

Comparison of Immigration Certification Rules with CILEx Regulation Practitioner Authorisation rules

NOTE: this table maps subsections between the old and new rules. Within subsections, new rules may be renumbered and reordered

Immigration Rules	New Rules	Comments
<p>DEFINITIONS</p> <p>1. In these Rules, except where otherwise indicated:</p> <p>“Immigration Certificate” means a certificate authorising a person to provide immigration advice and services;</p> <p>“Immigration Advice” means advice which (a) Relates to a particular individual; (b) Is given in connection with one or more relevant matters; (c) Is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and (d) Is not given in connection with representing an individual before a Court in criminal proceedings or matters ancillary to criminal proceedings.</p> <p>“Immigration Services” means the making of representations on behalf of a particular individual: (a) In civil proceedings before a Court, Tribunal or Adjudicator in the United Kingdom, or (b) In correspondence with a Minister of the Crown or Government department, in connection with one or more relevant matters.</p> <p>“Relevant Matters” means: (a) A claim for asylum; (b) An application for, or the variation of, entry clearance or leave to enter or remain in the United Kingdom; (c) Unlawful entry into the United Kingdom; (d) Nationality and Citizenship under the law of the United Kingdom; (e) Citizenship of the European Union;</p>	<p>DEFINITIONS</p> <p>1. In these Rules, except where otherwise indicated:</p> <p>“Immigration Certificate” means a certificate authorising a person to provide immigration advice and services, as identified in these Rules;</p> <p>“Immigration Advice” means advice which (a) Relates to a particular individual; (b) Is given in connection with one or more relevant matters; (c) Is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and (d) Is not given in connection with representing an individual before a Court in criminal proceedings or matters ancillary to criminal proceedings.</p> <p>“Immigration Services” means the making of representations on behalf of a particular individual: (a) In civil proceedings before a Court, Immigration Services Tribunal or Adjudicator in the United Kingdom, or (b) In correspondence with a Minister of the Crown or Government department, in connection with one or more of the following matters:</p> <p>(i) A claim for asylum;                      (ii) An application for, or the variation of, entry clearance or leave to enter or remain in the United Kingdom; (iii) Unlawful entry into the United Kingdom; (iv) Nationality and Citizenship under the law of the United Kingdom; (v) Citizenship of the European Union; (vi) Admission to a Member State under Community Law; (vii) Residence in a Member State in accordance with rights conferred by or under Community Law; (viii) Removal or deportation from the United Kingdom; (ix) An application for bail under the Immigration Act or under the</p>	<p>The definition of Immigration Services has been amended as it combines the previous definition and those of ‘Relevant Services’ and ‘Tribunal’.</p> <p>Other amendments are to accommodate the consolidation in the new rules.</p> <p>Four new definitions relevant to the amendments made to the rules for probate rights authorisation have been added.</p>

Immigration Rules	New Rules	Comments
<p>(f) Admission to a Member State under Community Law; (g) Residence in a Member State in accordance with rights conferred by or under Community Law; (h) Removal or deportation from the United Kingdom; (i) An application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997; (j) An appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in Paragraph (a) to (i); and</p> <p>“Tribunal” means the Immigration Services Tribunal.</p> <p>“Applicant in good standing” means a person in respect of whose conduct there is no complaint or misconduct matter outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Immigration Practitioner;</p> <p>“CILEx” means the Chartered Institute of Legal Executives;</p> <p>“Investigation, Disciplinary and Appeals Rules” means the Rules of CILEx which are in place from time to time and which govern the complaints handling and disciplinary procedures of CILEx Regulation;</p> <p>“The Act” means the Legal Services Act 2007; and</p> <p>“The Officer” means a person with responsibility for the Immigration Practice Rights Scheme.</p>	<p>Special Immigration Appeals Commission Act 1997; (x) An appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in Paragraph (i) to (x); and</p> <p>“Applicant in good standing” means a person in respect of whose conduct there is no complaint or misconduct matter outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a <a href="#">Chartered Legal Executive or CILEx Practitioner</a> <del>CILEx</del>;</p> <p>“CILEx” means the Chartered Institute of Legal Executives;</p> <p>“EnforcementRules” means the Rules of CILEx Regulation which are in place from time to time and which govern the complaints handling and disciplinary procedures of CILEx Regulation;</p> <p>“The Act” means the Legal Services Act 2007; and</p> <p>“The Officer” means a person with responsibility for the Authorisation Rules.</p> <ul style="list-style-type: none"> <li>• <a href="#">“Chartered Legal Executive” means a CILEx member authorised by CILEx Regulation to conduct one or more reserved activities (also known as a Fellow of CILEx);</a></li> <li>• <a href="#">“CILEx Practitioner” means a person authorised to conduct Probate practice or Conveyancing practice as defined in these rules, but not authorised as a Chartered Legal Executive/Fellow of CILEx;</a></li> <li>• “Practice Certificate” means a “Practice Rights Certificate” or a “Litigation Certificate” or an “Advocacy Certificate” identified in these Rules;</li> <li>• “Practice Rights Certificate” means a Conveyancing Certificate, Immigration Certificate, Probate Certificate, Employment Certificate, Business Certificate or General Certificate identified in these Rules;</li> </ul>	

