

Responses to the Initial Consultation to amend the *Code of Standards and Commissioner's Rules*

November 2013



Annex A

1. Do you think the next version of the <i>Code</i> and <i>Rules</i> should generally take a principle-based approach or prescriptive approach? Please explain which of these approaches you favour giving your reasons.	Response/Comments
1st Call Immigration Services	Prescriptive approach is preferred as this leaves less room for error and potential breaches. As with any law, it can be interpreted differently by different people.
A&B Immigration Ltd	Due to the wide range of organisations that The OISC regulates, their nature and their diversity, it is necessary for The OISC to generally take a more prescriptive approach. This approach avoids any confusion or misinterpretation as it sets out in detail specific standards and what regulated persons are required to do. The regulated persons need to be very clear about what the Code and Rules state and indeed where the boundaries are. This will enable them to work more efficiently in accordance with the Code and Rule whilst acting with integrity and remaining fit for purpose.
Adhikary Legal Consultancy	I favour principle- based approach.
Almond Legals	The next version should take a prescriptive approach with underlying principles. The basis of such Rules or Codes should be properly defined an attached as appendix to the Rules etc
Arde Leigh LLP	Principle based
ASG Immigration Limited	We feel that it would be best not to choose one approach or the other absolutely but would prefer to see a balance. As a general rule, we prefer principle-based regulation because that retains flexibility and can help to allow for the significant variations between different organisations, the variations of level and type of experience between one adviser and the next and for the very different requirements of a varied client base. There is a significant difference between a case involving, say, a private client in a vulnerable situation and with little money at their disposal to pay for advice and, on the other hand, a high net worth individual involved in a relatively straightforward “business immigration” case who may be very far from being described as “vulnerable”! It should be borne in mind that over-the-top prescription can be as burdensome to a client as it can be to the adviser, especially where their case is urgent and they want advice immediately. Of course, a principle-based approach needs to be backed up by the ability of the OISC to take action in the case of an adviser or organisation that has clearly / repeatedly chosen to twist a particular interpretation to suit their own ends to the detriment of the client or who clearly has woefully inadequate procedures in place to meet the principles set out in the Code. The Guidance on Competence could be extended to give practical examples of how policies and systems might be established in different types of organisation. This would be helpful to those with good intentions who generally want to get things right but need assistance and, in the case of an adviser/organisation that simply hasn’t bothered, would prove useful as it would/should nonetheless be clear from the Guidance what was expected of them despite the lack of prescription in the Code. It might also be useful to have a mechanism for the OISC to impose more prescriptive measures on those who are shown to have inadequate processes. A principle-based code provides space for good quality organisations to formulate good quality policies and processes that provide for the best interests of the clients and the advisers while nonetheless “fitting” the nature of the organisation. It is also useful in the case of a team of advisers based within a larger organisation that already has similar processes and systems in place for the protection of clients and the management of a professional caseload (as might be the case, for example, with a team of advisers working within

	<p>a reputable accountancy practice). Consider also that, if too much emphasis is placed on a prescriptive approach, this can lead to the ludicrous situation of an organisation that has achieved good results and has only highly satisfied clients being criticised for non-compliance with prescriptive minutiae, while a rogue organisation with numerous complaints made against it might be harder to criticise because it has complied with various rules in form but not in substance.</p>
ASJ Immigration Advisors	Prescriptive Based: Prescriptive rules provide more certainty and clarity
Aydin Visa & Translation Ltd	Principle - based
Bar Standards Board	<p>The Bar Standards Board (BSB) has been in the process of revising its existing Code and recently a new Handbook for the Bar has been approved by the Legal Services Board (LSB). Unlike the existing Code (as described in the consultation document) the new Handbook seeks to remove unnecessary restrictions and prescription where possible, and instead takes a more outcomes focussed approach. However, detailed prescriptive rules still exist in parts of the Handbook but only where it is absolutely necessary in order to provide clarity to the Court, public and profession.</p> <p>The BSB would suggest that the OISC adopt a similar approach and adopt a principles based approach, adopting prescription where necessary.</p>
BID	<p>The approach currently taken by the OISC would seem to strike broadly the right balance, and any adjustment of the rules should focus on each rule, so as to decide whether or not a principled or a prescriptive approach is warranted. We have dealt with this in more detail below, and will also comment when OISC publishes the second consultation document with the proposed new version of both the Code and the Rules in 2014.</p> <p>BID acknowledges the need for a degree of flexibility given the wide-ranging nature of the organisations, and the areas of Immigration and Asylum Law that the OISC regulates. We would however sound a note of caution. BID would be concerned if the OISC were to “lean more” towards a principle based approach to the next version of the Code and Rules, as described in paragraphs 11 and 16 of your consultation document. On balance BID favours the maintenance of a prescriptive approach in specific elements of the Code and Rules where that approach is currently used.</p> <p>The consultation document notes that a prescriptive approach “sees codes as containing specific standards that must be met which, when complied with, will produce the desired professional ethical culture. A principle-based approach, on the other hand, moves away from detailed rules and instead sets out general outcomes thereby giving responsibility to the regulated to decide how best to undertake their activities”</p> <p>It is worth restating here that users of immigration advice generally are more likely to have poor or non-existent levels of spoken and written English, and are often even less familiar with purchasing and using legal advice and with legal systems than British citizens. Our experience supporting clients who have made complaints about solicitors’ work is that these immigration advice users are poorly equipped to make and follow through complaints about either the content or delivery of that advice. Immigration detainees are of course additionally vulnerable and isolated.</p> <p>The consequences of poor advice, or poorly administered and delivered advice, in the area of immigration law have the potential to be severe and life-changing.</p> <p>Because of the unique vulnerability of immigration advice users, and the potential magnitude of the consequences of poor immigration advice, BID believes it would be essential for the OISC to maintain its current prescriptive approach in the relevant areas of the Code and Rules.</p> <p>It is not clear to BID what would be gained - in broad terms – either by advice users</p>

	<p>or advice providers were the OISC to take steps towards principles-based regulation.</p> <p>BID believes it is essential is to make sure that on the one hand the principle of protecting the best interests of the client is understood by all, while ensuring that minimum standards reflect or explain how this principle is to be met, by either being defined in a rule or explained in separate guidance.</p>
Brent Women's Advisory Resource Centre	The next version of the Code and Rules should generally take a principle based approach because the term principle relates to 'A rule or Standard, especially of good behaviour'. The OISC operates on good practice and therefore should maintain the principle based approach of its aims and objectives in relation to the Codes Rules for organisations to comply with when dealing with clients.
British Red Cross	I think a general principle based approach would work better, though some codes and rules may need to be more prescriptive
China Resolved International	principle based
City Law Immigration Ltd	Prescriptive approach is best as rules and regulations are stated in black and white and it easier to assess whether the rules can be met.
CORECOG	Principle-based as prescribed approach could be change and criticised as being personal
Dearson Winyard International	We believe a mixture of both - some broad principles are necessary but these should be underpinned by some prescriptive requirements. In general we are in favour of the principle-based approach to allow interpretations to be varied whilst assuring client protection.
de Prey Consulting	I like the ideas proposed in the consultation, of a generally principle-based approach but prescriptive where needed. I found the prescriptive items such as the client care letter, client account etc. very help when setting up my business, as I would not have thought of all the detail myself had it not been prescribed.
DKN Immigration Law	A Prescriptive approach. This approach is easy to explain to people of their duty and to help them fully understand when something is unacceptable.
Dover Detainee Visitor Group	Principle-based approach, because a prescriptive set of rules cannot cover every potential set of circumstances. Knowing the principle behind a rule or standard permits advisers to adapt to changing circumstances.
Dreamland Consultants & Immigration Law Services	It should be principle based because I think the codes and rules should be visualized in the context of ethical, moral and other essential values.
Exegesis Limited	Principle-based preferred. It is more appropriate, bearing in mind the widely variable nature of immigration services, and is consistent with a risk-based approach to regulation.
Faculty of Advocates	We take the view that there should be as much simplicity and as little duplication as possible. We consider that in general there should be a principled-based approach but that there will be some areas where a prescriptive approach will be necessary (as addressed below). However, this is a matter of drafting and ought not to detract from the fact that these are requirements imposed by the Code. In general our view is that anything that advisers require to do must be in the Code as a single document. If it is proposed to relieve advisers of certain burdens and to contain these as guidance only these should be contained in separate guidance.
First Permit Limited	The nature of the Code and Rules mean that a combined approach is likely to be required but we would prefer a mostly principle based approach as in the legal services sector.

Global Immigration Solutions	I would favour a principle-based approach rather than a prescriptive one, because there are more ways than one to skin a cat! There may be a number of perfectly acceptable ways of achieving an objective, and it would be restrictive and demotivating to take away the freedom of individual practitioners to choose the method that works best for them.
GOK Immigration Service	I think the best approach is the prescriptive approach as I believe this offers the desired professional ethical culture. I believe in this way provides all regulated persons to meet the specific standards and therefore the regulator is performing exactly what it is required to do.
H&P Associates Limited	I believe the next version of the Code and Rules should be a combination of both principle-based and prescriptive. The meaning of the Codes and Rules must be unambiguous and clear to provide certainty over what is required.
Hackney Marsh Partnership	principle-based > less complex and easier to decipher and thus adhere to
Home Office	I will begin by commenting on Section A and whether the Code and Rules should lean more towards a principle-based or prescriptive approach. This issue raises a number of interesting options and my view here has been guided by the success that the OISC has had in its role as regulator. The current Code and Rules do set out what is required of advisers and therefore form a basis for determining behaviour that is not acceptable. Whilst the current Code and Rules do not wholly follow a prescriptive approach the balance currently applied in those documents is more prescriptive than principle based. There does not appear to be a clear need to move away from the current approach, which leaves the regulated advisers no basis to interpret what is required. The OISC plays a vital role in ensuring that those who give immigration advice or services are fit and competent and any new structure or approach will have to match the standards set and be able meet the challenges ahead. I consider that a prescriptive approach acts a specific guide for those operating within the regulatory scheme. This prescriptive approach is also consistent with the methods to ensure fitness and competence of advisers.
HOONA	I believe that a combination of these two systems should be taken in the next Codes and Rules. For some codes, there should be explicit rules and regulation to avoid any possible abuse or misinterpretation but in others, specific regulations only tie hands of the adviser and make running the business difficult that this may itself leads to more abuse and attempt to bypass the rules.
IEP Management Ltd.	The next version of the Codes & Rules should take a generally principle based approach. Every company is different and to take a prescriptive approach across all codes would not enable companies to operate in the most flexible manner to suit their organisation. The Codes & Rules provide a framework and stipulate the practices and procedures and outcomes required by the OISC and providing organisations and advisors work to these principles they will be able to demonstrate compliance and best practice. I do agree however that there is a necessity for some points to continue to be prescriptive where a specific outcome is required.
ILPA	A prescriptive approach. In our experience, a prescriptive system of regulation makes it easier to explain to people what their obligations are and to help them understand when a particular course of action is unacceptable. ILPA has found that the Solicitors Regulation Authority's move to "outcomes based regulation" makes it harder to have discussions about the proper course of action to take in particular situation and that very frequently all involved fall back on discussion in the terms of the previous code. This is our experience with solicitors. A regulated immigration advisor does not have to undertake either the academic or vocational stages of training undertaken by the Bar and by solicitors and thus the burden on the regulatory regime to ensure that advisors competency discharge their duties toward clients and the tribunal is a heavy one. ILPA is frequently approached by persons wishing to become regulated immigration advisors and we recognise that these persons come from a range of backgrounds. Some have a law degree or are foreign qualified lawyers. Others have

	<p>no formal qualifications at all. Some have worked and/or continue to work with refugees and migrants, as translators, community workers, social workers etc. Others have never worked with this client group before. As set out in the consultation paper, the organisations regulated by the Office of the Immigration Services Commissioner are a diverse group, the consequences of poor advice can be very grave and it is often the case that those seeking such advice are reluctant to challenge their advisors. A prescriptive requirement such as Code 7</p> <p>7. An adviser must keep a clear written record of all advice given, all work done, all transactions made on behalf of each client and all fees paid by each client, where fees are taken.</p> <p>is in our opinion preferable to a general statement that advisers should keep records, and a time limit such as Code 35</p> <p>35. Upon the adviser being notified of any significant event they must promptly inform their client in writing and at most within three working days.</p> <p>is preferable to a statement of aspiration that advisors must notify clients promptly.</p> <p>The Office of the Immigration Services Commissioner's latest Annual Report has emphasised the difficulties that the Office has faced in assessing how Level 1 advisers might upgrade to level 2 or 3, and in recognising the higher levels of competence needed and we consider that lessons can be learned from this work.</p> <p>**The OISC regulates a disparate group of organisations, ranging from small voluntary groups to large and profitable commercial organisations. While a one-size-fits-all approach is not appropriate for all matters it is for those relating to the standard of knowledge and probity that all organisations should have.</p>
Immigration and Work Permits Consultancy (IWPC)	We are in taking a principle based approach which we believe, is as much workable, as the prescriptive approach is or going to be.
Immigration Consultancy & Training Bureau	I favour the principle based approach. I took part in the OISC community training programme as a trainer from 2000 to 2005 when funding dried up. I learnt from delivering training on "Professional Conduct" that there is no one corrects approach or response when faced with ethical issues in Immigration. A prescriptive approach lacks the flexibility required to deal with developing and changing situation. It is impossible to have a full or exhaustive list of situation in a codified form. As an ex-police officer, my powers of arrest were premised on "reasonable suspicion" in addition to a list of "arrest able offences". A check list would have been a fetter on the noble duty of crime prevention and rules/codes are in place to check police excess. The operation of the PBS devoid of any discretion came under sustained attack from practitioners, academics and the judiciary because of the ridiculous anomalies that resulted, but more importantly because we are here dealing with people not things. The result and SSHD would not admit this, is the introduction of the "Evidential Flexibility Policy" to cushion the worst of the rigidity of the PBS. A principled approach is based on logic and common sense; a prescriptive one is based on speed, clarity and uniformity. The former is more suited to the field of human endeavour, the later to commercial enterprise.
Immigration Nationality Education Employment Consultancy Services (INEECS)	It should be principle based only
Instant Immigration Service	In my views it should contained both Principle-based and prescriptive- based
Islington Law Centre	A prescriptive approach.

	I think a prescriptive approach makes it clearer for people to know what their obligations are and to know what course of action they are supposed to take. If advisers know exactly what they are required to do it is clear to all what codes as containing specific standards must be met. This will lead to a professional standard being met by all. By having a prescriptive approach this will lead to less complaints being made about poor standards of advice as all advisers will be required to follow a particular course in what they are required to do. As OISC regulated those from such a wide range of backgrounds, knowledge and experience a prescriptive approach will make it easier and more manageable for the OISC to regulate. Even though there is now a preference for regulating mostly by principles I do not think that OISC should follow suit. A prescriptive approach will enable all advisers regulated by the OISC to be seen as regulated to a high standard and as such be respected as those regulated by the Bar Council and SRA.
Jackson Immigration Advisory Service Ltd	I prefer Prescriptive because it sets the standards across the organisation.
J'Leon Owen & co	Prescriptive approach principle- based approach. It tends to set out the expectation of those regulated and thereby work towards those goals.
Johnson Mackenzie Ltd	Prescriptive approach
Just Immigration Services	Principle based approach is more amenable to prescriptive approach in its flexibility.
Kamp Consultancy Ltd	Principle
Keystones Consulting	Prescriptive approach is clearer and will be friendlier towards practitioners in terms of compliance work. I reckon that the Commissioner should make the Code and Rules easy to follow and to prevent the Code and Rules being abused by rogue advisers. I think prescriptive approach should be taken.
KPMG	There should be a mixture of both. The core aspects of the codes (e.g. only registered advisors can provide advice and what constitute advice) should be prescriptive whilst other areas of the code should be principle based so that they can be applied to cover different types of organisations.
Lawson Hunte Immigration Services Ltd	Section A I think that there should be one document for the codes and rules which should in the main retain the principled approach. This should be supported by guidance. The importance of maintaining credibility for our profession is vital. As we provide legal services and other regulators do favour the principled approach - we should mirror this methodology. Our standards are what define us and give us any credibility. It is imperative to create and maintain credibility for longevity of our profession. It is therefore important to us that our rules or codes produce quality outcomes comparable to that of other regulated legal professionals. I do not believe that prescriptive codes are applicable to control and regulate immigration advice professionals. Flexibility of operational method cannot and should not be permitted.
League for Human Rights	I am in favour of adopting a principle-based approach, not least for predictability.
Leone Consultancy	Prescriptive : allows clarity and uniformity for the profession
Levetron Limited	I think the new Code and Rules should be a combination of the both, it should be principle based while prescriptive to bring out the best standards of practice amongst the Immigration Advice Practitioners.
Lifeline Options Community Interest Company	I prefer a principle-based approach augmented by reference to some mandatory requirements. The principle-based approach focuses more successfully on outcomes and the means to achieve them and this is better adapted to the aims of

	immigration advice-giving.
LONDONBYHEART	Principle -based
M B Law Practice	Prescriptive based approach is suitable for some codes as it examines what can be achieved realistically, while some codes and rules are best principle based, so that the OISC can still regulate whether an adviser is acting in the interest of the client.
Manuel Bravo Project	A principle based approach allows more freedom for organisations such as ours who operate differently from the majority. E.g. we only do asylum appeals and fresh claims and we do not charge any fees. However, a prescriptive approach ensures that we know we are not acting outside the law and provides some security there. I would opt for a mixture.
MAR Immigration Advisory Services	The next version of the Code and Rules should generally take a principle-based approach.
Migrants Resource Centre	I prefer a Principle based approach, following the SRA experience.
Mugo & Co Legal Consultants (UK)	Principle -based will give advisers flexibility in implementing the codes in question.
Mutebuka & Co	A mixture of the two is more appealing - which would involve striking a balance between the two approaches.
Nova Legal Services Ltd.	We would support an updated Code that is truly principles based and very alive to the risk of imposing additional cost by being too directive. Advisers/organisations to be required to have regard to the requirements of the Code, but to have flexibility and freedom in how they meet them. This flexibility is important to ensure that organisations are responsive to the varied needs of the businesses. To assist advisers/organisations in applying the Code, we propose that it should be supported by practical tools and examples of good practice about how the requirements of the Code are being delivered. This may include guidance on the Code and how it can be applied in practice. However we would be concerned if the guidance was too detailed or prescriptive.
Onnuri Planning Ltd	prescriptive approach
Osewuska Immigration Advice Service	to take a principle-based; in order to establish some sort of certainty principle based
Pasha Immigration	I would favour a prescriptive approach. This is because advisors are from various backgrounds and have varied levels of understanding/skills (level 1, 2 and 3). Therefore the codes and rules need to be very clear and unambiguous. So a prescriptive approach would simplify the interpretation of the codes and rules.
Peer & Co.	I believe you cannot take one approach to the exclusion of the other. Both go hand in hand, there should a generalised Principle based approach in conjunction with a prescriptive approach based on the case at hand.
PERMITS2WORK	Scope for both approaches where necessary depends how the prescriptive points are to be measured and met?
Purple Star Consultant Ltd	principle-based approach More flexible, efficient and fair
QC Immigration	Principle-based
Rozijo	The Regulator needs to take a next version into a different level. Codes and Rules should address the functioning of an Adviser and at which level, Though ALL need to work towards the Interest of Client as must, but one set to define ALL three levels is not the best. The next version should be mix of both [principle-based and

	prescriptive] BUT will recommend more of principle based.
S Gardner & Co	Prescriptive approach - which would be clearer on the law, direction and its usage.
Scottish Refugee Council	Immigration advice is a particularly complex and changeable area of law. It is essential that immigration advisors receive appropriate training and are robustly regulated. To that end, we favour a mixture of both principle-based and prescriptive approaches. Due to the nature and complexity of immigration advice, a prescriptive approach is not always applicable, and where appropriate codes should be conveyed in a principle based approach. A principle-based approach offers flexibility and avoids a 'one size fits all' approach, and does not try to 'fit' client's circumstances into particular processes. However codes which set out in detail advisor or organisational requirements should remain prescriptive. For example, Code 87 states: 'A client's records must be made accessible to the client upon their request'. Similarly Code 48 states: 'Advisers must have in place a written procedure for the handling of complaints, including a complaints log detailing the complaints received, resolution timescales and complaint outcomes.' Where the Code relates to ensuring a specific process or event takes place, a prescriptive approach is required to ensure transparency and consistency for clients.
Sincere Consulting UK Ltd	I prefer principle-based because it will more straight forward and easier to understand.
SKILLS4COMMUNITIES	Principle based because this approach is suitable, convenient and achievable within the timeframe. It produces the desired outcome more better for example the regulated Adviser may receive training in-house, workshops or accomplishes certain outcomes which give CPD or due nature of job demands and other trainings one is undertake may not achieve all the CPD at the same duration and using this method the Commissioner using this method can make judgement to extend the period subject to personal circumstances of the regulated. This method equally is logical and suitable due to the economics and cuts in the country because it can allow the commissioner make certain decisions like the outsourcing of the services or training without major consultation to save time, money and delay in achieve desired outcome.
Slough Immigration Aid Unit	<p>SIAU is a small charity set up to provide immigration, nationality and asylum advice and representation for the people of Slough and neighbouring areas, and their families, with problems caused by those laws. We provide good advice and representation, for free or at a low cost, for people who cannot afford to pay for representation. Last year we advised 497 individuals and families and represented 69 of their cases to the immigration authorities. We are also concerned about the amount of incompetent or frankly bad representation there is around, as it is so much more difficult to disentangle problems created by bad representation than to start from scratch in making an application or advising on how to do it. Thus we believe that having clear and prescriptive regulatory requirements would be helpful in working towards better advice and representation. People setting up in business for the first time, or hard-pressed voluntary and community organisations, need all the help they can get in setting up viable and useful organisations.</p> <p>When new organisations are set up by non-legally qualified people, having prescriptive guidelines may be particularly important, as they have not had the benefit of the legal and ethical training compulsory for solicitors and barristers. They should also be encouraged to continue to train and to learn, and to recognise their responsibilities to their clients and to the Immigration and Asylum Tribunal. SIAU supports the work of OISC in ensuring that advisers are competent and are able to advise and represent their clients properly. This is particularly important at Level 1 of OISC-regulated organisations. The level of work that can now be done at Level 1 is very complex, and for unqualified people, new to the area, it is full of minefields which can have very serious consequences for their clients if not navigated safely.</p> <p>SIAU supports a prescriptive approach to regulation, based on the principles of competent and honest advice and representation. OISC-regulated individuals and</p>

	<p>organisations, almost by definition, will not hold other legal or professional qualifications and therefore will not be subject to other professional codes of conduct and requirements and may not be aware of them. It is vital that OISC regulation provides a clear framework which enables them to operate efficiently and ethically, and to support them in running their business or organisation effectively. OISC regulates a very varied group of organisations, ranging from small voluntary and community groups to large and profitable commercial businesses. While a one-size-fits-all approach is not appropriate for all matters, it is for those relating to the standard of knowledge and probity that all organisations should have. The consultation refers to 'light touch regulation' from the oversight regulator of healthcare; the horrible events at North Staffs Hospital do not inspire confidence in such regulation.</p> <p>OISC regulation must ensure immigration advisers are competent and act in the best interest of their clients. Advisers must meet the high standards required, and be up-to-date with the rapidly-changing law and practice. OISC's latest Annual Report has stressed the difficulties it has faced in assessing how Level 1 advisers might upgrade their skills and knowledge to level 2 or 3, and in recognising the higher levels of competence needed.</p>
Slough Refugee Support	Both principle-based and prescriptive approaches should be taken depending on the issue being considered. There are certain things, for example, acting in accordance with the law (Code 13) that all advisers must do. Other issues, for example, requirements when advancing to a higher level of immigration advice should be principle based because some organisations like Slough Refugee Support (SRS) work with a specific category of clients.
Smith Stone Walters Ltd	We believe it should be a combination approach of principle-based and prescriptive. Some of the existing Codes & Rules are too prescriptive to be practical so these ones could be replaced by broad principles, leaving regulated advisers to decide what works best in their organisations. However, some of the prescriptive guidance needs to remain, (e.g. what information should be contained in a client care letter).
Softlink Consultants Limited	In my opinion only a principle-based approach may be complex as interpretations could differ. On the other hand, a prescriptive approach may be too restrictive. Hence, a combined balanced approach depending on relevance, which will be easy to follow, may be taken.
Solent Immigration Services	principle-based
SSL Immigration Services	These should have both Principle and prescriptive approach.
Sterling & Law Associates LLP	We favour prescriptive approach as it is more specific and is easier to understand
Suma Law Associates	Prescriptive approach tends to give uniformity.
Supreme Advisory Networks Ltd	<p>I think the next version of the Code and Rules should take prescriptive approach as the basis and incorporate principle based indicative outcomes as expected from the advisors/firms.</p> <p>We understand that a prescriptive regulatory code details exactly what regulated persons are required to do. And it is the best thing where a governing body can enumerate the list of do's and don'ts. And it sets the specific standards that are required to be met to demonstrate compliance and a desired professional ethical culture. This also makes convenient for the advisers to understand what is expected from them in terms of obedience and compliance. We think that wherever possible, the prescriptive regulatory code must be used to ensure all necessary compliance. All must be things can be enumerated in the same document.</p> <p>In a principle based approach, general outcomes are set to stimulate ethical responsibility in the establishment aspiring to stay regulated. Herein no detailed rules are specified which means it mostly depends on the establishment's own</p>

