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Many thanks. I found this interim report interesting, readable and well-balanced.

I do not feel the need to provide a formal response to the questions posed; but I should just like to offer a few comments [§] which the CMA might wish to bear in mind when preparing its final report.

I welcome the statement at 3.24 which clarifies that providers of immigration advice may be regulated [§] [*by the Office of Immigration Services Commissioner (OISC)*] outside the Legal Services Act 2007 (and therefore not overseen by the LSB). Unfortunately this is contradicted by Appendix E which lists the OISC as an Approved Regulator!

However, thereafter the report reads as if providers are either regulated [under the auspices of the LSB] or “unregulated”; whereas immigration advisers fall between these two broad categories. I don’t want to make a big issue of this, but would simply flag-up the risk that extracts from the report taken out of context could be subject to misinterpretation. Moreover, when immigration is subsequently mentioned this is, I believe, in relation to advice provided by solicitors – which is not necessarily reflective of the sector as a whole (since far fewer solicitors than OISC-regulated advisers are active in the field). Here are a number of specific examples which clearly do not need “correcting”, but which will hopefully alert the CMA to where it might need to exercise caution in preparing the final report.

4.15 comments on fixed fee arrangements in immigration. Whether or not this is true of the sector as a whole, the reference here is to solicitors.

4.26 comments on immigration and asylum advisers having poor legal and case knowledge. This too refers to solicitors (and possibly barristers), not OISC-regulated advisers.

4.32 says [perfectly reasonably] that even if use of the term “solicitor” or “barrister” provides an indication of quality, it says nothing about the individual. But it does not go on to say that you might get an even better (and/or more appropriate) service from an immigration “lawyer” regulated by the OISC.

5.15 is a particular example of where the OISC seems to “fall between the cracks”. Whilst it is clearly true that “unregulated providers, with whom solicitors compete in relation to ‘non-reserved’ legal activities are not required to meet the same [academic and training] requirements...”, the section goes on about self-regulation by unregulated providers but appears to overlook providers with whom solicitors compete in relation to the ‘non-reserved’ legal activity of immigration advice who are regulated [§].

5.27 also relates solely to providers regulated under the Legal Services Act [overseen by the LSB]. It is not correct in respect of providers of immigration advice and services regulated by the OISC [under the Immigration and Asylum Act 1999].

6.11 is correct so far as it goes; but it implies that unregulated persons can undertake activities which are not reserved. Clearly this is not the case in respect of the provision of immigration advice and services (by regulated solicitors, barristers or OISC advisers) despite the fact that immigration is not a reserved activity.

7.43 says (quite correctly) that “consumers do not necessarily understand the distinction between different types of regulated and unregulated legal services providers”; but with all due respect, as I am trying to illustrate here, your own report is somewhat less than transparent in restricting “regulated legal service providers” to those overseen by the LSB.

7.44 refers to the Legal Choices website. This is interesting insofar as it does not list immigration advisers as a type of lawyer. Although if you drill down into immigration and asylum advice it does eventually point you towards OISC-regulated advisers, consumers would no doubt benefit if the website flagged-up the existence of this regulated professional group on its front page.

7.50 is another instance of OISC-regulated advisers “falling between the cracks”. Some [redacted] do indeed describe themselves as immigration lawyers; however, not only is this legitimate (since “lawyer” is not a reserved term), but some of them actually are fully qualified solicitors and barristers from overseas who have simply chosen not to re-qualify in the UK but rather to focus on providing legal advice and services in the immigration sector, regulated by the OISC.

In fact the whole section on “Consumer protection and redress” overlooks arrangements put in place by the OISC (which are substantially different from those in what the CMA would describe as the regulated sector – not least in that, unlike LeO [redacted] [the OISC] accept and investigate complaints about both service and conduct).

Unfortunately I don’t have a simple solution to offer; but I do think it is essential that throughout the final report you acknowledge that regulated individuals and organisations are not just those providing reserved legal services.

Finally, [redacted] 3.34 says that Citizens Advice is unregulated. In fact [redacted] [the OISC] regulate this organisation in relation to the immigration advice and services provided by some 400 Citizens Advice Bureaux.

[redacted]