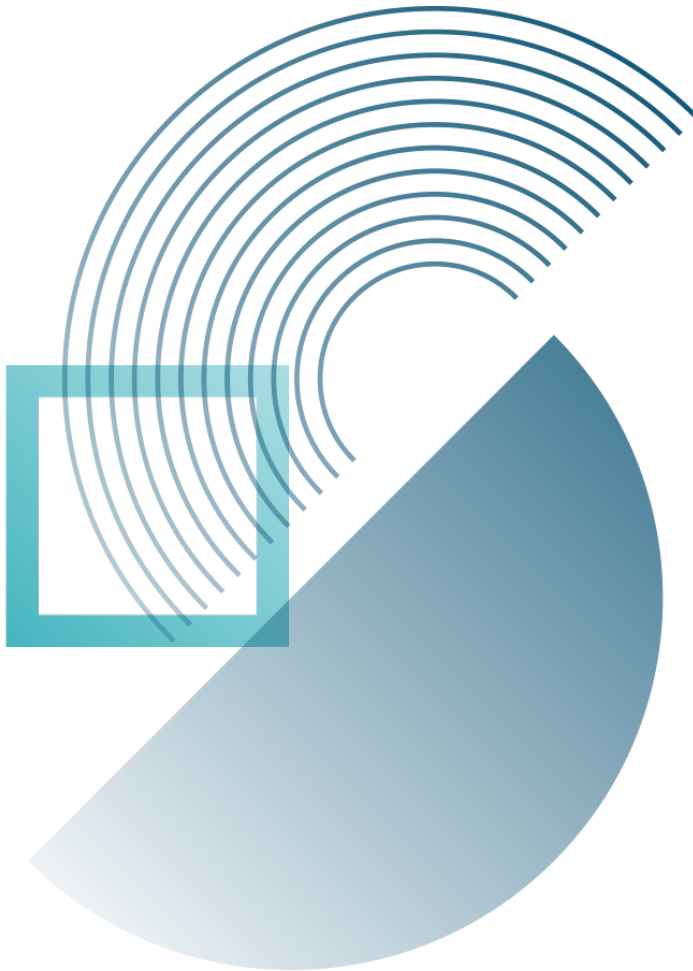




The Law
Society



Immigration & Asylum Accreditation Senior Caseworker

Examination Guide

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Our guide is designed to help you prepare effectively for the Senior Caseworker examination.

In this guide, we will provide you with valuable strategies and tips to approach the examination efficiently and confidently.

It will cover:

- How to prepare for your upcoming exam
- Steps to take in advance of the examination
- What to expect on the day
- Guidance on answering exam questions and tackling the technical questions
- Actions to take after the exam
- FAQs

How to prepare for your examination

It is important to ensure that you are well prepared for the examination.

The starting point should be reviewing the [website](#) to ensure that you:

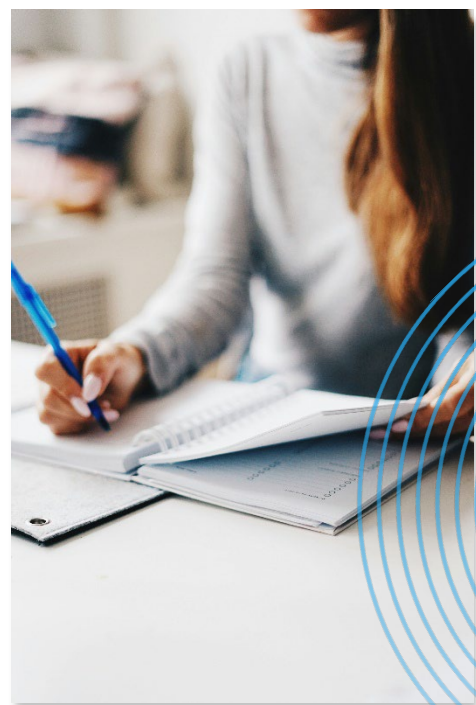
1. Meet the eligibility requirements for the accreditation; and
2. Understand the different levels of accreditation and selecting the right level for your knowledge and skills.

Once you are satisfied that you meet the requirements and the Senior Caseworker is the correct level for you, you must read the [Candidate's Guidance](#) to familiarise yourself with the syllabus.

The examination is an online assessment. To secure your slot, you must book the examination on [Law Society Learning](#). If you do not have a myLS account, you will need to [sign up](#) first.

The Ministry of Justice (MOJ) have agreed to provide funding to the Law Society during 2024 to help reduce the costs for applicants applying for initial accreditation as senior caseworkers under the Society's Immigration and Asylum Accreditation Scheme.

As part of the funding agreement, if you work for a legal aid practice you are entitled to register for this exam without charge. To receive your funded place, add the exam directly into your learning account, please add the following coupon code **MOJEXAM2024** into the box "I have a multi-pass" on the right of this screen. This will then put the exam directly into your My Learning tab.



Once you are booked onto the examination, your focus should be on preparation for the examination.

You can self-study for the examination in conjunction with gaining practical experience where possible. You could attend an exam preparation course with a training provider to help you gain the requisite knowledge of the syllabus.

You may also want to consider:

- Obtaining a mentor
- Shadowing senior caseworkers in your firm
- Reviewing examples of drafting on senior caseworkers' files
- Building a precedent bank of practical examples of letters and skeleton arguments
- Forming study groups with other candidates taking the examination
- Speaking to colleagues who have previously successfully passed the examination for preparation tips.
- Sign up for free webinars and newsletters on topics covered in the syllabus.



It is vital that you give yourself sufficient time to prepare for the examination. Failing to prepare thoroughly could adversely impact your ability to pass the examination on your first attempt. You must ensure that you have a good grasp of the topics covered in the syllabus.



Familiarise yourself with the exam format so that you are sufficiently prepared to tackle the examination paper. The exam consists of four parts:

- Part one is the multiple-choice questions.
- Parts two & three require you to use the Advance Material.
- Part four is the unseen fact pattern.

Recap of points to consider:

- Allowing sufficient time to prepare for the exam.
- Familiarity with syllabus is essential.



Steps to take in advance of your exam

- Examination Rules

You can find the examination rules on the [website](#). You must read these prior to undertaking the examination.

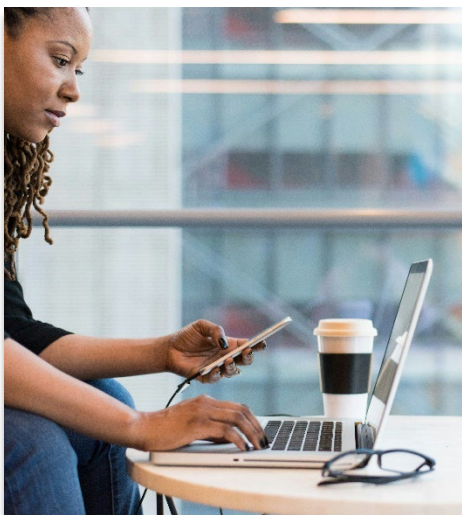
- Reasonable Adjustment Allowances:

Adjustments are normally only made where you can provide supporting medical evidence.

The most frequent adjustment granted is that of additional time. In cases where it is considered that you would benefit from extra time, this would normally be at the rate of up to a maximum of 15 minutes per hour of the examination.

If at any point during your examination, you begin to feel unwell and are unable to continue, please notify the examinations team straight away.

Should you require reasonable adjustments, please ensure that this is requested well in advance of your examination.



- Disabilities/Reasonable Adjustment Application

Should you require reasonable adjustments you must notify the Accreditations Office at least 10 working days prior to the examination by emailing the Accreditations Office at Exams@lawsociety.org.uk.

The request should be accompanied by an appropriate medical certificate or psychological/needs assessment. The certificate should not be older than 12 months and should refer to the nature and degree of the condition and recommendations as to its management during the examinations, if appropriate. We

may, depending on the nature of your circumstances, accept evidence older than 12 months.

In the case of accidental injuries or acute illness, or if your disability is diagnosed after booking, for example, a broken limb which happens a short time before the examination, you are required to contact us at Exams@lawsociety.org.uk as soon as possible. Each request should be accompanied by a medical certificate indicating the nature of the injury or illness and recommendations as to how this should be managed during the examination.

We reserve the right to cancel or refuse a booking for an examination where insufficient notice has been given to make the reasonable adjustments required, so it is important to discuss your requirements with us in time. Failure to notify us about a disability prior to the examination taking place cannot be considered as a mitigating factor nor can reasonable adjustments be made once the examination has taken place.

- **Seeking Support and Guidance:**

Don't hesitate to reach out to us for support and guidance during your exam preparation. Contact the exam support team at Exams@lawsociety.org.uk or call 020 7320 5660.



- **Managing Stress and Anxiety:**

Exam anxiety is common, but it can be mitigated through effective stress management techniques. Additionally, maintain a positive mindset and remind yourself of your preparation and capabilities. You may find it helpful to reach out to [LawCare](#) for any additional support you may require.

Advance materials and joining instructions

One week prior to the examination, candidates registered onto the examination will be sent Advance Materials. These materials are sent via email and are available on your MyLearning tab for download.

