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Welcome to the summer edition of the OISCNews



Summer triggers ends and new beginnings – the ending of school terms; the beginning of hot days and warm nights. The same applies to the OISC. This *Newsletter* is the last one in which I will feature as Commissioner. As I am completing my second term in office in early September, the Home Office will shortly be overseeing a recruitment exercise leading to a new Commissioner being appointed by the Home Secretary.

In recognition of my imminent departure, I have taken the opportunity of this year's Annual Report to recall, review and reflect on what the OISC has achieved during my time as the head of the OISC. The 2014/15 Annual Report has just been published and can be found via this link <https://www.gov.uk/government/publications/annual-report-and-accounts-2014-to-2015-oisc>. In addition to my Commissioner's Statement it contains data about the regulated sector, information about how we are developing our law enforcement activities and details on how well the OISC performed over the past year.

During my decade in office there have been significant changes in the way we have engaged with advisers, advice organisations and other stakeholders and in the way we work internally. Several times during that period the OISC has come under intense scrutiny both as to whether the functions my Office carries out remained required, and, even if they were, whether the OISC should continue to deliver them. Each time the answer has been a definitive yes. We are now waiting for the publication of the outcome of the OISC's latest Triennial Review.

All organisations can improve and develop, and I expect the new Commissioner will need and want to introduce changes, innovations and refinements taking into account political, economic and social environments in which the OISC must exist. Notwithstanding this, I expect that the fundamental ethos of protection of the public, maintaining strong regulatory standards and providing good regulatory service will remain the organisation's cornerstones.

This newsletter covers a variety of subjects which reflect the various aspects of our work including introducing our new Head of Intelligence and Investigations, Victoria Bovill-Lamb, the publication of the new Complaints Scheme, our progress towards publication of the new Code of Standards and the accompanying guidance notes, progress on the introduction of electronic application forms, recent prosecutions, the accreditation of CPD providers and examples of how we have used the powers given to us under the Immigration Act 2014.

I hope that you enjoy this Newsletter and the summer.

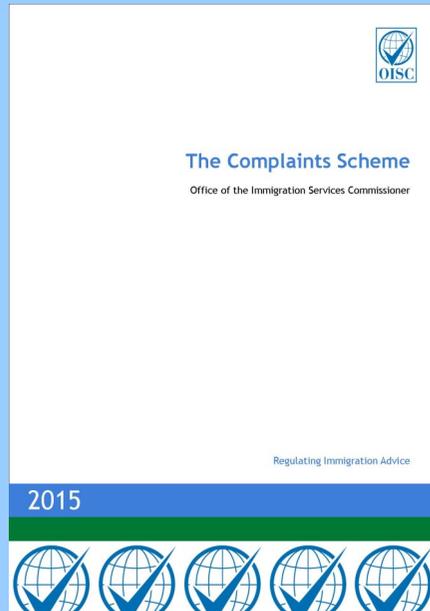
“The OISC is expecting to publish both the Code and accompanying Guidance Notes in September 2015”



The New Complaints Scheme and The New Code of Standards

New Complaints Scheme

The new Complaints Scheme was implemented on the 1 July 2015. A copy of the new scheme can be found on the OISC website at <https://www.gov.uk/government/publications/oisc-complaints-scheme> together with the OISC's response to the Scheme's consultation. Regulated organisations and advisers must comply with the new scheme from the 1 July 2015.



The new Scheme recognises that there is now only one category of OISC regulated body and person - being registered organisations and advisers – and the Commissioner's new powers under the Immigration Act 2014. In order to make the new Scheme more user-friendly it has a different structure and is shorter and more concise than the previous version.

New Code of Standards

Starting in November 2014, we ran a second consultation on the new Code of Standards. This consultation took into account the responses received to the initial consultation conducted in 2013 and included the proposed new, more principle-based Code which incorporates the Commissioner's Rules.

