



OISC Application for Registration Guidance Notes

Contents

Information and Guidance	Page
• What is “Immigration advice or services”?	3
• Do I need to apply?	4
• Do I need to submit an application fee?	5
• How do I apply for registration?	6
• What happens when I’ve submitted my application?	8
• OISC Competence Assessment	10
• The Law Society Immigration and Asylum Accreditation Scheme (IAAS)	11
• What qualifications am I expected to have?	12
• What if I have no previous experience of immigration work?	12
• Will the OISC train me to become an immigration adviser?	12
• Can I provide immigration advice and services whilst my application is being assessed?	13
• How do I get Immigration experience if I don’t currently have any?	13
• The application process flow chart	15
• Applying for the correct level	16
• What if I want to provide immigration advice at Level 1 in some categories and at Level 2 in another?	16
• Is my registration transferable to another organisation?	16
• Data protection	17
Application Documentation and Information Guidance Notes	19
• Competence - Code 5	20
• Client Care Letter - Codes 23-26	20
• Client Closure Letter - Codes 46-47	21
• Running the organisation - Codes 49-51	21
• Professional Indemnity Insurance - Code 52	22
• Fees and accounts - Codes 58-69	23-24
• Procedure for handling complaints – Code 79	25

What is “Immigration Advice or Services”?

a) Immigration advice

The Immigration and Asylum Act 1999 (The Act), as amended, defines “immigration advice” as advice relating to a particular individual given in connection with one or more “relevant matters” by a person who knows that he is giving such advice.

“Relevant matters” are defined as follows:

- (a) a claim for asylum;
- (b) an application for, or for the variation of, entry clearance or leave to enter or remain in the United Kingdom;
- (ba) an application for an immigration employment document;
- (c) unlawful entry into the United Kingdom;
- (d) nationality and citizenship under the law of the United Kingdom;
- (e)
- (f)
- (g)
- (h) removal or deportation from the United Kingdom;
- (i) an application for bail under the Immigration Acts or under the Special Immigration Appeals Commission Act 1997; and
- (j) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (i).

b) Immigration services

The Act defines “immigration services” as the making of representations on behalf of a particular individual –

- (a) in civil proceedings before a court, tribunal or adjudicator in the United Kingdom, or
- (b) in correspondence with a Minister of the Crown or government department,

in connection with one or more relevant matters.

These activities are regulated when provided "in the course of business, whether or not for profit". Organisations that undertake these activities as an ancillary service to their main business for example, colleges assisting students to apply for visas (unless they are also a Tier 4 Sponsor) still need to be regulated by the OISC.

Do I Need to Apply?

If you wish to provide immigration advice or services, you must apply for registration with the OISC unless you are a “qualified person”. Most voluntary and community organisations and most business that offer immigration advice or services need to apply to the OISC.

The Act prohibits the provision of immigration advice or services other than by a “qualified person”.

A person is a “qualified person” if he or she is:

- (a) a registered person;
- (b) authorised by a Designated Professional Body or Designated Qualifying Regulator* to practise as a member of the profession whose members that body regulates; or
- (c)
- (d)
- (e) acting on behalf of, and under the supervision of, a person within any of paragraphs (a) to (d) (whether or not under a contract of employment).

In addition, the prohibition in section 84 (1) does not apply to persons falling under section 84 (4) of the Act who have been certified as exempt by the Commissioner or are a category of person eligible to provide immigration advice and services by Order of the Secretary of State.

Unless any of the above applies to you, you will have to apply to the OISC for registration if you wish to provide immigration advice or services.

*The Designated Professional Bodies or Designated Qualifying Regulators referred to in subsection (b) are the Law Society of England and Wales, the Law Society of Scotland, the Law Society of Northern Ireland, the General Council of the Bar, the Faculty of Advocates, the Bar Council of Northern Ireland and the Institute of Legal Executives.

Proof of right to work

If you are a British National or European Union citizen, you must provide a legible copy of your passport or European Union identity card as proof of right to work.

Please note that you must demonstrate that you have leave to remain and right to work in the United Kingdom for at least 18 months at the point of application.*

** applicants seeking to join a registered organisation without 18 months leave, may make representations as to their ability to provide assurance that there will be no adverse affect on clients should their leave and right to work in the UK expire. The Commissioner will consider such applications on a case by case basis.*

If you are neither a British National nor a European Union Citizen, you will need to provide a copy of your stamped passport or other relevant documents to prove your right to work in the UK.

Advisers should send copies of the above documentation directly to the OISC. Please do not forward original documents.

Do I need to submit an application fee?

Organisations pay no fee for their application where the organisation-

a) provides immigration advice or immigration services in the course of a business that is not for profit; and

(b) does not charge a fee, directly or indirectly, for the provision of that advice or those services.

