

# Practising immigration and asylum law solicitors training records review

30 July 2024

Immigration and asylum law can be a complex, fast-paced and politically sensitive area of law. Clients seeking advice can be vulnerable or become vulnerable as their matter progresses.

It is vital, therefore, that immigration and asylum solicitors meet their regulatory obligation to maintain their competence by keeping their knowledge and skills up to date. To do this, we expect solicitors to regularly reflect on their practice and identify and address their training needs. Solicitors must declare to us annually, when they apply to renew their practising certificate, that they have done this.

We said we would review the training records of a sample of immigration and asylum solicitors to understand if and how they are maintaining their competence.

We have now completed this review and outline below our findings, the key messages for solicitors and firms practising in this area and what we will do next.

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## **What we did**

We contacted 60 firms to request the training records for solicitors who provided immigration and asylum advice between 1 January to 31 October 2023.

We reviewed 143 records submitted by firms and considered:

- whether the training record demonstrated that they had taken steps to maintain their competence
- the extent to which any learning and development related specifically to immigration and asylum practice
- whether the training record demonstrated that the solicitor had reflected on their practice
- if and how learning and development activity was recorded.

## **Key findings**

### **Solicitors are carrying out learning and development activities**

We were pleased to find that all training records demonstrated that some learning and development had been carried out. There were variations in the total number of activities, but almost half of all the solicitors recorded more than 10.

The review showed:

- 41 solicitors recorded 1-5 activities
- 35 solicitors recorded 6-10 activities
- 67 solicitors recorded more than 10 activities.

## **Most learning and development focussed on immigration and asylum law**

We found that 140 solicitors did at least one of their learning and development activity focussed on immigration and asylum law. Notably, 49 solicitors had done more than 10 activities relating to these areas of law.

We found that these activities focussed on:

- the implications of the UK's exit from the EU on immigration law and the status of EEA nationals in the UK
- understanding the application and operation of visas, for example, start-up visas, global talent visas, settlement visas, children visas and student visas
- Human Rights law
- deportation
- immigration detention.

Only three solicitors reported that none of their learning and development related to immigration and asylum law. Instead, it related to wider delivery of immigration practice, for example, understanding client management systems and our Account Rules.

## **Variety of approaches used to identify learning and development needs**

We expect all solicitors to regularly reflect on the quality of their practice. This helps to identify what learning and development is required to maintain competence.

There are lots of ways to reflect but the records we reviewed used the following approaches:

- Identifying a change in the law or procedure.
- Analysis of their performance or strengths and weaknesses.
- Feedback from colleagues, supervisors, judges and clients.
- Looking at their career development.

We do not prescribe how a solicitor should address their learning and development needs. However, this review identified a number of approaches, in particular:

- Attending webinars and training sessions on immigration law, case law reviews, specific visa categories, deportation, and citizenship issues.
- Carrying out reading and research, such as:
  - Home Office updates
  - official government websites
  - newsletters
  - guidance on immigration and asylum law issues
  - case law
  - relevant policy and legislation such as the Rwanda asylum policy (Rwanda high court judgment) and the 'Illegal Migration Bill' to address learning and development needs.
- Engaging in professional development discussions – some solicitors mentioned holding regular meetings with managing partners or peers to address learning and development needs.

Thirty-seven solicitors had used our immigration and asylum guidance and resources to help address their learning and development needs.

## **Variable record keeping**

Some excellent training records showed good practice in meeting our continuing competence requirements by:

- demonstrating that reflection was ongoing
- comprehensively describing how the individual had reflected and identified their learning and development needs
- clearly explaining the activity carried out and how it addressed the identified need
- showing how the learning will be applied
- whether the activity carried out identified further learning and development needs.

These records were often linked to a training template that outlined the competencies in our Statement of Solicitor Competence or internal competencies bespoke to a firm or role.