	<p>interpretations. And in the absence of any specified rules, an establishment may perceive the desired attitude and aptitude arbitrarily leading to a totally different interpretation. This interpretation, though not acceptable at the outset, might not be straightforward to refute too. Such a situation can lead to 'Status quo', making governing body unable to take an action where required. It is quite understandable the way legal services sector regulates their entities. However, an entity purely working on the basis of principles does get an opportunity to walk away from the "do's" and "don'ts" which would rather have been enumerated. My opinion is that any individual, who is a subject of any legal proceeding/immigration matter, is absolutely vulnerable beyond any doubts. And to protect them, the actions taken by legal firms/advisers must be like an air tight system setting up a boundary that the firm/advisor cannot at all break/divert from. This kind of discipline clearly asks for a 'prescriptive approach' to the extent possible. Nevertheless, in this era of Human rights and relevant open ended laws, no establishment should only be based on prescriptive approach. Also, Legal services sector is a very delicate and complex sector wherein a party might end up being even vulnerable if delivered reckless services.</p> <p>And for this reason, I think OISC should incorporate principle based approach too in formulating Codes and Rules. These can be incorporated in the form of provisions based on indicative outcomes expected from the organisations/advisors. OISC might by now have a list of instances and incidences that ask for use of a principle based approach. Such provisions can be incorporated into the document in the form of indicative outcomes allowing advisors to delineate without conflicting the interest of parties engaged.</p> <p>There should be an appendix :</p> <p>A. Indicative Outcomes at large: This should be discussing the principal/indicative outcomes at large supported with illustrations and real experiences.</p> <p>B. Risk Assessment report: It can also have a section of detailed and continuous risk assessment. Every now and then unusual circumstances come up in terms of legal cases and based on the same instances, OISC can produce a report of incidences existing in varied organisations from time to time and identify new areas of risk. Such incidences witnessed over a period, can be consolidated and put in to constitute an evidential risk assessment report appended to the Codes & Rules document. This shall lay the foundation for the firm's operations and make their operations and actions air tight. It will reduce diversion from the expected courses of action and generate a more controlled environment for OISC.</p> <p>I therefore find it intelligent to go for formulation of Codes and Rules on the basis of Prescriptive approach while incorporating principle based indicative outcomes too.</p>
Thakerar Consultancy Services	PRESCRIPTIVE - There is no standardised entry to the profession; additionally with advisors and clients from vastly different cultural, age range and educational backgrounds detailed list of must dos would assist all.
Topadar Law Chamber	In my opinion the next vision of the Code and Rule should generally take prescriptive approach, because the prescriptive regulatory code sets out in detail exactly what regulated person are required to do.
U. L. Consultants Ltd	I believe the combination of both approaches A combination of both will give an opportunity to balance the commissioners Code and Rules, this will represent all the Code and Rules either prescriptive or principle based.
Uganda Community Relief	Prescriptive approach is preferable as advisors will be able to draw inference from a

Association	detailed description
UK Council of International Student Affairs	We would favour a well balanced approach that is prescriptive when necessary, in order to avoid any uncertainty about what is required, but may be principle based, when there is clarity about what is required of an adviser and/or organisation. We favour the general approach taken in the current Codes in relation to adviser behaviour, for example, 'An adviser must not act in a reckless or negligent manner' (code 20), as opposed to providing a list of negligent actions that an adviser must not do. Such a list may not always be in a client's best interests, as not all eventualities could be covered within the Code.
UK Immigration and Business Advisors Ltd	Principle Based, gives more empowerment to the organisations to make decision depends on the circumstances
UK Immigration Law Chambers	I am of the view that the code should take a principle based approach.
UK Immigration Online Ltd	I think that the next version of the Code and Rules should generally take a mixed approach of both principle-based and prescriptive approaches, due to several reasons. Firstly, each circumstance and individual case is different, as well as that each adviser is equally just as different. A mixed approach would therefore suit and cater for everybody's needs. The codes should generally take a principle based approach.
UK Visa Partners Ltd	I think it would be better to have a combination of both. This will give a clear guidance to all the advisers.
UK Work Permits Ltd	We would suggest that the new Codes and Rules should take, primarily, a <u>Principle-based</u> approach. Creating an ethos of high standard work should be at the forefront of the OISC's agenda. All advisers should seek to practice at a common level of quality across the profession. Specifics of the practicalities of how to run the organisation should take the form of comprehensive guidance, and all aspects need not be codified.
VC Legal UK	Prospective approach
Victory Legal Services	We'll recommend principle-based or prescriptive approach. The reason for this is that there will be a laid down principles and rules to follow for each registered and regulated organisation.
Visa & Immigration Solutions Ltd	Principle-based approach
Visa Link Ltd.	I think the next version of the Code and Rules should generally take a principle-base approach rather than prescriptive approach. It is important to consider the benefits and opportunities that are presented to regulators, advisers & clients more Principles-based approach might assist in achieving the regulatory statutory objectives. And they have more flexibility.
WM Immigration Ltd	Prescriptive rules as they provide certainty and clarity and as a business I know before what the rules are and how they apply to me.
2. Please explain what approach (principle-based or prescriptive) you think the Commissioner should take with respect to the following Codes: a) Codes 19, 21 to 23	

b) Codes 27, 28, 29, 30, 33, 48, 64 and 86 c) Codes 52 to 59, 81 to 86 and 91 to 95	
1 st Call Immigration Services	a - principle b - prescriptive c – principle
A&B Immigration Ltd	a) Codes 19, 21 to 23 (Prescriptive Approach) b) Codes 27, 28, 29, 30, 33, 48, 64 and 86 (Prescriptive Approach) c) Codes 52 to 59, 81 to 86 and 91 to 95 (Principle Based)
Almond Legals	a) Should be prescriptive given that the requirements are germane to effective practice b and c should equally be prescriptive. My previous reasons apply
AS Immigration Advisors	Prescriptive Based
ASG Immigration Limited	<p>There is quite a mix here, so we have broken the groups down further:</p> <ul style="list-style-type: none"> • 19 & 21-23 - We feel that these sections can largely be replaced by a single principle-based section regarding the need for up-to-date knowledge and training, although the CPD requirement should clearly remain prescriptive. Bearing in mind that certain valuable training is provided in-house and in other ways that do not qualify for formal CPD, we feel that the requirement to maintain a training log is also useful. A specific requirement to have an annually reviewed training plan, on the other hand, is not especially useful. Immigration law and practice changes so fast that an adviser relying solely on a training plan set annually would miss a lot! Organisations and advisers need to monitor training on a continuous basis, although this is clearly a principle rather than something that can be pinned down into a “rule”. Organisations also need to be flexible with regard to training, enabling advisers to attend external courses and events as they become relevant / available and ensuring that all advisers are aware of the many practice points that come up every day/week. In-house and “on-the-job” training should also play a key part in maintaining up to date knowledge and best practice, especially in larger organisations. A training plan set for the year can only ever be general in nature and perhaps serves little purpose. • 27 & 28 - Clearly there needs to be a requirement to supervise advisers adequately wherever relevant but the nature of the supervision can vary significantly from one situation to another. For example, a new adviser under training with little relevant past experience would need to have a very close eye kept on them at all stages, with every piece of client communication reviewed by someone more senior/experienced before it goes out. On the other hand, a more senior adviser with several years’ experience who understands immigration law and the general principles of immigration practice but who is taking on a new type of case might safely be trusted to know their own limits and to seek advice from others as needed, with formal review being much less intensive. The current sections of the Code relating to supervision are inflexible and do not take account of these varying circumstances. For example, in the example above where an adviser is only under supervision for one case because it is of a type they haven’t previously worked on, that might not require the very prescriptive 12 hour minimum specified in the code! Similarly, the requirement for random sampling becomes a bit of a nonsense if the supervisor has already reviewed every piece of client advice and communication on every case the supervisee has worked on, as would be the case with a new adviser. It is also somewhat alarming that the Code (at 27e) refers to corrective action as, with proper supervision, the mistakes requiring such correction should probably not have been made in the first place! We believe the Code should set out the general principle, while the Guidance on Competence could provide useful examples with regard to how adequate supervision could be achieved in these different circumstances so it is nonetheless clear to an organisation what might be expected of them. • 29 & 30 - It is obviously of concern that it is even necessary to think about discrimination, although clearly it remains a problem in some quarters. We don’t think there is any harm in retaining a prescriptive requirement to have a written policy if it helps to focus organisations on the issue but our fear is that,

	<p>while organisations without any discrimination problems simply don't need such a policy, those who do discriminate will continue to do so, whether they have a policy in place or not! On balance, we would retain the requirement. We would not, however, expect any organisation or adviser to be obliged to take on any client that approaches them where there might be good reasons not to do so.</p> <ul style="list-style-type: none"> • 33 - We believe the paragraphs relating to the content of client care letters are sensible and balanced as they are and should be retained in the Code. • 48 – We believe that having a central log of complaints can serve a number of useful purposes, both within the organisation and to the OISC when investigating concerns. It is not an onerous burden for good quality organisations that receive few or no complaints and we believe the requirement to maintain such a log should remain. • 64 – Requirements relating to the management of an organisation's client account should remain but this paragraph could benefit from re-writing. Sub-paragraphs a and b make sense but the principle set out in sub-paragraph c is more relevant to sections on fees than to the management of a client account (see also further comment on matters relating to client accounts later in this response). • 52-59 – We feel a lot of this section could be replaced by a principle-based requirement for good management, policy and structure, with examples set out in guidance. Organisations vary and there simply isn't always the need for the level of systemisation, structure and policy-writing that is set out here! Some elements, however, should be prescriptive, such as the requirement to notify the OISC of advisers joining / leaving the organisation and of address changes etc. within a specified time-frame. • 81-86 – We feel the sections on record keeping are sensible and balanced as they are and should be retained in the Code. With regard to 86 in particular, the requirement to retain records for six years should remain a requirement and it makes sense for it to be prescriptive rather than simply a principle. We believe this requirement should be extended to cover what happens to client records/files in the event that an organisation closes down for any reason. A good quality organisation choosing to "wind down", perhaps for reasons of retirement, is likely to make proper arrangements anyway but protections should be in place to secure client records/files to avoid them being destroyed or unavailable after the organisation ceases to exist. • 91-95 – These paragraphs strike us as well balanced and should be sufficient as a principle rather than being pinned down in rules, although we are perhaps not best placed to comment as we rarely use experts or interpreters in our own work.
Aydin Visa & Translation Ltd	<ul style="list-style-type: none"> a) commissioner should continue to provide online CPD and workshops will be appreciated b) The codes of standards are satisfactory in these rules c) we are satisfied with the relevant codes
Bar Standards Board	<ul style="list-style-type: none"> a) The Bar Standards Board has been reviewing its approach to continuing professional development consistent with the conclusions of the Legal Education & Training Review (2013), and subject to LSB approval, we will take a more outcomes focussed approach that focuses specifically on learning outcomes. A proposed new CPD regime is likely to include: <ul style="list-style-type: none"> i. Focus on achieving specific learning outcomes, not measuring the effort (e.g. hours of study) involved ii. Extensive guidance (but not prescription) providing a benchmark against which a barrister's own commitment may be compared iii. Individual responsibility for identifying training and development needs and for their fulfilment iv. Online, contemporary recording and management of evidence by barrister v. Requirement for practitioners to demonstrate effective reflection on the value of the CPD they have undertaken to the needs of their practice vi. Emphasis on risk-based monitoring and supervision

	<p>The OISC appears to be taking a similar approach by maintaining a specific requirement to undertake CPD and placing some of the more specific detailed requirements in guidance. This seems to strike the correct balance.</p> <p>b) In relation to Codes 27-30, 33, 48, 64, and 86 the BSB has retained similar prescriptive rules in the new Handbook and generally agrees with the OISC's approach in these areas. There is no equivalent for the BSB in relation to code 64 (client account), however the BSB is aware that other regulators have in place prescriptive rules in relation to client accounts and client money, which would seem a sensible approach. Code 33 (listing what needs to be included in client care letters) may be something which could usefully be placed in guidance. A rule could be retained stating that a client care letter is required, however the detail of what is needed in the letter could sit in guidance. The BSB adopts this approach in relation to public access cases where barristers are required to provide a client care letter. A pro-forma letter is included as part of public access guidance, however the requirement for the barrister to provide a client care letter is within the public access rules.</p> <p>c) The BSB agrees with the OISC's approach in relation to Codes 52-59, 81-86 and 91-95. In particular the BSB also has high-level rules on the administration of a barrister's practice with more detailed information contained in guidance.</p>
<p>BID</p>	<p>a) Codes 19, 21 to 23 A principled approach would seem to be appropriate in ensuring that advisors understand the need to keep themselves updated in their area of the Law. Serving and protecting the best interests of the client also demands this. The fact that the OISC proposes to retain the prescriptive requirement that advisors must complete a minimum number of CPD points would seem to be sufficient to ensure that the broad principle is supported.</p> <p>b) Codes 27, 28, 29, 30, 33, 48, 64 and 86</p> <p>Codes 27 and 28 relate to the supervision of advisors. The potential problem arising from a principled approach is that this may not adequately convey what is understood to be sufficiently effective supervision. However a principled approach allows flexibility and in BID's case this could include for example providing adequate supervision for volunteers who provide generic advice or who are being closely monitored and trained to accredit with the OISC. But as soon as an advisor has responsibility for advising clients, the need for a prescriptive approach increases, including a requirement for regular file reviews. BID would therefore wish to see a prescriptive approach retained for the supervision of casework staff having direct responsibility for a case. But we would also wish to see the OISC include a principle relating to 'adequate supervision' that reflects flexibility in relation to this requirement where the best interests of the client are met. That may include obtaining prior-approval from the OISC in relation to any arrangements that may not be adequately reflected in the prescriptive rule.</p> <p>Code 30 relates to the need not to discriminate against a client. Given the wide-ranging nature of this requirement, a principled approach should be retained.</p> <p>Code 33 currently outlines the minimum requirements for a client care letter. This prescriptive approach should be retained as it ensures a minimum standard of approach by an advisor towards a client, influencing the expectations arising from both parties during the conduct of a case. If a principled approach is taken, separate guidance should be issued that details minimum standards.</p> <p>Code 48 relates to the handling of complaints. A principled approach can be taken, but with the inclusion of the prescriptive requirement that records of all complaints should be kept.</p> <p>Code 64 should retain a prescriptive approach given that it deals with the way an</p>

	<p>advisor explains costs that are being charged. It is important that any person charging for services understands the minimum standards required to ensure that a client has a clear understanding of the costs arising in a case, and how money in their client account is being used.</p> <p>Code 86 should retain its prescriptive approach in stating that client files should be retained for a minimum of six years. It is important for all organisations and advisors to understand the specific length of time during which they are required to retain client files.</p> <p style="text-align: center;">c) Codes 52 to 59, 81 to 86 and 91 to 95</p> <p>Codes 52 to 59 mainly relate to management practises and structure. The prescriptive approach is helpful in outlining minimum standards for good practice. However a principled approach may be more practical on issues relating to training of staff (also see above re. codes 27 and 28).</p> <p>The prescriptive approach to codes 81 to 86 should be retained as it reflects minimum standards of good practice in relation to records and case management.</p> <p>The issues dealt with in Codes 91 to 95 could be dealt with by either a prescriptive or a principled approach. Sections that are general in nature, where reference is made to 'having regards to' or being mindful of' issues concerning interpreters, could be dealt with by a principled approach.</p>
Brent Women's Advisory Resource Centre	OISC has been using Prescriptive Based approach to develop goals and objectives and determining the step needed to achieve them. This is was Strategic Management is all about. The operational codes should remain under the prescriptive approach but when an adviser breaches the specific code, it then becomes a matter of principle that the adviser should have acted in line with the Codes of Standards and failure to have complied with it, the principle based approach applies. Therefore Codes 19 to 93 should be treated under the prescriptive approach and principle based approach when it comes to a matter of fact that the adviser should have considered his /her failure to act as breaching the OISC Rules which is a subordinate law because it is not statute but the Rules must work within the framework established by the Immigration & Asylum Act 1999 (As Amended)
British Red Cross	a) Principle based b) Prescriptive based c) Principle based
China Resolved International	principle-based
City Law Immigration Ltd	Prescriptive.
CORECOG	All could be principle based
Dearson Winyard International	19, 21-23 Principle based 27 & 28 Too prescriptive 29 & 30 Could be principle-based 33, 48, 64 and 86 Prescriptive 52-59 Should be principle based with guidance giving more details 81-86 Prescriptive 91-95 Too prescriptive, the details should be contained within guidance and give a broader scope.
de Prey Consulting	a) principle-based b) principle-based as long as examples are given in guidance notes (for client care letter, client account etc) c) principle-based
DKN Immigration Law	a) Prescriptive approach; b) Prescriptive approach; c) Prescriptive approach.
Dreamland Consultants & Immigration Law Services	A, B and C all should be principle based.

Dover Detainee Visitor Group	a) principle-based b) principle-based c) principle-based Not every organisation is the same - small and medium and large sized businesses will have very different requirements in terms of policies and supervision. A 'one size fits all policy' is unrealistic and tends to reflect the lowest common denominator rather than encouraging excellence.
Exegesis Limited	Although there can be a case for a prescriptive approach to codes grouped under (b), it should be possible to adequately cover these by a well-drafted principles-based code. I therefore favour a principles-based approach to all elements of the code.
Faculty of Advocates	<p>a) These rules relate to keeping up to date with immigration law and practice. We consider that all these rules should be contained in the Code and the only matters that should be placed in guidance are those which are not required but are optional. If the policy is no longer to require documentation of a training plan, then we agree that could be placed in guidance as an example of how advisers may conduct their business whilst making it clear that there is no requirement to do so.</p> <p>b) We agree that Code 27 remain prescriptive. As for Code 28 (which details the work a supervisor must do in random sampling a supervisee's work) and 48 (requirement for organisations to keep a complaints log), again we consider that if the intention is to make this truly optional it could be moved to guidance, but if these are intended to remain requirements then they should be retained in the Code. We are of the view that Code 29 (requirement to have a written anti-discrimination policy) could be placed in Guidance though we suggest that there is a requirement in the Code for larger organisations to have a written policy. We agree Code 30 should be retained in the Code too. We agree that Codes 33, 48, 64 and 86 require being prescriptive and be retained in the Code.</p> <p>c) As explained above, we consider that if these codes are to be placed in Guidance as is suggested in the consultation paper, it must be clear that these are not requirements and are truly optional for advisers.</p>
First Permit Limited	a) Principle b) Prescriptive except re 28 c) Principle
Global Immigration Solutions	<p>a) Training: I think compulsory CPD is a good idea and should be kept, though only for core CPD - non-core should be the business of the individual. Other than that I again prefer a principle-based rather than a prescriptive approach - it is not, for example, necessary to keep a written training plan to know one's areas of weakness.</p> <p>b) I am not sure I understand the rationale for lumping all these together, as they seem rather disparate to me. Re: supervision - again, I find this too prescriptive, particularly with regard to supervising a person who is themselves at level 3, and therefore judged as competent as the supervisor. Re: equality - surely this is covered by legislation? However I think it is good practice to keep it in the codes, as a reminder. Re: client care letters - I think they are essential to protect both parties, and think the code is fine as is, even though it is quite prescriptive. The rest of the codes in this section are all principle-based and I do not think they need any change.</p> <p>c) I would favour a more principle-based approach than that currently in place, so that individuals had more control over the internal running of their organisations (52, 53, 56, 57, 58, and 59). I think it is perfectly reasonable that the Commissioner should be informed of changes in staff and business premises, so would not advocate a change in those codes. 81 - 86 are in general fine as they are, I think. Re: experts, the approach is already loosely principle-based, other than the prescriptive requirement to have a written procedure on how experts are selected.</p>
GOK Immigration Service	Prescriptive approach should be taken for all.

H&P Associates Limited	Code 19 could be prescriptive with Codes 21 and 23 being principle-based (particularly in light of the online CPD training facilities now available which can be recorded quite easily by each Advisor. Codes 27, 28, 29 and 30 should be principle-based base. Code 33 should be prescriptive providing details of work to be undertaken and clarity of fees etc. Codes 48, 64 and 86 should be prescriptive and Code 86. Codes 52-59, 81 to 86 and 91 to 95 should be principle-based.
Hackney Marsh Partnership	principle-based
IEP Management Ltd.	The Commissioner should take a principle based approach to the above codes which are all based on best practice which organisations/advisors regulated by OISC should already be meeting.
ILPA	<p>See response to question A2.</p> <p>As to a) ILPA considers that a prescriptive approach will best serve the objective of attempting to ensure that very disparate organisations with different levels of expertise, knowledge and awareness, and different client groups provide the best possible service.</p> <p>ILPA declares an interest as to the provision of training as ILPA provides training and earns revenue from this. ILPA has no monopoly on training and an OISC-regulated advisor may fulfil all training requirements without receiving ILPA training.</p> <p>In ILPA's view, the requirements as to training should remain prescriptive as to the numbers of hours required and the areas of practice which these should include. The Office of the Immigration Services Commissioner should retain the power to check that advisors have done the training that is required and that the training is appropriate to their needs of their work. We consider that the same points apply to training to achieve accreditation at a higher level.</p> <p>As to b) we agree with what is said in paragraph 32 of the consultation paper. As to paragraph 33, we consider that a written anti-discrimination policy is essential and that this should remain in the Code. The process of preparing and reviewing such as code and inducting new staff on it all support a culture of anti-discrimination within an organisation. Similarly with a complaints log. Regular reviews of a log where complaints are collected in one place can highlight weaknesses in an organisation and are a useful management tool. As to a supervisor's sampling of the work of a supervisee, the danger is that if less is put in the Code, that is seen as the minimum standard and attention is focused on that.</p> <p>Client care letters record what has been agreed between adviser and client and are essential in the event of disputes, whether about payment or quality of advice.</p> <p>As to Code 86, ILPA has previously raised with the Office of the Immigration Services Commissioner, the Legal Services Commission, the Legal Standards Board and others the inadequacies of the current system for ensuring that clients can obtain their papers held in the advisors should their advisers go into administration, or close down. The two large scale examples of this in recent years have been the closing of Refugee and Migrant Justice and the Immigration Advisory Service. In the latter case, ILPA intervened in the Commercial Court to argue for proper retention of client files. We succeeded in an order for a three -month retrieval period during which clients could apply for their files held in the archive. Some clients who so applied were reunited with their files, but not all, as retrieval of the file ultimately depended on the agreement the auditor was able to reach with individual storage companies and on being able to find the file. There is currently no mechanism for protecting clients and ensuring that the obligation under the Code is met. ILPA urges the Office of the Immigration Services Commissioner as an interim measure to require organisations which are regulated to satisfy the Office of the adequacy of arrangements for storage of files and clients' access to them in the event of the</p>

