a: addition of business visitor
- 7a: addition of minimum salary requirement, dependants and restrictions
- 8b: alteration of phrasing to 'Long Residence Rule'
- 9: alteration of title to become Asylum and Humanitarian Protection
- 9c: addition of Exclusion
- 9d: addition of Further submissions/fresh claims
- 10: Trafficking and modern slavery moved from 9i)
- 11: Ukraine permission extension scheme now has own section
- 12: EU Settlement Scheme – addition of automatic extension and now has own section
- Various changes of section numbers to accommodate new additions

1. The legal framework	To be able to advise clients on any immigration-related matter you must have a thorough grasp of the law relating to this area. Therefore, you should know: a) Primary legislation – the Immigration Acts b) Secondary legislation – numerous Orders and Regulations c) The Immigration Rules – (a hybrid incorporating Appendix EU) d) Home Office policies and guidance
2. Applying to come to or stay in the UK	You will be required to work with clients who would like permission to come to the UK or who are already in the UK but wish to remain. To support these clients with their case you should know: a) Permission to come to or stay in the UK ● Entry Clearance ● Leave to Enter – granted to non-visa nationals at seaports and airports ● Limited Leave to Remain – granted to people who are already here with temporary permission and want to extend their stay ● Indefinite Leave to Remain – settlement in the UK, available on particular routes after a certain period of lawful residence, e.g. five years ● eVisas and Electronic Travel Authorisation b) How to apply ● Complete online application form ● Pay application fee plus Immigration Health Surcharge ● Attend “biometric appointment” at TLS Contact Centre in UK or VFS abroad ● Scan and upload supporting documents c) Reasons for refusal ● ‘Suitability’ failings – Part 9 grounds for refusal, e.g. criminal convictions ● Not meeting requirements of immigration rules, e.g. minimum income d) Remedies for refusal ● Appeal to the Immigration and Asylum Chamber of the First-tier Tribunal (if there is a right of appeal) ● Onward appeal to the Upper Tribunal ● Further appeal to the Court of Appeal ● Alternatively, Administrative Review ● Alternatively, Reconsideration Request ● As a last resort, Judicial Review ● National security cases are handled by the Special Immigration Appeals Commission

3. The appeal process	You may often be helping clients to prepare for their appeals and may also be able to represent them at the appeal hearings. Below is a checklist of the main features which you should know. a) How to Appeal • Most cases lodge the appeal online using MyHMCTS • Appeal on paper if client in detention b) Notice of Appeal • Check by 'duty judge' that appeal is valid c) Preparing documentation • Respondent's Bundle • Appellant's Bundle • Appellant's Skeleton Argument • Respondent's Review d) Hearings • Video link and face-to-face hearings • Appeals can also be determined by a judge 'on the papers' e) Written witness statements and oral evidence • Appellant/sponsor and other witnesses will adopt their witness statements • Cross-examined by a Home Office Presenting Officer' • May be re-examined by their own representative f) Representation • Appellant's representative must be professionally accredited • Home Office representative may be a civil servant g) Closing submissions • Each representative addresses the judge and urges that the appeal be allowed or dismissed h) Costs • Appeal fee may be reimbursed by Home Office if Appellant succeeds • Wasted costs may be awarded against a party if conduct of appeal unreasonable i) Permission to appeal further • Must be on basis that F-tT made an "error of law" • Permission must first be sought from another Ft-T judge • If refused, renew application directly to Upper Tribunal • If granted, UT must first decide if there has been an error • If so, UT may "re-make" the decision on the appeal, or remit to F-tT j) Preparing for effective advocacy • Comply with the rights of audience and conduct rules as they apply in immigration and asylum proceedings
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	• Know how to establish suitable rapport with the court • Demonstrate understanding of relevant ethical rules, etiquette, and conventions • Recognise appropriate body language, pace and language • Present coherent and persuasive case, consistent with client's instructions taking diversity into account • Demonstrate practical understanding of substantive and procedural law • Correctly apply relevant law to facts of case • Maintain these standards when working under pressure
4. Judicial Review	Judicial review is chiefly used when there is no right of appeal against a Home Office decision, or appeal rights have been exhausted. The 'division of labour' between the Upper Tribunal and the Administrative Court must be observed. You may be involved in the preparation for judicial review and therefore, you should know: a) Judicial review principles: Pre-action protocol, remedy, restrictions and procedure in the UT and Administrative Court b) Grounds for judicial review c) Funding a judicial review case d) Preparing the judicial review bundle e) Settlement and costs f) Protective costs orders g) Third party interventions
5. Immigration detention	Migrants who are in the UK without leave, or who have been convicted of crimes, are liable to detention for a variety of reasons, and practitioners are often asked to try to get them released, usually by applying for "immigration bail", therefore you should know: a) Who can be detained? b) Reasons for detention c) Removal centres or prison d) Bail e) Damages for false imprisonment
6. Visiting the UK	By far the largest category of people who come to the UK each year (and do not have a right of abode) are classed as 'visitors'. You will need to be able to advise on the activities permitted for visitors and how long visitors may remain. Therefore, you should know: a) Categories of visitor • Standard • Marriage • Permitted Paid Engagements • Transit • Business