Immigration Rules	New Rules	Comments
Words importing the singular include the plural and vice versa.	<p>NOTES ON THESE RULES</p> <p>2. Reference to the male gender also includes female gender.</p> <p>3. Words importing the singular include the plural and vice versa.</p>	<p>No change, but rule number added.</p> <p>New rules have an additional note.</p>
Responsibility for this qualification scheme is delegated by CILEx to CILEx Regulation.	<p>DELEGATIONS</p> <p>4. Responsibility for this authorisation scheme is delegated to CILEx Regulation by CILEx.</p>	Text change for consistency. Rule number added.
<p>IMMIGRATION CERTIFICATE</p> <p>2. An applicant in good standing may apply to CILEx Regulation to be granted an Immigration Certificate.</p> <p>3. The immigration practice rights exercisable by a person holding an Immigration Certificate are to provide immigration advice and immigration services.</p>	<p>Practice Rights ELIGIBILITY Immigration Certificate</p> <p>18. An applicant in good standing who</p> <ul style="list-style-type: none"> <li>• is applying for Fellowship, and</li> <li>• has three years' general legal experience including immigration practice experience in the two years preceding the application,</li> </ul> <p>may apply to CILEx Regulation to be granted an Immigration Certificate.</p> <p>19. The immigration practice rights exercisable by a person holding an Immigration Certificate are to provide immigration advice and immigration services.</p>	Changes reflect the routes to award of an Immigration Certificate. The requirement fellowship was previously stated in Annex 3 of the Immigration Certification Rules. The requirement for three years' general legal experience including two years' immigration experience was in the Practice Handbook.
<p>QUALIFICATION ARRANGEMENTS</p> <p>4. Applicants who seek an Immigration Certificate must demonstrate that they meet the knowledge, skills and experience in accordance with the knowledge, skills and experience guidelines which appear at Annex 1 and the portfolio guidelines and assessment criteria at Annex 2 and the competency framework at Annex 3.</p> <p>5. Applicants who seek Immigration Rights must make an application in accordance with the knowledge, skills and experience guidelines which appear at Annex</p>	<p>APPLICATIONS</p> <p>Immigration Certificate</p> <p>32. Applicants who seek an Immigration Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 4 in accordance with the application guidelines set by CILEx Regulation.</p> <p>30. Applicants who seek a Practice Rights Certificate should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.</p> <p>31. Applicants who seek a Practice Rights Certificate must complete all application forms required by CILEx Regulation and shall be accompanied by such fees as may be fixed by CILEx Regulation from time to time.</p>	

Immigration Rules	New Rules	Comments
<p>1 and the portfolio guidelines and assessment criteria which appear at Annex 2.</p> <p>6. An application must be made on such form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fees as may be fixed by CILEx Regulation from time to time.</p> <p>7. CILEx Regulation will consider the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines which appear at Annex 1 and the portfolio guidelines and assessment criteria which appear at Annex 2.</p> <p>8. The portfolios which form part of the application will be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at Annexes 1 and 2.</p> <p>9. Where the external advisor finds that the portfolios are satisfactory and meet the knowledge, skills and experience guidelines and the</p>	<p>DECISION MAKING</p> <p>39. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the relevant eligibility criteria, application guidelines, and the knowledge and competence requirements.</p> <p>41. CILEx Regulation will consider an application for a Practice Rights Certificate to ensure it meets the relevant eligibility criteria , the application guidelines and the related knowledge and competence requirements.</p> <p>43. The portfolios which form part of the application will be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the application guidelines and the relevant knowledge and competence requirements.</p> <p>44. Where the external advisor finds that the portfolios are satisfactory, the CILEx Regulation Officer will decide whether the application may be approved. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.</p> <p>45. Where the external advisor decides that the portfolios do not meet the relevant knowledge and competence requirements they will give reasons for their decision. They shall indicate what action the applicant needs to take to provide a satisfactory portfolio. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further</p>	