	<p>business failing or the voluntary organisation losing funding. This can only be an interim measure and we suggest that the forthcoming immigration bill is an opportunity to review whether the Office of the Immigration Services Commissioner has adequate powers to step in where adequate arrangements have not been made to appoint an organisation to hold the files.</p> <p>As to c), again ILPA supports a prescriptive approach. The management of even a small organisation is helped by having clear policies from the outset and a requirement to do so helps to underscore matters of importance. It enables the Office of the Immigration Services Commissioner or others, when carrying out an audit, to be clear on the standards that the organisation has said that it will apply and thus to hold it to account against such standards.</p> <p>We consider that Codes 91-95, dealing with experts and interpreters, could usefully be amplified.</p>
Immigration Consultancy & Training Bureau	The code states the principle namely that complaints must be dealt with, promptly, fairly within a specific time frame. Each practitioner must then devise a means of compliance. Under people management, staff supervision, peer/casework review, and allocation of cases according to ability is all aimed at assuring and improving the standard of advice given to clients. That is the basic principle, and it is important that practitioners are given the flexibility to develop systems which secures that result. A prescriptive approach will stifle creativity. Case file management, client care and equality are issues best suited to a principles approach. This leaves room for interpretation and improvement going forward. A prescriptive approach is reductionist in the sense that people are encouraged to do the minimum.
Immigration and Work Permits Consultancy	a. principle based b. 27, 28, 29, 30, 33,48, 86 - principle based 64 -prescriptive c.
INECS	I think all money matters or fees must discussed with the client, and make it very clear what they are paying for; i.e. the level of advice given by the adviser.
Instant Immigration Service	These codes should be principle-based
Islington Law Centre	<p>a) I think that a prescriptive approach would be best as it would mean that the best possible standards would be maintained for a range of different organisations with different level of experience and expertise. All training should be prescriptive as to the number of hours required and the areas of practice which should be covered. OISC should continue to check that all advisers have complied with CPD points in order to maintain high standards.</p> <p>b) I think that a prescriptive approach is needed with regard to setting out clearly the Code as to what role a supervisor should have. This should detail rules by which all supervisors should be adhering to. The details of the Code obviously needs to be up to date and the role of the supervisor to the standard of that those regulated by SRA. All OISC organisations and companied should have a written anti-discriminatory policy as this is standard in all organisations to date and this should also continue to be clearly written into the OISC Codes for regulation of advisers. Client care letters are essential to all advisers whether OISC regulated or solicitors and this should be seen as standard on all cases and are essential in the event of any complaints and for payment of fees for services provided. All OISC adviser firms should have in place a written procedure for complaints as this again is standard procedure in place in all solicitor advising agencies. Client account and transfer of monies into and out of client account all be recorded accurately in data available for inspection. Clients should be given a statement showing details of their account balance if they request it. It is a standard requirement that all client records are retained at least 6 weeks. If necessary files should be placed in storage for this amount</p>

	<p>of time to ensure that they are readily available if requested.</p> <p>c) I support a prescriptive approach. All organisations whether big or small should be have clear policies and should be required to do so by having Management policies and structures in place. This will make sure that OISC is able to carry out all checks and audits in a professional and orderly manner. In this way OISC can be sure that all organisations are operating to a high standard. A clear written procedure should be in place for instructing experts, interpreters and country experts and this should be maintained in the OISC Code of Standards.</p>
Jackson Immigration Advisory Service Ltd	Prescriptive because it sets the standards across the organisation.
J'Leon Owen & Co	prescriptive-based approach
Johnson Mackenzie Ltd	Prescriptive approach
Just Immigration Services	Principled approach - subject to an adviser's practical work experience and knowledge than a routinely attended training course knowledge which can be seldom experienced in practice.
Kamp Consultancy Ltd	Principle
Keystones Consulting	Prescriptive approach with respect to the codes listed.
KPMG	a)- prescriptive as this a core value and the essence of being registered b)should be principles as different types and sizes of organisations apply for registrations so the codes should be sufficient to apply to all differing situations c) principle for the same reason provided above
Lawson Hunte Immigration Services Ltd	<p>I think that the principle based method for these Codes should be maintained. This is because taking the prescriptive approach may have the effect of loosening control of what advisers have to do in order to maintain quality representation to clients. I do believe however that indicative behaviour should be included in this section of rules to assist advisers to meet these goals and perhaps to encourage monitoring mechanisms which the OISC would like to see during the audit process to imbue confidence in both the advisor and the OISC as to the quality of work being produced. This will in turn feed down to the client in the work and outcomes they receive. Illustrative examples could include encouraging advisors to maintain spread sheet logs which show dates, knowledge source/location, a file references, discussions or forums where knowledge is gained. This could be a relatively simple process as updating happens quite naturally in immigration law – for instance; whilst files are being processed advisors necessarily should have to research sources, policy, objective information and law relied on. This is a natural learning or updating process which could be used to demonstrate compliance with Code 19 for instance. Discussions of difficult points with supervisors and information gained during supervision, location of information gained could also be logged on a spread sheets. The dual aspect of this would be that advisers could not only meet the rule but develop an information DB which could bring about partial compliance with Code 21. A general spread sheet template could perhaps be made available by OISC for this purpose. Immigration law is changing at such a rapid speed that there must be no change to these requirements. The instruction to advisers should be specific and spelt out as opposed to the more general prescriptive approach suggested. Changing this format would allow potential diminutive effect to maintaining standards. The quality of OISC representatives is always an issue with other legal professions. As a representative I strongly believe that demonstrating a</p>

	<p>quality service derives from an adherence approach. The current method based on principle is essential for credibility. Paragraph 32 I agree that the principle method of the rules set out in this paragraph should not be changed. Paragraph 33 I believe that Code 28 should remain and should not become guidance. My reasons follow Supervisors are responsible for assuring quality and performance. For us to remain competitive and credible; other regulators and interested persons must see that our organisations have in place mechanisms to ensure that professionals are concerned with quality through rigid supervision and training. Random sampling as a mechanism ensures compliance and demonstrates the provision of high quality supervision. Whilst it is not realistic for supervisors to review all cases – it must be made a key part of the supervision process for there to be a regular audit of small samples. An indicative behaviour could be introduced or suggested an example could be thematic audits of perhaps certain rule criteria to determine how staff are dealing with a particular type of case, to identify training needs in that specific area and determine if or where any errors are being made. With regard to Codes 29 and 30 (anti-discrimination) the two codes must remain as principles - they are co dependant. Paragraph 34 I believe it is very difficult to change codes 52-9 to guidance as the management structures form an integral part of audits and registration processes. For example 52(3) relates to financial control which must remain a principle. The business plan required for the registration process must also remain as it is a requirement for the regulation of organisation. The business plan is at 52(1) and 52(2). This could be amalgamated with rule 53 to become one code. 52(5) part of the supervision policy requirement and should remain so. I do not agree that this should become guidance. The only part of code 52 which has the potential to become guidance is 52(4). Code 54 has to remain a principle. The following should be amalgamated as a single Code - Codes 56, Code 57, 58 and 52(5). I agree that The following codes should be made guidance 59 and 81-86, 91-95.</p>
League for Human Rights	a. Principle-based approach b. Principle based approach c. Principle based approach
Leone Consultancy	a) 19 = Principle, 21 & 23 = prescriptive b) 27 = principle, 28, 29, 30, 33, 48 = prescriptive, 64 = principle, 86 = prescriptive c) 52 - 59 = principle, 81 - 86 = principle, 91-95 = principle.
Levetron Limited	I do not wish to recommend that these set of codes are meant to be principle based or prescriptive, rather I personally opine that every Codes and Rules are highly sophisticated and while reviewing their relevance to the current circumstances they should appreciate and uphold the morale of an Immigration Advisor and should combine the best of both practices; principle based and prescriptive based approach.
Lifeline Options Community Interest Company	a) Principle-based b) Principle-based and prescriptive-based c) Principle-based
M B Law Practice	a) A principle based approach b) prescriptive based approach c) prescriptive approach
Mac's Immigration Services	a) prescriptive b) prescriptive c) prescriptive
Manuel Bravo Project	a) Principle b) 27, 28, 29, principle. 30, prescriptive, 33 prescriptive, 48 prescriptive, 64 n/a, 86 prescriptive c) 52-59, prescriptive. 81-86 prescriptive, 91-95 principle c)
MAR Immigration Advisory Services	In reference to (a) above 19, 21, to 23 would explain the principle-based approach which the Commissioner might be considering
Migrants Resource Centre	Although prefer a Principle approach, there should be some flexibility for different Codes if required.

Mugo & Co Legal Consultants (UK)	Principle-based for reasons stated in 11.
Mutebuka & Co	The approach proposed by the Commissioner in all of the above situations appears to be sound.
Nova Legal Services Ltd.	(a). Given our comments on the draft Code itself, we support the idea that codes 19, 21 to 23 should be replaced with one Code that simply requires advisers to keep up to date with immigration law and practice and to conduct their business in accordance with the OISC's guidance on training. (b). We support the Commissioners proposal set out at paragraphs 32 to 33 of the consultation document. (c). We agree that the proposed approach to place into guidance codes 52 to 59, 81 to 86 and 91 to 96 is sensible and practical.
Onnuri Planning Ltd	C
Osewuska immigration advice service	a) principle-based b) principle-based c) prescriptive approach
Pasha Immigration	The approach should be prescriptive as these are vital areas where clarity and procedures are required to acquire the desired outcome
Peer & Co.	a) Codes 19, 21 to 23 which are to do with CPD I agree should be more prescriptive but I think the number of points required should probably increase. b) As to point B I agree these codes should remain prescriptive. c) I agree these codes should take a more prescriptive
Permits2work	a) principle based b) principle based 29/30 prescriptive 33/prescriptive 48/ prescriptive 64/ principle 86 not appropriate time frame some cases are now 10 years to conclude or more / better to archive a scanned copy of file rather than paper based file for 10 years plus
Purple Star Consultant Ltd	Principle-based b) Codes 27,28,29,30,33,48,64 and 86
QC Immigration	a)principle-based b)principle-based c)prescriptive
Rozijo	a) 19, 21 to 23 = Principle Based Approach. b) 27 to 30, 33, 48, 64, 86 = All Principle Based Approach Except 64 a & c where Prescriptive should be. c) 52 to 59 = Principal Based Approach 81 to 86 = Principle Based Approach 91 to 95 = 93 & 95 Principle Based, 91, 92, 94 Prescriptive Based.
S Gardner & Co	Prescriptive as more detail and description is required.
Scottish Refugee Council	<p>a) Codes 19, 21 to 23</p> <p>We believe these codes could be combined and simplified to give a more principle based approach.</p> <p>b) Codes 27, 28, 29, 30, 33, 48, 64 and 86</p> <p><u>Code 27</u>: We would favour a prescriptive approach regarding the responsibilities of supervisors for advisors wishing to change competence. There is a specific process which must be followed to change competency level – therefore there must be prescriptive rules in place to ensure advisors have the appropriate skills, experience and supervisory arrangements to do. However (<u>Code 27a</u>) the supervisor need not necessarily belong to the same organisation provided they are readily accessible. This code could be moved to guidance as could <u>Code 27f</u> which relates to the minimum time a supervisor should spend supervising an advisor.</p> <p><u>Code 28 states</u> 'A supervisor must undertake a random sampling of the supervisee's</p>

	<p>work and we would favour a more prescriptive approach. For quality assurance purposes this would seem to be necessary. This would ensure a supervisee was competent to deliver immigration advice at a higher level and protect clients.</p> <p><u>Code 29 and 30.</u> We favour a more principle-based approach which could be combined and simplified into one code. For example, advisors must at all times treat clients fairly and without prejudice and must not discriminate.</p> <p><u>Code 33:</u> Client care letter: In general we would favour a prescriptive approach. The code sets out specific requirements which must be adhered to. Consequently a prescriptive approach is necessary.</p> <p><u>Code 48:</u> We favour a prescriptive approach for complaints handling. This would ensure all complaints were handled fairly and impartially. Should any complaints later be referred to OISC, it is necessary for all organisations to have a record detailing the complaints received, timescales and the outcomes. Having a clear paper-trail would greatly assist with complaint resolution. This would protect clients from poor immigration advice and assist OISC should complaints escalate. A more principle based approach does not seem appropriate as it would not allow for consistency and transparency.</p> <p><u>Code 64a-c:</u> In general all codes relating to fees and clients' accounts should be a prescriptive. This would ensure transparency and protect clients against any irregular financial practices. A more principle-based approach to transactions and fees would not provide the same level of safeguards for clients.</p> <p><u>Code 86:</u> Retention of client records – this code should appropriately remain prescriptive</p> <p>c) <u>Codes 52 to 59, 81 to 86 and 91 to 95</u></p> <p><u>Codes 52-59.</u> <u>Code 55-56</u> relating to changes in organisations and staff should remain prescriptive.</p> <p><u>Codes 81-86</u> Records and case management. We favour a mixture of prescriptive and principle-based approaches. For example Code 86 states that a client's records must be made accessible to the client upon their request. This would seem to be self-evidently prescriptive. Similarly Code 81 states: 'An advisor must keep clear, orderly and accurate record of contacts, dealing with clients and dealings with third parties'. However Code 82 states 'An adviser's record-keeping and information systems must be appropriate to the levels of service they provide'. This code could be expressed more effectively with a principle based approach.</p> <p><u>Codes 91-95</u> relating to the use of experts and interpreters. We would generally favour a more principle based approach to the complexity of this issue. A prescriptive based approach would not be appropriate for such a complex and inconstant area.</p>
Sincere Consulting UK Ltd	I prefer all codes to be in principle-based. Make all codes in the same approach.
SKILLS4COMMUNITIES	Principle based approach (refer the above)
Slough Immigration Aid Unit	<p>a) SIAU believes that a prescriptive approach will best serve the objective of attempting to ensure that an assortment of very different organisations with different expertise and knowledge and awareness gives the best possible service to clients.</p> <p>Information about advisers' training, for example, should remain prescriptive of the numbers of hours required and the areas of practice which these should include.</p> <p>OISC should keep the right to check that advisers have done the training that is</p>

	<p>required and that it is appropriate to the needs of their work.</p> <p>b) This also applies to training in order to achieve accreditation at a higher level. After passing their academic examinations, solicitors will have two years as trainees, experiencing six months of different areas of work; barristers are pupils for two six month periods and there are clear lines of accountability and of the standards which must be reached before they are qualified and can act on their own. Immigration, nationality and asylum law are very complex and detailed, and anyone expecting to practise in these areas should have a recognised structure for learning. Again, a person setting up a business for the first time may not be aware of the high standards required, or a small voluntary organisation may have difficulty in making the time, or paying, for the training required. People starting up a business from scratch for the first time may not be aware of equality legislation or may not have thought about their responsibilities under it, so having requirement to do so is helpful. Client care letters, as a statement of what has been agreed between adviser and client, while often being formulaic, do explain what a client can expect from an adviser and may also be a useful reminder to both sides of the process to follow if anything goes wrong. And if things go wrong and there is no effective formal complaints procedure, they are likely to go more wrong. Full financial records are always necessary, when an adviser is dealing with a client's money.</p> <p>With regard to code 86, SIAU is aware of the difficulties caused to clients when Refugee and Migrant Justice and then the Immigration Advisory Service, the largest organisations regulated by OISC, closed down. OISC must ensure that in any such circumstances in the future the client files are kept and stored externally.</p> <p>c) The management of all organisations is helped by having clear policies from the outset and a requirement to do so helps make the points which must be considered clear to the initiator of a new business or organisation. Reviewing regularly is important, not necessarily as often as annually.</p> <p>If advisers are dealing with cases which require the use of experts or interpreters, Codes 91-95 state the minimum of matters to be considered.</p>
Soflink Consultants Limited	a) Codes 19, 21 to 23 – Prescriptive. b) Codes 27, 28, 29, 30, 33, 48, 64 and 86 – Principle based. c) Codes 52 to 59, 81 to 86 and 91 to 95 – Prescriptive.
Solent Immigration Services	a) principle b) principle c) principle
SSL Immigration Services	Principle based except code 33 which should contained Principle and prescriptive approach.
Sterling & Law Associates LLP	a) prescriptive b) prescriptive c) prescriptive
Supreme Advisory Networks Ltd	<p>19. Yes, it can be totally prescriptive because :</p> <ul style="list-style-type: none"> - required competencies can be enumerated that makes a person qualifying for the role; - resources can be listed too; <p>Also, the knowledge aspect, which is assessed through advisor's CPD performance, can be listed too on the basis of prescriptive approach.</p> <p>21. This can be prescriptive as well as principle based.</p> <p>22. It is already prescriptive and is based on the CPD performance and can be kept like that.</p>
U.L. Consultants Ltd	Replacing codes 19 and 21 to 23 to one single code would be and ideal and principle-based approach would be the most appropriate for those codes. Code 27 and 28 must be on prescriptive approach, but Code 29 to 31 and 33 can be on principle-based approached. Code 48 complaints has to be prescriptive approach as it covers complaints,

UK Work Permits Ltd	<p>a) We would suggest that codes 19 and 21 remain prescriptive. The OISC should have an objective policy on the standard it expects of advisors. However, it would seem to make more sense for code 23 to be principle-based. The amount of training an advisor requires and the degree to which said training should be enforced obviously depends on the stage of their career the advisor is at.</p> <p>b) We would suggest that these codes remain prescriptive, as they relate to fundamental procedures and ensuring compliance with statutory requirements.</p> <p>c) We would suggest that these codes become principle-based in line with the OISC's overall principles. It seems to us that codified structures and 'one size fits all' policies are not necessary or helpful.</p>
UKCISA	<p>(a) In multi-disciplined organisations, such as educational institutions, where the immigration advice service is part of a large entity, the Codes are essential for demonstrating what resources are required in order to comply with regulation. We would be concerned that removing prescriptive aspects of these Codes (e.g. 21-ready access to up-to-date information), may make it harder for advisers to argue for their needs. It is therefore important that they remain prescriptive regarding maintaining adviser competency, so that advice services do not fall to be under-resourced. Guidance about the minimum requirements and format of a 'written procedure' would be welcomed in relation to Code 21. As educational institutions providing immigration advice to students are exempt from registration with the OISC by way of a Ministerial Order, advisers are not subject to the OISC CPD scheme. Therefore the Codes need to take this into account, so the requirement for a training plan or equivalent should remain (Code 22). (b) Codes 27, 28, 33, 48, 64, 86- we agree that the requirements for these Codes remain prescriptive, as all are essential procedures that advice providers should be following. Code 48- maintaining a central complaints log means that common problematic issues can be easily identified and is a vital tool in service development so we would recommend this remains prescriptive. Removing Code 28 may mean that supervisors rely on less rigorous methods of monitoring work, which do not enable them to identify key issues. Perhaps retain the first sentence but transfer the detail to guidance. Codes 29 and 30- should both be left in the Code as any policy needs to be clear and documented in order to be effective. (c) It is particularly important that requirements for the management of staff remain very clear within the Code in order to ensure that an organisation takes responsibility for the provision of immigration advice. This is particularly relevant for educational institutions where such a service supports their primary role as education providers. Codes 52- 53 we agree the principle of the Codes must remain, but the specifics could be transferred to guidance, although we note that these are policies and procedures all advice providers should have in place. Codes 56- we believe that an advice service requires clarity of roles, therefore the specifics of this Code regarding identifying a manager and overall supervisor should remain in order to ensure that there is a robust management structure supporting the adviser(s). Codes 57-59- as these procedures relate staff competency, they should remain prescriptive, for the reasons given in our answer to A2 (a), and as procedures can only be effective if they are documented. Codes 81-86- on the whole should remain prescriptive as all these actions are necessary in order to provide a high quality advice service. The specifics in Codes 83 and 84 could be moved to guidance, as different institutions will have varied systems and procedures. We would welcome more guidance on copying that addresses scenarios where services are dealing with numerous clients with multiple documents during peak periods</p>
UK Immigration and Business Advisors Ltd	Principle Based
UK Immigration Law Chambers UK Immigration Online Ltd	<p>Principle based approach, with a balance, to achieve the overall objective.</p> <p>a) I think all codes from 19, 21 to 23 should all be prescriptive in nature. b) I feel codes 27,33,48,64 and 86 should all be prescriptive, whilst codes 28, 30 and 29</p>

	should be principle-based in nature. c) I believe codes 81 to 86 should all take a prescriptive approach, whilst codes 52 to 59 and 91 to 95 should be principle-based.
UK Visa Partners Ltd	Both approach should apply to a, b & C.
VC Legal UK	Prospective
Victory Legal Services	a. Principle-based approach as a guide. b. Prescriptive approach c. Prescriptive approach. To tell people what to do rather than suggestions and descriptions.
Visa & Immigration Solutions Ltd	The commissioner should consider the goals and objectives of these codes
Visa Link Ltd.	Codes 19, 21 to 23 - principle -based approach.
WM Immigration Ltd	a) Prescriptive b) Prescriptive c) Principle
3. Please explain if you think there are any specific Codes or Rules where a principle-based or prescriptive approach would be particularly appropriate.	
A&B Immigration Ltd	Codes 33-39 (Prescriptive Approach)
Almond Legals	I prefer that the rules remain as they are but merged as a single document called 'The Commissioner's Professional Practice Ethics'
ASG Immigration Limited	We think that the Code should focus on the need for certain things to be done or for certain records / processes to exist but that the actual mechanism for going about this can often more easily be dealt with in guidance and it is important that some flexibility should be retained for organisations to develop policies and procedures that fit their nature and their clients while nonetheless meeting the general principles laid down. Some areas of compliance easily lend themselves to a prescriptive approach but in general we feel that appropriate, clear and well-written guidance can address this just as well. For example, the time for which records must be kept can be clearly stated and it's best for advisers not to be left wondering how long to hold them (or for it to be possible for a file to be shredded earlier to avoid inspection) so a prescriptive approach is best. An example of a principle-based approach might be how something such as a client care letter is stored. It makes sense for there to be a requirement for such letters to be readily available to the client (should they lose the original) and to all advisers who might work on a case, as well as to the OISC in the event of a complaint. However, there is no need to be prescriptive about whether it is stored in the case file, in a central file for client care letters, in a particular office, etc. The important thing is that it exists, is stored reliably and consistently and is readily accessible.
Aydin Visa & Translation Ltd	We are very satisfied with the OISC Codes of Rules
BID	Please see above under A2 (b). We otherwise believe that the broad range of OISC Codes and Rules strike a good balance. We look forward to reviewing any amendments that the OISC intends to introduce in the future.
CORECOG	All
Dearson Winyard International	Where rules are more document-driven then there is a stronger argument for the rules being prescriptive.
de Prey Consulting	As above, guidance would be best for anything where a new business might not have a model for approaching it, such as the client care letter, operation of a client account, etc. Whether these remain under a prescriptive approach or simply as part

	of guidance notes/examples I don't think matters as long as the information is there.
The Dover Detainee Visitor Group	The new codes and rules should provide guiding principles that encourage a high level of client care and competence.
Dreamland Consultants & Immigration Law Services	All should be principle based
Exegesis Limited	A prescriptive approach may be justified in the rules for handling of client money.
Global Immigration Solutions	I think that it is useful that client care letters are prescriptive, but other than that, I Favour a principle-based approach.
GOK Immigration Service	No there aren't.
H&P Associates Limited	I believe Codes 33, and Codes 62-66 should be prescriptive.
HOONA	Question 12 actually covers most of the codes. As a general rule, for codes relating to specific matters in running the business such as PII, archiving the files or client care letter the perspective approach should be followed. For codes with implicit effect on running business such the accounting method employed, organizing the training plan or supervision the principle based approach is suggested.
IEP Management Ltd.	The Codes and Rules as they currently stand have evolved to take account of changes in working practice and legislation and therefore I feel that a principle based approach is the correct way forward.
ILPA	Please see our response to questions A2 and A3 above.
Immigration Consultancy & Training Bureau	My expressed view is that a principled approach should pervade the entire Code. There is always the temptation to have a mixed approach, but that would be confusing. It will introduce the element of "I have done all that is required of me" rather than, I have tried to work within the "spirit of the code". One looks backwards the other looks forward. We want a code that challenges people to do more, rather than a tick box PBS type which encourages the bare minimum.
Instant Immigration Service	The above mention cods particularly principle-based
Islington Law Centre	A prescriptive approach should be maintained in all OISC Codes and Rules and thus there is not one specific Code or Rule that I would say is particularly appropriate.
Jackson Immigration Advisory Service Ltd	The following codes can be Principle based 72-77 and 79.
Just Immigration Services	I think all Codes and Rules should be principle based.
Keystones Consulting	Generally I prefer prescriptive approach.
KPMG	none others than those mentioned above
Lawson Hunte Immigration Services Ltd	Code 52(4) could become guidance.
Leone Consultancy	Client care, complaints should be prescriptive. Supervision should be principle.
Lifeline Options Community Interest Company	Codes 27, 30, 33, 48, 64 and 86 must remain prescriptive in order to stay in line with SRA best practice. Codes 28 and 29 can be transferred to guidance on principles
Manuel Bravo Project	We require more flexibility regarding supervision. Our main issue is that we only work with asylum cases so cannot offer our volunteers (most of whom are law graduates) professional development by undertaking supervised casework. I don't know if, making some rules principle based would help, we actually would require an exemption or special permission to start supervision on level 2 work or to enable level 1 accreditation on the basis of training. We would also hope that shadowing

	and assisting level 3 caseworkers closely might count as relevant experience.
Nova Legal Services Ltd.	Code 12, which requires advisers not to abuse their position in respect of a client, is an example of a principle-based code. Examples of prescriptive-based code are Codes 27, 33, 48, 64 and 86.
Onnuri Planning Ltd	87,perspective approach
Osewuska Immigration Advice Service	I should think they are good as they are
Pasha Immigration	It is particularly important for codes relating to the client care letter, supervision, complaints and client account to be prescriptive.
Peer & Co.	I think the current Codes and Rules are adequate for their purposes.
Purple Star Consultant Ltd	code standard 27 Principle-based regulation approach is more appropriate to define supervisor's responsibility
Rozijo	The Codes and Rules should not be same for ALL three level of Advice. For certain level principle based is suitable and for other prescriptive is suitable. It is all muddled up, hence difficult to say what is good for what.
S Gardner & Co	All codes should you explained in clear and descriptive way.
Scottish Refugee Council	As noted above we favour a prescriptive approach for: <u>Codes 24-28</u> (changing level of Confidence) <u>Code 48</u> : Complaints Handling. <u>Code 64</u> – Fees and accounting.
Sincere Consulting UK Ltd	I prefer all codes in principle-based.
SKILLS4COMMUNITIES	refer the no.11 above
Smith Stone Walters Ltd	Code 63 (& Rule 17) – it is often not practical for payment of government fees to be made by the client directly to the authorities, and doing so can cause problems such as applications being refused by the UKBA when card payments are declined. We therefore suggest this part of Code 63 is removed.
Softlink Consultants Limited	Broadly speaking, for the following areas a principle-based approach may be suitable: Advisors Behaviour, Confidentiality, Conflicts of Interest, Competence and Training, Requirements for informing Clients. For the following areas a prescriptive approach may be appropriate: Registration, Fees, Accounts, Complaints.
SSL Immigration Services	Code mentioned in Q.12 particularly Principle-based Code 33 Principle and prescriptive-based
Thakerar Consultancy Services	Client letter prescriptive Management, training etc principle
UK Immigration and Business Advisors Ltd	Codes 19, 21,23 (Principle Based)
UK Immigration Law Chambers	The 'must do' aspects of the code maybe prescriptive whereas the other aspects of a 'general' nature should be based on a principle approach.
UK Immigration Online Ltd	I personally feel that Code 4 should be more prescriptive-based, as it's important in dealing with competency and capabilities of regulated advisers. Perhaps an additional list of ways in which advisers can prove their competency and fitness should be given, as well as details of how this can be directly communicated to the

	OISC.
VC Legal UK	I am of the view that it should be prospective approach
Victory Legal Services	Codes 23 needs prescriptive approach.
Visa & Immigration Solutions Ltd	Can't think of any specific code where it will be appropriate
Visa Link Ltd.	Codes 19,21 to 23
WM Immigration Ltd	Rules relating to how a business is run should be principle. Although it makes for good business practice to follow prescriptive rules, sometimes in the real world this is not always possible with continued time and financial constraints on smaller businesses.

