

Help Sheet: Level 1 Advice Boundaries

1. Unregulated Work

You can:

- Give 'generic information' relevant to large groups of migrants (e.g. asylum seekers)
- Apply for asylum support or Section 4 support*
- Lodge an appeal against a refusal of asylum support
- Apply for 'Exceptional Case Funding' (legal aid for 'out-of-scope' matters)
- Apply for travel documents for a refugee or person with humanitarian protection
- Request a copy of the BAIL 201 form
- Contact the Home Office to find out the next reporting date
- Request an extension on the deadline to submit an Asylum Questionnaire (to enable an asylum seeker to instruct a representative to help fill it out – previously this was L1 A&P)

**but you should not discuss how someone can make themselves eligible for support.*

2. L1 Asylum & Protection

You can:

- Notify the HO of a change of address
- Apply to lift a NRPF condition (where leave was granted following refusal of asylum)
- Apply for 'Leave in Line' for the UK-born children of Refugees, etc.
- Apply for permission to work for an asylum seeker

3. L1 EU Settlement Scheme

You can apply for settled or pre-settled status* for:

- EEA Nationals
- People with permanent residence documents or proof of ILR
- Spouses, children, grandchildren, parents and grandparents of EEA nationals, including "joining family members"
- Durable partners and other dependent relatives who have a 'relevant document' (provided no change in circumstances)

**You can also make late applications in some circumstances.*

Note: *There may be circumstances where an application that is normally within Level 1 becomes Level 2 (e.g. where criminality or a lack of specified evidence comes to light.) If this happens, the matter should be referred to a Level 2 adviser ASAP.*

Disclaimer: *This document is intended as a quick guide to the kinds of work you can and can't do at Level 1. For more definitive guidance, please refer to the OISC's "Guidance on Competence" at <https://www.gov.uk/government/publications/competenceoisc-guidance-2012>. Refugee Action accepts no responsibility for any loss or harm arising from use of this document.*

4. L1 Immigration

You can make the following applications:

- EUSS applications listed in #3
- Equivalent applications under the EEA regulations 2016 (excluding durable partners and other dependent relatives)
- Visit visas
- Straightforward* applications for the partner, child or parent of a British, settled or refugee sponsor
- Applications under the 'destitute domestic violence concession' (DDVC)
- Long residence (R. 276B) applications
- Work and study visas
- Registration/naturalisation as a British Citizen (excluding discretionary child registration)

**Applicants must not be overstayers or irregular migrants and must meet all the rules without relying on the 'human rights' provisions in EX.1, GEN.3.1 & GEN.3.2. Applications for children must not be based on 'sole responsibility' or 'serious and compelling family or other considerations.'*

5. Higher Level Work

You must not lodge an appeal and you must not give advice on the following Level 2 matters:

- Asylum claims
- Refugee family reunion applications
- Applications for irregular migrants
- Applications involving criminality or 'poor character'
- Private life (R. 276ADE) applications
- 'Complex' applications for partners, children or parents
- Applications for 'adult dependent relatives'
- Settlement as a victim of domestic abuse

And you must not do these Level 3 tasks:

- Advise someone about an immigration appeal
- Request an adjournment
- Apply for bail
- Submit a 'pre action protocol' letter in relation to a regulated matter