



Cambridge Immigration
Legal Centre

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Karen Marchant
Legal Services Board
7th Floor, Victoria House
Southampton Row
London
WC1B 4AD

Dear Ms Marchant

Re: Regulation of Immigration Advice and Services - Legal Services Board Consultation

We write in response to your discussion document and provide our views in respect of this area of consultation as follows:

Introduction

The Cambridge Immigration Legal Centre (CILC) is the sole provider of Legal Aid Immigration services in Cambridgeshire and one of only a handful in East Anglia. CILC also conducts work on behalf of privately funded clients.

Of our employees, three are three non-practising barristers and one has completed the LPC. Of the remainder, one has in excess of 15 years of experience in this field and two others have extensive experience gained with Refugee and Migrant Justice, as have two of the non-practising barristers. The Director of CILC previously was the head of the Immigration department at the Cambridge Law Centre, a post he held for 12 years.

All fee earners are OISC registered and accredited under the Law Society's Immigration and Asylum scheme.

Response

Accreditation

Whilst CILC fully supports regulation in this sector, we believe that this is best implemented through a comprehensive compulsory accreditation scheme such as that required by the LSC. Given the fluid and complex nature of Immigration and Asylum law there is no substitute for formal testing of a practitioner's knowledge combined with a sector specific CPD



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CILC is regulated by the OISC (Office of the Immigration Services Commissioner) OISC and is subject to the Commissioner's rules It holds the Legal Services Commission (LSC) Special Quality Mark.

Director: Mohammed Alabi LLB (Hons) Barrister – not practising

requirement. Further, we believe that simply being a member of a designated professional body (or being in an exempt category), as permitted by section 84 of the 1999 Act does not guarantee a minimum level of competent advice. Whilst this may provide an avenue via which complaints may be made, we believe that those seeking assistance should have access to tested, reliable and accurate advice from the outset, and not have to resort to a complaints procedure which offers them no meaningful remedy.

By default, we believe that making Immigration and Asylum work a reserved activity, would not guarantee competency; would mean the exclusion from practice a large number of very competent practitioners who may have substantial knowledge and experience in the conduct of such work; reduce the availability of immigration and asylum advice generally and would provide a monopoly to a class of practitioner who may have limited or no knowledge of this sector. We strongly believe that the current system of regulation of individuals should be retained with the additional requirement of compulsory accreditation.

Q1 The sections setting out what the qualifying regulators need to do seem to avoid directly tackling the issue of a compulsory accreditation and CPD scheme. Adoption would ensure that each practitioner meets the required standard on registration and remains technically competent.

Q2 It is our opinion that the findings of the review ARE equally applicable to all areas of Immigration and Asylum. Your review focuses on the provision of quality advice, which should be consistent over all areas. To consider otherwise, would create a two tier system – one for individuals and one for SMEs.

Q3 The risks also include the reducing availability of legal aid providers, due to the changes in legal aid funding. Reduced capacity in the system would mean that vulnerable groups would potentially be unable to guarantee access to publicly funded representation. This would have a particularly serious adverse effect on asylum seekers.

The Immigration analysis does not consider Human Rights cases, some of whom do not qualify for Legal Aid.

We believe that the potential for organised crime exists in all areas.

Q4 The questions for the qualifying regulators have not been applied equally. All questions are relevant in all discrete areas (except for questions re the LSC and legal aid funding to non-legal aid areas).

Q5 -

Q6 The LSB and qualifying regulators should consider formulating a single standard regulatory and accreditation regime, on similar lines to that operated by the LSC. This should be overseen by the LSB. This would ensure clarity of the regulatory regime and consistency of standards throughout all areas.

Q7 We believe that the arrangements in respect of the Legal Ombudsman should be compulsory and not voluntary. It is believed that a voluntary arrangement would create a two tier system and would substantially undermine regulatory targets.

From the discussion document, it is clear that the source of the issues raised lie predominantly with the regulatory bodies. Practitioners simply conduct their business within the confines of the regulatory structure relevant to them. The introduction of a standard, universally agreed regime would have less of an adverse impact than imposing reserved legal activity status on immigration and asylum work. The latter would not guarantee a quality of service. The fact that it would merely ensure that a user has unhindered access to an effective complaints process does not provide sufficient reason to exclude competent and experienced non-solicitor practitioners from conducting such work and depriving them of their livelihoods.

Yours faithfully

For and on behalf of CILC