Unless your organisation can meet both these criteria then you need to submit an application fee with the application for registration.

How do I apply for registration?

To apply for registration you need to complete the following steps:

1. Complete Disclosure and Barring Service Check (for new advisers)

All new applicant advisers applying for registration to provide immigration advice and services are required to apply for a Disclosure and Barring Service (DBS) check. Details on how to apply for a DBS check can be found on our website.

Everyone in your organisation who is listed as a new adviser in your application (unless previously registered with the OISC within the last 6 months) must obtain a DBS check-standard disclosure and will be asked to provide evidence that a DBS check has been requested in their competence statement.

The OISC will not make a decision on the application unless each candidate has obtained a DBS check. The DBS check is likely to take several weeks to complete.

The OISC is committed to treating applicants who have a criminal record fairly, and has a written policy on how it assesses convictions when deciding applications for. A copy is available on the OISC website.

Convictions under sections 25 or 26(1)(d) of The Immigration Act 1971, will mean an adviser is automatically disqualified from registration.

2. Read the Code of Standards, Commissioners Guidance on Competence and Guidance on Fitness

Copies of the Code of Standards, the Guidance on Competence and the Guidance on Fitness can be downloaded from the OISC website. You should study them carefully before making your application. The Code of Standards set the standards by which you must operate if you are registered by the Commissioner.

3. Complete an electronic application form for registration online

The first section is called Organisation details. You must provide all the information requested, including Adviser details and all declarations. You must also provide details of those owning and/or running the organisation.

To assess your suitability for registration, the OISC will assess your fitness and competence to provide immigration advice and services. The form makes clear where you are required to provide information and documentation which will assist us in deciding the application. Guidance is provided in these notes and with the model documents available on the OISC website.

At each stage of the application you will be asked to confirm that you have read and understood the relevant Codes on the pages headed Declaration.

You must complete a new adviser application form and competence statement for each new adviser (unless previously registered with the OISC within the last 6 months). Please note that unless you are able to meet the requirements detailed in the competence statement, in terms of language, experience, training and qualifications then it is highly unlikely in our experience, that you will pass the OISC's competence assessments and therefore likely that the application for registration will be refused.

4. Pay the application fee

A fee must accompany your application for registration if you intend to charge for immigration advice and services. The amount is dependant on the level of advice intended to be given, and, for a Level 2 or 3 application, the number of prospective advisers.

The scale of fees is set by the Immigration and Nationality and Immigration Services Commissioner (Fees) (Amendment) Regulations 2022 No. 296

Level	Number of advisers	Registration Fee	Continued Registration Fee
1	n/a	£733	£733
2 & 3	1 to 4	£2,232	£1,646
	5 to 9	£2,500	£2,041
	10 and over	£3,023	£2,698

The registration (application) fees collected by the OISC are determined by the Home Office under statutory powers and must accompany applications.

The OISC has no power to refund application fees in respect of withdrawn or unsuccessful applications and refunds will be made in only the most exceptional circumstances.

When making payment, please send your application fee by BACS or online transfer to the account detailed below:

Sort code: 60-70-80
Account no: 10014934
Account Name: OISC No2 Account
Bank: NatWest

Please quote your organisation's name as the reference when sending BACS payments.

5. Check you have a complete application

At page 20 of the application form is a page headed Application Checklist. When you feel you have completed the application form, provided all information and documentation required, you should check your application against that Checklist. If your application is complete it is ready to be submitted to the OISC. Upon receipt of a completed application we will assign a caseworker to assess your suitability for registration.

If you do not submit all the required information and documentation with your application within the prescribed timeframes, it will be refused. This is because, in failing to submit required information or documentation, you will have failed to demonstrate that you can comply with the Codes. The Commissioner cannot be satisfied that you are fit and competent to provide immigration advice and services without these.

6. Submit your application

Application forms should be completed electronically and submitted to the OISC *OneDrive* folder via the OISC website. The process is simple and secure and full instructions on how to do this are provided online.

If you experience any problems completing or uploading your electronic application form please email info@oisc.gov.uk or telephone 0345 000 0046 for further assistance.

What happens when I have submitted my application?

Once you have submitted all the required information and documentation, we will consider your application. The material you have submitted will be assessed for compliance with the Code of Standards.

Each new adviser will normally be invited to sit a level 1 competence assessment as part of an overall assessment of his or her competence. You may also be asked to sit an assessment at Levels 2 and 3 (please note this only applies to applicants wishing to work at Level 2 or 3).

See page 10 for information on assessments.

If you then fail to provide all the required information and documentation with your application, it will be **refused**. The fee will not be refunded in these circumstances.