Since the second consultation closed in January 2015 we have been considering the insightful and extremely helpful comments that we received and finalising the drafting of the Code. The responses received have been particularly helpful in helping us to identify which codes require Guidance Notes and what those Notes should contain in order to assist organisations and advisers.

The OISC is expecting to publish both the Code and accompanying Guidance Notes in September 2015. There will then be a period before the Code comes into force to enable organisations and advisers to familiarise themselves with the new document and ensure that they are compliant with it.

“In targeting those who present the ‘greatest risk’ we have also sought to use other relevant legislation.”



Intelligence and Investigations Project

Over the past year we have been reviewing the aims and working practices of our Intelligence and Investigations Team (I&I Team) to ensure that we are focussing our resources on the areas of greatest risk in countering the giving of illegal immigration advice.

One of our first tasks was to recognise the importance of our partners fully understanding the OISC’s role and responsibilities. To that end the I&I Team has been working with such organisations as the Charities Commission, HM Revenue and Customs (HMRC), the Department of Work and Pensions, the Gangmasters Licensing Authority, HM Passport Office and the National Crime Agency.

The I&I Team has also been considering how it can ‘prevent’ and ‘protect’ people who may be exploited as a result of being given unlawful advice. In particular, following a series of meetings with the Home Office and security personnel responsible for the management of Detention Centres, OISC investigators, working together with Detention Centre staff, designed and introduced systems to deter unregulated advisors from gaining access to potential clients who are being detained at those centres.

In addition, we have looked at outcomes that can be achieved as an alternative to prosecutions. For example, we have begun

discussing with other enforcement agencies the potential of using their powers to ‘disrupt’ that advice. Disruption would be used where there was insufficient evidence for the OISC to pursue a criminal prosecution, but there was demonstrable harm being caused by the provision of immigration advice. We might use this when working with Trading Standards where an organisation is contravening local trading laws or with HMRC if tax and national insurance was not being collected correctly.

In targeting those who present the ‘greatest risk’ we have also sought to use other relevant legislation. This resulted in the first use by the OISC, in partnership with the West Midlands Regional Asset Recovery Team, of the Proceeds of Crime Act to confiscate some £50,000 from two particular offenders. Most of that money will be used to provide compensation to victims with some being paid to the Home Office via OISC collection.



/Cont...

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Intelligence and Investigations Project /Cont. Electronic Applications

Intelligence and Investigations Project /Cont....

Previously the OISC has been trying to do something with every piece of information that it received. We concluded that to do this was neither an efficient nor effective way of targeting those at 'greatest risk'. We have therefore introduced a system of assessing the value of all intelligence we receive at an early stage at a 'tasking meeting'.

An outcome of a tasking meeting can be threefold. Some intelligence will be assessed as being of little current value and will be shared with other agencies that may be better placed to use it. If the intelligence clearly demonstrates evidence of S.91/S.92 offending, it will be given quickly to an investigator for them to begin enquiries. Intelligence which suggests offending but falls short of a clear identification of who is responsible will be given to our newly recruited Intelligence Officer to research and analyse. He will make enquiries with other agencies and the subsequent 'Intelligence packages' he produces will be reviewed at further 'tasking meetings'.

Electronic Applications

In March 2014 we reported that we expected to be able to offer OISC application forms and take payment of application fees 'on-line' in late Spring 2014. The aim being to simplify the process for applicants, ensure that the right documents are uploaded and the correct fee paid for the type of application being made. However, despite substantial progress in the development of the forms and 'on-line' process by both OISC and Home Office, this work is not fully completed. It remains the OISC's intention to implement 'on-line' applications and fee payments, and we will keep organisations and advisers updated on our progress in delivering these.



“The data suggests that the competence assessment system is effective”



Outcome Objectives

In 2014/15 the OISC began piloting four outcome based objectives in order to improve its effectiveness in delivering its statutory and organisational aims. Those objectives being:

- Objective 1 - Only those applicants who demonstrate they are fit and competent will be authorised to practise under the OISC regulatory scheme;
- Objective 2 - OISC regulated organisations and advisers comply with the Rules and Code of Standards for the benefit of clients and other stakeholders;
- Objective 3 - The OISC takes action to counter the provision of illegal immigration advice; and
- Objective 4 - The OISC is a fit for purpose public service regulator.