Immigration Rules	New Rules	Comments
<p>portfolio guidelines and assessment criteria at Annexes 1 and 2, the CILEx Regulation Officer will consider the application. The Officer will consider whether the applicant may be granted an Immigration Certificate. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.</p> <p>10. Where the external advisor decides that the portfolios do not meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at Annexes 1 and 2 they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application to be referred to the Admissions and Licensing Committee to consider.</p> <p>11. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching their decision, the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for further information from any person or source it considers appropriate.</p> <p>12. The committee may:</p> <ul style="list-style-type: none"> <li>• Approve the application;</li> </ul>	<p>representation and ask that the full application to be referred to the Admissions and Licensing Committee to consider.</p> <p><a href="#">46.</a> The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching their decision, the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for further information from any person or source it considers appropriate.</p> <p><a href="#">47.</a> The Admissions and Licensing committee may:</p> <ul style="list-style-type: none"> <li>• Approve the application;</li> <li>• Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.</li> </ul> <p>[Current 13 is above, new rule 39]</p> <p><a href="#">48.</a> The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.</p> <p><a href="#">49.</a> Where the application has been approved, the notification shall include the Practice Rights Certificate.</p> <p><a href="#">50.</a> Where the application is unsuccessful, the notification shall set out the Committee’s reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.</p>	

Immigration Rules	New Rules	Comments
<ul style="list-style-type: none"> <li>• Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.</li> </ul> <p>13. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at Annexes 1 and 2.</p> <p>14. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.</p> <p>15. Where the application has been approved, the notification shall include the Immigration Certificate.</p> <p>16. Where the application is unsuccessful, the notification shall set out the Committee's reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.</p>		
<p><b>PRACTICE MANAGEMENT AND ACCOUNTS</b></p> <p>17. An Immigration Practitioner who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in accounts and practice management in accordance with the knowledge, skills and experience guidelines and portfolio guidelines and the competency frameworks which appear at Annexes 4 and 5. They will not be authorised to be an</p>		<p>Rules deleted as covered by regulatory arrangements for entity regulation.</p>

Immigration Rules	New Rules	Comments
<p>approved manager in an entity until these requirements are met.</p> <p>18. Where an applicant relies upon existing experience they must complete a log in accordance the portfolio guidelines. An applicant who relies upon a qualification as evidence of meeting the competency framework must provide details of that qualification and assessment. CILEx Regulation will consider whether the experience or qualification relied upon demonstrates that the applicant meets the requirements of the competency framework.</p> <p>19. An applicant who does not meet the knowledge, skills and experience requirements for practice management and/or accounts must complete qualification courses and assessment in those areas which meet the competency frameworks at Annexes 4 and 5.</p>		
<p>ADMISSIONS AND LICENSING COMMITTEE</p> <p>20. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for the immigration rights qualification scheme.</p>	<p>38. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for matters relating to these Rules.</p>	<p>Rule now in the Decision making section. New number and made applicable across the practice areas.</p>
<p>EXTERNAL ADVISORS</p> <p>21. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on issues relating to immigration practice rights.</p>	<p>40. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on matters relating these Rules.</p>	<p>Rule now in the Decision making section. New number and made applicable across the practice areas.</p>
<p>IMMIGRATION PRACTITIONERS</p> <p>22. An applicant who has been awarded an Immigration</p>	<p>AUTHORISED PERSONS AT CILEx REGULATION</p> <p><a href="#">81</a>. An applicant who has been admitted as a Fellow and awarded an Immigration</p>	<p>Section heading changed. Rule number changed and rule reflects change in title arising from new Education Standards</p>

Immigration Rules	New Rules	Comments
Certificate will be known as an Immigration Practitioner.	Certificate will be known as a <a href="#">CILEx Chartered Legal Executive</a> (Immigration).	
<p>CONTINUING PROFESSIONAL DEVELOPMENT (CPD)</p> <p>23. Immigration Practitioners will be required to undertake Continuing Professional Development (CPD) in accordance with the CPD Regulations issued by CILEx Regulation from time to time.</p> <p>24. Where an Immigration Practitioner has failed to undertake CPD which meets the CPD Regulations or fails to provide a record of such CPD, the Officer will refer the matter to the Admissions and Licensing Committee. The Admissions and Licensing Committee will consider whether the Immigration Practitioner should retain their Immigration Certificate.</p> <p>25. The Immigration Practitioner will have the opportunity to make written representations to the Committee and a right to be heard by the Committee.</p> <p>26. The Committee may decide to:</p> <ul style="list-style-type: none"> <li>• Grant an extension of up to 3 months for the Immigration Practitioner to meet their outstanding CPD requirement. The Immigration Practitioner will still be required to meet their current CPD requirements in the normal way; or</li> <li>• Withdraw the Immigration Certificate.</li> </ul> <p>27. Where an Immigration Practitioner's Certificate has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh</p>	<p>CONTINUING PROFESSIONAL DEVELOPMENT</p> <p><a href="#">104. Chartered Legal Executives and CILEx Practitioners are</a> required to undertake Continuing Professional Development (CPD) in accordance with the CPD Regulations issued by CILEx Regulation from time to time.</p> <p><a href="#">105. Where a <del>an</del> Chartered Legal Executive or CILEx Immigration Practitioner's Practice Certificate</a> has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh application for a <del>an</del> Practice Certificate in accordance with the Rules.</p>	<p>The CPD rules have been consolidated for all practice areas.</p> <p>Three rules have been deleted as they repeat, unnecessarily the CPD regulations that the current rules already refer to.</p>