Adding New Applicant Advisers after the submission of your Application for Registration

The OISC will consider your application for registration on the applicant advisers included with the original documentation and upon which an applicable fee has been paid.

Should you wish to add an applicant adviser not included in your original application, you may do so, but we will consider and decide the original application first.

Once that decision has been made, we will consider separately, any applications from additional advisers that you wish to add to your original application.

Timescales for deciding an Application for Registration

The OISC will aim to make a decision on your application within four months from the date of submission. This timeframe is to allow for any amendments that you may need to make to your application, the requirement to supply any additional documentation and the successful completion of the OISC Competence Assessment process. As part of the expectation that applicants are ready for the application process before they apply to us, the OISC requires that you are available for contact for the full duration of your application and that you are able to provide any necessary information by the deadlines we request of you, including your availability to sit the OISC Competence Assessment when requested to do so and your attendance at a pre-registration audit.

Should you fail to attend the online assessment event that you have been scheduled to attend, then this will be counted as a fail. The Commissioner will only consider exceptional circumstances for not attending the assessment and evidence will be requested.

If during your application, you become unavailable for contact or fail to respond adequately and in a timely manner to the Commissioner's requests for information, including failure to sit an OISC Competence Assessment or attend a pre-registration audit, the Commissioner will be unable to verify that you are fit and competent to provide immigration advice. Please note that it is your responsibility as an applicant to be able to meet the requirements of the application process and the Commissioner expects you to be in a position to implement any requests in relation to your application for as long as is necessary following its submission. **Failure to comply with the above may lead to the refusal of your application.**

Details of those owning and/or running the organisation

The organisation must provide information in relation to its owners and/or those running the organisation. Please complete the relevant sections of the application form for those owning and/or running the organisation.

For the OISC's purposes a person is considered an owner of the business if they own at least 40% of the business. A person is considered to be involved in running an immigration advice organisation if they occupy one or more of these roles: (Private Firms) Self-employed sole trader; Partner; a Company Director (executive or non-executive) Company Treasurer or Secretary or (Charities) Chief Executive Officer or a Trustee.

For further information please see [The Commissioner's Guidance on Fitness \(Owners\)](#)

OISC Competence Assessments

Key points:

- Assessments are held online, and candidates invited via email
- There is one test attempt per candidate, per application
- The pass mark for Level 1 exams is 60%, Level 2 and 3 exams is 65%
- All assessments are 'open book' (within specified parameters, shown below)
- Applicants applying at Level 2 or 3 must first pass the Level 1 assessment

New applicant advisers will only be considered for the OISC Competence Assessment test once they have completed a DBS check, and submitted a completed competence statement. Advisers must also demonstrate that they have leave to remain and right to work in the United Kingdom for at least 18 months at the point of application (see page 4).

OISC Competence Assessments are run as online assessments that are scheduled at set times each month. Suitable applicants will be invited to the next assessment event following their application for registration with the OISC. Details of the assessment dates and further information about the online testing process can be found on the OISC website at the following link: [OISC Competence assessment](#)

Level 1 competence assessments consist of two sections. The first section is a multiple-choice answer test consisting of 20 questions that will examine the breadth of the applicant's knowledge across the wide range of immigration that the Level 1 Immigration category covers. The second section will consist of a scenario-based question where the applicant will be expected to understand and analyse an immigration situation and effectively communicate that understanding in written English.

Applicants are required to pass both sections in order to pass the assessment overall and only one attempt is allowed per applicant, per application.

If an applicant is unable to pass both sections of their Level 1 Assessment, then their application for regulation will be refused.

The OISC will not begin a new assessment process for applicants applying at Level 1 within 4 weeks of the candidate having received an application decision. The OISC is happy to reconsider applications after this timeframe where the applicant has taken steps to improve their skills and knowledge post their assessment. Applications simply re-submitted to re-take tests will be refused if no evidence of additional training has been submitted. Please do not submit a new application until 4 weeks after receiving an application decision and once you have completed additional training.

Level 2 and 3 competence assessments come in the form of a scenario-based question format. Each Level 2 and 3 applicant will have to pass the Level 1 test before taking the higher-level assessment. There will be no re-sits allowed at Level 2 or 3, however, the OISC may approve registration at a lower level if sufficient demonstration of competence has been provided. An applicant will either pass or fail the assessment.

A detailed syllabus for each level is provided on the OISC website to provide candidates with the information that they will be expected to know. Additionally, there are sample questions to allow candidates to help prepare and test themselves ahead of any live assessment they take.

While taking the assessments candidates are not permitted to access any online resources except for a specially written resource booklet written for the exam and containing key material relevant to the assessment to enable applicants to be fully equipped to demonstrate their knowledge. Immigration textbooks, printed course notes and candidates own hard copy notes are also allowed for reference purposes should the candidate choose. If candidates access any unauthorised online material during their exam the technology used will flag this as a violation and the assessment attempt will be invalidated.

