

## GUIDELINES FOR ILPA MEMBERS

1. Members of ILPA are expected to maintain the highest traditions of professional service in the conduct of activities as advisors and representatives in the field of immigration, nationality and asylum law and practice-related matters. In particular:
  - a) They must give sound advice having familiarised themselves with the law, the Rules and the principal published materials that relate to the issue in question;
  - b) They must not deceive the immigration authorities or the Courts or knowingly allow themselves to be used in any deception;
  - c) They must maintain adequate records of their professional dealings, including records of the matters set out below;
  - d) They must not charge a fee that is unreasonable in all the circumstances.
2. Where a charge is made to a client for the provision of services, the best information possible about likely overall costs is to be supplied to the client in writing with a description of the work to be done to a specified stage and the method of calculation of such fee. Where the fee is likely to exceed the estimate given or requires variation, a written revision of the estimate and mode of calculation is to be given.
3. The question of whether the client is eligible for advice under Legal Help, Controlled Legal Representation or a full funding certificate to cover representation in the Courts should be explored and discussed with the client in every instance unless it is immediately obvious from the nature of the proposed application or proceedings that the client could not qualify for publicly funded advice and assistance.
4. Where there has been a change of representative and papers relating to an outstanding application or hearing are retained by an ILPA Member, papers required for a hearing should be made available to another representative or an adjudicating body, or in the case of an unrepresented person, the client, as the case may be, subject to any right of lien or solicitor's undertaking as to costs.
5. In circumstances where a client transfers his / her case from one representative to another, members are reminded that file transfers should be effected within a reasonable period of time so as to minimize any possible prejudice to the client. Members are reminded that in publicly funded cases, the Legal Aid Agency considers seven days to be a reasonable period of time for the file to be transferred and stipulates that if by the end of that period the file is not forthcoming, the representative requesting the file should notify the Solicitors Regulation Authority (or the OISC).
6. In circumstances where the Member concludes that the client no longer satisfies the CLR merits test, in accordance with Legal Aid Agency requirements the Member shall inform the client of the CW4 procedure, namely the client's right to appeal the Member's assessment to the Legal Aid Agency's Independent Funding Adjudicator and the time limits for doing so. This advice shall be recorded on the file. If the client wishes to pursue such an appeal the Member shall complete that part of the CW4 form required of him. Members are reminded that CLR funding for an appeal should not be refused or withdrawn (subject to the means test being satisfied) unless the prospects of success on the appeal are 'clearly less than 50%'. No other criteria should be applied.
7. An ILPA Member should not normally agree to represent a client where adequate preparation of a case is not possible, but in cases of urgency can agree to act or continue to act for the purpose of

applying for an adjournment. Where an adjournment is refused the member must consider whether continuing to act compromises effective standards of representation. If so, the Member should then not participate further in the hearing.

8. Where an appeal is pending and an ILPA Member ceases to act the appellate authority must be informed immediately.

9. Members should not terminate their representation of clients in any circumstances other than those permitted under the rules of professional conduct applicable to the member.

10. These guidelines should be applied by ILPA Members who have responsibility for the services provided by non-members engaged in the same firm or business as the ILPA Member.

11. These guidelines are without prejudice to any more particular requirement imposed on an ILPA Member by the terms of their employment and / or professional associations. Regard may be had to the failure to comply with these guidelines when considering whether an ILPA Member is guilty of conduct injurious to the interests of ILPA.