Immigration Rules	New Rules	Comments
<p>application for an Immigration Certificate in accordance with the Rules.</p>		
<p>DISCIPLINARY PROCEDURES AND CODE OF CONDUCT</p> <p>28. Immigration Practitioners will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.</p> <p>29. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of an Immigration Practitioner, that matter will be dealt with in accordance with CILEx’s Investigation, Disciplinary and Appeals Rules. Where a finding, order or decision is made against an Immigration Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Immigration Practitioner remains a fit and proper person to hold an Immigration Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.</p> <p>30. Rule 29 shall not apply where an order is made excluding an Immigration Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Immigration Practitioner’s Certificate shall be invalid from the date the exclusion from membership or registration takes effect.</p> <p>31. Where the Admissions and Licensing Committee decides that the Immigration Practitioner is no</p>	<p>DISCIPLINARY PROCEDURES AND CODE OF CONDUCT</p> <p><a href="#">106. Chartered Legal Executives and CILEx Practitioners</a> will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.</p> <p><a href="#">107.</a> Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of a <a href="#">Chartered Legal Executive or CILEx Practitioner</a> , that matter will be dealt with in accordance with the CILEx Regulation Enforcement Rules.</p> <p><a href="#">108.</a> Where a finding, order or decision is made against a <a href="#">Chartered Legal Executive or CILEx Practitioner</a> , that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the <a href="#">Chartered Legal Executive or CILEx Practitioner</a> remains a suitable person to hold an Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.</p> <p><a href="#">109.</a> Rule <a href="#">108</a> shall not apply where an order is made excluding a <a href="#">Chartered Legal Executive or CILEx Practitioner</a> from registration of CILEx Regulation or membership of CILEx. In such a case the <a href="#">Chartered Legal Executive or CILEx Practitioner’s</a> Practice Certificate shall be invalid from the date the exclusion from membership or registration takes effect.</p> <p><a href="#">110.</a> Where the Admissions and Licensing Committee decides that the <a href="#">Chartered Legal Executive or CILEx Practitioner</a> is no longer a suitable person to hold an Practice Certificate or their Practice certificate is invalid in accordance with Rule <a href="#">108</a>, they must return their Certificate to CILEx Regulation within 28 days of them being</p>	<p>The Disciplinary Rules have been consolidated for all practice areas. Minor text changes for consistency across all practice areas.</p>

Immigration Rules	New Rules	Comments
<p>longer a fit and proper person to hold an Immigration Practice Certificate or their certificate is invalid in accordance with Rule 30, they must return their Certificate to CILEx Regulation within 28 days of them being notified of the decision. Failure to do so will constitute a disciplinary offence. The Immigration Practitioner may not exercise any Immigration practice rights granted to them under their certificate after they have been notified of the decision.</p> <p>32. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that an Immigration Practitioner is no longer a fit and proper person to hold an Immigration Certificate will be considered by a professional member and 2 lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation’s appeals body.</p>	<p>notified of the decision. Failure to do so will constitute a disciplinary offence. The <a href="#">Chartered Legal Executive or CILEx</a> may not exercise any practice rights granted to them under their Practice certificate after they have been notified of the decision.</p> <p><u>111</u>. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that a <a href="#">Chartered Legal Executive or CILEx</a> Practitioner is no longer a suitable person to hold an Practice Certificate will be considered by a professional member and 2 lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation’s Appeals Panel.</p>	
<p>TRANSITIONAL ARRANGEMENTS</p> <p>33. Immigration advisors registered on the CILEx Regulation immigration register as at the date of commencement of this scheme who are not Chartered Legal Executives will be granted a period of 3 years, from the date of the commencement of this scheme, to qualify as Chartered Legal Executives and a further 6 months to meet the requirements as to competence set out in these rules. The authorisation of an advisor on the register at the commencement of this scheme who does not qualify as a Chartered Legal Executive or fails to meet the competence requirements within the timescale set out in this rule will be withdrawn at the expiry of the relevant timescale in this rule.</p>		<p>Rules removed as transitional arrangements no longer needed.</p>

Immigration Rules	New Rules	Comments
<p>34. Immigration advisors registered on the CILEx Regulation immigration register as at the date of commencement of this scheme who are Chartered Legal Executives will be granted a period of 6 months to meet the requirements as to competence set out in these rules. The authorisation of an advisor on the register at the commencement of this scheme who does not meet the competence requirements within the timescale set out in this rule will be withdrawn at the expiry of the relevant timescale in this rule.</p>		