Annex B

Section B - Should the Code and Rules be consolidated into one document?	
4. Please explain if you think that the <i>Code</i> and <i>Rules</i> should be consolidated into one document or if they should remain as two separate documents.	
1st Call Immigration Services	One document would be easier for all as, quite simply there no need to refer to both documents and no crossover. Again law is a good example; it is much easier if one act is amended by another as opposed to referring to another.
A&B Immigration Ltd	I think The Code and Rules should remain as two separate documents. For example when seeking clarification about financial accountability, management and professionalism we know that such information would be found under the Rules. Whereas providing immigration advice and immigration services would generally be contained in the Code. Therefore, if the Code and Rules were to remain as two separate documents it would be better rather than having them consolidated into one document. Having two separate documents makes the process more easily accessible, user friendly and time efficient when referring to the documents separately for a specific point or seeking clarification.
Almond Legals	They should be in one document.
Arde Leigh LLP	yes
ASG Immigration Limited	We have no strong feelings with regard to whether the requirements of the OISC are enshrined in a "code" or a set of "rules" and whether this involves one document or two, although we have a marginal preference for everything being in one document because it saves cross-referencing and minimises the potential for confusion or omission. The key objective should for the requirements to be explicit so that advisers (and clients where they may take an interest in reading them) can clearly see what is expected. Obviously enough, throughout the document(s), it should also be clear whether the requirement is very specific / prescriptive or is more of a principle, expectation or suggestion. This is not just important for ease of reference but for the avoidance of less scrupulous advisers choosing to interpret a particular item in their own favour.
ASJ Immigration Advisors	they should remain as two separate documents

Aydin Visa & Translation Ltd	We believe that OISC will make the right decision.
Bar Standards Board	<p>The Bar Standards Board's existing Code of Conduct is separated into various parts and has a number of annexes and accompanying guidance documents on the website. The new Handbook has consolidated (as far as possible) everything into one document.</p> <p>By consolidating the existing Code and accompanying documents and annexes into one publication has not only made the format more user friendly but the Bar Standards Board believes there is also a public interest in having one clear publication that summarises our new approach across the board.</p> <p>Similarly the Bar Standards Board believes it would be beneficial for the OISC to have a consolidated document whereby OISC advisors can find all the information they need in one user friendly format. This could be achieved by having the Code and Rules as separate parts (i.e. part I and part II) but in one document.</p>
BID	Given the close relationship between the OISC's Codes and the Rules BID supports the OISC's suggestion that these could be amalgamated, with any distinction highlighted in a single document. Given also that many, if not most advisors access this information over the internet, it makes sense to have a single access point for all codes and rules, making the distinction between the two less confusing, while emphasising the equal importance of both.
Brent Women's Advisory Resource Centre	The Codes and Rules should be consolidated into one single document because the OISC Codes are interwoven with the OISC Rules and should be a single document.
British Red Cross	I see no problem with consolidating the two into one document as long as specific rules are easily distinguished from the codes to enable exempt organisations to focus on the codes only
China Resolved International	not necessary
City Law Immigration Ltd	One consolidated document would be better as this will then be detailed and concise
CORECOG	One Document
Dearson Winyard International	The rules and codes should be one document.
de Prey Consulting	Yes, that makes most sense. A 'one stop shop' is always easier to work by.
DKN Immigration Law	Should remain as two separate documents, what is the point in writing two documents which has same meaning in different ways.
Dreamland Consultants & Immigration Law Services	In one document will be better in my view
Dover Detainee Visitor Group	The Code and Rules could be incorporated into a single document. It would make it easier for advisers to ensure compliance if all regulations were in the same place.
Exegesis Limited	No strong preference, although it should be possible to consolidate into a single document as, currently, the separate documents tend to be viewed as two parts of the same regulatory code.
Faculty of Advocates	We suggest that the Code contains all rules in one document, irrespective of whether they are prescriptive or principle based. At present, there is much duplication between the Code and Rules which is confusing. Although it is appreciated that the Code currently applies to all and that the financial management rules apply to registered organisations only, this could be made clear in a single Code with different parts applying to registered organisations only. Beyond the rules, guidance can give advice on how the rules work in practice and how organisations can comply with

	them but it should be clear that guidance does not contain any additional burdens upon organisations.
First Permit Limited	One document/term would be preferable which contained both Codes and Rules as reviewed. One document is potentially less confusing and easier to access/review.
Global Immigration Solutions	I am used to them being two separate documents, but I think it would be tidier if it was one document. However I don't have a strong opinion one way or the other.
GOK Immigration Service	I would prefer that the codes and rules are consolidated into one document because as this will be more easy for regulators to follow.
H&P Associates Limited	I do believe it would be helpful to have the Codes and Rules consolidated into one document for ease of reference.
Hackney Marsh Partnership	2 separate documents, unless they overlap and it would make sense to combine them
Home Office	Turning to the issue of whether the Code and Rules should be amalgamated into one document I would welcome the opportunity to discuss further the proposals for this set out at paragraph 37, to establish how they will be compatible with the current legislative framework regarding the production of the Code and the Rules.
HOONA	It is better they are to be combined in one document.
IEP Management Ltd.	So long as the document is clear in its layout and easy to access on the OISC website then one document would suffice
Immigration And Work Permits Consultancy (IWPC)	One document
Immigration Consultancy & Training Bureau	Yes in my considered view, because they are taught under one head and would be examinable as one paper or as a pervasive subject. It would be readily accessible to the practitioner in the library.
Immigration Nationality Education Employment Consultancy Services (INEECS)	I will make no difference if it is one document to two, end of the day, you will still have comply with the policy.
ILPA	ILPA has no preference for one or for two documents. Cross reference is to be preferred to duplication and it is important to avoid two documents covering the same matter in different terms.
Islington Law Centre	I prefer that the Code and Rules should remain as two separate documents. This is because on reading it clearly sets out the Code as they are and the Rules if you need to refer to them. There is no need to interfere with the way these documents are currently written.
Jackson Immigration Advisory Service Ltd	Consolidate into one document for ease of reference.
J'Leon Owen & Co	They should remain as two separate document
Johnson Mackenzie Ltd	Should be consolidated into one document
Just Immigration Services	If they are to contain the same written material, I don't suppose it makes any difference whether they are consolidated or not except may be for the convenience of having all in one document.

Kamp Consultancy Ltd	two separate documents
Keystones Consulting	It is in my opinion that the Codes and Rules should be consolidated into one document to make it easier for the advisers to read, understand and follow.
KPMG	It should be one document which is also downloadable as a pdf for ease of use and reference
Lawson Hunte Immigration Services Ltd	It is my view that the rules and the codes should be consolidated. This will create an ease of reference as both need to be referred to regularly. As I favour principled approach to the codes of conduct – I believe that the document should be generically titled “The Commissioners Rules”.
League for Human Rights	I do favour the codes and Rules to be in a single Documents because of easy accessibility.
Levetron Limited	The Commissioner's Codes and Rules are meant to maintain best practices amongst Immigration Advisers and to maintain adequate supervision and regulation of the ditto. In my opinion, being separate of combined is not the concern, rather, how best they fit to the purpose.
Lifeline Options Community Interest Company	It would be best to consolidate the Codes and Rules, as far as possible, into one document
M B Law Practice	I think it should be consolidated into one document.
Mac’s Immigration Services	One document is easy to follow and understand
Manuel Bravo Project	Two separate documents
MAR Immigration Advisory Services	I think the Code and Rules should be consolidated into one document.
Migrants Resource Centre	Two separate documents for clarity.
Mugo & Co Legal Consultants (UK)	The rules and codes should be incorporated into one for ease of reference and uniformity and to avoid unnecessary repetition of similarities on both.
Mutebuka & Co	Consolidation is probably the better approach as it makes everything easily accessible - in one place.
Nova Legal Services Ltd.	We support the idea that the Code and Rules should be consolidated into one document.
Onnuri Planning Ltd	Should be consolidated into one document
Osewuska Immigration Advice Service	they should remain as two separate documents
Pasha Immigration	The Codes and Rules should be consolidated into one document as they broadly cover the same topics. The consolidated document can retain specific rules that were identified in the consultation document.
Peer & Co.	I think consolidating the two is a good idea but if they were to remain two separate documents then hyper linking the relevant codes and rules to each other online would be adequate as consolidating the two might make the document lengthy and possibly confusing.
PERMITS2WORK	One document
Purple Star Consultant Ltd	the codes and rules should be consolidated into one documents because immigration

	practitioners have to follow both documents
QC Immigration	Consolidated
Rozijo	Codes and Rules should be one consolidated document, explained separately and clearly.
S Gardner & Co	One document for clarity purposes
Scottish Refugee Council	We favour the consolidation of the Code and Rules into one document. The Code and Rules could be differentiated within the consolidated document where appropriate. This would remove any duplication between the rules and the codes and simplify for advisors and organisations. The Code and Rules should always be accessible to clients and easy to understand. This helps clients understand their own rights with respect to the immigration advice they receive. Consolidating and simplifying the Code and Rules would assist with that process. To avoid duplication, any codes which are duplicated as rules could be removed.
Sincere Consulting UK Ltd	I prefer the codes and rules should be two separate documents.
SKILLS4COMMUNITIES	Yes it is easier for reference purposes.
Slough Immigration Aid Unit	SIAU does not mind if this is one or two documents but we urge that both registered and exempt organisations should be formally required to keep to certain prescribed standards of work and knowledge and records.
Slough Refugee Support	The two documents should be consolidated to avoid repetition of information, for precision and enhanced clarity, and to reduce the length of the document.
Smith Stone Walters Ltd	Yes consolidated into one document. This would remove the current duplication which exists.
Softlink Consultants Limited	A consolidated single document would be better for the ease of reference and it would eliminate repetition.
SSL Immigration Services	I think these should be merged into one document
Sterling & Law Associates LLP	We think it is easier to understand the rules and codes if they are consolidated into one document
Suma Law Associates	I think they should be made into one document to make referencing easy.
Supreme Advisory Networks Ltd	I think it will be a good idea to consolidate these into one document.
Thakerar Consultancy Services	Consolidated Codes and rules are interrelated and interdependent. High light or appendix at the end major and significant rules or codes as required.
Topadar Law Chamber	In my opinion it should be consolidate into one document
UK Council of International Student Affairs	Two separate documents, as the Rules only apply to organisations that charge for advice, so need to be distinguished. The format that they are currently published in seems satisfactory.
UK Immigration and Business Advisors Ltd	One document
UK Immigration Law Chambers	Yes, I believe that there should be one document as it is much clear and easier to understand and is less repetitious.

UK Immigration Online Ltd	I personally think that the Codes and the Rules should be consolidated into one single document, as it makes more economical and practical sense; especially it is so easy to highlight specific Rules that are applicable to registered bodies.
UK Work Permits Ltd	We would suggest that it would make sense to consolidate the codes and rules into one document to avoid duplication. All rules, whether prescriptive or principle based should be contained in the rules, with supplementary guidance either contained in a separate document or at the bottom of the main document.
UK Visa Partners Ltd	It should be consolidated into one document
VC Legal UK	I don't have any objection to consolidation although keeping just it in as two separate documents seems my preference
Victory Legal Services	We'll suggest consolidating the two into one document
Visa & Immigration Solutions Ltd	They should remain as 2 separate documents because they are easy to understand that way
Visa Link Ltd.	They should remain as two separate documents.
WM Immigration Ltd	Rules should be separated into 1) Immigration advice and clients 2) Business Practices
5. Please explain what Rule(s), if any, you feel should remain identified as specific rule(s) if the two documents were consolidated. In considering your answer you may wish to take into account the contents of paragraph 37 of the consultation document.	
ASG Immigration Limited	Again, we have no strong preference as long as the requirements are clear.
BID	<p>BID is particularly concerned to ensure that Rule 5 should be retained. This requires registered advisors to inform clients that they may be able to obtain the same advice and assistance for free, without making any derogatory remarks about free advice. Given the circumstances that many people with immigration problems face which render them especially vulnerable, ensuring that clients are able to choose the best possible option that is open to them is essential.</p> <p>BID carries out regular surveys of immigration detainees' experiences of obtaining and using immigration legal advice. These surveys consistently show that detainees who have scraped together limited funds to pay for small pieces of immigration advice have not been informed by their solicitor that their case could be taken on and conducted, without suspension due to lack of funds, by a legal aid solicitor.</p> <p>In these cases, our research shows that it is not the case that such detainees have sought legal aid funding and been refused on merits grounds, but rather that they are completely unaware of the option of legal aid and had not been advised of this by their solicitor. As a result their immigration case is only being progressed in parts. For example, – in detained cases – bail applications must wait until funds are available, and evidence collection for deportation appeals is often minimal as a result of inadequate funds. These detainees routinely experience a prolonged hiatus in advice giving, when they may in fact be eligible for legal aid on the basis of both means and merits. Failure to inform clients of the availability of free legal advice may</p>

	<p>have an impact on progress towards resolution of a case where an individual cannot afford to pay for work to continue.</p> <p><i>"I was not aware of free legal advice in detention until I was told by BID. My previous solicitor was private, and applied for bail for me but did not do asylum claim due to a lack of funds". (Ms FS, Yarl's Wood IRC, BID survey November 2012)</i></p> <p>In such cases, nominally the person has an advisor to whom they pay fees, but little or no work is done, or rather only the affordable amount of work is done rather than the required amount of work. Our research further suggests that people in detention may then take the view that they are represented in some fashion, even if no work can be done on their case because they have no funds.</p> <p><i>"I have a private solicitor but cannot pay"</i> (Mr DS, Campsfield IRC, BID survey May 2013)</p> <p>Our research relates to advice being given by solicitors in the main, who are not regulated by OISC. But the point is that legal advisors - in our research generally solicitors - do not always point out that the same advice may be available at no cost, and this has adverse consequences. There is no reason to think that OISC-accredited advisors would behave differently, and OISC rules should leave no room for doubt in this area.</p> <p>BID would therefore wish to see additional guidance that explains the availability of legal aid advice (as presently defined) for people applying for asylum, making Article 3 claims or seeking advice in relation to a detention matter.</p> <p>BID also considers many, if not all the other OISC Rules as providing essential protections to people seeking immigration advice who have to pay for such services. This includes rules on how monies are handled, how fees are charged as well as the general running of an organisation. BID would wish to review any new rules, to ensure they deal adequately with any concerns arising from the vulnerable position of many of its own clients who are held in detention with no access to adequate legal advice. We would not wish to see the removal of any such rules unless they are adequately reflected in a new amalgamated document, whether by way of a principled or prescriptive approach.</p>
Faculty of Advocates	As explained above, we suggest that all requirements are contained in a single Code and otherwise further information is contained in guidance.
Islington Law Centre	As stated above I support OISC in remaining prescriptive to provide good and clear guidance to its clients. I think that Rules 1, 6, 8, 10, 11 and 15 should remain as rules and that the Rules and Codes should remain as separate documents.
ILPA	See ILPA's response to section A above. As discussed therein, ILPA supports the Office of the Immigration Service Commissioner's requirements remaining prescriptive, to provide clear guidance and to protect clients. We agree that rules 1, 6, 8, 10, 11 and 15 should remain as rules but we consider that all the current rules should remain as rules and that the rules could usefully be amplified as described in those responses.
Slough Immigration Aid Unit	SIAU supports OISC's requirements remaining prescriptive, in order to guide small groups and new set-up businesses and to protect clients.
Smith Stone Walters Ltd	<p>As we are required to comply with all the Codes & Rules, we don't see any particular reason for needing to highlight some rules over others. However, we have comments to make on two existing rules as follows:</p> <p>Rule 6 – We have a full fee schedule to provide to corporate clients. However, when dealing with private clients, it is not always necessary to provide a fee scale and a single quote for a particular case is often more appropriate. We therefore suggest</p>

	<p>amending the wording of this rule to make the requirement to provide EITHER a fee scale OR a fee quote as appropriate.</p> <p>Rule 8 – In our view this is far too prescriptive. We provide a copy of our up-to-date fee schedule to the OISC each year when we submit our company re-registration application. We question the need to send the OISC 10 days’ advance notice of our intention to change fees. Could the OISC consider rewording this rule? If this rule is in place to prevent companies making massive fee increases to unsuspecting clients (?) could a distinction be made between significant proposed changes to fees versus small fee increases which we may choose to implement to remain competitive in the market place / keep in line with inflation etc without the need to give advance warning to the OISC each time?</p>
Thakerar Consultancy Services	<p>CONSOLIDATED - It is more effective and relevant to the achievement of a good practice</p> <p>Rule 10</p> <p>The commissioner should have the power to grant registration from 12-36 months depending on the history and current circumstances of the organization; this will encourage better practice to attain longer period of registration</p>
UK Work Permits Ltd	<p>As above, it would make sense to include all rules, whether prescriptive or principle based, although some distinction between these two should be retained.</p>

Section C - Possible subjects for inclusion in the new Code	
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Home Office	The third Section, Section C, sets out additional subjects for consideration that build upon the OISC's experience of handling difficult cases. I fully support work taken to identify where the existing Code and Rules require updating to reflect changes in the way some businesses operate. I am in agreement with the proposal to update the Code to address the way business is conducted via the internet (paragraph 41) and I also support the proposed changes to client notification and approval of payment (paragraphs 48 and 49). The proposal set out at paragraphs 39 and 40 concerning the requirement for businesses to submit an application as the new legal entity is something I am in agreement with. I also support changing references in the Code from adviser to organisation (paragraphs 44 and 45) and requiring advisers in multi adviser organisations to clearly identify their actions on client files (paragraphs 46 and 47). The question raised at paragraphs 42 and 43 concerning outsourcing work is one that I have no comment to make on.
6. Do you agree that a Code should be introduced that requires regulated organisations which wish to change their legal status before doing so to submit an Application for Regulation of a New Legal Entity?	
1st Call Immigration Services	Yes however there should be no additional requirements for existing advisors to be re-assessed.
A&B Immigration Ltd	I agree.
Almond Legals	I agree

ASG Immigration Limited	On a fundamental level, we would think it important to consider why some organisations are changing their status <i>without</i> reporting it to the OISC and what action has been taken in those cases as it has been clear to us for some time that the OISC requires organisations to report proposed changes to their legal status to the OISC. Although it is not something we have looked at in detail (having proposed no such changes for ourselves) it does make sense. If this is an absolute requirement, then it would indeed make sense to state it clearly this in the Code, Rules or combined document although we would also want it to be made clear what would be regarded as a change in legal status. We would assume this to include, for example, an individual practitioner working as a “sole trader” setting up a limited company and moving the business into that but what about a change of name? Re-naming an existing limited company from ABC Limited to XYZ Limited might not amount to a change of status but we believe it should be reported anyway, even if a full application for regulation of a new legal entity might not be required. We would not want to see a burdensome re-registration requirement attached to a minor change of name (which should result in little more than updating records and issuing a fresh certificate of registration) but would expect the OISC to be aware of an organisation that has been through a period of poor management and a high level of complaints and wants to “hide” behind a new name.
Arde Leigh LLP	yes
Aydin Visa & Translation Ltd	We believed that new application made and assets accordingly.
Bar Standards Board	If any new legal entity created is not automatically within the regulated scheme, then such a Code should be introduced. Organisations should be required to submit the appropriate application therefore bringing themselves into the regulatory scheme and before being able to provide immigration advice and services.
BID	The OISC has provided adequate explanation for the need for this new rule to ensure that organisations operate legally within the regulated scheme.
Brent Women's Advisory Resource Centre	No
British Red Cross	Yes
China Resolved International	Yes
CORECOG	Yes
Dearson Winyard International	No. This should be covered in the broader principle of keeping the OISC informed of any changes. It appears overly prescriptive in the circumstances outlined.
de Prey Consulting	yes
DKN Immigration Law	Yes.
Dover Detainee Visitor Group	It is already a principle that changes should be notified, a requirement for an application form seems to be adding an additional layer of bureaucracy.
Dreamland Consultants & Immigration Law Services	YES
Equalisers Ltd.	No, this seems on the face of it to be unnecessarily cumbersome, and in most cases would merely in effect be a change of business name of an already existing OISC registered business/practice. Surely notice of change of name of legal entity would suffice.