Other records were less comprehensive. Those of 46 solicitors simply listed the learning and development carried out, for example, the name of the course and when it was completed. There was no evidence of how or why the learning and development was required or whether the activity had addressed the original need.

## **[Key messages for immigration and asylum solicitors](#)**

We are pleased there is evidence from this review that solicitors working in immigration and asylum are undertaking learning and development to maintain their competence. However, there is room for improvement, particularly in relation to recording why learning and development is required.

## Meeting our regulatory obligation

All solicitors providing immigration and asylum advice should make sure that:

- they meet our regulatory obligation to maintain their competence as our Code of Conduct requires solicitors to keep their knowledge and skills up to date
- they make sure they follow our [immigration resources and guidance](https://www.sra.org.uk/solicitors/resources/immigration-services/) [https://www.sra.org.uk/solicitors/resources/immigration-services/] and have read our [warning notice](https://www.sra.org.uk/solicitors/guidance/immigration-work/) [https://www.sra.org.uk/solicitors/guidance/immigration-work/] and apply them to their practice
- they regularly reflect on their practice to identify learning and development needs – reflection involves regularly evaluating your strengths and weaknesses in relation to the demands of your work. We expect solicitors to do this regularly and address any learning and development needs identified. We have [resources](https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/reflect-identify/) [https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/reflect-identify/] to help solicitors reflect.

## Learning and development plans should include reflections

It is not a regulatory requirement to keep a training record or document reflection. However, this demonstrates to us that you have taken the necessary steps to keep your knowledge and skills up to date.

A failure to record reflection raises concerns that not all needs are being identified and addressed. We therefore expect to see evidence of reflection in training records, not just a list of activities.

Your plan should show how you:

- reflected on your practice to identify your learning and development needs
- planned and completed these needs
- evaluated the effectiveness of your learning and development.

You can use our [learning and development template](https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/templates/) [https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/templates/] to help.

Firms we regulate and other organisations employing solicitors should consider whether their approach to recording learning and development

could further help solicitors meet their obligations and complete the steps we expect.

## **Consider future learning and development needs**

We analysed training records to also understand any future learning and development activities immigration and asylum solicitors considered necessary to keep their skills and knowledge up to date. The findings included:

- a better understanding of the operation and impact of a digitised immigration system
- a better understanding of the Innovation Founder visa route
- improving engagement and communication with vulnerable clients to support them to participate in immigration and asylum matters
- improving advocacy skills.

Solicitors also noted future needs beyond immigration and asylum practice, such as a better understanding of:

- legal case management systems
- General Data Protection Regulations
- our Account Rules and how they apply in practise.

All immigration and asylum solicitors should consider if they have the appropriate knowledge and skills in these areas or whether further learning and development is required.

## **What we have done already**

We have contacted firms specialising in immigration and asylum law to remind them that solicitors they employ need to keep their knowledge and skills up to date. We also explained the importance of effective supervision in maintaining competence. And we have highlighted the immigration guidance and resources we have available.

## **What we will do next**

Following this review, we will:

- Seek further assurances that the 46 solicitors who simply listed training activity and did not provide us with sufficient assurances are maintaining their competence. We will contact each solicitor to explain what we expect in a training record and understand the steps they are taking to maintain their competence. We will also contact the firm employing each solicitor to understand and assess the policies and processes they have in place to ensure competence of their solicitors. Continue to monitor reports we receive about



immigration and asylum advice to identify any competence-related themes and risks.

- Continue to monitor reports we receive about immigration and asylum advice to identify any competence-related themes and risks.
- Continue to develop resources for immigration and asylum solicitors and firms to help them maintain their competence and uphold their professional obligations. This will include examples of how immigration and asylum solicitors can reflect on their practice. We will also provide examples of good practice in recording reflection and learning and development activity.
- Work with immigration and asylum firms to explore if and how we can update our resources to help increase understanding of our Accounts Rules in relation to this practice area.
- Explore if further regulatory intervention is required in this area, informed by our follow-up firm inspections and ongoing monitoring of reports.