Applicant advisers will continue to be expected to have undergone adequate training, have relevant previous experience or possess sufficient qualifications before they apply to the OISC. Applicants who do not have such experience or training are unlikely to be successful in the competence assessment tests.

It is important that applicants ensure their availability on published assessment dates. Those that require any special assistance in taking the assessment will need to contact the OISC in advance of the assessment. Applicants will be notified by the OISC's Competence Assessment provider of the result of their assessment. The applications of those that have been successful will continue to be assessed by the OISC.

Law Society Immigration and Asylum accreditation

Prospective advisers who are seeking authorisation only in the category of Asylum and Protection and have successfully completed the Law Society Immigration and Asylum Accreditation Scheme (IAAS) examinations and gained IAAS accreditation, are not required to sit the corresponding level OISC competence assessment.

These include:

- IAAS level 1 accredited caseworker > OISC level 2 assessment (Asylum and Protection)
- IAAS level 2 senior caseworker > OISC level 3 assessment (Asylum and Protection)
- IAAS level 2 supervisor > OISC level 3 assessment (Asylum and Protection)

For OISC exemption at level 2, the minimum requirement is IAAS accredited caseworker. For level 3, it is IAAS senior caseworker or supervisor.

The relevant certificate must be enclosed with your application for regulation. Please ensure that one certificate for each accredited adviser is submitted. For example, if only one applicant has IAAS accreditation, the others need to sit OISC assessment.

Further exemptions from assessments may be given to organisations who have IAAS accreditation at accredited or senior caseworkers level, or supervisor level, who provide immigration advice and services which are entirely limited to work that falls within scope for Legal Aid (for example Domestic Violence and Immigration Bail applications). Such exemptions will be decided on a case by case basis.

The Chartered Institute of Legal Executives (CILEx)

Applicant advisers who are qualified as a CILEx Immigration Practitioner and can show evidence of valid continuing accreditation may also be exempt from having to sit the corresponding OISC competence assessment.

What qualifications am I expected to have?

You do not need any specific qualification to apply for registration. However, your competence and fitness will be thoroughly assessed before you will be approved. You will need to satisfy the OISC that you have the knowledge and skills to practice competently at the level at which you have applied.

Your organisation will need to satisfy the OISC that you have the resources, management structures and procedures needed in accordance with the Commissioner's Code of Standards.

What if I have no previous experience of immigration work?

Having no previous experience in immigration work will not disqualify your application from consideration. Applicants may be able to demonstrate experience in the advice giving sector outside of immigration work and have undertaken suitable training in immigration law and practice. We will take into consideration the information that you provide on your competence statement and the results of any competence assessments we ask you to take. We may undertake oral competence assessments during pre registration visits and, ask that you attend additional training to improve your skills and abilities before authorisation is granted.

Will the OISC train me to become an immigration adviser?

- No. The OISC will not train you to become an immigration adviser.

However once approved the Commissioner requires all advisers to complete annual CPD. Courses are available on the OISC website, free of charge to all regulated advisers.

Can I provide immigration advice and services whilst my application is being assessed?

No. You cannot provide immigration advice and services until the Commissioner has approved your application.

If we become aware that you are practising illegally, i.e. without authorisation, this could affect the Commissioner's decision as to whether or not to approve your application.

It is a criminal offence punishable by fine and/or imprisonment for anyone to provide, or offer to provide, immigration advice and services without being approved to do so by the Commissioner (or other body as defined in Section 82(2) of the Act).

To offer to provide immigration advice and services (i.e. advertising) before the Commissioner has approved your application is also a criminal offence.

How do I get Immigration experience if I don't currently have any?

The Act allows people to gain experience of immigration advice without being registered if they are employed by, and supervised by another adviser who is OISC registered to provide immigration advice and services. The organisation must inform the OISC of the supervisory arrangements prior to any formal supervision taking place.

A person can also give immigration advice while employed (and supervised) by a member of a designated professional body such as a practicing solicitor.

Working under the supervision of an OISC regulated adviser

- You can work under the supervision of an OISC registered adviser to gain the relevant experience in providing UK immigration advice and services prior to applying for authorisation as a Level 1 adviser.
- You will need to find a registered OISC adviser who will permit you to give immigration advice under their supervision. The OISC registered adviser will have to fulfil certain criteria as set out in Code 9 of the Commissioner's [Code of Standards](#) and the accompanying [Guidance Notes](#) and have authorisation from the OISC to act as a supervisor
- Please note that you will only be able to give advice for your supervisor's organisation and not in your own right. Also, you will only be able to provide immigration advice at OISC level 1.
- You can work under supervision on either a paid or unpaid basis.
- The period of supervision should normally last approximately 12 months at which point you will be expected to submit a New Adviser Application and Competence Statement. You must ensure that you submit all the required supporting documentation with this form. Your competence will be assessed on the information detailed within your form and the successful completion of the Level 1 Competence Assessment.

