

Aim and purpose

Promoting good practice is a statutory duty of the Immigration Services Commissioner. This note is one in a series of Guidance Notes produced by her office, the OISC, and specifically examines the relationship between OISC regulated immigration advisers and parliamentarians in connection with matters affecting an adviser's clients.

Contents

1. OISC regulated advisers and MPs
2. Other Parliamentarians covered by this note
3. When MPs can assist an adviser or their client
4. Contacting and Consulting an MP
5. Parliamentary procedure

OISC regulated advisers and MPs

1. The OISC's position is that, taking into account Parliamentary debates on the Immigration and Asylum Act 1999 and subsequent legislation, Members of the House of Commons (MPs) and their staff may provide free immigration advice and services at OISC Level 1 without OISC authorisation. They are, however, only allowed to do this if such advice or service is part of their constituency responsibilities. If they provide immigration advice or services in any other way, such as through a business, they must first obtain authorisation from the Commissioner.

Other Parliamentarians covered by this note

2. In addition to covering MPs, this note is applicable to members of the bodies listed below. Also included are the staff who work directly to them (often referred to as constituency workers or researchers):

The House of Lords

European Parliament (MEPs)

Scottish Parliament (MSPs)

Northern Ireland Assembly

National Assembly for Wales (in Welsh as *Aelod y Cynulliad (AC)*).

When MPs can assist an adviser or their client

3. MPs can assist an immigration adviser or their client if their concern is specifically about something for which Parliament or central government has responsibility such as immigration policy or the Tribunal Service.

Contacting and Consulting an MP

4. The OISC accepts that it is every citizen's right to contact their MP. What is unacceptable, however, is for an OISC regulated adviser to seek to use an MP to do their casework for them.
5. OISC advisers may wish to contact an MP if, for example, they consider that the United Kingdom Border Agency (UKBA) has taken an inordinate amount of time to reach a decision, the decision reached is manifestly unjust or did not take account of all the client's relevant circumstances. There is no guarantee, however, that the MP will agree to take up the matter, or, should they do so, that their intervention will be effective.

6. The 2012 edition of the OISC's *Guidance on Competence* reiterates the position stated in previous editions being that representations to MPs regarding ongoing immigration or asylum casework should only be made by advisers regulated at Level 2 or above.
7. If an OISC adviser wishes to consult an MP about a client's case, they must ensure that:
- this is only done if it is in the best interests of their client (**Code 9**);
 - the client is not given unrealistic expectations or an over inflated view of their prospects either because an MP is being consulted or has agreed to intervene (**Code 11**);
 - the client is not charged for consulting an MP (**Code 12**);
 - they do not seek to abuse any procedure operating in the UK in connection with immigration or asylum (**Code 13 (e)**); and
 - the client is fully informed about all activity being undertaken on their behalf (**Codes 34-39**)
8. Advisers should note, and advise their clients, that if an MP does agree to intervene in a specific case, they may table a question in Parliament.

Parliamentary procedure

9. Full information on Parliamentary process can be found at <http://www.parliament.uk/>

(April 2012)

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