The Advance materials relate to Part 2 and 3 of the examination. It tends to consist of a fact pattern with documents for consideration, such as attendance notes. You must thoroughly read and consider the potential issues arising from the fact patterns. Part 2 always relates to Asylum Law. Part 3 will always include the mandatory drafting question.

Advanced materials are not confidential, and you are entitled to share them and discuss them with others. This is to simulate how senior caseworkers would operate in practice by

discussing their cases with colleagues and identifying issues. The Advance materials support narrowing down areas of research and preparation for you.

You must not bring pre-prepared answers to the exams. You may not draft joint answers with other candidates. All work submitted in the examination must be the candidate's own work. You may make use of notes of discussions you have had with others and refer to them during the examination.

You must use the Advance materials to research and prepare for the examination. We are unable to answer any questions in relation to the content of the Advance Materials, however, should you notice what you believe is an error in the Advance Materials, please contact us as soon as possible.

You will need to have the Advance Materials to hand during the examination and refer to them in conjunction with the information supplied in the examination in order to answer the questions in Part 2 and 3.

Below is an example of Part 2 of the Advance Materials.

This relates to Asylum law. In these Advance Materials, Part 2 consists of an email from your Supervising Solicitor enclosing a case summary note.

Example: Advance Materials Part 2

From: Supervising Solicitor
To: Senior Caseworker
Date: 10 January 2024
Client: Mahmud Hussein

I have opened a file for a new client, Mr Mahmud Hussein, and I have allocated the case to you. The relevant funding forms have been completed and are on file. No interpreter is required.

Mahmud attended our office last week and I spent some time taking initial instructions, summarised in the attached memo. He needs assistance with a fresh claim.

I have requested Mahmud's file from his previous solicitors. They were instructed to advise on a possible fresh claim on a privately funded basis but stopped acting as Mahmud could no longer afford to pay their fees.

Summary of Mr Mahmud Hussein's case

Mr Mahmud Hussein is a national of Somalia from Mogadishu born on 14 October 1986.

He entered the UK illegally with the help of an agent in October 2018, and claimed asylum a couple of days after his arrival.

Mahmud instructed us that was recruited by Al Shabaab in late 2008. Initially he did not want to join the group, as he did not believe in their ideology, but some of his friends, who were with Al Shabaab, advised him to join. They had a good life, with money, cars,

and the latest smartphones. Mahmud and his family could barely support themselves, so Mahmud agreed to join the group.

He was allocated to a team which patrolled a local area, ensuring that people would comply with a dress code which met Al Shabaab's strict requirements. Whenever the team found someone who was listening to music they would smash or confiscate their equipment. If someone sold or drank alcohol, they would slap or beat them.

Mahmud did not like that some members of his team seemed to enjoy mistreating people. He said that he was not involved in any violence himself, but he witnessed various episodes that made him think that he should leave. However, he remained with Al Shabaab because he was scared that if he left, people would have recognised him as a former Al Shabaab member and killed him.

He was also scared to leave for fear of punishment. He had witnessed two defectors being captured, tortured, and killed in front of his eyes.

In the meantime, his parents and younger sister Amina left Mogadishu, and he lost touch with them.

In 2017, the group's violence against the population intensified. Mahmud realised that some team members were simply looking for excuses to dish out punishment and take people's money or supplies. He could not take it anymore and finally left.

When Mahmud claimed asylum, he mentioned in his screening interview that he "fears Al Shabaab" but did not provide more details as the interviewing officer told him that this could be explained in full during his substantive interview.

In September 2020, the UKVI scheduled a substantive interview, but because of the pandemic Mahmud had lost touch with his solicitor and he did not receive the invite. As a consequence, his claim was refused for non-compliance.

Mahmud instructed a new solicitor to prepare a fresh claim, but they stopped acting as he did not pay their fees.

During my meeting with Mahmud, I asked him whether he personally committed any abuse or acts of violence, and he answered that he did not, although he led a group of eight men, some of whom were very violent.

End of Advanced Material for Part 2

In the examination, the materials provided builds on this information.

Below is an example of Part 3 of the Advance Materials.

This question contains the drafting question. In these Advance Materials, Part 3 consists of an email from your Supervising Solicitor enclosing an attendance note and a letter from UNRWA.

Example: Advance Materials Part 3

Email from: Jules Bravo, Supervising Solicitor, Alpha Immigration

To: Charlie Oscar, Level 2 Senior Caseworker, Alpha Immigration

Date: 10 January 2024

Hi Charlie

Client: Abdel Halabi

Our client reference: New client - JB/1234/Halabi

I took a call from Laila Halabi. She's a British citizen and she needs help with her husband's immigration case. He's a Palestinian national, from Gaza. He arrived in the UK in December last year.

I had an attendance by Zoom with both of them and the attendance note is attached to this email. They're currently staying with her parents in London. I've assessed their eligibility for Legal Help and the forms, third party support pro forma and Laila's bank statements are on the file. They have also emailed copies of their identity documents.

I didn't have long with them as Laila is heavily pregnant and had to go to a hospital appointment, so I've booked a further attendance with you for 17 January 2024. They don't need an interpreter as both speak English. Be prepared to take further instructions, advise them, and undertake any further necessary work.

I had a look at the Gaza situation and am attaching a document from UNRWA about the assistance available.

Thanks

JB

Supervising solicitor

Document A - Attendance with Abdel Halibi and Laila Halibi

Client reference: JB/1234/Halabi Date: 10 January 2024

Client name: Abdel Halabi

Matter: Immigration

Start time: 10am

End time: 11am

Time Taken: 60 Mins

PRESENT - Jules Bravo, Supervising Solicitor, Abdel Halabi - client, Laila Halabi - spouse.

Attendance - by Zoom

JB attending clients. I introduced myself and explained the purpose of the meeting was to take further instructions before advising on options. JB checked separately with client and wife that they were happy to speak in front of the other and neither was acting under coercion.

Laila Halabi explained that they had both recently arrived in the UK from Gaza. Laila is 28 years old (date of birth 1 December 1995) and a British citizen, although her father is of Palestinian origin. After training as a radiographer in the UK, she chose to volunteer for six months at the Al Shifa hospital in Gaza and moved there in the spring of 2021. While working there, she met Abdel Halabi, who was finishing his medical training. She decided to stay on in Gaza to remain with him and was able to find a job sponsored by Medical Aid for Palestine, which enabled her to continue working in the hospital in the Imaging Department. She and Abdel married in Gaza in March 2022. Her parents and two brothers travelled out to join them for the wedding.

Laila's first pregnancy ended in miscarriage so when she became pregnant again, they decided to try to move to the UK as Laila wanted to receive her maternity care in the UK and to be close to her parents and siblings when the baby was born. They planned that, once their family was established, they would return to Palestine and continue their work to develop the health sector in Gaza. So that she could support her husband's visa application, Laila registered with a medical recruitment agency in the UK. She was sure that she and Abdel would be able to find work in hospitals in the UK so that they could meet the minimum income threshold.

Abdel is also 28 years old (date of birth 29 March 1995). He was born in Gaza and so were his parents. He and his family are UNRWA registered Palestine refugees. He has extended family in Lebanon, but the majority of his relatives live in Gaza. He doesn't have the right to live anywhere else.

In September 2023, Abdel went to Egypt as he was sponsored by the hospital to attend a short course on cancer treatment. This was a very rare thing to happen and only given to the most promising medics. Abdel was embarrassed that he was planning to leave Gaza and didn't tell his colleagues. Nonetheless, the trip to Egypt provided him with an opportunity to complete his visa application and he was able to enrol his biometrics while he was there. He was not due to return to Gaza until 15 October 2023.

After the 7 October attacks on Israel, the border with Egypt closed. Abdel was panicked as he was worried for Laila and his family. He didn't know what was best - to try and get back into Gaza or concentrate on getting Laila out. She was a foreign national and would have priority in being evacuated from Gaza. While she and Abdel waited, her brothers flew out from the UK to provide him with money and moral support and assist Laila's escape from Gaza. They told Abdel to wait in Egypt with them as they were concerned that if he made it back into Gaza, he would not be able to leave again. Laila remained in Gaza until the border with Egypt reopened at the beginning of November and she was able to cross.

After the couple were reunited, they remained in Egypt for a week or so until Laila flew back to the UK. Abdel and her brothers followed a few days later.

Abdel and Laila are now unsure what to do. Everything they had in Gaza has been lost. After they married, they lived in a small apartment in the same block as two of his siblings. His other siblings and his parents lived close by in the same district. All their homes have now been destroyed and Abdel has lost a brother-in-law, a niece, a nephew, and several

cousins in the conflict. The family and extended family are homeless and there is nowhere for them to go back to. Abdel and Laila have lost their jobs as the hospital is destroyed. There is no electricity or clean water in many places. Abdel never thought he would leave Gaza for good, but he thinks it's all over now. His biggest concern is the safety of his wife and their baby, which is due on 31 January.

The attendance finished early as they were anxious to attend a hospital appointment. The previous one had been cancelled due to a doctor's strike. JB rebooked the clients for an appointment on 17 January 2024.

Document B - Letter from UNRWA P Lazzarini to UN General Assembly



the commissioner-general
المفوض العام

7 December 2023

Dear Mr President,

I write pursuant to my responsibilities as Commissioner-General of the General Assembly-mandated United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), at the darkest hour in the Agency's 75-year history.

