

Guidance

Registered Foreign Lawyers

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Status

This guidance is to help you understand your obligations and how to comply with them. We may have regard to it when exercising our regulatory functions.

Who is this guidance for?

This guidance is for Registered Foreign Lawyers (RFL) and lawyers wanting to apply for RFL status. It may also be relevant to Registered European Lawyers (RELs) and Exempt European Lawyers (EELs) if they need to become RFLs following the UK's exit from the European Union.

Purpose of this guidance

To enable foreign lawyers to understand:

- when they need to become an RFL
- who can become one
- what rights and obligations they have.

What is an RFL?

An RFL is a "foreign lawyer" who is registered with us and therefore appears on our register of RFLs.

A "foreign lawyer" is defined in section 89 of the Courts and Legal Services Act 1990 (CLSA) as "a person who is not a solicitor of England and Wales or a barrister but who is a member, and entitled to practise as such, of a legal profession regulated within a jurisdiction outside of England and Wales".

When must I register as an RFL?

If you are a foreign lawyer and want to become a manager or owner of an authorised law firm (other than a licensed body¹) in England and Wales, you must register with us as an RFL. We are required to keep a register of foreign lawyers by Section 89 of the CLSA.

If you are a Scottish advocate or solicitor, a Northern Irish barrister or solicitor, or a barrister of the Irish Republic not registered with the BSB under the Establishment Directive, you must register as an RFL if you are based wholly or partly in England and Wales and want to be a manager or owner of an authorised firm (which is not a licensed body).

The position for EU qualified lawyers² is set out in more detail below.

When do foreign lawyers not need to register as RFLs?

If you want to work in England and Wales but do not wish to be an owner or manager of a relevant firm as above, and do not intend to carry out the reserved legal activities that RFLs are permitted to do (see below), you will not need to become an RFL. You will not be able to conduct immigration work unless authorised by the Immigration Services Commissioner to do so.

You do not need to register if:

- You are only an employee of an authorised body and do not carry out any reserved legal activities other than those which are allowed under the Legal Services Act 2007 (LSA) to be carried out under the supervision of an authorised person. For example, you could assist with litigation work providing that you don't formally "conduct" the litigation (carry out the formal steps in any proceedings) and that any rights of audience are exercised by you under the supervision of an authorised person such as a solicitor or barrister.
- You are an in-house lawyer, for example employed by a business to provide legal advice and services to that business.
- You work in a foreign law firm.

As a foreign lawyer, you do not need to be an RFL to be a manager or owner of a licensed body, or an unregulated legal business. You can do either without being a lawyer authorised to practise in England and Wales.

[Brex](#)it may affect the position for EU qualified lawyers wishing to work in England and Wales or in an English and Welsh authorised law firm (for more information see the resources available on our [Brex](#)it Hot Topic page). However, the current position is as follows:

- If you are an EU qualified lawyer you cannot become an RFL if you are practising in England and Wales on a permanent basis: you must register as an REL.
- If you are a foreign lawyer qualified in an Establishment Directive profession who is not established in England and Wales on a permanent basis, or you are registered with the BSB under the Establishment Directive, you may be an owner or manager of a law firm in England and Wales either as an Exempt European Lawyer (if you meet the definition), or as an RFL.

What services can RFLs offer?

If you are an RFL you can practise the law of your home state and advise on English and Welsh law, providing unreserved legal services and the limited reserved services, as set out below.

- You can carry out or supervise any unreserved work - English legal work, foreign legal work (including business or financial advice or making business or financial arrangements) that the firm is entitled to do.
- You have rights to carry out limited reserved work independently, provided that the firm you work for is authorised to carry out such work. This is limited to advocacy before an immigration tribunal and the conduct and preparation of documents in immigration tribunal proceedings.
- You may carry out the reserved legal activities of rights of audience and reserved instrument activities only at the discretion and under the supervision of a person who is qualified to supervise that work. This is, again, provided that the firm you work for is authorised to carry out such work.
- You can carry out or supervise foreign legal work, which is reserved to lawyers of your home jurisdiction, provided you can do this within the rules of your own profession.

