The Bar Council

International Applicants for Pupillage: FAQs for AETOs

Purpose:	To help Authorised Education and Training Organisations (AETOs) to understand their obligations in relation to international applicants for pupillage
Scope of application:	All AETOs offering pupillage
Issued by:	Equality, Diversity and Social Mobility Committee
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Status and effect:	**Please see the notice at end of this document. This is not "guidance" for the purposes of the BSB Handbook I6.4.**

Q.1.) Can chambers exclude international students from their pupillage recruitment process?

ans.) It is the view of the Bar Council's Equality, Diversity, and Social Mobility Committee that having a policy to exclude international students from the pupillage recruitment process automatically is indirect discrimination on the ground of race. Nationality is included under race as a protected characteristic.[1] A blanket rule like this may be hard to justify objectively as reasonably and proportionately pursuing a legitimate aim.

[1] See BSB Handbook Equality Rules: Supporting information (p. 6).

The relevant rules in the Handbook are likely to be these:

> *CD8 – "You must not discriminate unlawfully against any person."*
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> *rC12 – "You must not discriminate unlawfully against, victimise or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity, religion or belief."*
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> *rC110.3.d – "You must take reasonable steps to ensure that in relation to your chambers or BSB entity 3 the following requirements are complied with… .d recruitment and selection processes use objective and fair criteria"*

AETOs who implement a policy of not accepting international applicants, risk being in breach of these rules.

Q.2.) How are international applicants sponsored?

ans.) The Bar Council operates as a Licensed Sponsor on behalf of UK Visas and Immigration (UKVI) and is therefore able to provide a Certificate of Sponsorship for mini pupils, pupil barristers and tenants working in chambers in England and Wales; enabling suitably qualified nationals who meet the qualifying criteria to train and practise at the Bar.

You can find further information on the Bar Council's website.

Please note that sponsorship does come with a fee of £364 per annum (for every year of sponsorship), but this is unlikely to be considered a justification for an indirectly discriminatory policy that prejudices international applicants. Additionally, this fee wouldn't necessarily apply to all applicants (e.g., those who are completing a pupillage of six months or fewer, or those transferring from a student visa that is still intact when applying to transfer to the skilled worker visa).

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