I submit this letter fully cognizant that the United Nations (UN) Secretary-General has written to the President of the Security Council on December 6, invoking article 99 of the UN charter.

I must inform you that UNRWA's ability to implement its General Assembly mandate in Gaza is today severely limited with immediate and dire consequences for the UN humanitarian response and the lives of civilians in Gaza. The long-term implications for Palestine Refugees and prospects for a fair and lasting political solution are grave.

On 7 October, Hamas and other militants launched abhorrent attacks in Israel killing more than 1,200 people, among them children and women, and taking over 240 hostages.

By the end of that day, as details of Hamas' action became public, several thousand civilians in Gaza moved pre-emptively to UNRWA premises, fearing unprecedented conflict, and seeking safety under the UN flag protected by the Convention on the Privileges and Immunities of the United Nations and by international humanitarian law.

Today, as a result of Israel's military operation, nearly 1.2 million civilians are sheltering in UNRWA premises. The Agency has become the primary platform for humanitarian assistance to over 2.2 million people in Gaza - a platform on the verge of collapse.

His Excellency

Mr Dennis Francis

President of the General Assembly New York

UNRWA is, as of today, still operational in Gaza, though just barely. Our staff are still operating health centers, managing shelters, and supporting traumatized people, some arriving carrying their dead children. We are still distributing food, even though the corridors and courtyards of our premises are too crowded to walk through. Our staff take their children to work so they know they are safe or can die together. More than 130 UNRWA staff are confirmed killed in bombardments, most with their families; the number might rise by the time you read this. At least 70% of UNRWA staff are displaced, and lack food, water, and adequate shelter. We are hanging on by our fingertips. If UNRWA collapses, humanitarian assistance in Gaza will also collapse.

The humanitarian situation is now untenable. Conditions in Gaza were already appalling when I stayed overnight two weeks ago. I witnessed constant explosive munitions from sky, land and sea, and the massive destruction of civilian infrastructure.

This week, the Israeli military forces have instructed people to move further South, forcing Gaza's population into an ever-shrinking space. Shelters are shockingly overcrowded, with high risk of epidemic illness. In these overfull and unsanitary spaces, more than 700 people use a single toilet, women give birth (an average of 25 per day), and people nurse open wounds. Tens of thousands sleep in courtyards and streets. People burn plastic to stay warm. Nearly 90 UNRWA premises, including schools, have been hit or impacted by munitions, killing over 270 internally displaced people, many this week. In Gaza as a whole, over 16,000 people, two thirds of whom are women and children, are reported killed during bombardments. Large swathes of Gaza are destroyed and uninhabitable.

The premise of UNRWA's mandate - to provide services to Palestine Refugees until there is a political solution - is at great risk: without safe shelter and aid, civilians in Gaza risk death or will be forced to Egypt and beyond. Forced displacement out of Gaza may end prospects for the political solution that is intrinsic to UNRWA's mandate, with grave risks for regional peace and security. A forced displacement beyond Palestinian land, reminiscent of the 1948 Nakba, must be prevented.

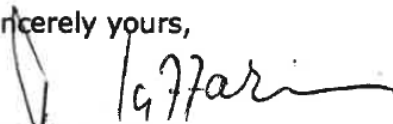
In my 35 years working in complex emergencies, I have never written such a letter - predicting the killing of my staff and the collapse of the mandate I am expected to fulfill.

To prevent such an irreversible disaster, I urge you, as President of the General Assembly, and through you, Members States to take immediate action to (i) implement an immediate humanitarian ceasefire; (ii) enforce international law, including the protection of civilians and UN staff, as well as UN premises, hospitals and public buildings that provide safe shelter from attacks, disease, deprivation and indignity; and (iii) protect prospects for a political solution that is vital to peace, security and rights for Palestinians, Israelis and the region.

Calling for: an end to the decimation of Gaza and its people are not a denial of the atrocities of 7 October. It is the opposite. It is recognition of the equal rights of all people - recognition that is essential to the future of Palestinians and Israelis alike. Our response to the situation in Gaza today will mark the history of the General Assembly and of the UN.

I implore the General Assembly to take immediate action.

Please accept, Excellency, the assurances of my highest consideration.

Sincerely yours,

Philippe Lazzarini

End of Advanced Material for Part 3

In the examination, the material provided builds on this information.

Once you have ensured that you are able to demonstrate an understanding of the topics covered in the syllabus, you have considered the Advance materials and undertaken your preparation, you should be well placed to undertake the examination.

Ensure that you have thoroughly read the joining instructions. The Joining instructions are sent one week ahead of the examination.



What to expect on the day

The examination is three hours 30 minutes. It is expected that you use the full three hours and 30 minutes. You are free to submit your exam at an earlier time, however most

candidates require the full time. Where a candidate has been provided with additional time as a reasonable adjustment, this will be added onto the timer.

The time envelope factors in reading and planning time.

You will need to login to your Learning account to access the examination. The exam "start" button will only activate at the start time of the exam. If it does not activate, you will need to refresh your browser.

Prior to starting the examination, you will need to complete a candidate's declaration. Ensure that you read and understand the declaration. A copy of the declaration is set out below:

The Law Society's Accreditation Examination process is an important part of ensuring that members who hold the accreditation have suitable expertise and experience to be accredited. The Law Society takes the integrity of the examination process seriously. To ensure confidentiality of the examination process, and to ensure it is fair to all applicants, by commencing the examination, candidates undertake the following declaration as a condition of participating in an examination:

I have read and understood the Examination Rules and undertake to comply. I understand that the examination I am being given access to is the property of the Law Society. Subject to copyright and is being provided to me on a confidential basis for the purposes of the examination. I understand that I am to use the materials for the purposes of the examination only. I understand that I am not permitted to copy, discuss, save, or share it or its contents with others and I agree not to do so. I understand that if I breached these requirements, this may result in failure of the examination.

The declaration works in conjunction with the Examination rules.

Once you have accepted the declaration, you will access the examination.

The details and instructions for each section are set out in the section Qi. This section will also include any information that sets the question scenario, relevant facts and may provide further documents for consideration alongside the advance materials.



You do not need to answer the questions sequentially and you may move between questions using the "next screen" button. You should not use the back button on your browser.

Following the Qi section, you will have the questions. Each question will set out what is required and the number of marks available for the question. The number of marks available is a good indication of how detailed the answer should be.

Before we consider the specifics of each section of the paper, it is worth considering some overarching examination techniques:



- **Practice Time Management:**

Allocate your time wisely during the exam. Avoid spending too much time on one question at the expense of others.

You should aim to attempt all 4 parts of the paper, ensuring a balanced effort across answers. We do not suggest spending a disproportionate amount of time on a certain question and then rush the rest. Consider setting time limits for each question to ensure you can attempt the entire paper within the given timeframe.

You might prefer answering the key elements of all questions to get the pass mark. You can then decide to re-visit the questions to add additional details to enrich your answer to gain greater marks.

Make sure that you have enough time to complete the mandatory questions.

- **Prioritise Key Points:**

Identify the essential elements of each question and prioritise addressing them in your answers. Focus on providing clear and concise explanations supported by relevant references.

- **Plan Your Answers:**

Take a few minutes to plan your answers before you start writing. This can help you organise your thoughts and ensure that your responses are well-structured and coherent. This is particularly important in the drafting question.

There is no word limit when drafting your answers. You may want to organise your answers on a word document first. Once you complete your work on a word document you can then copy and paste your answer into the online platform before the time lapses.

- **Prioritising Quality Over Quantity in Scoring:**

It is important to note that higher marks are not correlated with greater amount of writing produced. Prioritising quality, candidates should make sure that their answers are concise, accurate, and address every aspect of the topic.





- **Integration of Theory and Practice:**

You must demonstrate an understanding of the law by applying it to the facts of the case. Make sure your answer directly addresses the question posed; if it seeks statutory or legislative basis, reference the black letter law, and if it pertains to immigration rules, policy, or case law. You must tailor your answer accordingly.

If the question asks for immigration rules, quote the rules. If it is asking for legislative basis, quote the statute.

Do not add facts that you have not been provided with, in the examination or advance materials. Where you would have liked more information, you can mention this in your answer.

- **Structured Responses:**

Provide structured answers that apply relevant material coherently in your answer. Avoid copying and pasting whole sections of referenced text or material directly into your answer. Rather extract the relevant information/section and apply it practically to the scenario to demonstrate your knowledge of how it applies. Merely copy and pasting text from sources (for example legislation) into your answer will not attract marks.

- **Referencing:**

Support your arguments with references to relevant legislation, case law, regulation, and guidance.

We are not looking for full formal referencing in the examination as you have a limited time to complete it. However, you are required to use sufficient detail in order for the markers to understand:

- The caselaw you are referring to.
- The section of the relevant legislation.

You may use well-known acronyms, however set out the full name at least once in the answer and use the acronym for the rest of the answer.



- **Effective Organisation:**

Use of headings and subheadings and paragraphs to improve the coherence and organisation of your answer. This will aid in presenting information in a structured manner. In the drafting, you must structure your answer, considering appropriate headings and paragraphs.

- **Review and Revise:**

Use any remaining time at the end of the exam to review your answers and make any necessary revisions.

Check for errors in spelling, grammar, and logic, and ensure that your responses effectively address the question prompts.