During the past year we have been developing a quantitative data set to enable us accurately to assess our performance against these objectives. Analysis of these data sets has highlighted a number of interesting issues.

Objective 1

The data suggests that the competence assessment system is effective in ensuring that those who are unable to demonstrate that they meet the required standard of knowledge are not

being allowed entry into the regulatory scheme. It has also had at least an indirect effect on the churn in immigration organisations and advisers, particularly at Level 1, entering and leaving the regulatory scheme within a short time of their admittance. This has been a perennial issue for the OISC as we do not consider that such a ‘swing door’ movement to be helpful.

Objective 3

The OISC’s work and data collected on dealing with illegal activity has undergone considerable change over the past year which is described in detail elsewhere in this newsletter.

Objective 4

The data collected indicates that the OISC is efficiently and appropriately handling complaints made against its staff, is paying invoices on time and dealing with Data Protection Act and Freedom of Information Act requests appropriately.

“...level 1 may only submit form FLR (FP) applications based on Family Life as a Parent under the 5 year route.”



Administrative Review and FLR (FP) Applications

Can Level 1 advisers apply for Administrative Reviews?

OISC advisers operating at Level 1 can undertake most Administrative Review work for both in country and out of country applications. However, where an application has been refused on the basis of credibility or a fundamental issue of genuineness of documents or relationships, these are considered to be complex cases and should only be undertaken by OISC advisers operating at Level 2.

Can Level 1 advisers submit applications under Form FLR (FP)?

Form FLR (FP) must be completed by applicants applying in the following four categories:

- Family Life as a Partner (10 year route)
- Family Life as a Parent (5 year route)
- Family Life as a Parent (10 year route)
- Private Life in the UK (10 year route)

These four different routes have been incorporated into the Immigration Rules. However, as was the case with the

introduction of Article 8 of the ECHR in Appendices FM and FM-SE, this does not mean that all the above applications can now be made by advisers operating at Level 1 due to varying degrees of complexity involved in the applications.

The OISC believes that of the applications listed above, advisers operating at Level 1 may only submit form FLR (FP) applications based on Family Life as a Parent under the 5 year route. All other form FLR (FP) routes should only be dealt with by advisers operating at either Level 2 or 3.

Level 1 advisers making Administrative Review Applications or form FLR (FP) applications based on the 5 year route are reminded of the general requirement outlined in the *Guidance on Competence* - to refer to an adviser who is regulated at a higher Level cases involving detailed representations and follow-up correspondence. This requirement needs to be assessed by an adviser on a case-by-case basis.





OISC COMPETENCE ASSESSMENT CENTRES DATES AND LOCATIONS



**Civil Justice Centre,
Manchester**

The dates and locations of the OISC Competence Assessments for the period July 2015 to December 2015 are listed below. Further dates and venues may be added depending on demand.

Date	Level to be tested	Venue
Thursday 30 July 2015	Level 1 Only	University of Westminster, London
Thursday 27 August 2015	All Levels	University of Westminster London and Manchester Civil Justice Centre
Monday, 28 September 2015	Level 1 Only	National Union of Teachers, Euston, London
Thursday, 29 October 2015	Level 1 Only	National Union of Teachers, Euston, London
Monday, 23 November 2015	All Levels	National Union of Teachers, Euston, London
Thursday, 17 December 2015	Level 1 Only	National Union of Teachers, Euston, London

General guidance on the competence assessment marking scheme can be found by following the link below: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380571/General_Marking_Scheme_for_OISC_Assessments_2_.pdf

“...she taught courses on investigative interviewing; problem oriented policing and vulnerable populations;”