Exegesis Limited	Yes - but important to define what is regarded as a change of legal status as this could mean many things to different people.
Faculty of Advocates	Yes, we agree that regulated organisations which wish to change their status should make a fresh application for regulation as a new entity. There should be no shortcut for them to do so.
First Permit Limited	Yes
Global Immigration Solutions	I don't have a strong opinion on this, though if a sole trader is regulated it seems a bit harsh for him or her to have to re-apply just because they want to change their business model and operate as a limited company,
GOK Immigration Service	I do agree that such a code to be introduced.
H&P Associates Limited	It would depend on the change of status. If it is simply a name change, then a Code should not be required for this. However if it is a complete change of organisational structure, a Code could be introduced, providing the organisation is permitted to continue operating whilst a new application for regulation is pending.
Hackney Marsh Partnership	Yes
Home Office	The proposal set out at paragraphs 39 and 40 concerning the requirement for businesses to submit an application as the new legal entity is something I am in agreement with
HOONA	Yes I agree with this new code.
IEP Management Ltd.	I believe some flexibility is required here. Whilst in most cases a change of legal status is planned, and there is time to submit such an application, it may be more cost effective given the limited resources of OISC for the OISC to allow for an organisation to provide details once the change has been completed so that it is supplied with finalised details of the new legal entity within say 5 working days and to allow that new entity to continue to provide advice until such time as the application has been reviewed by the caseworker and approval or otherwise given to continue. Clearly however the OISC has found that not all organisations provide this information in a timely manner - it's a bit like moving house, there are so many different bodies to be informed of any change - however with registration/regulation with OISC being the a fundamental requirement of any individual or organisation providing immigration advice it is disappointing that advising the OISC of a change in legal entity should be overlooked.
ILPA	Yes for the reasons given in the consultation document.
Immigration And Work Permits Consultancy (IWPC)	Yes
Immigration Nationality Education Employment Consultancy Services (INEECS)	yes I agree
Instant Immigration Service	I agreed
Islington Law Centre	Yes I agree that before a change is made, the organisation should apply to the OISC for regulation of the new entity using form "Application for Regulation of a New Legal Entity".
Jackson Immigration Advisory Service Ltd	Yes

J'Leon Owen & Co	No
Just Immigration Services	Yes
Kamp Consultancy Ltd	No
Keystones Consulting	I agree.
KPMG	Yes
Lawson Hunte Immigration Services Ltd	Yes, new legal entities should re-register.
League for Human Rights	Yes
Leone Consultancy	No
Levetron Limited	No
Lifeline Options Community Interest Company	Yes
M B Law Practice	Yes
Mac's Immigration Services	No should depend on the organisation/individuals
Manuel Bravo Project	No it wouldn't change the way they practice
MAR Immigration Advisory Services	No
Migrants Resource Centre	Yes
Mugo & Co Legal Consultants (UK)	No. They should only apply for the change of name without necessarily submitting a fresh application, but outlining any changes that may have occurred.
Mutebuka & Co	No. I am of the view that the current provisions are sufficient and what is just needed is adequate enforcement.
Nova Legal Services Ltd.	We do not agree with the proposal which requires the regulated organisations which wish to change their legal status, such as from sole trader to a limited company, before doing so to submit an application for Regulation of a New Legal Entity unless there is a different organisation structure to the one previously regulated.
Onnuri Planning Ltd	No
Osewuska Immigration Advice Service	I should think a code should be introduced for such a change
Pasha Immigration	I agree
Peer & Co.	Yes I do agree.
Purple Star Consultant Ltd	Yes
QC Immigration	Yes
Rozijo	No. Not at ALL. If existing regulated organizations wishes to change their Legal Status, there should be NO requirement to Apply for a New Legal Entity. Only there should be a simple formality to do so, like a SIMPLE application form to change the

	status. There should be no requirement as such to do Fresh NEW application!
S Gardner & Co	n/a
Scottish Refugee Council	Yes. We favour a specific code being introduced compelling new legal entities to re-register. We favour a prescriptive rule which compels new legal entities to do so and avoid any organisations operating outside the regulatory scheme.
Sincere Consulting UK Ltd	Agree.
SKILLS4COMMUNITIES	Yes to avoid confusion to the regulator and to the clients and sufficient notifications to the existing clients must be given.
Slough Refugee Support	Yes, this will ensure clients get a service that is regulated during the transition period.
Smith Stone Walters Ltd	Agree. This seems a common sense approach to reduce current risk.
Softlink Consultants Limited	I agree that it is necessary for a Code to be introduced for this purpose.
SSL Immigration Services	I agree
Sterling & Law Associates LLP	NO unless there is a total change of ownership and/or management. Should stick to general and established company/commercial law principles in this respect.
Supreme Advisory Networks Ltd	Yes, I think it needs to be prescriptive and mandatory for organisations to do so. Else OISC can introduce a clause requiring organisations to get a 'No Objection document' before making any changes to the structure of an organisation. It would automatically help OISC about the organisational moves.
Thakerar Consultancy Services	Yes, must do.
Topadar Law Chamber	If any organisation needs to change their legal status, they should notify the OISC before they change their legal status, but there should not be any fee charged for that otherwise it would be unfair.
UK Council of International Student Affairs	Yes agree that if its absence from the Code leaves organisations vulnerable on this matter then it makes sense to be clear about it within the code. It will be necessary for some clarity on the status of such an organisation during the period between making an application to the OISC and getting a decision on this, if the latter is provided after the legal status has changed.
UK Immigration and Business Advisors Ltd	Yes
UK Immigration Law Chambers	No. I do not think an application for permission is desirable. Organisations should be free to change their legal status, which is subject to the law anyway and be allowed to change their organisation name to the new entity. To so require is overtly regulatory.
UK Immigration Online Ltd	Yes, I agree that a Code should be introduced requiring regulated organizations which wish to change their legal status to submit an Application for Regulation of a New Legal Entity.
UK Visa Partners Ltd	Yes.
UK Work Permits Ltd	Given that this code relates to a specific requirement, and that the system of regulation breaks down if it is not followed, it makes sense for this code to be better enforced. It would be sensible to require entities to notify the OISC <i>before</i> they change their legal status. However, this system would only be workable if the OISC processed such requests/notifications within a short and predictable

	timeframe, e.g. two weeks.
VC Legal UK	Absolutely
Victory Legal Services	Yes
Visa & Immigration Solutions Ltd	Yes
Visa Link Ltd.	No.
WM Immigration Ltd	This rule stops companies operating in a phoenix style platform. I.e. A company runs up a lot of debt and owes clients money. They get struck off relieving them of the debt and they then restart under a new name. This continues the cycle and harms clients, creditors and the reputation of immigration advisers in general.
7. Do you agree that it is necessary for the <i>Code</i> to include specific regulation on the matters mentioned at paragraph 41 of the consultation document in respect of organisations which work via the internet?	
1st Call Immigration Services	Yes. Absolutely. This is a very touchy subject. There is no guarantee that a person you are communicating with is a qualified advisor.
A&B Immigration Ltd	I agree.
Arde Leigh LLP	yes
ASG Immigration Ltd	We are not certain what is meant by services provided "via the internet". Does this include advice sent via e-mail (which is probably used by the vast majority of advisers these days, as it is by almost all lawyers, accountants and other professionals) or given via Skype (which is effectively the same as a telephone call)? The nature of immigration advice means that advisers are frequently dealing with clients who are not physically in the UK as they are applying for entry clearances / visas from British posts overseas. Similarly, when working with corporate clients, advice might be given to the company and the individuals who are the subject of the cases being handled are perhaps unlikely to see the adviser in person, even where they are in the UK. Although paragraph 41 of your consultation document refers to "physical contact", our assumption is that it is not communication via e-mail or telephone rather than face to face that is of concern to you but some other way of giving advice via the internet with which we are not familiar. It seems to us that the principles of client care and case management, such as client care letters, properly setting out expected fees and other charges, keeping a record of all discussions/communications and monitoring key dates and deadlines etc. (as well, naturally, as giving the most appropriate and correct advice) apply equally, regardless of the method of communication. We do not feel that it needs to be specified that the same rules apply – why should it be otherwise? Perhaps we have missed the point with this question! Maybe you are referring to organisations that give advice through "faceless websites", such as ones where a client gives a few key facts on-line, together with a credit card number for a fixed fee to be taken and receives generic advice in response. This is a situation we would be concerned about as, without proper interaction between the adviser and client, it is difficult to ensure that the adviser has asked all the relevant questions and been able to establish the full facts before giving advice that is specifically tailored to the client's situation.
ASJ Immigration Advisors	No
Aydin Visa & Translation Ltd	Yes if any internet work / advice must be strictly controlled by OISC
Bar Standards Board	If work is being increasingly done in this way then this should be specifically addressed. However the OISC might wish to consider whether this could be more

	appropriately addressed through guidance and perhaps a higher-level rule.
BID	BID supports the need for the OISC to regulate, wherever possible, internet-based providers of immigration advice. All the OISC's Codes and Rules should apply to such providers, who should also retain all file records for a minimum period of six years so they can be inspected by the OISC if so required.
Brent Women's Advisory Resource Centre	Yes
British Red Cross	Yes
China Resolved International	not sure
CORECOG	Yes
Dearson Winyard International	This should be included in the broader client care and document retention requirements and referred to specifically in any guidance.
de Prey Consulting	No, I believe the principles of the current rules already cover this. My business is almost entirely conducted via e-mail as most of my clients are not local. I have never considered this to be a loophole outside the principles of the current rules, and have conducted business accordingly, always obtaining client care letters before conducting business, e-mailing my fee scale on first contact, keeping all electronic communications in an electronic folder for 6 years etc. etc. I think it adds complexity to address this way of doing business separately from those who have face-to-face contact, particularly as I am sure most businesses have a mixture. The principles of the Codes and Rules already apply regardless of the way business is done - I would therefore be averse to separate rules for online working.
DKN Immigration Law	Yes.
Dover Detainee Visitor Group	Yes, in principle all advice should be noted including internet advice.
Dreamland Consultants & Immigration Law Services	Yes it should be included
Equalisers Ltd.	No, as matters seem to be working adequately as they are.
Exegesis Limited	Virtually all advisers work via the internet, so this aspect of regulation should be fully covered within the main codes / rules.
First Permit Limited	Yes. We have always worked in this manner for such clients and followed the para 41 suggestions in any event.
Global Immigration Solutions	No - I think this is covered by the general requirement to maintain records and files and notes of advice given etc.
GOK Immigration Service	Yes I agree
H&P Associates Limited	I am not sure that a specific Code relating to internet communication is absolutely necessary. Should an instruction arise through internet correspondence a client care letter would need to be raised in any event prior to work being undertaken.
Hackney Marsh Partnership	Yes
HOONA	I believe it is unnecessary as it is actually covered by other rules and codes.
IEP Management Ltd.	This is something that we as an organisation are involved with. However we work to the same customer care and high professional standards whether a client is physically present or based in cyberspace and I agree that it is necessary for the

	code should to reflect this change in working practice
ILPA	Yes. Many lawyers and advisors already make use of the internet to provide advice to their clients. With the growth of internet-only entry clearance applications this method of working is likely to grow, and should be regulated and recorded as is other advice. We agree with the statements in paragraph 41 that record keeping is of particular concern, and should add, not only of the client's electronic communications but of those of the advisor. Record-keeping is of particular concern, whether in hard copy or electronic copy. In our experience the discipline of keeping a hard copy file may help to ensure that all pertinent exchanges have been kept. Where records are kept electronically, standards of back-up are particularly important.
Immigration And Work Permits Consultancy (IWPC)	Yes
Immigration Nationality Education Employment Consultancy Services (INEECS)	yes I agree
Instant Immigration Service	I agreed
Islington Law Centre	Yes. As advisers are now using the internet to advise client's about their immigration matters it is essential that there is some regulation of organisations providing what is essential legal advice. A record of advice needs to be kept either as a hard copy or a copy of internet communication.
Jackson Immigration Advisory Service Ltd	Yes
J'Leon Owen & Co	I personally would not subscribe dealing with clients of any sort over the internet. Reasons are issues of professional conduct and other possible risk that are not foreseeable. There should be a code on that.
Johnson Mackenzie Ltd	I am in agreement with the proposal to update the Code to address the way business is conducted via the internet (paragraph 41)
Just Immigration Services	Yes, I completely agree to keep the on-line cowboys under control.
Kamp Consultancy Ltd	Yes
Keystones Consulting	I agree. This change would make the adviser's work via internet easier.
KPMG	yes
Lawson Hunte Immigration Services Ltd	I agree that a new code should be developed for matters mentioned in consultation code 41 relating to work over the internet. For client protection it is my opinion that files, record keeping and attendance should be maintained as per normal. PDF of communications should be maintained for audit purposes and relevant attendance notes of actions taken and agreed.
League for Human Rights	Yes
Leone Consultancy	Yes
Levetron Limited	Yes
Lifeline Options Community Interest Company	Yes

M B Law Practice	Yes
Mac's Immigration Services	No
Manuel Bravo Project	Agree
MAR Immigration Advisory Services	Yes
Migrants Resource Centre	Yes
Mugo & Co Legal Consultants (UK)	Yes a specific regulation is necessary.
Mutebuka & Co	Yes. I feel this brings much needed clarity to advisors in relation to what they are expected to do. This is particularly helpful as this is a new area.
Nova Legal Services Ltd.	We do not agree with proposal save for cases when the adviser is instructed to represent client on an immigration matter. To be absolutely clear, we are of the view that the adviser should not be required to open a file and keep a record of free advice given on line.
Onnuri Planning Ltd	Yes
Osewuska Immigration Advice Service	no
Pasha Immigration	I agree
Peer & Co.	Yes.
PERMITS2WORK	yes
Rozijo	Internet is the New another of communication, like face to face or in person. Whatever regulations apply to face to face communication should also apply to work via internet, but should not be very stringent.
Scottish Refugee Council	We have strong concerns over immigration advisor's that only provide immigration advice on- line and do not see clients on a face to face basis. We strongly favour a robust Code for 'online only' immigration advisors to ensure accountability and transparency. We agree with the Commissioner that the regulation of internet advice where clients are not in physical contact with their advisers should be specifically addressed in the Code. This is essential to avoid clients receiving poor immigration advice from transitory operations. As noted above it is an area in which regulatory expectations need to be clear and unambiguous. To ensure immigration advice is of the highest quality, effective oversight of advisors is essential.
Sincere Consulting UK Ltd	Agree.
SKILLS4COMMUNITIES	Yes though subject to my remarks discussed in the previous page.
Slough Immigration Aid Unit	Yes; the dangers of giving advice on an immigration matter without seeing the original documents and letters involved, and not being able to discuss the case with the client, are great. Scanned copies of a passport, for example, may be partially illegible, and if not all pages with immigration endorsements are sent then the adviser may not have full information, let alone be in any position to establish whether or not the document is genuine. It is also difficult to be sure that the adviser and the client mean the same things; if a person, for example, writes that he has had a 'work permit' and an adviser advises on that basis, the advice will be wrong if the person in fact had permission to work as the family member of a

	<p>student, or as an asylum seeker whose case was not decided for a year, or as a Tier 5 worker, or with discretionary leave to remain.</p> <p>Any organisation that decides to provide advice over the internet should be required only to do so by scanning letters on its headed paper, and keeping a copy of the letter, since it is so easy to make unauthorised amendments to emails or to letters attached in Word. They should also be required to keep printed copies of all the work done over the internet, in the same way as they are required to keep conventional files.</p> <p>However, with the growth of internet-only entry clearance applications this method of working is likely to grow, and should be regulated and recorded as is other advice.</p>
Slough Refugee Support	Yes, because it is important to ensure clients have received, read and understood any electronic communication. Sometimes emails may be filtered into junk mail boxes, and depending on the email settings could be deleted before a client had read.
Smith Stone Walters Ltd	We're not sure on this point. Surely internet advisers are required to comply with all the same rules as organisations which have physical contact with clients, i.e. why would they need to be treated any differently from a compliance angle? Could internet advisers be specifically mentioned at the outset as a type of regulated organisation which would avoid the need for separate codes to be drawn up?
Softlink Consultants Limited	I fully agree for a Code to include specific regulation on the matters mentioned at paragraph 41 of the consultation document.
Southwark Register Office	yes I agree
Sterling & Law Associates LLP	Yes
Supreme Advisory Networks Ltd	Yes, I think it will be good
Thakerar Consultancy Services	Yes However, further thoughts on cross boundary advice, security; confidentiality, payment currency, language issues, etc need detailed exploration.
Topadar Law Chamber	Yes, because it would be beneficial for the client and the adviser.
U. L. Consultants Ltd	Yes it is vital that online advice is common in the modern society.
UK Council of International Student Affairs	Definitely – it is still a form of advice provision so needs to be subject to same regulatory requirements.
UK Immigration and Business Advisors Ltd	YES
UK Immigration Law Chambers	An amendment can be made to existing regulation to incorporate a requirement for record keeping of advice give to clients over the internet. No particular need to make special provisions.
UK Immigration Online Ltd	Yes, I agree that it's necessary for the Code to include specific regulation on the matters mentioned at Paragraph 41 in respect of organizations which work via the internet.
UK Visa Partners Ltd	Yes.
UK Work Permits Ltd	It would seem most appropriate to adapt existing codes to take account of internet based advice throughout the document. It would also make sense to have a principle-based code which covers this topic in general.

VC Legal UK	Yes
Victory Legal Services	Yes
Visa & Immigration Solutions Ltd	Yes
Visa Link Ltd.	Yes it should be specific regulation on Immigration advise via the internet.
WM Immigration Ltd	41 should address much more as over the next 10 years this method will become a main part of immigration advice.
8. In addition to the matters mentioned at paragraph 41 of the consultation document, are there any other matters that you think the Commissioner should include in the Code with respect to the provision of immigration advice or services via the internet?	
1st Call Immigration Services	I think it is important, due to my previous answer that there is a way of identifying advisors and how much work is being done online to ensure is qualified advisors giving advice. Internet leaves much room for abuse.
A&B Immigration Ltd	No.
Almond Legals	The prospective clients should be able to send their photo ID and accordingly verified
ASG Immigration Limited	Included above
Arde Leigh LLP	no
ASJ Immigration Advisors	No
Aydin Visa & Translation Ltd	We would like strict rules should applied to internet work/advice. (in any languages)
Bar Standards Board	The BSB is of the view that what is covered in the consultation document is sufficient.
BID	As noted above, the need to ensure that all the current Code and Rules apply equally to internet providers (wherever possible given that some may operate from outside the UK) is essential.
Brent Women's Advisory Resource Centre	None
British Red Cross	Yes
China Resolved International	no
CORECOG	Yes
Dearson Winyard International	The same principles should apply regardless of whether the advice is provided face to face, in writing, electronically or via the internet.
DKN Immigration Law	As mentioned in consultation document should be included in the codes.

Dreamland Consultants & Immigration Law Services	No
Equalisers Ltd.	No.
Exegesis Limited	How will regulation be applied to organisations that provide advice via the internet from outside the UK?
Faculty of Advocates	<p>The Faculty is concerned at the implication of paragraph 41 which suggests that immigration advisors may be dealing with clients in respect of whom they have not followed requirements arising out of money-laundering concerns.</p> <p>The need for advisors to know who their clients actually are would suggest that they should be subject in this regard to obligations similar to those incumbent on solicitors.</p>
First Permit Limited	No.
Global Immigration Solutions	No - see above.
GOK Immigration Service	No
H&P Associates Limited	Electronic communications are generally incorporated into a client file for audit purposes, and the client care letter covers the provision of services being provided so I do not believe a new Code would necessary add anything further to the Codes.
Hackney Marsh Partnership	Not necessarily
HOONA	I believe it is already covered comprehensively in various codes regarding client files, recording advices and file management.
IEP Management Ltd.	Whether a client is being advised by internet or otherwise, the same basic professional standards and client care apply; The client should be provided with a client care letter, the work to be undertaken and the costs of this work clearly identified; As you know we are already a paperless office and all our client files are contained in an electronic format, easily accessible through our case management system. With the client being on the internet, it is necessary that the whereabouts and identity of the client is established, that all payments are recorded, and with the internet there is a stronger possibility of non payment, and therefore organisations will need to take more care to ensure that they do receive payment for work undertaken, and this may involve a structured payment process of an initial deposit, perhaps a progress payment and a final balance. Working via internet does require discipline to ensure that all information is in the clients file and perhaps the code should reiterate professional standards and ensure that all documentation is held in a clients file.
ILPA	<p>The appropriate use of disclaimers (e.g. that advice given cannot be definitive without sight of original documents) and rules as to when the use of such disclaimers is and is not appropriate.</p> <p>ILPA is also concerned about the provision of generalist advice which is then relied upon as though it were advice on a particular case. Such advice can take many forms: factsheets, web pages, immigration advice given in television and radio programmes (in the latter case often aimed at the communities of Asian origin in the UK). These may be provided in a range of situations but are often a form of marketing for those providing the information. ILPA is keen that the use of the internet for high quality generic information continue, because otherwise people are likely to turn to web-based discussion groups, where people are not regulated because they are not giving advice as part of a business and where comments are unlikely to be hedged with the appropriate disclaimers etc.</p>

Immigration And Work Permits Consultancy (IWPC)	None
Immigration Nationality Education Employment Consultancy Services (INEECS)	The down fall is, the advice given by the adviser on the other end may take it and start abusing the advice for money from other people.
Instant Immigration Service	Confidentiality matters should be followed no.2 (sufficient evidence of client's electronic communication should be hold .No.3 (hold sufficient evidence on the client's file showing that client has received client care letter sufficient information is given all matters agreed
Islington Law Centre	It should be made clear in the Code that advice can only be given via the internet if original documents i.e. passports, visas, etc are also displayed as often it is hard to give advice without sight of these documents and those seeking advice sometimes do not themselves know what type of visa, entry clearance, or status that they actually have. Without sight of these documents proper advice often cannot be given.
Jackson Immigration Advisory Service Ltd	Advice given should be kept summarised in writing and kept in case of a dispute later.
J'Leon Owen & Co	The commissioner should put a prescriptive based approach for the advisers to follow.
Just Immigration Services	The Internet being the wild-west, the more restricted control by the Commissioner the better.
Keystones Consulting	Some advices may be given via telephone conference call or online video meetings. The Commissioner may consider addressing these new types of advising work in the Codes as well.
KPMG	advice provided outside of the UK by a sister firm
Lawson Hunte Immigration Services Ltd	In relation to document exchange via the internet – there should be prescriptive guidance related to document security.
League for Human Rights	No
Leone Consultancy	Record of advise should be recorded. Advisers should have insurance that covers advise over the internet.
Levetron Limited	No
Lifeline Options Community Interest Company	The Commissioner may have to address unsolicited advertising, importunate customer surveying and similar aspects of "touting" online
Mac's Immigration Services	no
Manuel Bravo Project	No
MAR Immigration Advisory Services	I think that the Commissioner should introduce a specific regulation on the matters mentioned at paragraph 41 above in respect of organisations which work via the internet.
Migrants Resource Centre	No
Mugo & Co Legal Consultants (UK)	For the protection both of the adviser and client, it is desirable to keep notes of instructions, including client care letter and advise given. Yes a specific regulation is necessary.