NB: In order to work under the supervision, of an OISC registered adviser, your supervisor must submit a supervision plan to their OISC caseworker and this MUST be approved by the Commissioner prior to being implemented. Evidence of an approved supervision plan will be required with your New Adviser Application and Competence Statement as well as copies of all your supervision records.

Any advice given under unauthorised supervision is unregulated advice and therefore illegal.

Working under the supervision of a SRA regulated solicitor

- You can also gain experience working under the supervision of a solicitor. Again, you will only be able to give immigration advice for your supervisor's firm and not in your own right.
- Again, this can be paid or unpaid work.

- Solicitors are regulated by the Solicitors Regulation Authority (SRA) and therefore, all supervised work, carried out within a law firm, will fall under the regulation of the SRA.
- You will be required to submit a reference from your supervising solicitor with your New Adviser Application and Competence Statement. This should provide confirmation of your employment, with details of the work you have completed under supervision.

For more information, please see the [Supervision Guidance Note](#). This information will also include guidance on appropriate supervision plans.

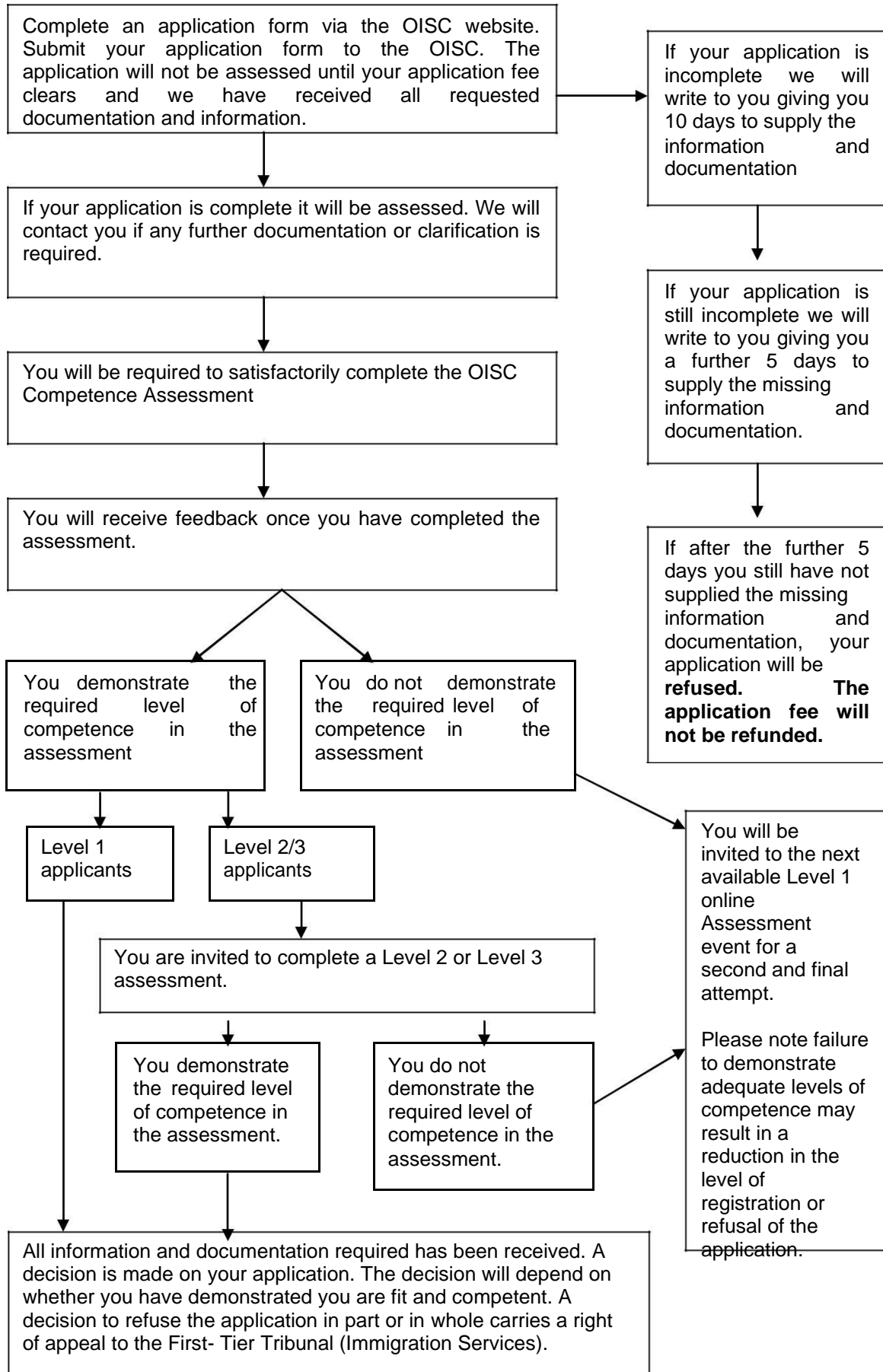
Training

- Throughout your period of supervision, the OISC would expect you to receive appropriate and relevant training. You would be expected to provide evidence of this with your application for authorisation.
- **Training should be undertaken with a professional training organisation.**
- For more details on training, please refer to the New Adviser Application and Competence Statement.

Volunteering at a Citizens Advice Bureau

- You can volunteer at your local Citizens Advice Bureau to gain the relevant experience in providing UK immigration advice and services prior to applying for registration as a level one adviser.
- All Citizens Advice Bureau are authorised to provide immigration advice and services at Level 1.
- For further information regarding how to volunteer please visit: <http://www.citizensadvice.org.uk/index/join-us.htm>
- For applicant advisers in Scotland you may wish to contact Citizens Advice Scotland at <http://www.cas.org.uk/about-us/volunteer-citizens-advice-bureau>
- For applicant advisers in Northern Ireland you may wish to contact Advice NI at <http://www.adviceni.net/>

The Application Process



Applying for the correct level

When completing this application you should consider both the level (complexity of work to be undertaken) and categories of advice (areas of knowledge) that you wish to work at.

Details of the work covered at each level and category can be found in the OISC [Guidance on Competence](#)

The levels are as follows:

Level 1: Applications that rely on the straightforward presentation of facts to meet a qualifying criteria. Such applications will not be discretionary or concessionary in nature and applicants will not have an immigration history which is likely to adversely affect the application in question.

Level 2: Complex applications within the immigration rules as well as applications outside the rules and applications under UKVI's concessionary or discretionary policies or where requests are being made for discretion to be exercised. Applications from clients who have entered the UK illegally or are in breach of their conditions of entry or leave to remain.