Intelligence and Investigations Team - An update

Introducing Victoria Bovill-Lamb, the OISC’s new Head of Intelligence and Investigations

Victoria graduated from the University of Dundee obtaining an LLb (Honours) in English and Scots Law. From there she joined the Metropolitan Police Service and was initially based at Paddington Green police station’s Criminal Investigations Department, where she was responsible for supervising burglary, robbery and crime squad teams. From there she moved to the Counter Terrorism Command, where she had a number of supervisory roles including the initial response to the London bombings and responsibility for restoring personal property to over one thousand persons. Promoted to Detective Inspector Victoria has over the years had national responsibility for managing a number of teams involved with terrorist investigations and intelligence gathering.

In 2012 she was appointed as a lecturer and researcher with the School of Policing Studies, Charles Stuart University, Australia, which works in collaboration with the New South Wales Police. In that role she taught courses on investigative interviewing; problem oriented policing and vulnerable populations; and ‘police as investigators’.



Following on from the property restoration response to the London bombings she continued to work with a Professor from the University of Bath on the subject of emergency response. She has also worked with the Australian Disaster and Emergency Strategic Management Agency, and in 2014 delivered a presentation on ‘Personal property restoration in response to major incidents involving mass fatalities’ to the Australian and New Zealand Disaster and Emergency Management Annual Conference.

Victoria’s other research interest is counter-terrorism police personnel and post-traumatic stress, and this subject formed part of an M.Sc in Forensic Psychology and Criminal Investigation for which she was recently awarded by the University of Liverpool.

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The OISC's New Powers - An update

The OISC's new powers under the Immigration Act 2014 became effective on 17 November 2014.

One of these powers allows us to apply to the Immigration Services (First-Tier) Tribunal to suspend an adviser where they have been charged with a serious criminal offence. The OISC made its first applications making use of this power in April 2015 having been informed of two advisers who had been charged with serious offences linked to immigration matters. One adviser withdrew from the OISC scheme immediately. In suspending the second adviser, the Chamber President, Judge Peter Lane, took into account the risk to the public of the adviser being permitted to continue to practice, the effect that would have on public confidence in the profession and the effect the suspension would have on the adviser and his clients. The adviser's suspension will continue until the outcome of the prosecution is decided.

A second power enables us to enter a regulated organisation's premises to carry out the Commissioner's functions. The Commissioner's practice of consensual visits remains our primary way of working. However, in December 2014 and in January 2015 the Commissioner had concerns of such a serious nature that she applied to Westminster Magistrates' Court for warrants to enter the respective premises of two regulated organisations. Both of these applications were

granted, and the warrants were executed immediately. The information gathered from these visits has assisted the Commissioner in regulating both organisations.

The 2014 Act also abolished the concept of the Commissioner's power to 'exempt' organisations. While all such organisations automatically became registered on 17 November 2014, they needed to apply for continued registration so that there was no break in their authorisation to continue to provide advice and services free to clients. In the months following implementation the OISC worked with Citizen's Advice across the UK and the approximately 250 previously exempt organisations to move them onto an annual continued registration cycle. This was completed earlier this year, and the OISC would like to thank all those organisations involved for helping us ensure such a smooth transition.



*“from 1 July
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Continuing Professional Development

Accreditation of Core Knowledge CPD Activities from 1 July 2015

CPD makes an important contribution to ensuring that regulated advisers remain up-to-date with core knowledge; which is knowledge specifically on the subjects of UK and EEA immigration, asylum law and human rights.

Last year the Solicitors Regulation Authority (SRA) announced that from November 2014 they would no longer accredit CPD providers. The Commissioner has decided that from 1 July 2015 the OISC will only accept core knowledge activity for CPD purposes if this has been accredited by one of the following two organisations:-

1. Bar Standards Board (BSB)
2. The CPD Standards Office

Advisers can find in their CPD on-line account a list of core CPD providers who have obtained this accreditation.