Mutebuka & Co	Yes. There could be additional information provided about what would constitute adequate identification for purposes of money laundering legislation. Further, clarity is also needed in relation to whether or not there would be geographical limitations e.g. whether it would be permissible to give advice to clients who are outside the UK.
Nova Legal Services Ltd.	Given our comments at 17 above, 18 is not applicable.
Onnuri Planning Ltd	No
Osewuska Immigration Advice Service	No
Peer & Co.	I think the Commissioner should make it clear that those identifying themselves as Immigration advisers or solicitors on online forums should be covered under the new regulations to be introduced for online advice. There are a lot of immigration online forums being run and people are registering as advisers to advice those logging onto these forums for help on their immigration cases.
Purple Star Consultant Ltd	How to guarantee or verify the immigration advice and service via internet has been giving by qualified adviser?
Rozijo	Keep it Simple and Easy.
Sincere Consulting UK Ltd	Not at the moment.
SKILLS4COMMUNITIES	Yes refer to the previous page remarks. The Commissioner should also include how the clients information Data protection policy i.e. the regulated Adviser/stores the information and for how long, MUST ensure they have adequate insurance cover in case of loss or hacking of the information.
Slough Immigration Aid Unit	Any advice given after seeing documents and getting information from the client over the internet should be accompanied with a clear statement that the advice given cannot be definitive without sight of original documents, is based on the information which the person has given which may be incomplete, and is given in the light of general information about the requirements of the rules. There are huge numbers of internet discussion for about immigration matters, often from individuals writing about their own experiences, without any legal knowledge, and often undated, so differentiating between chatter and professional advice can be difficult.
Slough Refugee Support	Advisers should respond to clients' queries within 1 working day and other means of communication should be used if urgent responses are required.
Softlink Consultants Limited	Cannot think of any!
SSL Immigration Services	1. Control on confidentiality matters. 2) It should be make sure that the client has received the appropriate advice and understand without doubt. 3) Organisation should hold record of client's electronic communication. 4) the Organisation should hold complete file record that client care letter was in client's receipt, showing what services are offered, all matters agreed,
Suma Law Associates	There should be evidence of being regulated and record of any payments.
Supreme Advisory Networks Ltd	I don't know if it is possible or not but may be OISC can approve a specific portal/platform used for giving advice/consultation over internet. It can be used by the registered advisors with registration extended to give advice/consultations online to their clients. By saying approved here, I mean the portal which is legally qualified and accessible to OISC in situations where disputes arise between client and advisor firm. And it can be advertised by OISC which portals are legally approved and reliable for clients/ends users. May be it's just a vague idea but I think it need to be controlled because internet usage in the field of advice and

	consultation is going to make the things even complicated
Thakerar Consultancy Services	Besides C2. At audit links to all advice provided must be given and all internet business must have a loop to external safe hard drive for safety.
UK Council of International Student Affairs	A requirement for the secure storage of data in line with data protection legislation, and adequate back-up systems to prevent records being lost. It will also be necessary to be explicit about other Codes also applying when advice is provided via the internet, for example, updating clients within certain timeframes (Codes 34-36).
UK Immigration and Business Advisors Ltd	Can add Video conferencing (i.e. Skype) meeting
UK Immigration Law Chambers	Yes. I firmly believe that the review should also include a review of the 3 different levels that an advisor/organisation is authorised to work independently. Level 1 and 2 advisors should Not be allowed to work independently or as an independent organisation as often they are also undertaking level 3 work and causing damage to clients cases.
UK Immigration Online Ltd	I feel that the Commissioner should consider the idea of making any advisers proposing to provide immigration advice on the internet, to apply to the OISC. This way only regulated and professional bodes can provide services over the internet. It provides a way of monitoring and regulating internet activity this way.
UK Visa Partners Ltd	Not really.
VC Legal UK	No really
WM Immigration Ltd	Permit the use of an online signature or signature service such as this https://www.echosign.adobe.com/en/home.html . When people apply for a credit card online they just type in their name as an electronic signature as this is legally acceptable. This makes it easier for the client to resend the client care letter back as some clients feel it is a burden to print, sign then scan and attach to an email.
9. If specific codes were introduced, do you think that these should be more principle-based or prescriptive?	
1st Call Immigration Services	In respect of Internet Advice, prescriptive.
A&B Immigration Ltd	If specific codes were to be introduced with respect to the provision of immigration advice or services via the internet these should be more prescriptive.
Almond Legals	No
ASG Immigration Limited	Included above
ASJ Immigration Advisors	Prescriptive based
Aydin Visa & Translation Ltd	principle - based
Bar Standards Board	A high-level code could be introduced with the majority of information about providing advice via the internet contained in guidance.
BID	It would seem that any additional codes introduced and aimed at internet providers should be more prescriptive rather than principle-based. Given that the provision of legal advice over the internet is a relatively recent phenomenon, there is a greater need for certainty wherever possible. The OISC can then review such

	approach at a later date.
Brent Women's Advisory Resource Centre	YES
British Red Cross	Prescriptive would work better for this area
China Resolved International	principle-based
CORECOG	Principle-Based
Dearson Winyard International	Any codes should be principle-based with clarity provided in guidance documents.
DKN Immigration Law	Should be more prescriptive.
Dreamland Consultants & Immigration Law Services	PRINCIPLE BASED
Dover Detainee Visitor Group	Principle-based.
Equalisers Ltd.	Principle-based.
Exegesis Limited	Principle-based.
Faculty of Advocates	We suggest that a general rule that records of internet advice should be as extensive as those kept in cases of direct contact and that specific examples of such a principle be given thereafter.
First Permit Limited	Principle based except to the extent that the code requires to be prescriptive.
Global Immigration Solutions	I think the Commissioner should give regulated advisers a broad framework within which to function, and then monitor compliance through audits. So, principle-based.
GOK Immigration Service	Prescriptive
H&P Associates Limited	I would like to see a combination of principle-based and prescriptive requirements.
Hackney Marsh Partnership	Principle based
Home Office	
HOONA	If anything to be imposed in this area, principle based approach should be taken as internet advising is a very broad area with unlimited number of possible situations and scenarios. This becomes more important when considering the fast changing environment in the field of IT and internet.
IEP Management Ltd.	Principle based
ILPA	There should be prescriptive codes. When it comes to matters of principle, the same principles are likely to carry across from face to face advice to advice given via the internet.
Immigration And Work Permits Consultancy (IWPC)	Prescriptive
Immigration Nationality Education Employment Consultancy Services (INEECS)	principle based only
Instant Immigration Service	Principle and Prescriptive based

Islington Law Centre	The Codes should be prescriptive. In this way the same principle can apply to all giving advice whether in person or via the internet.
Jackson Immigration Advisory Service Ltd	Principle based
J'Leon Owen & Co	Prescriptive -based
Johnson Mackenzie Ltd	They should be prescriptive based
Just Immigration Services	Principle based.
Kamp Consultancy Ltd	Principle
Keystones Consulting	Prescriptive.
KPMG	Principle based to enable it to apply for more than one type of situation
Lawson Hunte Immigration Services Ltd	Codes in regard to internet communications must be based on principles. There must however be some prescriptive guidance for certain aspects of this work as mentioned above.
League for Human Rights	Principle-Based
Leone Consultancy	principle
Levetron Limited	It would be appropriate if the best possibilities of principle based and prescriptive based approaches are combined while reviewing the Codes.
Lifeline Options Community Interest Company	May need to be prescriptive in the main
M B Law Practice	Prescriptive
Mac's Immigration Services	prescriptive
Manuel Bravo Project	A mixture. Prescriptive for minimum standards such as fees and client care letter, but principle for matters such as data storage and location of supervisor
MAR Immigration Advisory Services	I think It should be principle-based
Migrants Resource Centre	Principle based
Mugo & Co Legal Consultants (UK)	They should be prescriptive.
Mutebuka & Co	Again I favour a more flexible, practical, balanced approach. Clients must be protected, but advisors must not feel that they are "under siege" and be fearful of doing their work in a free and helpful environment.
Nova Legal Services Ltd.	In the event that the Commissioner decides to introduce specific codes, we support the idea for the proposed codes to be truly principal-based.
Onnuri Planning Ltd	Should be prescriptive
Osewuska immigration advice service	should be more principle-based
Pasha Immigration	They should be prescriptive
Peer & Co.	I think when it comes to basic regulation then it has to be a principle based approach.

Purple Star Consultant Ltd	should be more principle-based
QC Immigration	prescriptive
Rozijo	Principle based, less prescriptive!
S Gardner & Co	Depends what codes they are?
Scottish Refugee Council	We would favour a prescriptive approach should any specific new codes be introduced for internet based immigration advisors for the reasons noted above.
Sincere Consulting UK Ltd	Principle-based.
SKILLS4COMMUNITIES	Principle based especially on the CPD'S and others but still some should prescriptive to make sure that the Commissioner is still control.
Slough Immigration Aid Unit	The principle has to be that advice is given on an honest and ethical basis, but there should be prescriptive codes based on the practicalities of giving advice based on limited information, with the caveat that it can only be limited advice.
Slough Refugee Support	This would depend on the issue being addressed.
Smith Stone Walters Ltd	No further comments to make.
Softlink Consultants Limited	Principle based. But I am not averse to a prescriptive based approach.
SSL Immigration Services	Principle and prescriptive-based according to the information or instructions are included.
Suma Law Associates	Prescriptive.
Supreme Advisory networks Ltd	Principle based as well as prescriptive to cover maximum issues.
Thakerar Consultancy Services	PRESCRIPTIVE with guidance
Topadar Law Chamber	It should be prescriptive based.
U. L. Consultants Ltd	combination of both
UK Council of International Student Affairs	It is hard to comment without knowing exactly what the Codes aim to achieve, but in order to provide clarity they may need to be prescriptive, or at the very least, comprehensive guidance will need to be provided, for example, specifying what is meant by 'sufficient evidence'.
UK Immigration and Business Advisors Ltd	Principle Based
UK Immigration Law Chambers	Principle based.
UK Immigration Online Ltd	In my opinion if any specific codes were to be introduced regarding the internet, they should be more prescriptive-based and detailed as this would ensure all regulations regarding services of immigration advice over the internet are completely clear.
UK VISA PARTNERS LTD	Both of principle-based and prescriptive approach.
UK Work Permits Ltd	It depends on the nature of the new rule or code. It should be easy to identify which it should be. If it has been introduced to combat a specific problem or specific abuse, it should be prescriptive.
VC Legal UK	Defiantly prospective

Victory Legal Services	Yes
Visa & Immigration Solutions Ltd	PRINCIPLE - BASED
Visa Link Ltd.	I think it should be principle-based.
WM Immigration Ltd	prescriptive
10. Do you think that organisations should be allowed to outsource their work to other regulated organisations?	
1st Call Immigration Services	Yes. I see no reason why work should not be outsourced as long as the client knows who is actively managing their case and taking ultimate responsibility.
51Visa	No
Almond Legal's	Yes
Arde Leigh LLP	yes
ASG Immigration Limited	We do not feel there should be a blanket prohibition on outsourcing to other organisations as there may be a number of perfectly legitimate reasons for doing so. For example, it may be in the best interest of the client for a particular stage of their matter to be handled by someone outside the organisation, perhaps because they have significant experience of a case that involves particular and rarely seen circumstances. It is also, of course, common to use a third party (such as a Barrister) for advocacy and this should certainly be permitted. Perhaps an organisation might be suffering a temporary shortage of staff because a number key advisers have fallen ill, had accidents keeping them away from work or gone on maternity leave, etc. all at the same time and it is in the best interest of the client for parts of their work to be handled elsewhere without forcing the client to switch advice organisation completely. Of course, if it is the OISC's concern that some organisations are effectively outsourcing in order to provide work at a higher level than that for which they are registered themselves, then that is a different matter but, in seeking to prevent this, care should be taken not to prevent the perfectly legitimate scenarios outlined above. We certainly see no reason to prevent an organisation from outsourcing part of a matter to another organisation/adviser at the same level, or to one with a particular area of specialism at any level, subject to the client protections outlined below.
ASJ Immigration Advisors	yes
Aydin Visa & Translation Ltd	Yes
Bar Standards Board	As the legal services market continues to evolve, outsourcing is becoming a more common feature. In order that innovation and competition within the market is not stifled the BSB believes that outsourcing should be allowed, subject to the appropriate controls and restrictions being in place. To this end the BSB has introduced specific outsourcing provisions in the new Handbook.
BID	The concern that BID has with the outsourcing of work is the possibility that this could result in clients incurring additional and sometimes unnecessary fees for a referral being made. Given the vulnerable circumstances that many people with immigration problems face, the risk of abuse is increased. BID understands from the phrase 'out-sourcing of work' that the referring organisation retains control of the 'work'. Since such outsourcing would seem to

	<p>occur mainly between an organisation with a lower level of accreditation to an organisation with a higher level of accreditation, the need for the referral organisation to retain control or influence over the work would seem to be unnecessary and inappropriate. In such circumstances BID does not believe that organisations should be allowed to 'outsource their work'. They can either do the work, or if they cannot, they should only be allowed to <u>refer</u> it to an advisor who can do it.</p> <p>If the organisation to which the work has been referred completes its work, the case can then be referred back for any outstanding matters in a case to be concluded. However, due to the concern that any referrals may result in abuse such as unnecessary fees for the client, it is important to ensure that a prescription preventing any charges for any referrals is introduced, and/or that such referrals are regulated, and any charges properly explained by the referring organisation.</p> <p>Further an organisation accredited to a higher level needs to have good reason, and to provide good explanation for having to refer a case to an organisation that is accredited at a lower level than itself.</p>
Brent Women's Advisory Resource Centre	Yes.
British Red Cross	No
China Resolved International	could
Dearson Winyard International	Yes, providing the outsourcing goes to a regulated organisation.
DKN Immigration Law	No. As it will cause lots of complications. Level 3 advisors should seek advice or instruct Barristers in complexity cases.
Dover Detainee Visitor Group	Yes
Dreamland Consultants & Immigration Law Services	Yes
Equalisers Ltd.	Yes.
Exegesis Limited	Yes.
Faculty of Advocates	No. We consider that each piece of work should be undertaken by the relevant advisor as that advisor's client. Clearly advisors need to bring in others where they cannot do a piece of work either because of the level at which they are registered or because of pressure of business. The only issue is whether this should be disclosed – which is dealt with elsewhere in the consultation document – and whether there should be a direct relationship with the person doing the work. We consider that having a direct relationship is the least complex even although this involves setting up another client/advisor relationship. The alternative will inevitably involve unclear lines of responsibility.
First Permit Limited	No. If the matter is passed on/referred to another organisation then the client should become a client of that organisation. The original adviser might wish and only with client consent to be kept aware of the progress of the case but should only do so without charging and making clear the relationship is with the actual adviser.
Global Immigration Solutions	Yes - it should be for an organisation to decide how it runs its business, and this would benefit both the organisation that outsources, and keeps a client, and the one that picks up work it wouldn't otherwise have.

GOK Immigration Service	No I do not
H&P Associates Limited	I believe it should be possible for organisations to outsource their work to other regulated organisations.
Hackney Marsh Partnership	Yes
HOONA	Yes, I am in favour of this code as there are many occasions that adviser cannot handle a case or part of that but does not want to lose the client.
Home Office	The question raised at paragraphs 42 and 43 concerning outsourcing work is one that I have no comment to make on.
IEP Management Ltd.	This would need to be made clear to the client if this is necessary and the reason why and the client would need to agree to this before outsourcing took place.
ILPA	No, for the reasons which have prevented this up till now. Organisations regulated by the Office of the Immigration Services Commissioner OISC organisations with a Level 3 advisor should be able to brief barristers where licensed to do so under the Licensed Access Scheme and in accordance with its rules.
Immigration And Work Permits Consultancy (IWPC)	No
Immigration Nationality Education Employment Consultancy Services (INEECS)	yes I do
Instant Immigration Service	I think it should not be allowed
Islington Law Centre	No. I think that client's should have one adviser. OISC advisers must not conduct matters on behalf of other regulated advisers i.e. a Level 2 adviser outsourcing advocacy to a Level 3 adviser while retaining the file. As stated in the guidance this can lead to confusion for the client and to complaints. OISC Level 3 advisors should take on the whole file of a case reaches that level and the client informed accordingly. Level 3 Advisors can do advocacy and can also brief Counsel in cases in accordance with the rules.
Jackson Immigration Advisory Service Ltd	No
J'Leon Owen & Co	Yes
Just Immigration Services	If they so wish, perhaps.
Kamp Consultancy Ltd	Yes
Keystones Consulting	Outsourcing work to other regulated organisation would make it possible to optimise different firms' specialities and I think that this should be allowed.
KPMG	yes - especially as in some cases where there is a case which requires a speciality not available but it is important to maintain client relationship
Lawson Hunte Immigration Services Ltd	As we are working in a recessed economy the flexibility of outsourcing services and consulting should be allowed but only in limited circumstances where the commissioning organisation has a higher level of competence than the consultant. Outsourcing to advisers at a higher level would create problems with supervising the file/ client work and the internal audit processes will lack integrity if such a

	practice is allowed.
League for Human Rights	Yes
Leone Consultancy	Yes
Levetron Limited	No
Lifeline Options Community Interest Company	No
M B Law Practice	Yes
Mac's Immigration Services	no
Manuel Bravo Project	No
MAR Immigration Advisory Services	I think that the outsourcing of work should be allowed between regulated organisations.
Migrants Resource Centre	No
Mugo & Co Legal Consultants (UK)	Yes, but only to the extent that the relevant competence is satisfied, but not where a level 2 adviser retains the client but, outsources part of client's work to a Level 3.
Mutebuka & Co	Yes.
Nova Legal Services Ltd.	Yes, we do think that organisations should be allowed to outsource their work to other regulated organisations.
Onnuri Planning Ltd	Yes
Osewuska immigration advice service	yes
Pasha Immigration	I think organisations should be allowed to outsource their work to other regulated organisations
Peer & Co.	Yes, I think firms should be allowed to outsource. It shows a positive obligation on part of the first firm to recognise that they are not capable of handling certain work and in the best interests of client to go to a more experienced firm. I don't believe that this practice should be discouraged. In fact I think the OISC should make it easier and more transparent by introducing specific prescriptive rules regarding this. I think client's hugely benefit from a firm recognising its limitations and outsourcing the work.
PERMITS2WORK	yes if they have to signpost on but the new adviser has to have full control
Purple Star Consultant Ltd	yes
Rozijo	Yes If required to do But in professional manner, wherein not breaching Codes and Rules.
S Gardner & Co	Yes
Sincere Consulting UK Ltd	No.
Scottish Refugee Council	No. As per code 43, if an advisor cannot provide advice because it would cause them to work beyond their competence, they must advise the client they cannot continue to act. As noted in paragraph 42 of the consultation document 'OISC advisors must not conduct matters on behalf of other regulated advisors... unless such advisors are authorised to give advice for the same regulated organisation.'

	This guidance is clear and unambiguous and we do not favour amending the Guidance on Competence. Any outsourcing of work between organisations will inevitably create confusion for clients and OISC as to who retains ownership of the case.
SKILLS4COMMUNITIES	Yes also refer to the above comments subject NO.18
Slough Immigration Aid Unit	No, for the reasons which have prevented this up till now. OISC organisations employing a Level 3 adviser should be able to brief barristers to represent a client at the Tribunal under the Licensed Access scheme but the organisation responsible for the case must remain clear to the client. If anything goes wrong, the client should complain to the organisation, whether about their work or the work of the barrister, and the organisation should then take it up with the barrister as he/she was acting on their instructions.
Slough Refugee Support	No
Smith Stone Walters Ltd	No. Code 43 makes it clear that advisers cannot advise outside the scope of their competence and where possible they should direct the client to another provider. The complications of split case-handling which you outline sound very confusing for the client and could be a breach of Code 9 which requires advisers to put the client's best interests before their own.
Softlink Consultants Limited	I am in not favour of outsourcing work within the permitted areas as it may not be easy to identify the responsibilities.
SSL Immigration Services	I think it should not be allowed
Sterling & Law Associates LLP	YES
Suma Law Associates	Yes. This will give clients the better service and organisations can learn from one another.
Supreme Advisory Networks Ltd	Yes it should be allowed with prescriptive as well as principle based codes.
Thakerar Consultancy Services	NO- simply either take on or pass on.
Topadar Law Chamber	No, the organisation should not be allowed to outsource their work to the other organisation
U. L. Consultants Ltd	Outsourcing can create many complex issues such as meeting deadlines.
UK Council of International Student Affairs	We would be concerned that if this is permitted, it would not be clear who is accountable for advice provided to a client.
UK Immigration and Business Advisors Ltd	Yes
UK Immigration Law Chambers	Yes, only advocacy/ appeal hearing to another level 3 advisor where they are unable to attend due to a overbooking for a same date.
UK Immigration Online Ltd	I think that organizations should be allowed to partially outsource work to other regulated organizations.
UK VISA PARTNERS LTD	Yes.
UK Work Permits Ltd	It seems to us that provided it is regulated correctly, and that it is transparent to the client, outsourcing should be allowed where this is of clear benefit to the client, i.e. one point of contact, one set of fees. For example, it would make sense for a level 1 advisor to be able to outsource an appeal application to an advisor

	registered at a higher level, where this is of benefit to the client.
VC Legal UK	Yes - this is done in many other professions and we need to keep up to date with current trends and technologies
Victory Legal Services	Yes
Visa & Immigration Solutions Ltd	Yes
Visa Link Ltd.	Not really.
WM Immigration Ltd	Yes if an organisation is overwhelmed due to a spike in business or maybe staff being sick then there should be a platform to outsource. Maybe create a link system where a company can decide to link with 2 other businesses which they outsource too. This will ensure both businesses and clients needs are fully met. Otherwise clients may receive poor service while waiting for a company to response to their query.
11. If you think that the outsourcing of work should be allowed between organisations, all or in part, please explain what restrictions or controls, if any, you think should be imposed.	
1st Call Immigration Services	As above. There should be a signed agreement by clients to any shared work/outourcing. Also, the lower level advisors should have no conduct whatsoever of the work at a higher level.
Almond Legal's	The restrictions should take the form of declaration where the client is informed of which firm is currently handling their work and why.
ASG Immigration Limited	The client should be aware of the outsourcing arrangement, understand why it is desirable and agree to it. Where outsourcing is being considered in an emergency (such as the scenario outlined above involving the absence of several advisers at once, or perhaps in the event of the death of a key adviser) the client should be given the option of switching to a new advisory organisation should they prefer but, where a client has a long-standing and trusting relationship with the first organisation, they may very well prefer to trust them to make alternative arrangements by means of outsourcing.
ASJ Immigration Advisors	There shouldn't be conflict of interest
Aydin Visa & Translation Ltd	Outsourcing should only be allowed between the registered and/or approved organisations.
Bar Standards Board	<p>The BSB considered this question when introducing specific outsourcing provisions within the new Handbook. The key consideration was that barristers should not be able to use outsourcing or associations with others as a way to circumvent the BSB's regulation. The OISC should include a similar high-level rule if introducing outsourcing provisions.</p> <p>The new Handbook also requires barristers to ensure certain things when engaging in this type of work including:</p> <ul style="list-style-type: none"> • Not causing confusion about the extent to which the activity is regulated by the BSB or another regulator; • Not causing confusion as to who is responsible for the service

	<p>provided;</p> <ul style="list-style-type: none"> • Not compromising independence or integrity; • Not compromising client confidentiality. <p>In addition to this when functions are being outsourced, it will be necessary to ensure that the outsourcing:</p> <ol style="list-style-type: none"> a. Does not adversely affect the ability to comply with the obligations of the Handbook; and b. Is subject to contractual arrangements to ensure that all obligations in the Handbook are complied with and that the BSB will have the right to obtain information from or inspect the provider of the services where necessary. <p>The OISC may wish to introduce similar controls/provisions if outsourcing is to be allowed.</p>
BID	<p>Please see above for issues relating to concerns in the event that outsourcing of work is allowed. However, should the OISC decide to agree to regulate the outsourcing of work, controls or systems of accountability need to be put into place to allow for the review of each outsourced case. Such systems of accountability should include both the referring and the referred organisations retaining documents for inspection by the OISC that detail or include:</p> <ul style="list-style-type: none"> • Copies of all correspondence relating to the referral, including the reasons for referral being made • Any agreement between the organisations and/or with the client as to charges arising from the referral • What work will be carried out and by who • Who has overall conduct of a case and decision-making • Confirmation that a client has clearly understood and agreed to the referral being made • Confirmation as to whether or not or in what circumstances a case will be referred back to the referring organisation. <p>The OISC should also make it clear that it will either on audit, or as each case arises conduct a review of any referrals that have given rise to any charges.</p>
Brent Women's Advisory Resource Centre	The OISC codes of standards contain all the rules for providing service and keeping clear accounts records of monies received from client so it is considered that no further codes or rules in relation to the out-sourcing of work by advisers should be created.
China Resolved International	if the original organisation who outsourced the work takes the responsibility rather than by the outsourced organisation does the work, which doesn't mean that the organisation should not be acted competently and professionally
CORECOG	It should remain in the context of good practice and sharing support
Dearson Winyard International	The company responsible for managing the client is the company that received instruction; if the company to whom works have been outsourced makes a mistake it remains the responsibility of the instructed company to fix the problem.
Dover Detainee Visitor Group	Clearly allocated tasks that have been understood and approved by the client.
Dreamland Consultants & Immigration Law Services	They should work in their own scope (level)
Equalisers Ltd.	None, as it is adequate as it is.
Exegesis Limited	Should be adequately covered by the general codes and rules.