	b) Rules ● Permitted Activities ● Permit Free Festival List ● Visa national list ● Transit Without Visa Scheme c) Applying for a visit visa ● Online application form ● Maintenance and accommodation ● Incentive to return home ● “Genuine” visit ● The possibility of appeal
7. Coming to the UK to work or to study	Several different routes are set out in the Immigration Rules, whereby people can come to the UK to take up employment or self-employment, or to gain educational qualifications. In order to advise on the most appropriate route, you need to know: a) General requirements ● Sponsorship’ by an employer or an educational establishment ● Sponsor licence from the Home Office ● Endorsement of a regulatory or representative body b) Applying for work and study routes ● Online applications and fees, including health surcharge and skills surcharge ● Supporting documents ● Financial, educational and English language requirements ● Minimum salary requirement ● Certificate of Sponsorship or Confirmation of Acceptance for Studies ● Points Based System ● Temporary work (for up to two years) ● Skilled Work’ leading to settlement ● Dependants and restrictions c) Applying for a sponsor licence ● Fees ● Responsibilities ● Code of conduct ● Business and educators’ helpdesks ● Operating the Sponsorship Management System ● Responsibility and ownership ○ Authorising officer ○ Key contact ○ Level 1 and level 2 users d) Un-sponsored routes ● Overseas workers in private households ● UK Ancestry ● Graduate

8. Staying in the UK based on private or family life	These aspects of Immigration Law have been heavily influenced by Article 8 of the European Convention on Human Rights, which asserts: <i>“Everyone has the right to respect for his private and family life, his home and his correspondence.”</i> There can be no interference with this right by a public body except for reasons of the public good. The tension between these two, often opposing, interests lies at the heart of much of the case law in this field. To advise clients in this area, you should know: a) Article 8 European Convention on Human Rights ● Article 8 (1) and 8(2) ● Proportionality b) Rules for remaining based on private life ● Appendix Private Life ● 20 years Long Residence Rule ● Under the age of 18 and having lived in the UK for at least 7 years ● Aged at least 18 but below 25, and having lived in the UK at least half one’s life ● Adults with less than 20 years’ residence, but very significant obstacles to one’s integration in one’s own country c) Rules for coming to or remaining in the UK based on family life ● Appendix FM ● Applications – documents and Appendix FM-SE ● Requirements for applications by children. d) Rules relating to partners ● Three stages – five-year route to settlement ○ Suitability – criminality and other bad behaviour can disbar applicants ○ Eligibility criteria ● Five stages – 10-year route to settlement ○ Eligibility criteria e) Rules relating to partners and domestic violence ● Immigration Rules Appendix Victim of Domestic Abuse ● Migrant Victims of Domestic Abuse Concession ● Home Office Policy for Migrant Victims of Domestic Abuse f) Rules relating to children ● four main conditions ● Meeting further conditions ○ maintenance and accommodation ○ special provision for children adopted abroad, or coming to the UK for adoption ○ must not be married or otherwise leading an independent life. ● Recognition of Overseas Adoptions Order 2013 ● Children born in the UK to parents on the private life route g) Routes for the settlement of a parent who has a child living in the UK h) Adult dependent relatives
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	• A need for personal care because of age, illness or infirmity • Care unavailable or unaffordable in home country • Applications for indefinite leave, made from abroad
9. Asylum and Humanitarian Protection	The United Kingdom is a signatory to the Refugee Convention 1951 and its 1967 Protocol. States parties to the Convention are forbidden from sending people who arrive in their jurisdiction seeking asylum to countries where they have a well-founded fear of persecution. As an immigration practitioner you will be required to advise those seeking asylum and therefore, you should know: a) Prohibition of “<i>refoulement</i>” b) Persecution – • Race • Religion • Nationality • Political opinion • Membership of a particular social group c) Issues – problems in establishing a claim to refugee status • Burden and Standard of Proof • Credibility • Internal Flight Alternative • Sufficiency of Protection • Exclusion • Safe Third Countries. d) Process and procedures • Asylum Intake Unit – ○ asylum screening interview application registration card (‘ARC’) • Legal Aid – Preliminary Information Questionnaire (‘PIQ’) • Asylum Support – ○ Accommodation ○ Appeal to the First-tier Tribunal (Asylum Support) • Asylum Interview – ○ other evidence, including Country Policy and Information Notes (‘CPINs’) • Further submissions/fresh claims e) Decision • Positive, five-year route to settlement • Negative, reasons for refusing asylum • Right of appeal to the First-tier Tribunal f) Detention • With a view to removal • Weak claims and high risk of absconding • Bail hearing