- **Strategising Breaks During the Exam:**

You may take a comfort break during the exam to for example stretch, hydrate, and briefly rest your mind to recharge for the next part. The examination platform has an autosave function, so your answers will be saved. However, it is recommended that you are mindful of the time to ensure that you complete the exam.

There is no negative marking in the examination. In order to pass the examination, you need to achieve a minimum of 50% and pass the mandatory (technical) questions which are the drafting question and professional conduct question.

Professional conduct is pervasive throughout the examination. Failure to pass the mandatory questions will result in a technical failure of the examination. The Candidate's Guidance sets out the requirement for English to be assessed throughout the examination. If an overriding English fault is found anywhere in the examination script, you will fail the examination. It would be "an error or a combination of errors that compromises the client". We are aware that there will be candidates who do not have English as their first language. The overriding fault will be found where, due to the faults in English, the advice to the clients will be wrong, misleading or does not make sense.

In conclusion, passing the exam depends not only on the quality of the answers but also on the systematic approach to problem-solving, the integration of legal knowledge, and structured communication.



Guidance on answering exam questions and tackling the technical questions

Part 1 – multiple choice questions

If you have not taken a multiple-choice examination in some time, you may find this section more challenging. Some candidates prefer to leave this section to the end of the examination.

Each question attracts three marks. The questions tend to be based around an initial scenario with the questions building on each other. When you are ready to take the multiple-choice questions, we suggest you read the scenario and review the individual questions before selecting the answer. The questions are not designed to “catch” candidates out, rather to test knowledge of the syllabus.

A good tip to prepare for this section would be to join a study group and set mock multiple choice questions for each other. It is a good way to practice thinking through options and identifying the correct answer.

Below is an example for multiple choice questions.

Sample Questions

Example: Part 1 - multiple choice questions (15 marks)

Q1

There are five multiple choice questions. Each question is worth three marks. Select the correct answer.

Question 1

You are instructed by Hao. Hao is a Chinese national. Hao tells you that when he was young, his parents borrowed money because they were poor and struggling to make ends meet. They could not borrow money from a bank and so borrowed it from a local gang. Hao has explained that when his parents died, the loan remained outstanding. Hao went to live with his grandfather as he was only 14 years old at the time. The responsibility for paying off the loan fell to Hao and his grandfather. Hao worked for the gang shining shoes. All of the money he earned went straight to the gang. After three years, Hao heard a gang member threatening his grandfather saying that he would be killed if he did not allow the gang to take Hao to work for them on a more permanent basis. Hao heard his grandfather reluctantly agree.

The next day, after Hao had finished his work shining shoes, he was not taken home but instead taken to a warehouse where he was told to wait. A number of other boys were also there. They were all put into the back of a truck and were driven north. Hao does not know where he was taken. He was kept in a room with a bed for a few days. He was forced to give oral sex to the men who had driven the truck. After a few days, he and some of the other boys were taken to an airport. Hao does not know for certain which country they flew to, but he thinks it may have been Russia. Hao did not see what passport he travelled on as the men transporting them organised everything including their passage through customs at the airport. Hao, along with the other boys, was made to work in a restaurant kitchen washing dishes in the country he assumed to be Russia. He slept in a room above the restaurant.

After what felt like months, Hao and the other boys were taken one night from the restaurant and bundled into a truck. They drove for hours. When they were allowed out, Hao saw that they were in a muddy field and Hao could see many tents. After a number of days of waiting, they were driven again in a truck. When they got out, Hao was met by police officers in what he now knows to be the UK. They took him to the police station. From there he was taken to an Immigration Removal Centre (IRC). Hao claimed asylum in the IRC. He said that his parents had killed a man, and he could not go back to China as the man's family wanted to punish his parents by killing him.

After two weeks, Hao was released from the IRC. One day, when he was out, he was approached by an older Chinese man. The man said that if Hao worked for him, he could live in nicer accommodation. Hao went with the man and was told to water and look after some plants with another man. Hao later found out that the plants were in fact cannabis plants. The house was raided by the police and Hao was arrested. He was charged with the cultivation of cannabis. He pleaded guilty on the advice of his criminal barrister. He understood that he would only receive a three-month sentence if he pleaded guilty; in fact, the judge sentenced him to 24 months' imprisonment. Hao has now served half of his sentence and is back in an IRC. He was served with a deport order. He has had his asylum claim refused and has exercised his right of appeal. His appeal was dismissed. He is appeal rights exhausted. Your firm has a Legal Aid contract to represent individuals in IRCs and Hao is asking for representation. He has no finances and is financially eligible for legal aid.

Which of the following statements is/are correct?

- (i) You cannot open a Legal Help file for Hao because according to his instructions his asylum claim was untruthful and designed to mislead the Home Office.

- (ii) You can open a Legal Help file or files to explore and progress various issues thrown up by these instructions.
- (iii) You cannot open a Legal Help file for Hao because although you suspect that he may be a victim of trafficking, he has not yet been referred into the National Referral Mechanism and has not received a positive Reasonable Grounds Decision.
- (iv) You can open a Legal Help file for Hao and should refer him yourself into the National Referral Mechanism.

Please select ONE of the following:

- a. (i) and (iii) only
- b. (ii) and (iv) only
- c. (ii) only
- d. (iii) only

Question 2

Following your advice and representations made to the Home Office, Hao is referred into the National Referral Mechanism and receives a positive Reasonable Grounds decision. He is released from the IRC. You make representations to the Competent Authority as to why it should conclude that he is a victim of trafficking. At the same time, you make fresh asylum representations that Hao should be granted refugee status on the basis that he would be at risk of re-trafficking if returned to China. Hao provides you with instructions that the reason he misled the Home Office is because one of the truck drivers who drove him to the UK told him to tell the authorities that his parents had killed someone and that he was at risk of being killed because they said that would guarantee him asylum in the UK.

Which of the following statements is/are correct?

- (i) The Competent Authority must make a positive Conclusive Grounds decision if, when deciding whether Hao is or is not a victim of trafficking, it suspects but cannot prove that Hao is a victim of trafficking.
- (ii) The Competent Authority must make a negative Conclusive Grounds decision if it concludes beyond all reasonable doubt that Hao is not a victim of trafficking.
- (iii) It is in Hao's best interests to provide a witness statement explaining, amongst other things, why his first asylum claim was made on an incorrect basis.
- (iv) You must open a new Legal Help file because Hao has been released from detention.

Please select ONE of the following:

- a. (i) and (iii) only

- b. (i) and (iv) only
- c. (iv) only
- d. (iii) only

Question 3

Hao receives a positive Conclusive Grounds decision. He is not granted any leave to remain. The Home Office confirms receipt of the fresh asylum representations, agrees that the representations meet the fresh claims test but refuses the representations and grants a right of appeal to the First Tier Tribunal. Hao applies for Asylum Support accommodation and financial support. The Home Office refuses his application for Asylum Support.

Which of the following statements is/are correct?

- (i) The Home Office is wrong to refuse Hao Asylum Support. Hao is eligible for s.95 Asylum Support as he is an 'asylum seeker' for the purposes of the provision of Asylum Support.
- (ii) The Home Office is wrong to refuse Hao Asylum Support. Hao is eligible for s. 4 Asylum Support as he has already claimed asylum once and so cannot receive s. 95 Asylum Support.
- (iii) If you assess that there is a less than 50% chance of success in Hao's asylum appeal, you cannot grant Controlled Legal Representation under any circumstances.
- (iv) You cannot represent Hao under an immigration legal aid contract in his appeal to the decision to refuse him Asylum Support. Hao therefore needs to find an alternative representative for that appeal or represent himself.

Please select ONE of the following:

- a. (i) and (iii) only
- b. (i) and (iv) only
- c. (ii) and (iii) only
- d. (ii) and (iv) only

Question 4

In the meantime, Hao's asylum appeal progresses, and your office receives a build your case direction.

Which of the following statements is/are correct?

- (i) A build your case direction means that the Appellant's representative must build the case to enable the Home Office to conduct a thorough review of their decision. An appeal skeleton argument and bundle of evidence must be submitted by the date directed.
- (ii) A build your case direction means that a Judge has given consideration to all the legal issues in the case and has directed what evidence the parties must put forward to prepare for the hearing. A bundle with all the evidence stated by the Judge must be submitted by the date directed.
- (iii) Hao's Legal Help file, which was opened when he was detained, was an Hourly Rates file. Therefore, the Controlled Legal Representation file you opened to represent him in his appeal was also an Hourly Rates file. You must therefore make a CW3 application to the Legal Aid Agency in advance of the build your case date to obtain any extension to the profit costs limit needed to cover your time responding to the direction.
- (iv) As Hao's Controlled Legal Representation file, which you opened to represent him in his appeal, was opened after he was released from detention, it is a Graduated Fee Scheme file. A CW3 application to the Legal Aid Agency is therefore only required if an extension to the disbursement limit is required.