What type of firms can RFLs work in?

You can work in all types of firms, but you cannot be a sole practitioner.

How can RFLs become solicitors?

By taking the [Qualified Lawyers Transfer Scheme](#) assessments, if you are qualified in a [jurisdiction recognised by the SRA](#) for this purpose, by taking the assessments.

If your jurisdiction is not recognised by us, you can ask your home regulator to apply to us for recognition of your jurisdiction and qualification. Otherwise you must follow our [domestic route to admission](#).

How are RFLs regulated by the SRA?

Once you are registered with us, you are subject to the same regulatory standards as apply to solicitors:

- The SRA Principles which set out the ethical standards we expect of solicitors apply to you at all times - both in and out of practise.
- The new [SRA Code of Conduct for Solicitors, RELs and RFLs](#) will apply to you in full.
- If you are a manager of a firm that we regulate you will be jointly and severally liable with other managers for making sure that your firm complies with the new [SRA Code of Conduct for Firms](#). This includes making sure the firm has suitable arrangements in place to comply with all our rules and regulations and relevant statutory requirements. This will include compliance with our Accounts Rules, amongst others.
- As an employee of a firm that we regulate, you may also be subject to regulatory action if you are responsible for a serious breach of any of the rules and regulations which apply to your employer.

If you breach our rules you will be investigated in the same way as we investigate solicitors - by applying our [Enforcement Strategy](#) and relevant rules. You may be subject to a range of sanctions and could be referred to the Solicitors Disciplinary Tribunal.

Application to become an RFL

For an application to succeed, four basic requirements must be fulfilled:

- you must be a foreign lawyer (see above)
- the profession of which you are a member must be approved by the SRA as appropriately regulated
- your own professional rules must allow practice with solicitors in England and Wales
- you must satisfy us as to your character and suitability.

Approval of your profession by the SRA

Under Schedule 14 to the CLSA a foreign lawyer can become an RFL only if the SRA "is satisfied that the legal profession of which the applicant is a member is one which is so regulated as to make it appropriate for members of that profession to be managers of recognised bodies".

If you are a member of more than one profession, only one needs to have been approved for you to be eligible for registration as an RFL.

and the criteria a profession must satisfy to be registered see here - [List of recognised professions](#). If you want the SRA to approve a profession which is not currently on the list, your professional body can make an application to us.

Your own professional rules

Your own professional rules must allow practice with solicitors in England and Wales. We will ask you to provide confirmation

from your regulator that this is the case if we do not already hold that information. For a list of regulatory bodies that have given confirmation, see [Professions approved by the SRA for registered foreign lawyer \(RFL\) status](#).

Character and suitability

We will require a certificate of good standing from each bar, law society or chamber of which you are a member (whether or not you are still practising as a member of that profession). This can be no more than three months old and should contain the following information:

- your date of admission
- that you are of good character and repute
- details of past or pending proceedings against you for behaviour amounting to professional or other misconduct
- whether you are currently entitled to practise as a lawyer of the relevant jurisdiction (including, for example, holding a practising certificate if one is required).

You must declare matters which may affect your character and suitability to be an RFL.

Continuing registration requirements as an RFL

To remain on the register, you need to renew your registration annually and pay a fee. You must apply by 31 October for renewal as either as an individual or through your firm's bulk renewal process. No certificate of good standing is required on renewal of registration.

Your registration can be revoked if you fail to apply for renewal of your registration. You can also apply to have your registration revoked if you no longer wish to be an RFL.

Further help

If you require further assistance, please contact the [Professional Ethics helpline](#).

NOTES

1. A licensed body is a body which has a mix of lawyer and non-lawyer owner and managers and is licensed by the SRA under Part 5 of the Legal Services Act 2007.
2. An EU, EEA or Swiss national and a member of an Establishment Directive profession (one of the list of professions in EU Directive 98/5/EC)

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