Level 3: Work done following the lodging of the notice of appeal against refusal as well as the conduct of specialist casework. Representing clients at bail and appeal hearings before an Immigration Judge.

You should apply for authorisation at the level that reflects your competence and the service you wish to provide.

What if I want to provide immigration advice at Level 1 in some categories and at Level 2/3 in others?

If you wish to operate at different levels for different categories of advice, you should complete a Competence Statement at the highest level for any specific category. Therefore, if you are applying for Level 2 in the category of Immigration, but Level 1 in Asylum and Protection, then you need only complete a Level 2 Competence Statement.

You can apply to move up levels in the future, but will have to submit a new application and may have to pay a further fee.

Is my authorisation transferable to another organisation?

Your authorisation with the Commissioner is not automatically transferable to another organisation.

If you leave the regulatory scheme and return to either the same organisation or a different entity within 6 months, the organisation does NOT need to submit a Competence Statement on your behalf, you are not required to undertake a DBS check and provide identity documents or proof of right to work (unless you have leave to remain in the UK that has expired in the interim period).

The organisation must include your details as an applicant as part of an Application for Registration if it is at the application stage or contact their OISC caseworker to inform them of your appointment if they are already in the scheme. In the above scenario, you will not be required to undertake a Competence Assessment unless issues of concern were raised regarding your competence when previously authorised.

If you reapply for registration and have been outside of the regulatory scheme for over 6 months, you must submit a new adviser application and Competence Statement through your organisation and wait for the Commissioner to approve the application. You will also need a new DBS check.

Furthermore, if it has been over 6 months since you were last regulated by the OISC and more than 2 years have elapsed since you sat a Competence Assessment, you will be mandatorily reassessed with the requirement to pass the test as detailed on page 10 of this document before any authorisation to provide immigration advice and services is approved. Please note that the Commissioner reserves the right to retest returning applicant advisers where issues of concern were raised irrespective of how long they have been outside of the regulatory scheme.

In all of the application processes outlined above, the applicant must wait for the Commissioner to approve the application before they can provide immigration advice and services on behalf of the registered organisation.

Data Protection

The OISC is registered with the Information Commissioner under the terms of the General Data Protection Regulation and Data Protection Act 2018.

The Commissioner is a data controller in relation to the information received by her for the purposes of her functions under The Act.

Section 93 of The Act, prohibits the disclosure of information received by the Commissioner except with lawful authority, including where disclosure is necessary in the public interest.