Please select ONE of the following:

- a. (i) and (iii) only
- b. (ii) and (iii) only
- c. (ii) and (iv) only
- d. (i) and (iv) only

Question 5

You go about obtaining a psychiatric report and a country expert report. The psychiatrist who you instruct to produce a psychiatric report concludes that Hao has a lifelong learning disability and is suffering from Post Traumatic Stress Disorder (PTSD). He concludes that Hao's mental health would likely deteriorate if he found himself in a situation where he could not access mental health support. He also concludes that he does not have the ability to navigate welfare systems alone. The country expert who you instruct explains that although there is some mental health treatment available in China, it is limited. She also explains that while a welfare system exists, it is extremely complicated and there are many hurdles to overcome before individuals can access it. In the meantime, Hao asks you if he can obtain any money for his time in detention. He says he has a friend who was given thousands of pounds after he spent a long time in detention.

Which of the following statements is/are correct?

- (i) The conclusions of the psychiatrist and the country expert when taken together, support Hao's case that his mental health is likely to deteriorate if he is returned to China,

that he will not be able to access mental health or general welfare support and he is therefore at risk of being trafficked.

(ii) The fact that the country expert report says that there is a welfare system in China and there is some mental health treatment available, means that the report is completely unhelpful to Hao's case, and you will not disclose it because to do so would not be acting in Hao's best interests.

(iii) The money Hao is referring to is likely to be damages for unlawful detention.

(iv) A judicial review for unlawful detention can only be issued when the individual is detained.

Please select ONE of the following:

- a. (i) and (iv) only
- b. (ii), (iii) and (iv) only
- c. (i), (iii) and (iv) only
- d. (i) and (ii) only

Part 2 – Advance materials: Asylum questions



Prior to starting this section, you will need to have Part 2 of the Advance materials to hand. In the Qi section, you will often be provided with further documents such as an email, country guidance or attendance note to consider alongside the Advance materials.

Once you have read the additional information required, read through all the questions prior to answering.

The number of marks allocated to the questions will indicate how much detailed is required.

The mandatory question on professional conduct question could be in this section, so keep that in mind.

When answering questions in Part 2, it is key to demonstrate that you are able to identify the applicable law, apply it to the facts and give accurate advice to your client. When assessors are marking this section, they have a marking grid which sets out key points that must be included in the answer. Where there are a number of possible points to an answer, these are included on the marking grid for assessors. For some questions,

assessors also have a discretion to award marks where the candidate has provided a correct and relevant answer.

Tips for answering questions in Part 2:

- Ensure you identify relevant legal principles,
- Include references in your answers,
- Demonstrate that you have an understanding of the issues arising from the question,
- You have analysed and considered that facts and circumstances of the question,
- You have applied the law to the facts of the question and provided accurate advice,
- Ensure the answer has sufficient detail/substance. Addressing a question superficially will not attract the full marks available.
- Formulate answers logically,
- Use headings where appropriate.

Part two always counts for 30 marks.

Below is an example for Part 2.

Example: Part 2

Scenario and Advance materials (30 marks)

Q:

Please refer to the Advance Material you received for part two and the email below when answering Questions 6 - 11 below.

Email Two

From: Supervising Solicitor
To: Senior Caseworker
Date: 17.01.2024
Client: Mahmud Hussein

Further to my memo, I wish to bring to your attention the following information, which you may want to consider in preparation for your meeting with Mahmud Hussein.

Extracts from Country Policy and Information Note Somalia: Al-Shabaab. Version 3.0. November 2020.

2.4 Risk

2.4.1 Al Shabaab's main aims are the strict interpretation of Islamic law, the removal from Somalia of foreign forces and foreign influences, and the regaining of territory lost from the forces of the African Union Mission in Somalia (AMISOM) (see Aims of Al Shabaab).

Targets of Al Shabaab

2.4.3 Al Shabaab has targeted persons and/or institutions representing (or perceived to be supporting) the international community and the Somali government throughout the country, including government-controlled areas. These groups include:

- members of the security forces
- parliamentarians and government officials
- election monitor
- clan leaders who support the government
- those believed to be spying for the government including Al Shabaab defectors

3.2 Proscription

3.2.1 Al Shabaab was proscribed by the UK government as an international terrorist group in March 2010.

3.2.2 The group have also, since 18 March 2008, been a US Government Designated Foreign Terrorist Organization.

3.2.3 The Australian Government first proscribed Al Shabaab as a terrorist organisation under the Criminal Code on 22 August 2009. It was relisted on 18 August 2012, 11 August 2015 and 4 August 2018.

5. Recruitment to Al Shabaab

5.1 Reasons for joining

[...]

5.1.3 In their October 2018 Fact-Finding Mission report, based on their mission in January 2018 in which they visited Mogadishu and Nairobi, the Finnish Immigration Service (FIS) concluded that 'Al-Shabaab recruits fighters both voluntarily and by force' and that

'[a]lthough many people join al-Shabaab voluntarily, there is often a lack of viable options under the circumstances'. The FIS also concluded that '[m]embership is often the sum of many factors and can involve religious and ideological reasons, but for many it is a pragmatic solution based on financial and safety-related factors.

5.2 Recruitment methods

5.2.1 In an August 2017 paper by UNSOM, based on 'a total of nine focus groups and three individual interviews [...] conducted over the course of 2016'83 (see pages 5 to 6 for details of the groups) explained that: 'Respondents offered a broad range of methods used by Al Shabaab to contact new recruits. They give out free phones, which they then use to communicate. They are also subject to the influence of friends and family members who are already part of the group. Some respondents discussed douras (public meetings), which feature stirring lectures and sermons that culminate in calls for audience members to step up and fight in the name of their religion.'

5.2.2 UNSOM's August 2017 paper listed 5 main modes that Al-Shabaab uses to recruit people into their organisation:

- Direct recruitment of groups like women, unemployed youth, and other vulnerable populations. Social and economic incentives are often utilised to entice recruits.
- Forced recruitment including abduction, threats and forcing parents to give up one son
- Third-party recruitment using friends and relatives (peer pressure)
- Media publicity, using propaganda messaging on social media, radio and the Internet
- Religious persuasion, based on preaching from religious leaders and radicalised madrasa teachers

5.2.3 The DIS 2017 report, in information from a UN source, noted '...that if al-Shabaab is to accept that a person refuses to be recruited, some kind of compensation is required. If a person refuses to compensate al-Shabaab, he will have to flee otherwise al-Shabaab will locate him and execute him.'

6.5 Prosecution of defectors

6.5.1 The 2017 DIS report noted '[h]igh profiled al-Shabaab members might successfully turn themselves over to the government in exchange for information, but such defection would have to be well arranged. The average al-Shabaab defector will risk being killed by government forces.'

6.5.2 The 2017 RUSI paper, 'drawing from 27 interviews conducted with former residents [of the Serendi Rehabilitation Centre in Mogadishu] in September 2017' explained that '[t]he current policy states that exiting residents cannot return to communities if the threat to their security is deemed excessive, and many in any case choose to reintegrate into Mogadishu with extended family members for this reason. The overwhelming majority of former residents interviewed in September 2017 claimed to have experienced no issues with the state security forces after their release.

6.6 Treatment of defectors by Al Shabaab

6.6.1 The 2017 RUSI paper explained how 'individuals reported that it took them many months or even years to find an opportunity to disengage, in the knowledge that this action was potentially punishable by death'.

Question 6

Mahmud expresses his confusion at the term "fresh claim". A law student friend of his says he must first send in "further submissions". Explain to Mahmud the difference between these two terms. (2 marks)

Question 7

Mahmud has heard that he could be denied refugee status or humanitarian protection because he was a member of Al Shabaab. However, this point was not raised before so he thinks that it is not applicable to him. Please advise him in relation to the applicable law, citing appropriate legal authorities. (10 marks)

Question 8

If the SSHD accepts that the application amounts to a fresh claim, conceding that he has a well-founded fear of Al Shabaab, but refuses to grant refugee status or humanitarian protection. Could Mahmud access an alternative form of leave and on what basis? (2 marks)

Question 9

What legal aid funding forms may be relevant to Mahmud's new asylum application and what funding regime is applicable? What forms would be applicable after a UKVI decision? (3 marks)

Question 10

For this question, assume that whilst Mahmud's new asylum claim is still under consideration, he comes to your office with a lady named Amina Ali, who is his half-sister. They have been reunited having met by chance at a local community centre. Amina tells you that she reached the UK in July 2022, after spending many months in Calais. She is now six months pregnant with her first child. She claimed asylum on 01.08.2022 and she has been given a "notice of intent" letter. Her solicitors responded to this, but nothing happened. Amina has moved to London to be far from the child's father who is a violent man, and therefore wants to change legal representative and instruct you. Amina asks you to advise her on what a notice of intent is, any steps she can take now in relation to her asylum application and the likelihood that she could be removed from the UK in the short term. (7 marks)

Question 11

After your meeting with Amina and Mahmud, he calls you and asks you if it is possible to state that he and Amina are not siblings but husband and wife. He thinks that this would enhance the prospects of success of his claim. He can show that he has sufficient funds to support himself, Amina, and the child because he made quite a lot of money when he was a member of Al Shabaab. Consider the implications of this phone call, with appropriate references to the law. (6 marks)

Part 3 – Advance materials: drafting question

Prior to starting this section, you will need to have Part 3 of the Advance materials to hand. In the Qi section, you will often be provided with further documents such as an email, reports, country guidance or attendance note to consider alongside the Advance materials.

Once you have read the additional information required, read through all the question prior to answering. It is key that you plan your drafting question out.