	g) Appeals • First-tier Tribunal • Background reports • Medical reports h) Humanitarian Protection • 'Qualification Directive' (2004/83/EC) • subsidiary protection • Article 15(c) • Wider protection – Article 3 ECHR
10. Trafficking and modern slavery	Human Trafficking • Modern Slavery Act 2015 • 'Reasonable' and 'conclusive grounds' decision • National Referral Mechanism • Temporary Permission to Stay for victims of human trafficking
11. Ukraine Permission Extension Scheme	Ukraine Permission Extension Scheme • Eligibility • Children • Family Members
12. EU Settlement Scheme	EU Settlement Scheme • Eligibility • Settled status and pre settled status • Family members • Retained rights • Automatic extensions
13. British Citizenship	Immigration practitioners need to be able to advise clients on how to become British citizens, or even on whether they already are British citizens. There are four ways in which British citizenship is acquired, either automatically or by making an application and you should know the following: a) Birth in the UK • Eligibility • Registration (parents become settled; 10 years' residence) b) Descent from a British citizen • Eligibility for children born overseas • Registration c) Naturalisation • Eligibility • Fee • English language test at level B1 and exemptions • The Knowledge of Life in the UK Test and exemptions

	• <i>Good character</i> d) Further reasons for registration • Registration of a child at discretion • Would have been British by descent from their mothers, only they were born at a time when citizenship by descent could only pass through fathers • Born illegitimately to British fathers, who would have been British automatically had not illegitimacy been a barrier at that time • Lesser forms of British nationality, such as British overseas citizens, provided they have no other citizenship and did not deliberately lose another citizenship e) Deprivation • Conducive to the public good • Avoidance of statelessness • Naturalisation or registration obtained by ○ fraud, ○ false representation, or ○ concealment of a material fact • Right of appeal to the First-tier Tribunal under s.40A BNA 1981.
14. Removal, deportation and human rights	Article 8 of the ECHR has a part to play in applications for entry clearance in a route leading to settlement with a family member, but the European Convention is most heavily relied on when people who are overstayers or illegal entrants, or whose leave has been cancelled, are facing removal or deportation. You may be required to advise on these areas and therefore you should know: a) Article 3 – alternative to asylum • Eligibility ○ Non-Convention reason ○ health cases b) Private Life • The application of Article 8 • Appendix Private Life based on length of residence • section 117B of the Nationality, Immigration and Asylum Act 2002 – ‘unlawful’ and ‘precarious’ status. c) Family Life • The application of Article 8 • section EX.1 of Appendix FM • section 117B NIAA 2002 d) Deportation • Private Life ○ Article 8 as interpreted in para 399A ○ Statutory guidance at s.117C NIAA 2002 • Family Life ○ Article 8 as interpreted in the Immigration rules (para 399(a) – 399(b)) ○ Statutory guidance (s.117C)

15. Communication skills and people management	Building a relationship with your client and adhering to ethical standards are essential to the role of the immigration lawyer. You may be representing clients at court. Building on the skills introduced at Advanced stage, you will need to know the following: a) Application of communication skills for an immigration lawyer ● Use of appropriate language ● Clear and assertive expression ● Communicating with vulnerable and diverse clients ● Communicating when under pressure ● Make appropriate written record ● Take appropriate action to gain trust and confidence of client including taking into account diversity ● Recognise when an interpreter is required ● Be able to understand and explain role of the relationship between client and solicitor/counsel/Tribunal caseworker where appropriate during the conduct of the case ● Allow client to explain their position through the skill of active listening ● Elicit other relevant information from appellant's witnesses, and professionals where appropriate, e.g. doctors, probation officers ● Formulate appropriate advice through correct identification of legal/non-legal issues ● Have the capacity (but where necessary to refer to Counsel) to give appropriate advice to assist client in making decisions including giving advice which is negative to the client's case and which is based on the evidence ● Enable client to understand and to agree to the necessary steps to be taken in the preparation of the client's case b) Explaining and advising skills for client and witnesses at Tribunal hearings c) Recognise and deal appropriately with ethical issues arising ● Maintain standards when under pressure
16. Drafting	Drafting is an extension of communication skills. The objective is to condense material and present it clearly and concisely to achieve its purpose. Therefore, you will need to know the following: a) The nature and purpose of legal documents b) Adapting precedents c) Use of online court forms (HMCTS service, Pre Action-Protocol Proforma) d) Rules of drafting e) The structure, content, and requirements of:

	• Drafting supporting letters to back up applications to Home Office • Drafting witness statements • Drafting grounds of appeal • Drafting skeleton arguments • Drafting statements of case • Drafting requests for expert evidence • Drafting instructions to counsel
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