The Commissioner may, for example, take the view that, in all the circumstances of a case, disclosure to an elected representative, e.g. an MP, is necessary in the public interest.

Organisation and contact details may be used by the OISC and its agents to contact advisers about OISC related matters.

Information held by the OISC is not passed to others for marketing or similar purposes.

The OISC publishes details relating to registered organisations on the OISC register and adviser finder. These include a contact name, the address of the organisation and the names of all advisers at each organisation. If you do not wish such details to appear please advise us in writing as soon as possible.

For further information on how the OISC process data, please see the OISC Privacy Notice at <https://www.gov.uk/guidance/oisc-privacy-notice>

If you've understood everything so far, you are now ready to complete the application form

Go through each section providing as much detail as possible, completing the tick boxes where appropriate.

It is essential that you give us as much detail as possible about your organisation so that we will gain an understanding of the way your organisation will operate. This should reduce the time your application will take to process.

We have provided 'Model Documents' on our website to assist you with our requirements.

The answers and documentation you provide must accurately reflect of the way you intend to work.

Guidance for completing required documentation is on the following pages and also can be found with the Model Documents on our website.



Application Documentation and Information Guidance Notes

Competence

Code 5

See application form page 16

Code 5 says organisations and must act competently when giving immigration advice or services.

Guidance on what knowledge and competence is required at the different levels and categories can be found in the Guidance on Competence.

Each adviser who wishes to provide immigration advice and services must complete a Competence Statement and sign the declaration (unless previously registered with the OISC within the last 6 months). Please be sure you indicate clearly the Levels and Categories in which you are applying.

The Competence Statement is an opportunity for an adviser to provide evidence of the knowledge, skills, training and experience they have that prove that they are competent to give advice. The more detail that is provided, including dates, details of courses and the types of applications the adviser has worked on, the quicker the statement can be assessed.

If you do not submit a Competence Statement providing this information, we cannot be satisfied that you comply with Code 5.

Client Care Letter

Codes 23-26

See application form page 16 and model document on website

Code 23. An organisation must provide all prospective clients with a client care letter.

A prospective client is someone, for example:

- with whom an adviser has had an initial consultation; and
- there is an expectation of a continuing professional relationship.

This person can be distinguished from someone who asks one-off questions and who has no expectation or gives no indication of intending to, instruct the registered organisation or adviser further, for example where an individual attends a drop-in advice centre.

Code 24. The adviser must take reasonable steps to ensure that the prospective client understands the contents of their client care letter before being asked to agree it. The organisation should not do any further work until the client care letter has been agreed, other than in exceptional circumstances.

Code 25. An organisation must keep a record of the client's agreement to their client care letter either by way of a signed and dated copy of the letter or evidence of their agreement electronically.

Code 26. A client care letter must contain:

- a. a statement identifying the client for whom the organisation is acting;
- b. a statement of the client's immigration status, if known;
- c. full details of the client's instructions, advice given and the work agreed to be done with estimated timeframes;
- d. confirmation of the costs estimated or agreed;
- e. confirmation that if client money is held by the organisation on behalf of the client, such money remains the client's until the client is invoiced and payment is due;
- f. information explaining what, if any, additional costs may be incurred for which the client may become liable;
- g. contact details of the adviser dealing with the matter including their name, address, telephone number and email address;
- h. confirmation that if the client is required to hand over any original documents to the

organisation, the client will, if necessary, be given copies of those documents as soon as reasonably practicable;

- i. the organisation's complaint-handling procedures;
- j. all other terms and conditions of the agreement, and, if online selling regulations are relevant, the client's protections under relevant legislation;
- k. confirmation that the organisation is regulated in the UK by the Commissioner and that the Commissioner has the power to examine the client's file; and
- l. confirmation that the organisation retains full responsibility for all work done on behalf of the client.

Client Closure Letter

Codes 46 & 47

See application form page 16 and model document on website

Code 46. On completion of a client's case an organisation should provide the client with a written statement including the following information:

- a. confirmation that the case has been completed including a statement of the case's outcome and implications. This should include any dates or restrictions on the client's leave, if known;
- b. a list of the original documents returned to the client; and
- c. a final financial statement, if appropriate.

Code 47. Where the client's case has not been completed, but the client has withdrawn their instructions or the organisation has decided to withdraw from the case, an organisation must make every effort to provide the client with a written statement including the following information:

- a. confirmation that the case has been completed including a statement of the case's outcome and implications. This should include any dates or restrictions on the client's leave, if known;
- b. a list of the original documents returned to the client; and
- c. a final financial statement, if appropriate.

Codes 46 and 47 apply to all clients who have been issued with a Client Care Letter in line with Codes 23 to 26.