The drafting question is a mandatory question. You must achieve at least 12 marks out of the available 24 marks in order to pass. Failure to achieve 12 marks will result in a failure for the examination regardless of the overall mark achieved.

A tip to prepare would be to obtain examples in your practice of letters and skeleton arguments that would help you gain familiarity with what is expected. Pay attention to how the example related to the specific case, how the relevant information was set out, and how the advice was

provided, how submissions were formulated and put forward. Work with a colleague to practice drafting, having it peer reviewed thoroughly and discussing feedback with your supervisor.

Many candidates prefer to answer the drafting question first. Marks are awarded for the content of your answer, structure, grammar and sentence construction, vocabulary, and spelling.

The content of the drafting is an exceptionally important to gain marks for this question. Weak, insufficient, or inaccurate content will result in failing the drafting question.





Consider the following when working on your drafting question:

- Is the content accurate?
- Have you included all relevant facts?
- Have you used relevant heading and paragraphs to structure your answer?
- Have you set out the relevant law?
- Have you applied the law to the facts?
- Is your advice accurate?
- Are your submissions correct?
- Is your answer logical and coherent?

You should not “invent” or include any facts or evidence in your that has not been provided in the Advance materials or the exam question.

You must not merely copy and paste content from online article, caselaw and guidance in your answer. This will not attract marks.

There is a requirement in the Candidate Guidance regarding language. Be mindful that your drafting answer does not have an overriding English fault. Candidates whose answers attract higher marks use clear and plain English language that is logical and ordered. Answers that use convoluted and awkward sentence structures tend to attract less marks. Submissions should be clear and well grouped.

Use headings and sub-headings were appropriate.

As the exam is time limited, it is important to be concise. Repetition should be avoided. Provide context, summarise instructions received from the client.

As content is key, ensure that there is a substantive answer with sufficient detail.

Ensure that you do not identify yourself in the drafting. Examination papers are “blind marked”.

Once you have completed the drafting, it is recommended that you read over it to ensure that you have checked the spelling and grammar.

Following the drafting question, there will be supplementary questions worth six marks.

This may include the professional conduct question. As set out earlier in this Guide, professional conduct is pervasive in the examination.

Candidates are required to set out that they have:

- correctly identified the professional conduct issue
- demonstrates an understanding of the issues
- provided a substantive answer to the question
- provided the correct advice
- substantiated their answers with the correct references/sources.

The assessors will make a finding of a gross professional error in the candidate's answer where it constitutes "a serious departure from, or a breach of, the standards of professional conduct and ethics". Candidates may not simply set out that they would ask their supervisor for support.

Part three always counts for 30 marks.

Example: Part 3

Scenario and Advance materials (30 marks)

Qi

Below is the compulsory drafting question. Please refer to the advance material you received for Part 3. You must also read **Documents A** and **B** in order to complete the drafting question.

Document A: Note of your attendance with Abdel Halibi and Laila Halibi

Document B: Notice of Intent dated 12 January 2024

Scenario

You are Charlie Oscar, a senior caseworker with Alpha Immigration, 1 Quebec Street, EC1V 2EZ.

Please read the materials and answer the questions which follow.

[Document A - Attendance with Abdel and Laila Halibi](#)

Client reference: JB/1234/Halibi

Date: 17/01/2024

Client name: Abdel Halibi

Matter: Immigration

Start time: 9:30am

End time: 11:30am

Time Taken: 120 Mins

Present - Charlie Oscar attending Abdel and Laila Habibi

CO introduced themselves and their role at the firm. They explained the purpose of the appointment is to take further instructions on the applicant's personal situation.

Abdel Habibi confirms that when he arrived in the UK on 7 December 2023, he claimed asylum. He didn't get a chance to mention it at the last appointment and until last week, the Home Office hadn't contacted him about the claim. He's now received a letter from the Home Office called a 'Notice of Intent' which mentions sending him to France. He has brought this with him. He and Laila thought the Home Office only did that when you arrived in a rubber dinghy, but he travelled to the UK by ferry and presented himself to passport control as soon as he landed. The letter also says that he has protection in Gaza which he found confusing as there's no protection for anyone there. His life is in danger there just because he is Palestinian and a resident of Gaza with no right to live anywhere else.

CO took instructions on Abdel's journey to the UK. Abdel said that when he was in Egypt waiting for Laila to be allowed to cross from Gaza, he learned that his visa application had been refused because Laila did not provide evidence of a job offer in the UK. He didn't know what to do. Laila called her family for help and her brothers flew out from the UK. At first, they considered staying in Egypt until the situation calmed down, but Laila was worried about her pregnancy and wanted to go back to the UK. Abdel knew it was risky but decided to follow her so he and one of her brothers flew to Italy and then drove to the UK together. The only identity document he had was his Gaza identity card, so he borrowed someone else's passport to pass through passport controls to board the plane. This scared him half to death which was why they drove the rest of the way. Each time the passport was stamped, his heart was pounding. He's a respectable person and a doctor. He specialises in paediatric cancer. He doesn't want to do anything illegal. He claimed asylum as soon as he reached British soil. He was so worried about being caught with someone else's passport and the trouble that both he and they would be in, that he threw it overboard on the ferry. He knew this was ridiculous as the authorities would have a record of the passport details at each border crossing, but it made him feel better at the time. Abdel asks if he will really have to go to France. Is there any possibility he will be allowed to stay in the UK? Laila has said that if he has to go, she will go with him, but they need to wait until after the baby is born. It's due on 31 January.

End of Document A

[Document B: Notice of intent dated 12 January 2024](#)

The Home Office
Third Country Unit
PO Box 111
Croydon CR0 1AB
Ref: H3142657

Abdel Halabi
Flat 12
Prince Edward Mansions
Moscow Road
London W2 4WA

12 January 2024

Dear Mr Halabi

Notice of intent – This is not a decision letter

I am writing to inform you about how your protection claim is being managed.

Inadmissibility of asylum claim

We have evidence that before you claimed asylum in the United Kingdom, you were present in or had a connection to France.

This may have consequences for whether your claim is admitted to the UK asylum system.

We will review your particular circumstances and the evidence in your case and consider whether it is reasonable to have expected you to have claimed protection in France.

If your claim is declared inadmissible, we will not ask you about your reasons for claiming protection or make a decision on the facts of your protection claim.

Before any decision is made, we may, if inadmissibility action appears appropriate, make enquiries with one or more of the safe countries mentioned above to verify evidence or to ask if, in principle, they would admit you. This will require sharing some information about your identity and other personal information which may be relevant to your admittance to the third country. The data shared will only be that necessary for the stated purpose.

It is important that we conclude these enquiries promptly. If within a reasonable period we have not obtained agreement for your admission to a safe third country, your claim will be considered for substantive consideration in our asylum system.

Exclusion under Article 1D Refugee Convention

We also have evidence that before you claimed asylum in the United Kingdom, you were granted protection in the Palestine Occupied Territories (Gaza).

Article 1D of the Refugee Convention states:

'This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.'

We will review your particular circumstances and the evidence in your case and consider whether it is reasonable to have expected you to have remained there or whether UNRWA assistance has ceased to be accessible. If UNRWA assistance remains accessible, you will not be eligible for refugee status but may be considered for another form of protection in the UK.

If you wish to submit reasons not already notified to the Home Office why your protection claim should not be treated as inadmissible, or why you should not be excluded from the Refugee Convention, you should provide those reasons in writing within 7 calendar days of the date of this letter. After this period ends, we may make an inadmissibility and/or exclusion decision on your case, based on the evidence available to us at that time.

If we decide to treat your protection claim as inadmissible or excluded, we will write to you again with a formal decision letter, explaining the decision and its consequences for you.

Help and advice on returning to your country of origin

As stated above, no decision has been made in your case and you are not presently required to leave the United Kingdom. However, should you wish to withdraw your asylum claim and return to your country of origin, the Voluntary Returns Service can provide information and assistance.

Online: www.gov.uk/return-home-voluntarily/

Telephone: 0300 004 0202 (Monday - Friday between 9am and 5pm)

If you are dissatisfied with the service provided by this unit you can either raise these issues with your caseworker via the telephone number given at the top of this letter or make a written complaint. The written complaints procedure is explained on the UK Visas and Immigration pages of GOV.UK, the address of the relevant page is:

<https://www.gov.uk/government/organisations/uk-visas-and-immigration/about/complaints-procedure>

Yours sincerely

Victor Papa

Home Office

End of Document B

Compulsory drafting question

Question 12

You have now had your further appointment with Abdel Halibi and your instructions have been reviewed by your supervising solicitor.

Please draft a letter of representations to the Home Office in relation to the Notice of Intent, covering the admissibility of Abdel Halibi's claim and potential exclusion under Article 1D of the Refugee Convention. You do not need to make representations in support of any other immigration application or protection route.

You may refer to the documents you have been provided with and existing law and case law but should not refer to any facts other than those included in the Advance materials and the exam paper. (24 marks)

Question 13

When you have completed the representations, you send them to Abdel Halibi for review. Abdel calls you in a state of some distress. Laila's brother, the one who drove him through Europe, has been arrested and is being questioned. He is now worried about Laila and her other brother. Laila had used her savings to pay for their journey and the passport he had travelled on belonged to the other brother who is a dual national and has two passports.