Global Immigration Solutions	I think the organisation that outsources work needs to be responsible for the quality etc., and should be held accountable for any lapses. I think
H&P Associates Limited	The restriction that should be imposed is that if work is outsourced (i.e. referring a client to an organisation regulated at, say, Level 3, an introduction is conducted by the company referring the client, with no further involvement thereafter.
Hackney Marsh Partnership	Stricter quality control, & qualified supervisor to sign off on all/most outsourced work
HOONA	Some of possible controls could be: -the other organisation should be regulated or exempted -the clients should be informed of this and they should give their consent before outsourcing (especially any possible fee has to be agreed by them) -the extent of outsourcing should be determined explicitly and recorded in the client file.
IEP Management Ltd.	The client needs to be made aware and agree to the outsourcing before the case proceeds. The original organisation instructed should make it clear as to whether they were retaining instruction or whether they were signposting. If retaining responsibility for the case they should formally instruct the outsourced organisation and continue to hold all correspondence and case notes on the client file, but the organisation which undertakes the work also retains responsibility for the standard of work and advice provided. This would mean that should a complaint be received the OISC could have additional work to see who was at fault, but this should be limited as the work undertaken by the outsourced regulated organisation should meet the OISC Codes & Rules. There must be a very clear process with regard to the outsourcing which includes ensuring the client is made fully aware.
Immigration Nationality Education Employment Consultancy Services (INEECS)	it should be all or nothing at all
J'Leon Owen & Co	There should be clarity and everything documented.
Just Immigration Services	Probably it depends on the quantity of work they have to outsource to start with. If some organization has a lot of work to be done by others, it should be subject to the auditory requirements.
Kamp Consultancy Ltd	but data protection and confidentiality is maintained
Keystones Consulting	As long as the outsourced work and the reasons for outsourcing would be properly recorded, and that the cases outsourced would be conducted in compliance with the current Codes and Rules.
KPMG	there should be some sort of guidance as to ownership and engagement
Lawson Hunte Immigration Services Ltd	Please see above
Leone Consultancy	Clients should be informed work is to be outsourced and the clients written permission should be obtained before any work is outsourced.
Levetron Limited	I do not think it is appropriate to outsource works between organisations.
Lifeline Options Community Interest Company	Should be allowed only where the organisations are pre-established partners within a recognised, discrete framework
M B Law Practice	The OISC to determine what control or restrictions to impose

Mac's Immigration Services	Not to be outsourced. Not to send jobs to people in Asia etc. it would be non profitable for UK based practitioners.
MAR Immigration Advisory Services	The Commissioner should implement some Codes 6, 9, 12 and code 15.
Mugo & Co Legal Consultants (UK)	If outsourcing has to be allowed, the adviser should state what part of work is outsourced and fees paid to a third party, but with consent of client. Subsequently then, if the outsourcing is in representation at the Tribunal, the client should understand that the Level 3 advisor is responsible for that part of work.
Mutebuka & Co	a) They should be required to obtain consent from their clients before doing this. b) They should be required to document that consent; c) The person or organisation that takes the case over, albeit temporarily, should also document this and indicate that they are now assuming responsibility for a certain, defined period. d) The referring organisation should be required to ensure that they are working with those with the requisite competency. We are living in tough economic times. An unnecessarily restrictive approach runs the risk of undermining the growth of OISC organisations as business entities. As stated above, the challenge is ensuring that a balance is struck between the various competing needs.
Nova Legal Services Ltd.	All.
Onnuri Planning Ltd	There may be no restrictions or controls regarding outsourcing of works between organisations
Osewuska immigration advice service	Commissioner's outstanding rules and codes should apply
Pasha Immigration	I believe organisations should be able to outsource their work in part. However, the part outsourced needs to be documented and the fees involved discussed with the client. It should be clear that the ultimate responsibility of the case would remain with the organization that outsourced the case.
Peer & Co.	I think the client should be aware exactly who is responsible for what part of the work. A detailed letter should be sent from the firm outsourcing the work to the client and a detailed letter sent to the client from firm accepting the work setting exactly what each firm is responsible for.
PERMITS2WORK	Not something that affects us but there should be some interim client care letter and agreement between client and rep
Rozijo	As I said earlier, not to breach Codes and Rules while outsourcing the work and must have a written agreement of what to do and what not to.
S Gardner & Co	Yes, would allow small business to expand and have better network
SKILLS4COMMUNITIES	Yes also refer to the above comments subject NO.18
Sterling & Law Associates LLP	The fact that both parties are regulated already provides sufficient assurances to the clients. No further controls or restrictions should be necessary.
Suma Law Associates	i. The person who undertakes the work should be regulated at level. ii. The client should know who their advisers are. iii. The client should be made aware there will be no hidden charges.
Thakerar Consultancy Services	NO. Out sourcing could diminish one's responsibility and accountability and can seriously start a trail of hide and bad practice.
Topadar Law Chamber	I think outsourcing of the work should be between organisations but the level 2 adviser should be supervised by level 3
UK Immigration and Business	Data Protections. Client's Ownership, Payment controls and Complaints procedure

Advisors Ltd	should be in place, that who is responsible for what , It should be very clear from the start so that client and all the relevant parties knows who is responsible for what.
UK Immigration Law Chambers	Only as above. Same as if instructing Counsel to attend, with a letter of instructions and agreement as to fees to be paid.
UK Immigration Online Ltd	In my view, some of the restrictions/controls that should be implemented for regulation of outsourcing work between organizations include: - Control over costs incurred for clients, perhaps a capped maximum could be implemented to control this issue somehow. - 'Contract of Agreement' between different parties involved within the outsourcing of work, so they can essentially share the responsibility of any potential problems or complaints.
UK Visa Partners Ltd	The outsource is only limited for higher level of works.
UK Work Permits Ltd	First and foremost, the outsourcing must be transparent, and optional, with the client being told that (s) he is able to deal directly with a third party in relation this service. The initial provider should remain the sole point of contact, and responsible for the service provided by the outsourcer, e.g. through complaints, legal action etc. The principle behind the outsourcing must be to make life easier for the client.
VC Legal UK	Every organisation is control individually and responsible for the work undertaking so that should suffice
Victory Legal Services	Such work should be supervised and reviewed still.
Visa & Immigration Solutions Ltd	It should be done in such a way that the organisation initiating the outsourcing does not lose its identity
WM Immigration Ltd	Some financial platform needs to be established so there is not a spate of disputes between companies on who is entitled to what from a payment and who is liable should a case be rejected or fail.
12. The Commissioner proposes that references to “adviser” in the <i>Code</i> should be replaced with the word “organisation” except where the obligation is clearly an individual one. Do you agree with the proposal?	
1st Call Immigration Services	Yes
51Visa	I agree
Almond Legal’s	Yes
Arde Leigh LLP	Yes
ASG Immigration Limited	Yes, we would agree.
ASJ Immigration Advisors	Yes
Aydin Visa & Translation Ltd	Yes

Bar Standards Board	The BSB agrees with this proposal, although where there are obligations on the individual rather than the organisation this should be made clear in the Code.
BID	Yes, this proposal would seem to be reasonable.
Brent Women's Advisory Resource Centre	No
British Red Cross	Yes
China Resolved International	Not agree
CORECOG	I think we should keep advisor
Dearson Winyard International	Yes
de Prey Consulting	Yes
DKN Immigration Law	No, adviser giving advice to client or doing representation in court should have his name marked to the clients file to show that he/she is responsible for this case, this very important where an organisation has more than one adviser.
Dover Detainee Visitor Group	Yes
Equalisers Ltd.	No.
Exegesis Limited	Yes - but the definitions could make it clear that the terms adviser and organisation have the same meaning unless specified otherwise.
Faculty of Advocates	No. We consider that the term advisor is unambiguous and properly represents the person who should be regulated.
First Permit Limited	Yes
Global Immigration Solutions	I don't think it matters.
GOK Immigration Service	I do not agree
H&P Associates Limited	I agree with these proposals.
Hackney Marsh Partnership	Yes
HOONA	Then what would be happened when the adviser is a sole practitioner who is doing business as a sole trader? In such cases, there is no difference between organization and individual. I believe the proposed change is not clear and increase ambiguity of the codes.
Home Office	I also support changing references in the Code from adviser to organisation (paragraphs 44 and 45)
IEP Management Ltd.	Yes, good idea
ILPA	No. Anyone giving advice or providing representation in immigration cases should retain responsibility to ensure that he or she is acting to the appropriate professional standards, ethically and legally, and is keeping his or her knowledge up-to-date. Even if the regulatory activity in practice takes place in relation to the organisation, individuals should retain this responsibility.

Immigration And Work Permits Consultancy (IWPC)	Yes
Immigration Nationality Education Employment Consultancy Services (INEECS)	yes I agree
Instant Immigration Service	I agreed
Islington Law Centre	No. Any one giving advice in immigration cases should be seen as an individual who is providing advice to a particular standard. One adviser in an organisation may be totally different to another and be keeping up o date with training, knowledge etc. As such references to "advisor" in the Code should be kept.
Jackson Immigration Advisory Service Ltd	Yes
J'Leon Owen & Co	Yes
Just Immigration Services	I propose that title "immigration advisory" should be replaced by something more respectable title such as, "immigration lawyer or immigration advocate" etc. I know by experience that the established legal profession in general regards us as "second class country-cousins".
Kamp Consultancy Ltd	Yes
Keystones Consulting	I agree
KPMG	Yes
Lawson Hunte Immigration Services Ltd	I agree with the proposal at paragraph 45.
League for Human Rights	Yes
Leone Consultancy	NO. Advisers should not be allowed to hide behind the cloak of their organisation. The individual adviser as well as the organisation should always be accountable.
Levetron Limited	Yes.
Lifeline Options Community Interest Company	Yes
M B Law Practice	Yes
Mac's Immigration Services	yes where applicable
Manuel Bravo Project	The wording should be the person or entity that would take responsibility should a complaint arise and the one who is responsible for insurance purposes.
MAR Immigration Advisory Services	Yes
Migrants Resource Centre	Yes
Mugo & Co Legal Consultants (UK)	Yes, if one works for an organisation, it assumes responsibility for that adviser, except where the obligation is specifically individual. So it is good to replace "adviser" with "organisation".
Mutebuka & Co	No
Nova Legal Services Ltd.	Yes, we do.

Onnuri Planning Ltd	Yes
Osewuska immigration advice service	no
Pasha Immigration	I agree
Peer & Co.	I am not sure about this proposal. I believe this could raise more issues for e.g. for what if the adviser offers advice on a personal basis or misuses the parent firms name; it would then be difficult to separate the firm from the adviser. Instead of taking this approach maybe the Commissioner could increase the personal obligations on each adviser and the organisations obligations only supervisory capacity.
PERMITS2WORK	No preference
Purple Star Consultant Ltd	yes
QC Immigration	no
Rozijo	Many organizations have only one individual and still are organizations due to being a Legal Business Identity. The references should be Both "Adviser" and "Organization".
S Gardner & Co	Possibly!
Scottish Refugee Council	Yes. This would clarify the code and reduce unnecessary confusion between the responsibilities of individual advisors and organizations.
Sincere Consulting UK Ltd	Agree.
SKILLS4COMMUNITIES	Yes I agree because the regulated Adviser is servant of the organization to follow company policy and rules similarly on the issues of compliances with OISC.
Slough Immigration Aid Unit	No. Anyone giving advice or representing immigration cases needs to retain the personal responsibility to ensure that he or she is acting to the appropriate professional standards, ethically and legally, and is keeping his or her knowledge up-to-date. If the Code and Rules referred to the organisation rather than to the adviser it would be easier for an employee to ignore the requirements, thinking that this was the boss' responsibility and that if the organisation had policies then the worker does not need to think about them. It is also not clear what effect this would have on OISC's disciplinary powers – would individuals still be able to be censured, or stopped from advising, or would the whole organisation have to be closed down? Even if the regulatory activity takes place in practice in relation to the organisation, individuals should retain their responsibility.
Smith stone Walters Ltd	No. When trainee advisers begin the process of OISC regulation, we stress to them the importance of complying with the Codes & Rules as individuals. If the terminology is changed to "organisation" throughout with a few exceptions, this would reduce the strength of this message and could possibly give rise to individual advisers taking a less responsible approach towards their compliance with OISC Codes & Rules. Although the "organisation" must be compliant, it can only achieve this through the combined actions and best practice behaviour of its employees.
Softlink Consultants Limited	I agree with this proposal.
SSL Immigration Services	Yes I agree
Sterling & Law Associates LLP	Yes
Suma Law Associates	I agree.
U. L. Consultants Ltd	Yes

Thakerar Consultancy services	Fine as it is
UK Council of International Student Affairs	No- reference to 'organisation' will not always be appropriate, for example, a code not listed at paragraph 44, 'an adviser must explain to the client in a client care letter.'(Code 33), still requires reference to 'adviser', otherwise it is unclear who is responsible for the legal content of the letter. Removing references to 'adviser' may lead to confusion about responsibility for adherence to the Codes.
UK Immigration and Business Advisors Ltd	Yes
UK Immigration Law Chambers	Yes. But the duty/obligation placed on an Organisation ultimately rests with the principal advisor. A non-registered advisor legally responsible for the organisation would not be subject to the code.
UK Immigration Online Ltd	No, I don't agree with the proposal as changing the 'advisers' to 'organisation' does not make much of an impact and I feel that responsibility of all advisers really needs to start at the individual level.
UK Visa Partners Ltd	No. I think adviser is better than the word of organisation.
UK Work permits Ltd	It should be made clear in the code which rules apply to individuals, which rules apply to organisations, and which apply to both.
VC Legal UK	I will keep it as advisors and won't change anything
Victory Legal Services	Yes
Visa & Immigration Solutions Ltd	Yes
Visa Link Ltd.	Yes I agree to the proposal.
WM Immigration Ltd	yes
13. Do you agree with the proposal contained in paragraph 47 of the consultation document which states that organisations should be required to ensure that the individual within their organisation who actually undertakes a specific piece of work is clearly identified on any material contained in the client's file and specifically in any communication sent to the client or to a third party?	
1st Call Immigration Services	Yes. This prevents work being conducted by advisors at lower levels.
51Visa	I agree.
Almond Legal's	It is not necessary. I worked in Solicitors firms prior to the OISC, and I have never made a representation with my name identified. Besides, the principle of vicarious liability applies to any organisation; therefore liability is imputed to the principal. Whether the author includes his name or not does not vitiate the responsibility if any.

Arde Leigh LLP	yes
ASG Immigration Limited	<p>In practice, everything sent out from our own organisation has a specific individual's name attached although, inevitably, sometimes more than one person may have been involved in formulating the advice in more complex cases. We would be disinclined for a blanket ban on advice going out in the name of the organisation to be imposed because, although we may not do it ourselves, there may be legitimate reasons for doing so. On a fundamental level, provided the client knows who to speak to should they have questions or require further clarification of the advice and provided the organisation takes full responsibility for the advice given, there shouldn't necessarily be a problem. Where an organisation does elect to transact with a client in the name of the organisation rather than an individual case worker or employee the organisation could be obliged to have one designated person who will and does assume responsibility for all advice sent out in that organisation's name – and the clients should be aware of who that person is and how to contact them.</p> <p>As a general principle, we would expect clients to know who they are dealing with and who else they can turn to in the absence of that person (although this should not require a prescriptive rule, it should be a matter of good practice for any organisation). Similarly, as it is generally the organisation with which the client will engage, the organisation should be taking responsibility for the advice given regardless of whether a specific individual's name is attached to a piece of advice and even if, say, the specific adviser is no longer employed by them or is unwell or has died.</p>
ASJ Immigration Advisors	yes
Aydin Visa & Translation Ltd	Yes
Bar Standards Board	Rather than including detailed rules on who should be identified on materials the OISC may wish to consider whether more high-level rules on not misleading the client would be appropriate. For example, the BSB has a specific outcome stating that clients understand who is responsible for work done for them. This is then supplemented by rules which provide that, when supplying legal services a barrister must not mislead or cause or permit the client to be misled. This includes ensuring that the client understands the terms on which legal services are provided, who is carrying out the work, the basis of charging, who is legally responsible for the provision of the services, and whether the person providing the services is entitled to do so and the extent to which they are regulated and by whom.
BID	The emphasis should be on a named person with responsibility for the work undertaken in a case being identified in any materials in a client's file, and in any communication sent to a client or a third party. Ensuring that the responsible person is named, and therefore easily identified in case a complaint is made, is essential. However, it is important to avoid any unnecessary burden on organisations that may impede their ability to train staff and volunteers to higher levels of accreditation. In such circumstances it is unnecessary to require organisations to provide a full explanation of who has been involved in working on a case, and the fact that such work has been reviewed and approved by a named supervisor. Providing the name of the supervisor who is responsible for the work on a case is sufficient.
Brent Women's Advisory Resource Centre	Yes
British Red Cross	Yes
China Resolved International	agree

CORECOG	Yes
Dearson Winyard International	No. Whilst ultimate responsibility for a case falls on a specific named advisor, it needs to be accounted for that a team of advisors may be involved at various points through an application process.
de Prey Consulting	Yes, this would seem to be a best-practice approach in any case. However, how this is done should be left to the organisation, not prescribed.
DKN Immigration Law	Yes.
Dover Detainee Visitor Group	Yes
Dreamland Consultants & Immigration Law Services	Yes
Equalisers Ltd.	Yes.
Exegesis Limited	No. This may be cumbersome, impracticable and/or unnecessary in many instances.
Faculty of Advocates	Yes. As we indicated in response to outsourcing work, we consider that this proposal, to the extent that it does not in terms apply to persons without the organisation with whom the client has a contract, does not go far enough. The disclosure requirement should, when a new person is credited with work, give that person's contact details.
First Permit Limited	Yes
Global Immigration Solutions	We do this anyway, and I would have thought that most organisations do - unlike solicitors firms, who often tend to put just the company name at the bottom of a letter!
GOK Immigration Service	I do not agree
H&P Associates Limited	Small organisations would have no issues with identification of case-workers, however it may be more problematic with larger organisations with numerous offices throughout the UK where correspondence is seen by senior staff members but forwarded to clients via multiple consultants.
Hackney Marsh Partnership	Yes
HOONA	Yes, I agree with it.
Home Office	I also support requiring advisers in multi adviser organisations to clearly identify their actions on client files (paragraphs 46 and 47).
IEP Management Ltd.	It is essential that a client knows who his caseworker is and that caseworker signs all letters and communications. Our client care letter specifies who the caseworker will be and in their absence provides a second person who the client may contact. Additionally all paperwork uploaded onto our case management system is initialled and date stamped so a full audit trail is available should a query arise at any time.
ILPA	Yes
Immigration And Work Permits Consultancy (IWPC)	Yes
Immigration Nationality Education Employment Consultancy Services (INEECS)	Yes I agree

Instant Immigration Service	I agree that a person who actually under takes a specific piece of work should be clearly identified
Islington law Centre	Yes I agree
Jackson Immigration Advisory Service Ltd	Yes
J'Leon Owen & Co	For materials sent to the client, the individual should be identified. However, the one sent to third parties should be in the organisation's names in accordance with the style of letter writing as to the person's reference.
Just Immigration Services	Yes, certainly.
Kamp Consultancy Ltd	Yes
Keystones Consulting	I do not agree. I think this would make advisers spend more time in the administrative work and would divert resources from client's casework. Under the current rules the supporting staff's work can only be conducted under supervision of competent OISC qualified advisers and it is in my opinion that the current arrangements are sufficient enough to protect clients' interests.
KPMG	Yes - it is good practice to inform the client who is specifically working on a case. Whether it needs to extend to the engagement letter where there is reoccurring work is moot and most probably not the best option as organisation can have several advisors
Lawson Hunte Immigration Services Ltd	It is my opinion that the proposal at paragraph 47 should apply. However in the case of new advisors the situation should differ - I believe that during initial supervision for new advisors communications sent to the client or to a third party should be signed off by the supervisor who must assess and approve that communication.
League for Human Rights	Yes
Leone Consultancy	Yes.
Levetron Limited	Yes.
Lifeline Options Community Interest Company	Yes
M B Law Practice	Yes
Manuel Bravo Project	No. This would lead to volunteers and supervisees being harassed by support agencies and clients. It would also remove control of the work from management if e mails and other communications were going direct to individuals. It could also mean that clients get lost if there is a long period of absence due e.g. to sickness.
Mac's Immigration Services	Yes
MAR Immigration Advisory Services	Yes
Migrants Resource Centre	Yes
Mugo & Co Legal Consultants (UK)	No, I don't. It is the organisation that is responsible for all communication. I don't see a need to distort Company Law, in case of an incorporated organisation. Presumably, in an organisation there are structures to supervise the quality of service and compliance with the code and rules of OISC.
Mutebuka & Co	Yes, but there is no reason why the requirement should not cover both the individual and the organisations so that both sides understand that they have to

	work together to achieve compliance.
Nova Legal Services Ltd.	No, we don't agree with the proposal. We are of the view that Code 81 addresses adequately the concerns referred to in paragraph 47.
Onnuri Planning Ltd	Yes
Osewuska Immigration Advice Service	Yes
Pasha Immigration	I agree
Peer & Co.	We have always followed this practice anyway. The caseworker is clearly identified in the client care letter to the client and in any home office correspondence. In my experience with other firms they all identify the caseworker responsible anyway so don't believe this is required.
PERMITS2WORK	Sometimes 2 or more advisers may deal with a file which is in the clients interest if a caseworker is sick/ or away or on maternity leave. The client should be notified if a second adviser is on the case but within limits e.g. does taking a phone call or message constitute working on the client's case, so within reason.
Purple Star Consultant Ltd	yes
QC Immigration	yes
Rozijo	It is very important for the client to know that who is their caseworker, especially in multi person organisations; hence it is important that their names should be on files, but it will be a good practice that when signing the document, the name of organization and caseworker [both], should be there.
S Gardner & Co	Attendance Note on the file should be sufficient
Scottish Refugee Council	Yes. For the purposes clarity and the quality assurance this is essential. This problem can be particularly acute where multiple advisors work on a client's case within larger organisations. Introducing such a rule would avoid unnecessary confusion and protect clients.
Sincere Consulting UK Ltd	Agree.
SKILLS4COMMUNITIES	Yes he/she is the Case worker/Adviser with the responsibility. The organization is just oversight responsibility only.
Slough Immigration Aid Unit	Yes. If the organisation has a policy of signing letters in the name of the organisation, in the way that some solicitors' firms do, the person dealing should be identified at least by the initials on the organisation's reference, and the standard letterhead could include 'the person dealing with this case is'. The organisation's notes on the file, whether on paper or computer database, should also be by name or with initials.
Slough Refugee Support	Yes, this is important particularly for supervisors in monitoring individual advisers' performance and for making individualised training plans.
Smith Stone Walters Ltd	Agree. We already operate on this basis and our files contain this information. In addition, our online case management tracking system records a primary and secondary caseworker for each case so there is never any doubt as to the individual adviser who handled a case.
Softlink Consultants Limited	I agree with this proposal.
SSL Immigration Services	Individual should be clearly identified who undertake the specific piece of work by

	reference number but it should also allowed to use the organisation's name in communication for example rather than writing " I will write you when I hear from the Home office" We will write you when we hear from the Home Office or we are writing on behalf of our client.
Sterling & Law Associates LLP	No
Thakerar Consultancy Services	Yes. No direct experience, However, this should be done anyway.
Topadar Legal Chambers	Yes I agree with this proposal, because it will help the organisation and the client to have clear knowledge about the person who carried out the work.
U. L. Consultants Ltd	Yes
UK Council of International Student Affairs	Yes, agree with this for reasons given in paragraph 47, plus this is also necessary to enable the adequate supervision of advisers to be carried out.
UK Immigration and Business Advisors Ltd	Yes
UK Immigration Law Chambers	Yes
UK Immigration Online Ltd	Yes, I agree with the proposal contained in paragraph 47.
UK Visa Partners Ltd	Yes
UK Work Permits Ltd	If implemented without careful thought, the result of such a code would be an unnecessary burden on individuals and organisations to document who is responsible for every single piece of work, without any sensible reason. Given that the OISC has identified a problem that relates to work completed by individuals at different registration levels, it makes sense to target this issue precisely. Perhaps the case-owner should be identified on a file, and then where any work that requires a higher level of registration is completed by another individual, this should be noted. Conversely, where a case-owner is registered at a higher level, any individual who is registered at a lower level would be identified on each piece of work they complete.
VC Legal UK	Yes
VICTORY LEGAL SERVICES	Yes for clarity purpose.
Visa & Immigration Solutions Ltd	Absolutely yes
Visa Link Ltd.	Yes I agree.
WM Immigration Ltd	Yes
14. Do you agree with the proposal contained in paragraph 49 of the consultation document that a code should be introduced that prohibits payments being taken from a client account or from a client's credit/debit card without the client having been given at least five clear working	