It is important that you check that any core activities you take are accredited by one of these two organisations. If they are not, they will not be accepted for CPD purposes.

Advisers should note that when claiming their core CPD hours they will need to provide the following:-

- o the provider's CPD accreditation code;
- o which body accredited the provider – BSB or The CPD

Standards Office;

- o proof of attendance, such as the Certificate of Attendance; and
- o the number of CPD hours awarded.

The requirements for in-house training in core CPD remain the same and are not affected by the change in accreditation.

CPD 2015-16 Reminder

We are now four months into the CPD year and a training plan should be in place with the CPD that you will undertake. As we recommend each year, advisers should ensure that all CPD is completed and recorded on-line in good time to avoid any problems that may occur at the end of the year leading to possible non-compliance with the Commissioner's Code of Standards.

OISC Workshops and Seminars

Each OISC workshop or seminar is awarded two non-core CPD hours. It is necessary for you to manually record the details in your on-line CPD account. It is not necessary to attach proof of attendance for the workshops or seminars.

*“left a trail of
destruction
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in her wake.”*

Prosecutions



During the first six months of 2015 the OISC has successfully prosecuted five people for illegally giving immigration advice.

An accountant, ██████████ appeared before the City of London Magistrates' court on 15 January and pleaded guilty to eight charges of providing unregulated immigration advice. She was ordered to pay £2,000 in compensation and £2,430 in costs.

On 28 April at the Hammersmith Magistrates' Court, ██████████ was found guilty of providing unregulated immigration advice. He was sentenced to six months' imprisonment suspended for two years, 200 hours community service work and ordered to pay £11,980 compensation and £2,264 prosecution costs. In passing sentence, Magistrate Mrs J Smith said, "The offences you have committed have been aggravated by the incompetent advice given, adversely affecting the immigration status of your victims and the large sums of money you obtained".

██████████ was convicted in her absence at Luton Magistrates' Court on the 30 May of four counts of providing unregulated immigration advice. She was sentenced to six months' imprisonment for each offence, to run concurrently, suspended for two years. She was also given a curfew between 2200 hours – 0700 hours and ordered to pay compensation of £2,325 and £2,881 prosecution costs. District Judge Lee-Smith said she had, "left a trail of destruction towards vulnerable people she left in her wake".

██████████ falsely claimed to be a solicitor and was found guilty at Southwark Crown Court on the 6 June of 10 counts of providing unregulated immigration advice. He was sentenced on 3 July to 10 months imprisonment.

Upon sentencing, Judge Nicolas Lorraine –Smith said, "I'm satisfied you are manipulative and greedy. You have been preying on vulnerable people who needed immigration advice. You knew what you were doing was wrong and you have done everything possible to avoid detection and conviction".

/Cont...

*“... convicted
of providing
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immigration
advice.”*



Prosecutions /cont...

Request an OISC Speaker for your Event



Prosecutions /Cont...

On the 16 June , ██████████ appeared at the City of London Magistrates' Court where he was convicted of providing unregulated immigration advice.

He was sentenced on 25 June to 10 weeks' imprisonment suspended for 12 months, and ordered to do 80 hours unpaid work. He was also ordered to pay compensation to the victim in the sum of £2,350, prosecutions costs of £1,000 and a victim surcharge of £80. He had falsely presented himself as a qualified solicitor to persons from the Sierra Leone community. In fact he was actually employed at the time of his deception as a bus driver. Sentencing him, District Judge Holdham said, "This was nothing short of fraud when you claimed to hold these qualifications. This offence passes the custody threshold".

Request an OISC Speaker for your Event

Immigration advice organisations are invited to contact the OISC if they have an interest in receiving input or representation from the OISC at one of their future events.

Advisers organisations should email Sharon.harris@oisc.gov.uk in the first instance to register an interest. Advisers will subsequently be contacted to discuss possible options.



OISC News is published by the Policy, Publications and Stakeholder Engagement Team at the Office of the Immigration Services Commissioner.

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