Please advise him on the possible implications for Laila and her brothers. (3 marks)

Question 14

Abdel is also concerned that as a result of his illegal entry, he will be detained and will miss the birth of his baby. Please advise him on any steps which may be taken if he is detained, mentioning relevant legislation. (3 marks)

Part 4 – unseen fact pattern

Part 4 is the last section of the examination. Candidates are provided with an unseen scenario with questions relating to an area of the syllabus.

You should note that the Candidate's Guidance provides that changes that take place from time to time to existing provisions are brought within the syllabus. This is set out in the guidelines where it provides that "References to statutes, regulations, rules, and Home Office guidance include any subsequent provision directly or indirectly amending, consolidating, extending, replacing or re-enacting them, and to all orders, directions and notices made or served under them". There is no cut-off time for changes, but we will wait a reasonable period before major changes to the law are examined. Where the syllabus is changed, examinees will be given reasonable notice of that before their exam.

Regarding the Illegal Migration Act (2023), sections of the Act that have been commenced, and which deal with issues already form part of the syllabus e.g. in regard to detention, will be examinable.

In respect to "Immigration Rules: Long residence, family and private life, business, study and employment categories", the exam largely focusses on those elements of immigration and asylum law and practice that are 'in scope' and where exceptional case funding is regularly granted (i.e. in Article 8 and family reunion cases). An awareness of other categories that may be relevant to an asylum seeker may include study and work-based categories, but it is unlikely you will need more than an awareness of these.

Part 54C of CPR is in syllabus and can be found [here](#).

The "HO Guidance: DL considerations for victims of modern slavery" is now to be replaced by "HO Guidance - temporary permission to stay considerations for victims of human trafficking or slavery (version 3.1)" and also 'Discretionary leave: caseworker guidance'.

The "HO Guidance: Victims of DV and abuse" is replaced by "HO Guidance: Victims of DV (version 17, published 04.4.2024). "

The "HO Guidance: DDVC" is replaced by HO guidance - migrant victims of domestic abuse (formerly ddivc) (version 4, 04.4.2024)".

The "FTT - user guide" is the First-tier Tribunal (Immigration and Asylum Chamber) User Guide: January 2023.

The "HO Guidance - adults at risk in immigration detention, and pregnant women in detention" refers to "HO Guidance - adults at risk in immigration detention" (version 10, published 21.5.2024).

Most candidates fail to attract marks in this section as they tend to leave this section for last and do not fully answer the questions. Candidates who have not managed their time well often fail to answer questions in this section. As this section accounts for a quarter of the available marks, you should plan and manage your time well to ensure that you are able to answer all the questions in the examination paper. It is recommended that you read your examination paper through so that you know what areas are being covered.

This section may contain the professional conduct question.

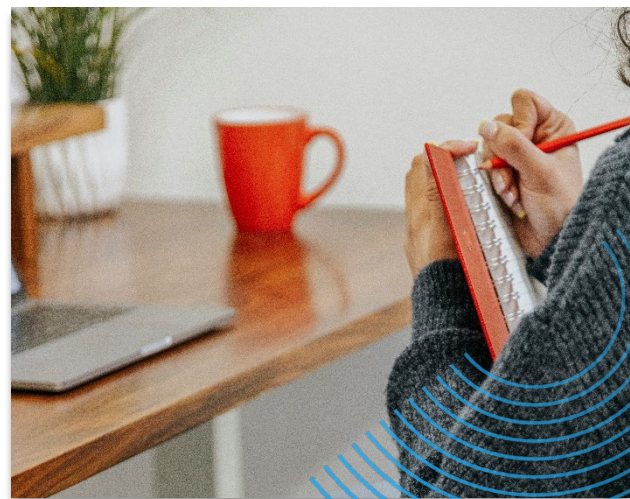
Suggestions for answering part 4 of the exam:

- read the scenario thoroughly to ensure that you have an understanding of the facts
- ensure that you answer lengthy questions first as they will need more detailed answers
- include correct references
- ensure that you have applied the law to the facts of the case
- substantive legal and factual arguments are made where required by the question
- you have demonstrated analysis of the issues.

The marking grid will provide for key points to be included in the answers. Assessors have the discretion to award marks for points not on the marking grid where the answer is correct and relevant.

This section counts for 25 marks.

When answering questions in the exam, remember, the exam is open book. You may use your notes, materials, and resources to aid you in answering the questions. You must not use the internet during the examination for researching answers. You must not use an AI tool to formulate your answers. You may not use AI tools to find caselaw or sources. This applies to the entire paper.



Example: Part four


Unseen fact pattern (25 marks)

Qi

Below is the unseen fact pattern. You are required to read the fact pattern and answer Questions 15 - 22.

Ji Wang is a citizen of China and is currently 40 years of age. He arrived in the UK clandestinely in August 2000 and claimed asylum. His claim was refused by the Home Office and his subsequent appeals were dismissed. Despite becoming appeal rights exhausted in August 2005 Mr Wang remained in the UK. He has since become proficient in spoken English and had spent his time volunteering at his local church.

In 2013 Mr Wang met Ms Bi, a successful asylum seeker also from China. They formed a romantic relationship and on the 24 March 2015 their son Freddy was born. Ms Bi works in a stable and respectable job as a nurse, and she rented a flat where they all lived. They love each other very much and intend to be together in the longer term. Mr Wang was desperate to bring some money into the household however and made some unsavoury contacts. In April 2021 he was convicted of Possession with Intent to Supply a Class A Drug and was sentenced to 24-months imprisonment. Having now served just over a year, and due for release the Home Office are seeking to deport him.



Mr Wang is very upset about this but for now he is very much looking forward to going back to spending some time with his partner and son. Throughout his time in prison, they have continued to keep in contact and have visited him often. He has heard however from fellow inmates that the Home Office is likely to continue to detain him under immigration powers and he is worried about this.

Question 15

On what statutory basis will the Home Office be seeking to deport Mr Wang? (2 marks)

Question 16

What is the public interest justification in this case and what is the statutory footing for it? (2 marks)

Question 17

Assume now that Mr Wang had made representations against his deportation based upon his human rights. Those representations were refused. An appeal has now been submitted against that refusal. Mr Wang is nonetheless detained by the Home Office. Is it correct that the Home Office have the power to detain Mr Wang at the end of his custodial sentence? Please refer to any relevant legal authority in your answer. (2 marks)

Question 18

He has heard that he can still be removed while he is appealing and is anxious about reporting to the Home Office under the conditions of his bail. What would you advise him? Refer to any relevant legal authorities. (4 marks)

Question 19

Identify the relevant rules, legislative provisions and legal authorities applicable, to an appeal on human rights grounds against Mr Wang's deportation order? (10 marks)

Question 20

What is likely to be the most important evidence that you will seek to support Mr Wang's appeal? (2 marks)

Question 21

When taking further instructions for his witness statement, Mr Wang refers to an added concern, not raised before, that a neighbour in China, a powerful politician, had been making death threats to him because he refuses to sell some land to him. He wants this to be considered too. Explain to Mr Wang, whether this would be possible under the relevant statutory regime (leaving aside any consideration of the merits of the claim)? (3 marks)

Once you have completed answering the exam questions, you should review your answers prior to submitting (where there is time remaining). Should you not complete the

examination within the timeframe provided, then your answers will be automatically submitted.



Actions to take after the exam

Once your result has been published you will be notified via email. If you have been successful, you will find the certificate on your My Learning account. Upon clicking into the exam product that will say 'Pass Completed - Your Certificate'. Clicking this box will let you download your examination certificate. Alternatively, you can access your certificate via the 'Certificates' tab on your My Learning account. Once clicked, you will see the exam product and 'More info'. Selecting this will let you download your examination certificate.

Please then download the application form [here](#). To assist in completing the application form, please also download the application accreditation guidance notes [here](#). An application is required to be submitted within 12 months of passing the examination. Once the application form is completed, we require the application and examination certificate to be emailed to accreditation@lawsociety.org.uk.

Once your application has been submitted you may receive an email from the caseworker who has been allocated your application form, regarding any missing information omitted. If missing information is required, you will be provided with a deadline to provide the requested information. Failure to provide the requested information by this date could result in your application being withdrawn.

Where you are eligible for funding, the caseworker working on your application will remove the application fee (£127 + VAT). We will check that you meet the MoJ funding's eligibility criteria, and an invoice will be raised for the outstanding membership fee (£228 + VAT). Upon receipt of your invoice, you need to ensure that payment is made within 30 days.

Once any outstanding missing information is received and the fees are confirmed as paid, the caseworker will finalise the processing and assessing of your application. We will then release the outcome of your accreditation outcome via email. Attached to your outcome,

will be a copy of your accreditation eCertificate. This email will also include details relating to how you request the accreditation logo and updating your Find a Solicitor profile.

Should you achieve accreditations as a Senior Caseworker, you will be required to reaccredit before the expiration of your current accreditation. Ensure that you read the Guidance notes so that you are familiar with the requirements of the accreditation, including professional development, that would need to be maintained during your accreditation.

In order to assist with both the examination and accreditation process, we have compiled a list of frequently asked questions. Should you not find the information you require in this Guide, please do not hesitate to contact us.