Running the organisation

Codes 49 to 51

See application form page 17 and business plan model document on website

Code 49 says organisations must have and effectively apply appropriate management structures, governance arrangements, processes and policies to support and maintain a viable and sustainable business. These must be available for inspection by the Commissioner.

Code 50 says organisations must inform the Commissioner of the individual who has specific overall responsibility for those who give immigration advice or immigration services within their organisation.

Code 51 says organisations must have a business plan for its current business year together with cash flow/funding projections.

The business plan should set out the aims and objectives of the organisation and how the organisation plans to meet them. These should be divided into the short term, for the next year, and the long term, for the subsequent two years.

The business plan should be reviewed annually.

Constructing a business plan

You will need to consider the following and may wish to include within your business plan:

- The short-term objectives of your organisation
- The organisation's objectives for the subsequent 2 years
- Details of the individual who has overall responsibility for those that give immigration advice or services
- What research your organisation has undertaken regarding the immigration sector/environment it will be working
- How your organisation's financial stability will be sustained now and thereafter
- The internal strengths of your organisation
- The internal weaknesses of your organisation
- The external opportunities of your organisation
- The external threats to your organisation
- How much will you need to invest in training
- Financial requirements/Cash flow – During start up and thereafter e.g. buying computers, renting a business premise, staff salary, advertising costs.

Professional Indemnity Insurance

Code 52

See application form page 17

Code 52 places an obligation on organisations to have adequate professional indemnity insurance cover in respect of any civil liability incurred in relation to their work and advice services.

To demonstrate you comply with Code 52 it is not necessary at the application stage for insurance cover to be activated, although no application can be approved until it is. You can submit an insurance quotation to show that your insurance is ready to be activated.

If you do not supply your insurance quotation or your insurance schedule and certificate, we cannot be satisfied you will comply with Code 52.

Please note the Commissioner recommends cover to be at least £250,000.

PII and Client Care Letters

If a client is not satisfied with the immigration advice and services provided, they are entitled to raise their concerns with the regulated organisation. Code 26 requires advisers to include details of their complaint-handling procedure (see Code 79) in the client care letter they issue to all clients. The OISC strongly recommends that advisers also include in that letter information about their PII. The model letter on the OISC website includes the following suggested paragraph:

Professional Indemnity Insurance

The OISC requires you to have Professional Indemnity Insurance (PII). The purpose of PII is to cover any compensation you may need to pay to correct a mistake or to cover any legal costs due to negligence, misrepresentation and/or inaccurate advice which may cause, or contribute to, financial or other loss to the client.

Fees and accounts

Codes 58 to 69

See application form page 18 and model document on website

Codes 59 to 61 state that organisations must have a written fee scale, which must be authorised by the Commissioner and must be produced to the Commissioner on request. The Commissioner must be informed in writing of any proposed changes to that fee scale and the organisation must await authorisation from the Commissioner before implementing any changes.

Code 61 place obligations on organisations to charge fees that are reasonable that directly relates to the work done and must not charge for work that is unnecessary or unauthorised by the client.

We suggest you give consideration to the following points when drafting your organisation's fee scale:

- You should draft your fee scale with consideration of the principles outlined in Codes 59 to 61.
- The OISC will take a serious view of fees that it may consider too high.
- The range of payment options available to clients (i.e. cash, cheque or, where appropriate, credit card or electronic payments) can be included on your fee scale.
- Discounting and refund policies can also be offered to clients where appropriate.
- We recommend that you charge a fixed fee for your services except in exceptional circumstances.

Procedure for handling complaints

Code 79

See application form page 19 and model document on website

The information below provides guidance on what the Code relating to complaints mean and what the Commissioner expects you to do with regard to complaints handling

Code 79 says organisations must have, and effectively apply, a written procedure for the handling of complaints approved by the Commissioner which includes a statement informing clients that they have the right to complain to the Commissioner at any time.

Your complaint procedure should define the timescales involved for investigating and determining the complaint, as well as the name of the person responsible for any complaint. It must include details of the OISC's complaints scheme and be clear that the client can complain directly to the Commissioner at any time.

A good complaints procedure should include, but is not limited to, the following:

- Details of how to complain to the registered organisation;
- Details of how to complain to the OISC;
- Details of who to complain to at the registered organisation;
- Details of timescales for acknowledging and investigating complaints;
- Details of how complaints are investigated;
- Details of how a complaint investigation will be communicated to a complainant;

- Details of the potential action that may be taken following a complaint; and
- Details of how complaints will be recorded in a central complaints log held by the registered organisation.

For further detailed guidance, please refer to the OISC Model Documents at <https://www.gov.uk/government/publications/oisc-model-documents>.