days' notification of the intention to do so and to have authorised the payment?	
1st Call Immigration Services	Yes
51Visa	I agree.
Almond Legal's	Yes
Arde Leigh LLP	Yes
ASG Immigration Limited	<p>Considerable care should be taken here and it should also be noted that a situation where funds are transferred from an organisation's client account to their office account is a completely different situation from a client's credit or debit card being debited. The latter is not something that would ever occur within our own organisation but our view is that any payment coming from a credit or debit card should definitely be specifically and individually authorised by the client.</p> <p>With regard to proper use of an organisation's client account, it's worth noting that clients (who are not themselves subject to regulation and often don't pay full attention to the engagement information they are given, however clear it is!) don't always fully appreciate the distinction between "depositing funds on account" and "paying an invoice". This could potentially lead to problems if a client is required to give a positive approval for funds being moved from a client account to settle an invoice when the client's perception is that they have "already paid" that invoice. For example, if a piece of work is anticipated to cost £1,000 and the client deposits the full £1,000 in the organisation's client account, when the work is finished and the organisation submits their invoice for £1,000, the client may not pay too much attention to it on the basis that they feel they have already paid. If the organisation follows the invoice up with reminders/requests for payment of the bill using funds on client account to be authorised, the client may perceive that he/she is actually being chased for a payment they have already made and be upset! This is particularly likely with high net worth individuals and business clients for whom the actual money is less of a concern and who find themselves too busy to pay attention to further contact once they feel the job has been done and the bill paid. Add to this the fact that, given the nature of immigration advisory work, the client may obtain the entry clearance they need and then immediately move country/home, leaving the adviser without up to date contact details for the client. It would not be acceptable for funds to remain forever on the client account when the work has been done properly, the invoice has been raised correctly and when the client is perfectly happy for the invoice to be settled with those funds, simply because the client hasn't given a positive authorisation. For this reason, if further regulation on this point is deemed necessary at all, we would prefer the client to be given a specific amount of time after delivery of the invoice to <i>object</i> to the funds held on account being used to settle the invoice formally. If the client has not raised an objection within that time, the funds could then be moved.</p> <p>A second possible point of concern is a situation where an adviser has advised appropriately and conducted a matter to the very highest standards but where the client is nonetheless being "difficult" – although blissfully rare, they do exist! Such a client could receive the invoice, accept that it's perfectly appropriate but nonetheless refuse to give their permission for funds on client account to be used to settle the invoice, just to be awkward. This wouldn't mean that they got the money back but it would prevent the adviser taking the funds that should, at this point, legitimately become theirs. Of course, if our suggestion above was followed a difficult client could still raise an objection but would need to have solid grounds for doing so rather than simply ignoring the request to approve the movement of the funds.</p> <p>Finally, note that the final invoice from the advice organisation may include significant application fees paid out on behalf of the client. Having the funds to</p>

	settle the organisation's own fees "stuck" in the client account would be bad enough, without being out of pocket for the application fees (that often run to many thousands of Pounds) as well.
ASJ Immigration Advisors	Yes
Bar Standards Board	The BSB agrees with this proposal.
BID	BID is in favour of a code that seeks to protect the best interests of a client in this way. However it is also concerned to ensure that work on a client's case is not delayed unnecessarily by the introduction of a 5 day delay before the release of funds is approved and work can then be undertaken. BID does not charge for its services and may not be best placed to comment in this regard. But it would seem sensible for the OISC to consider the option of organisations being required at the outset to ensure that clients understand that their client funds will be taken out of their client account as work is undertaken, but that each time such funds are taken the client will within 5 days receive an itemised bill for all the work undertaken and the related charges.
Brent Women's Advisory Resource Centre	Yes
British Red Cross	Yes
British Red Cross	Disagree as it would cause potential hassle. The payment can be taken as long as it was agreed in the first place between the organisation and the client.
CORECOG	That could lead to delays
Dearson Winyard International	No. This is impractical as clients need the ability to pay fees quickly/immediately. This has the potential to be detrimental to clients wishing to pay by credit or debit card. However, we do agree that the payment has to be authorised by the client in advance.
de Prey Consulting	Credit or debit card yes. But client account no. If a client has paid a deposit already, and has signed a client care letter stating that funds will be moved across from the client account to the business account as work is conducted, it adds a needless layer of bureaucracy to tell them when this is happening each time (I think my clients would find it bemusing if not annoying to be notified every time I move money). There is already a requirement for a direct correlation between work done and monies charged, as well as a financial statement of their account if requested by the client at any time (code 64). Anything else on top of this adds needless bureaucracy that wastes the advisor's and client's time. But yes, notice of taking payments from credit/debit cards I would think is an entirely different matter; I don't have clients' payment details until they ask me to take payment for a deposit or a final invoice, and don't retain the details thereafter, so I can't comment on this one.
DKN Immigration Law	No.
Dover Detainee Visitor Group	Yes
Dreamland Consultants & Immigration Law Services	Yes
Equalisers Ltd.	No, this is impractical, especially where time limits apply for submitting applications and/or appeals, and the client has also paid Home Office and/or Tribunal fees and are already in the client account and need to be used quickly to pay these, and the advisors fees where he/she has already done the work. This would therefore be unworkable, and advisors could be subjected to, and victims of, unscrupulous/vexatious clients, and could also have an adverse effect on the business cash flow.

Exegesis Limited	No. A notification period should be unnecessary if the payment has been authorised, and may work to the client's disadvantage in urgent cases.
Faculty of Advocates	<p>We understand this to refer to withdrawals that are not specifically authorised. Clearly, if a client authorises a particular payment, there is no need for a delay which might, in a case of urgency, prejudice necessary action. We take this question to relate to circumstances where card details have been retained and later payments are taken.</p> <p>We have some reservations about such a system. At least we would expect unambiguous authority for future payments and a stated financial limit to such authority. We regard the proposal in paragraph 49 as a minimum necessary protection of the client interest.</p>
First Permit Limited	Yes
Global Immigration Solutions	<p>Emphatically not. This would make running a small business - and most people regulated by the Commissioner are small businesses - impossible, both in terms of cash flow and in terms of clients defrauding on payments. It is our practice to take a deposit upon initial instruction, and the remainder just before an application is lodged, and we have not had any problems with this in the seven years that we have been in existence. We use a secure online system which does not store card numbers and so in any event we need to ask the client for card details on every occasion that we take a payment, and increasingly with the credit crunch we offer a payment plan and set up standing orders so that people can pay over a number of months. As long as the client care letter states when payment is due I do not see how clients can say they were unaware of this. If there are rogue advisers who are taking money when they should not they should be audited and closed down, but this particular proposal would make it impossible for those of us who do our jobs honestly to function.</p>
GOK Immigration Service	Yes I agree
H&P Associates Limited	I do agree that a Code should be introduced prohibiting payments being taken from a client account without prior notification.
Hackney Marsh Partnership	Yes
HOONA	I have not had such experience and I am even unable to do such thing. But I guess the proposed change is better than present situation.
Home Office	I also support the proposed changes to client notification and approval of payment (paragraphs 48 and 49).
IEP Management Ltd.	<p>This is not a method of practice that we use. We do not hold a clients credit card details. We issue our account and would only take payment from a client's credit card when the client contacts us to advise that we may do so and has therefore authorised the payment for a specified amount. If the proposed changes meant that we could not take payment until 5 days had elapsed this would delay the efficiency of our service to the client and our ability to provide a professional service - I would refer you to the section on working via the internet and the need to ensure payment of accounts. The client would already have the security of his card provided which he could turn to should monies be taken from his account without his permission.</p>
ILPA	<p>When an application is made to the Home Office, the fee must be paid for the application to be valid. If a five day notice period meant that the application was late, this would seriously prejudice the client. Therefore any general rule must be subject to exceptions, even if these require specific authorisation.</p>

Immigration And Work Permits Consultancy (IWPC)	Yes
Immigration Nationality Education Employment Consultancy Services (INEECS)	yes I agree
Instant Immigration Service	I agree
Islington Law Centre	A Code should be introduced that prohibits payments being taken from a client account or card with client being given five working days notice. However it should also be noted that if an application to the Home Office or ECO that is urgent and has time limits and five days notice would make this late that all endeavours must be made to inform client that payment had to be taken. Clear evidence must be provided on the file as to the urgency of the matter.
Jackson Immigration Advisory Service Ltd	No
J'Leon Owen & Co	Well, because you are acting in the client's best interest it would depend on how urgent the matter is as to your response in order to prevent any delays or a refusal.
Johnson Mackenzie Ltd	
Just Immigration Services	It would depend on the urgent or otherwise nature of client's work.
Kamp Consultancy Ltd	Yes
Keystones Consulting	I do not agree. I think this would make advisers spend more time in the administrative work and would divert resources from client's casework. Client confirmation letters, progress reporting letters, and the legal services agreement signed between advisers and clients are already helpful enough in protecting clients' interests.
KPMG	No - mainly because in corporate immigration, frequently we have less than 5 days notice of a move and so a case is completed within 5 days
Lawson Hunte Immigration Services Ltd	Yes I agree with this
League for Human Rights	Yes
Leone Consultancy	Yes if the practice is workable.
Levetron Limited	No. Because the existing Code of Practice clearly makes it transparent that Immigration Advisers are allowed to take payments only after the work is done or complete. Until the work is completed the money remains in the client account before it is being transferred to a business account and it will be best if no additional regulations being introduced.
Lifeline Options Community Interest Company	Yes
Mac's Immigration Services	no
Manuel Bravo Project	Yes
MAR Immigration Advisory Services	Yes

Migrants Resource Centre	No
Mugo & Co Legal Consultants (UK)	Yes, but only if the adviser is charging on hourly basis and holding funds on account. If funds are coming out of a credit/debit card, then notification and authority from client is necessary. If an adviser charges fixed fees, then no, because the client is clearly aware of payment terms as fixed.
Mutebuka & Co	No. This is already sufficiently covered by the requirement to make payment terms clear. Chances are a situation such as the Commissioner is seeking to avoid would likely breach the requirement concerning the need for clear payment terms. I feel that awareness and enforcement would easily cure this problem
Nova Legal Services Ltd.	The question is slightly ambiguous. I take it that the above question does not suggest that the Commissioner is seeking to introduce a Code which will prohibit advisers to transfer payments from organisation's client's account to organisation's office account, upon completion of the work undertaken to carry out, without the client being given five clear working days' notification of the intention to do so. If this is the case, we emphatically disagree with the proposal. However, in all other cases, we support the introduction of a code taking a principal-based approach.
Onnuri Planning Ltd	Yes
Osewuska Immigration Advice Service	No
Pasha Immigration	I agree
Peer & Co.	This might cause confusion as clients could call in and just pay over the phone via their credit/debit card without prior notice from their side. Again this might cause further chaos, our codes cover our financial obligations towards our clients adequately anyway I don't see the point of this proposal.
PERMITS2WORK	No that would be a procedural nightmare. It may delay the start of preparations or submission/ clients may decide after submission to stop a payment in the 5 days once work was done. Paying is an obligation. You can't walk out of Tesco's eat the food and 5 days later decide you don't want it and want the money back. If a client authorises payment by giving a card number for work done that's intention to pay. If they are told they have 5 days notice then and no payment can be taken / no case submitted / deadlines not met. Better to put in place a robust refund policy.
Purple Star Consultant Ltd	no
QC Immigration	No. This simply would not be feasible in urgent matters where work must be completed within a few hours. Organisations are already extremely vulnerable to non-paying clients; this is going to severely affect the cash flow and efficiency of organisations.
Rozijo	It is not justified to take a payment from somebody without informing in advance. This is not a good practice, especially if the person is your client.
S Gardner & Co	Yes
Scottish Refugee Council	Yes. In the interest of transparency all payments should be authorised by a client before they are taken from the client's account, credit card or debit card. We cannot of any reasonable circumstances where a payment would be taken from a client without prior authorisation.
Sincere Consulting UK Ltd	Agree.
SKILLS4COMMUNITIES	Yes for regulated firms that trades for profit because they are quick to take client money before deliver the services then later they sign post the client or say they can proceed can handle the case thereafter or delay the case is either completed or

	no time or cannot go to the court or appeals. But for the regulated Adviser's/Charity who do charge they can even same day or at convenient time agreed because client is paying for the Home office charges for the application not the charity's money or surplus.
Slough Immigration Aid Unit	When an application is made to the Home Office, the fee must be paid in order for the application to be valid. If a five day notice period meant that the application was made late, this would seriously prejudice the client. Advisers have the responsibility to explain to clients that if they decide to pay a Home Office fee by credit or debit card there must be the money in the account to do so. When a client has paid an adviser for services and the money has been deposited in the organisation's client account, it should not be withdrawn until the work has been done. The adviser always needs to have the money to refund a fee in the event of a client withdrawing instructions before the work has been completed.
Smith Stone Walters Ltd	Agree. The approach taken by some companies which is outlined in the consultation document sounds extremely unprofessional.
Softlink Consultants Limited	I agree with the proposal. But what happens in case of a dispute?
SSL Immigration Services	I Agree
Sterling & Law Associates LLP	Yes
Suma Law Associates	I agree
Thakerar Consultancy Services	Yes, must do. Although no experience of client account/client card payment
Topadar Legal Chambers	No, because the majority client will not consent to take the payment, if they receive any decision against their will by the home office. Therefore it would be unfair for the advisor not to receive their payment for the work they already have done for their client.
U. L. Consultants Ltd	Yes
UK Immigration and Business Advisors Ltd	For Credit Card payments (YES) and for Client Account (NO) because in Client account organisation should, once finished agreed work, only inform the client that they are taking the work as agreed work has completed.
UK Immigration Law Chambers	No. An advisor should be allowed to take payments from a client account for work undertaken, but a prohibition on taking payments form a client credit/debit card with the above notice.
UK Immigration Online Ltd	Yes, I agree with the proposal contained in paragraph 49.
UK Visa Partners Ltd	No
UK Work Permits Ltd	It seems to us to be obvious that an organisation should obtain a client's express permission before taking payment of fees. However, a 'cooling off' period of five working days would create an unworkable situation, whereby an advisor would be unable to complete work at short notice without the risk that the client would unreasonably refuse to pay.
VC Legal UK	Yes
Victory Legal Services	No
Visa & Immigration Solutions Ltd	Yes
Visa Link Ltd.	I agree.

WM Immigration Ltd	Yes
15. Please make any suggestions for other matters which you think should be considered for inclusion in the new <i>Code</i> .	
ASJ Immigration Advisors	rule should be more flexible
Aydin Visa & Translation Ltd	All Jurisdictions should be included to cover under the OISC Codes of Rules. All authorities should cooperate with OISC in this matter.
BID	BID will be pleased to be given the opportunity to be consulted on the new Code, and to be able to inform the OISC of any new matters that should be included should the need for this arise.
Faculty of Advocates	We do not welcome two stages of consultation on this matter. The Faculty is concerned at some of the questions it is being asked. In particular, the conduct by regulated advisors alluded to in section C of the consultation document suggests levels of conduct short of what is appropriate. The complexity of the regulatory system and the matters that need to be addressed support the Faculty's long-held view that immigration advice and representation are of such importance and difficulty as to be unsuitable to be in the hands of those who are not legally qualified.
H&P Associates Limited	Overall, I believe the Codes work well, and if a more principle-based approach is considered, should enable organisations to manage their businesses efficiently and effectively.
IEP Management Ltd.	I think that you are taking some good positive steps to reflect today's working practices and ensuring that clients can be confident that OISC regulated advisors and organisations provide a professional service. Perhaps you need to look a little more closely at the internet situation with this being probably the largest growth area (and payments in view of your comments in Point 24). Have you considered social media sites, including Twitter as perhaps some guidance would be useful to organisations using these and Linked In groups.
ILPA	<p>One of ILPA's objects is to 'promote further and assist by whatever means the giving of advice to and assistance and representation of immigrants to ... the United Kingdom' hence its interest in the regulation of immigration advisors. ILPA advocated for many years for the regulation of advisors prior to this being identified as government policy in the 1998 White Paper <i>Fairer, faster, firmer: a modern approach to immigration and asylum</i>¹ that preceded the Immigration and Asylum Act 1999.</p> <p>ILPA has long expressed concerns that it is too easy to qualify as an immigration advisor at level one, given the range of work that is permitted at that level. All Points-Based applications sit within level one, although these may involve making applications for persons who have no leave. All family applications sit within level one although these, especially since Statement of Changes in Immigration Rules HC 194 came into force on 9 July 2012, are technically highly complex and also involve work in the highly contested field of Article 8 of the European Convention on Human Rights.</p> <p>Alongside this anxiety runs one a different one. There are a significant body of</p>

¹ <http://www.archive.official-documents.co.uk/document/cm40/4018/4018.htm>

	<p>persons who do not qualify for legal aid but have limited means. Their number has increased with the passage of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, with the removal of immigration from the scope of legal aid.</p> <p>We are concerned that:</p> <ul style="list-style-type: none"> • The boundary between that which is not regulated ("signposting) and that which is regulated is not always clear and in any event ill-understood; • Persons are put off assisting migrants and refugees by the requirement to become regulated. <p>We consider that there is merit in exploring whether Level one might be split into two:</p> <ul style="list-style-type: none"> • A lower level – carved out of the bottom end of the current level one, with clearly delineated boundaries, designed for those working in not for profits who want to be able to offer assistance with routine notifications and very basic matters, such as they might do in the fields of welfare benefits or family law for other clients. Small migrant community and voluntary organisations may be the first source of advice and help for members of their communities and may want to be able to give basic information and signposting to other organisations who can help when an application is to be made. • A level at which the range of work currently permitted at Level one is permitted but where the entry test and monitoring subsequent to entry is much more stringent, to ensure that those who are making complex applications such as these have a higher level of knowledge and expertise than is required of level 1 advisors at present. <p>We consider that such a division has the potential to protect clients and advisors alike and better to recognise the advice being given at each level. ILPA stands ready to discuss this proposal in more detail if that would be of assistance.</p>
Immigration And Work Permits Consultancy (IWPC)	The provisions that are being proposed to go into the new Code appear to have been sensible, workable and are consistent.
Instant Immigration Service	Codes and rules documents should be consolidated in to one document but the identifies rules in paragraph 37 should remained are identified as rules
Islington Law Centre	Since the coming into force of the Statement of Changes in Immigration Rules HC 194 on 09 July 2012 the level of advice required to be given to those with family, Article 8 ECHR cases to those qualified at Level One has greatly increased. These cases are often difficult and complex. This together with the Legal Aid, Sentencing and Punishment of Offenders Act 2012 means that there are those seeking advice with very limited funds. As such it is important that those regulated by OISC at Level One are clearly regulated to a high standard. Those advising at Level One should have a clear indication of what work they can do i.e. from basic information to signposting to other organisations who can assist when an application has to be made, to those at Level One who can make initial applications for clients and therefore require a higher level of knowledge and experience. This is to ensure that client's do receive a good level of advice and that advisers know to which level they can advise clients. This information should be clearly stated in the new Code.
Just Immigration Services	Those capable of doing do so, should be allowed to submit JR applications until the need a counsel for attendance at court. Because under domestic legislation as well as ECHR, "anyone" or "a person of her choice" is entitled to undertake JR process.
Leone Consultancy	Advisers should not be allowed to hold onto clients files pending final payment if a client wishes to withdraw their file
Lifeline Options Community Interest	Restrictions on unsolicited advertising of services

Company	
Manuel Bravo Project	An allowance for some rules to be waived with the discretion of the Commissioner or her staff in particular situations
Mutebuka & Co	Greater clarity of issues that would result in organisations being taken to the Tribunal in enforcement proceedings.
Peer & Co.	-I have raised this issue with the Commissioner before, OISC advisers being able to do Judicial Review. I have always received the same answer "rights of audience is an issue". I don't believe this is an appropriate response, even solicitors use barristers to do their JR grounds and then to represent them in court if needed. I don't see why we can't do the same. I believe the Commissioner could introduce specific Codes regarding this, based on a Level 3 firms experience and auditing records allow the firm to do JR. -I also think that experienced OISC advisers should be allowed to apply for the position of an Immigration Judge endorsed by the Commissioner, I have almost a decade of experience in this field but my experience was completely discounted at the expense of those who were "qualified solicitors but hardly any experience in Immigration" surely the tribunals would benefit from my decade long experience exclusively in this area. -One more point I would like the Commissioner to take into consideration which has caused me some concern is that there OISC advisers out there that have done the Level 1 multiple choice test and then sit for years on Level 1 without any intention of progressing in the field as they now endorsed by the OISC to give immigration advice, complete disregard is then given to what extent they are allowed to give advice. I think a positive obligation should be placed on sole traders or one man firms to progress within a stipulated time frame. This wouldn't apply to firms with different levels of caseworkers as they would all gain from each other's case working experiences but sole traders and one man firms wont.
PERMITS2WORK	I have always thought the OISC has a difficult role as a regulator, yet offering training, policing the industry, but definitely on the side of the client than on the side of the adviser but perhaps a more supportive model for the future would be better. The aim is to improve and raise the quality of immigration services offered by advisers to the public and this might be achieved in other ways e.g. - harder exams, support etc. More assistance for those firms not coming up to standard. Perhaps these matters could be included but a different approach would be required and one which the Codes may not cover. The question arises with more prescriptive controls, is this actually raising standards or making the role of the OISC more of an enforcement based agency.
Purple Star Consultant Ltd	More frequent communications between Immigration practice organisation and OISC, such as conferences, emails
QC Immigration	There should be more protection when dealing with non-paying clients or clients who harass or abuse advisers/organisations.
Rozijo	Please set out Codes and Rules as per Level [1, 2 or 3] of Organization. All organizations should not have been governed by same one set of Codes & Rules. Best Regards
S Gardner & Co	Codes require more clarity and should be provided as a printed document to all organisations at the time of renewing registration with the OISC.
SKILLS4COMMUNITIES	The notes in the OISC website out to be downloadable even if it is PDF or App so that the Regulated Adviser can read as standalone offline because not all people are privileged with high speed internet or media that is used in website. Further many can Advisers especially who work for charities and even Social enterprises during work -time can read and do CPD but have to do at home or private time when they are equally tired. To overcome this downloadable notes should be allowed however assessment done of the OISC website. Also it is high time OISC

	develop Apps for the phones with full notes that can be downloaded this will make money for the OISC but also increase accessibility and development of knowledge of immigration. The other thing the OISC Workshops should be spread in different venues not only big cities as well for easy accessibility for some us that leave away from London and Scotland.
Slough Immigration Aid Unit	<p>SIAU wonders whether OISC might consider the feasibility of regulating advice given ostensibly to a particular individual on television and radio programmes, as well as directly on the internet. When people appear on television programmes or radio phone-ins they may give advice and information to individuals which may then be followed by listeners and viewers whose situation is not identical, and who may not be best served by it. This may also be a way of advertising services.</p> <p>The present work permitted to Level 1 advisers is very wide-ranging. 'Advice within the immigration rules' covers a huge range of work. After the implementation of HC 194 from 9 July 2012, family applications have become immeasurably more complicated. The points-based system has become more prescriptive, and for all applications the requirements and the specific information and evidence needed to meet the rules have become even more complicated. The rules are frequently changed. A tiny error or omission, or missing a single line of the rules can render an application invalid, or lead to a refusal. For example, the fact that a self-employed person cannot also rely on savings to meet the financial requirements to sponsor a partner is often missed. The utmost attention to detail is required.</p> <p>This could be improved by dividing the current Level 1 into two levels, to ensure that those who are making complex applications such as these have a higher level of knowledge and expertise than is required of Level 1 advisers at present.</p> <p>Small migrant community and voluntary organisations may be the first source of advice and help for members of their communities and may want to be able to give them basic information and signpost them to other organisations who can help when an application is to be made. They would need less regulation and information if they are essentially providing a signposting service than organisations making Tier 4 or Tier 2 applications, or family applications, and a two-tier system would help to differentiate the level of knowledge and expertise required. Having a Level 1, basically for signposting and providing basic information, and a Level 1A for making applications, with practitioners being required to undergo more training and to have a higher level of knowledge, could protect advisers and clients alike.</p>
SSL Immigration Services	I refer the answer of the Q.23
Thakerar Consultancy Services	<ol style="list-style-type: none"> 1. Experience shows that clients rarely come alone or in isolation. Thus consent should be obtained as to who else can share meetings, telephone calls, etc. N.B. Please note this may change over the life of the case/instructions. 2. Client MUST keep a copy of all documents given to advisors/UKBA.
UK Immigration and Business Advisors Ltd	All codes should have a Scenario example, like in consultation paper, this will assist current and new organisations who would like to join OISC.
UK Immigration Law Chambers	Level 1 and 2 advisors should not be allowed to work independently or open their own organisations, without the supervision of a level 3 advisor.
UK Immigration Online Ltd	Here are some suggestions I feel should be considered for inclusion in the new Code: - Inspection checks - 'Mystery' clients
VC Legal UK	The ways the businesses are operated are for example. more towards paperless office and any changes should accommodate to new trends
VISA & IMMIGRATION SOLUTIONS LTD	Payment of renewal fees by advisers should be allowed to be done by credit card, rather than the cheque and bank transfer option currently in use. The economy is

	bad and majority of advisers are struggling with cash flow.
WM Immigration Ltd	Referrals and/or outsourcing should be permitted to handle fluctuations in business as this is difference for every company. This will benefit organisations and clients as clients will be better served and organisations will be financially stronger which should equate to better service for clients.