Frequently asked questions

1. What is the MOJ funding arrangement?

- The MOJ has agreed to provide funding to the Law Society during 2024 to help reduce the costs for applicants employed at legal aid providers who want to apply for initial accreditation or re-accreditation as senior caseworkers under the Society's Immigration and Asylum Accreditation Scheme.
- The effect of the funding will be to remove the costs of registration, exam/assessment, and application fees charged to eligible members booking via our [website](#), for the period where MoJ funding continues. The agreement is not intended to last longer than 12 months and will also be kept under review during its existence and may end earlier.
- See below for answers to some of the most commonly asked questions.

2. Am I eligible for MOJ funding?

- You must be employed at a firm with a current Legal Aid Contract in order to be eligible to benefit from the MOJ funding.
- You must be applying for initial accreditation or re-accreditation for the Immigration and Asylum Accreditation, Senior Caseworker level with an assessment that falls during 2024.
- You must use the relevant coupon code provided to your firm when applying for accreditation or re-accreditation via our [website](#).

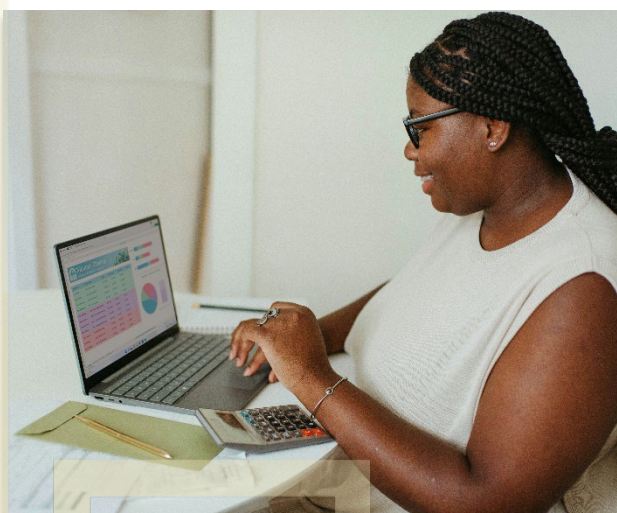


3. What funding is available?

- Funding is available for eligible members for the following Scheme fees:
 - Exam registration fee: £51 + VAT
 - Examination fee: £474 + VAT
 - Application fee: £127 + VAT
 - Re-accreditation Assessment: up to £275 + VAT

4. What fees are not included within the MOJ funding:

- Those seeking to accredit will need to cover the following fees (if applicable):
 - Membership fees: £228 + VAT
 - Late fees: £113 + VAT
 - Certificate re-issue fees: £10 + VAT
 - Appeal fees: £258 + VAT



5. How do I access the funding for initial accreditation? What steps must I take:

- We have contacted all eligible firms with the coupon code. If you have not received the code and believe you are eligible, please contact us for assistance. You may be required to provide evidence of your eligibility.

- You can access the funding once the booking opens for each accreditation exam. Information on examination dates can be found on our [website](#).
- When booking the examination, you will need to use the coupon code. This will provide you with a 100% discount on the Exam registration fee and Examination fee.
- You must successfully pass the exam before you can submit your application for initial accreditation. Application forms can be found [here](#).
- When submitting the application form, you will be required to confirm that you are employed at a firm with a current legal aid contract for immigration and asylum work.
- Once our checks are complete, the funding will be added to your application fee.



7. How do I access the coupon code?

- The coupon code is **MOJEXAM2024**.

8. What happens if I fail the exam?

- If you fail your exam, you will be required to re-sit an examination at a later date. You are still eligible to receive funding for any further sittings of the exam, so long as funding remains available.

9. How long is the funding available?

- The funding period will start on 1 January 2024 and will run until 31 December 2024, subject to funding remaining available from the MOJ. You must either take the examination, apply, or re-accredit during this period to have the opportunity to benefit from the funding.

10. What if I am eligible for the funding and I have already paid?

- To request your refund, please send an email to exams@lawsociety.org.uk and include the following based on your method of payment.

- If you paid by credit/debit card:

Your order number.

Amount to be refunded.

SRA number/name of your firm.

- If you paid by bank transfer:

Your order number.

PDF on your company letterhead containing the following information

Bank details used to make payment.

Billing Address details

Amount to be refunded

SRA number/name of your firm.



11. How soon can I apply to accredit?

- Eligibility to apply for initial accreditation is set out in the Scheme Rules. We recommend that as soon as you have received your certificate to confirm that you have passed the exam that you complete and submit your application form.

12. When will my accreditation be active?

- Your accreditation will be effective from the first day of the month in which you submitted your application.

13. How will I know if the funding is no longer available?

- Please check the website. If you have any other questions, please contact exams@lawsociety.org.uk or call 020 7320 5660.

14. What if I have any further questions or wish to provide feedback?

- We look to provide a supportive service to our members and always welcome members' feedback.
- Should you wish to share your thoughts and views or ask a question relating to the funding, please contact us on exams@lawsociety.org.uk or call 020 7320 5660.
- We continue to work collaboratively with the MOJ and will share any feedback we receive relating to the funding arrangement.



General Exam Questions

1. How do I register on the Law Society Learning platform?

- Navigate to the [Law Society Learning](#) website and click on the Register button. Follow the on-screen instructions to create your account.

2. How do I log on the Law Society Learning platform?

- Navigate to the [Law Society Learning](#) website and click on the Log in button. Follow the on-screen instructions to create your account.

3. I forgot my password. How can I reset it?

- On the login page, click on the Forgot Password link and follow the instructions.

4. How do I enrol in a specific exam on the platform?

- Log in to your account, navigate to the course catalogue, and select the exam you want to enrol in. Follow the prompts to complete the enrolment process.

5. What payment methods are accepted for exam fees?

- If you are not eligible for the MoJ funding, you will need to pay to sit the exam.
- Payment can be made online using all major credit/debit cards or alternatively you can choose to pay by bank transfer.
- Please note, that if choosing to pay by bank transfer, you will only be able to access the exam in your account once payment has been received. You will receive an invoice with payment details within 24 hours of placing your order.
- You will not be given access to the examination if payment has not been received.

6. Is there a deadline for exam registration?

- Exam registration deadlines are specified on the product page for each exam. Please ensure to check the registration closing dates if you are planning to register.



7. How can I access my exam and advance materials?

- After logging in to the [learning platform](#), go to your My Learning section and access your exam.
- If the advance materials have been released to candidates, you will see a tile on the exam page that allows you to download a copy of the materials.
- Please note, advance materials are only available one week prior to the exam.

8. What are the technical requirements for taking exams online?

- Ensure your internet connection is stable.
- Where possible, if your device is using a Virtual Private Network (VPN), you may wish to disconnect it to avoid disruption to your connection.

- Turning off any other web-based device will also help to avoid any interference with your internet connection.
- We would recommend using either Google Chrome or Microsoft Edge web-browsers for a PC, and Safari for Apple Macs.



9. Can I take exams on a mobile device?

- Although the learning platform is compatible with mobile devices and tablets, we would strongly recommend using a laptop or desktop computer for taking your exam.

10. When should I login before my exam starts?

- We would recommend that you login to the learning platform on the morning of your exam, to ensure your account is working fine.
- Please avoid leaving your web-browser logged in overnight, as this can cause some aspects of the learning platform to time out and impact your ability to start the exam.
- It is suggested that you refresh the page prior to starting the exam.

11. I encountered technical issues during the exam. What should I do?

- Contact the exam support team immediately on exams@lawsociety.org.uk including a screenshot of the issue where possible, or alternatively call 020 7320 5660.
- We would strongly recommend that you follow all steps contained in the joining instructions prior to exam to help minimise potential technical issues and avoid loss of time on your exam.
- Do not wait until the end of the examination to raise a technical issue. You must do so as soon as the issue arises.

12. Is there a support team I can reach out to for assistance?

- The examinations support team can be contacted at exams@lawsociety.org.uk or by calling 020 7320 5660.

13. What should I do if there are updates or announcements on the exam day?

- Keep an eye on your email for any updates or important information on the day of the exam. Follow the provided instructions to stay informed about any changes.



14. What is the marking process and why did my paper go for moderation?

- All the examination papers are “blind marked” by assessors. Each paper is identified only by a candidate number.
- First marking: All papers are sent out to an assessor for first marking.
- Second Marking: Papers that fall within the banding of 45% to 49.5% are second marked. All papers where there is a finding of an overriding fault in English, Gross Professional Error or failing the Drafting question are second marked (refer to page 5 of the Candidates’ guidance for further information). A first assessor can also specifically request that a paper be second marked. The Accreditations office may select papers for second marking.
- Papers that have been second marked, may be sent for further marking/moderation.
- Papers may be sent for moderation for the following reasons:
 - Papers that fall between 45% to 49.5% banding after second marking.
 - Papers that secured a pass mark over 50% but were flagged for Drafting or Gross Professional Error Fail.
 - Papers where a breach of the examination rules have been identified.
 - On request of the assessors or accreditations office.



15. When will I receive my results?

- Exam results are released on the Law Society Learning. Should you have passed, you will be able to download your certificate. The date on which we aim to release first marking results are set out on the [website](#). Your result may take longer to release where your paper is second marked or moderated.

