

Welcome to the winter edition of the OISCNews



This is a bumper edition of our newsletter. A large part of this newsletter is devoted to areas of development in the legal advice sector. These advances will lead to business choices for you.

We have included news on the growth of the Judicial Review Case Management category plus we discuss complaints and complaint handling. There is an update on the Electronic Applications Initiative and exciting news on work that we have done to support Community and Voluntary Sector organisations into registration. We have also produced an article on expressions of interest to provide legal services to victims of trafficking and modern slavery.

There is also the usual news on specific areas of regulation and recent prosecutions. We hope that this will not only show that we are taking action against those out to ruin the reputation of the sector, but that it is possible to work together to see only the best for the immigration advice community and your clients.

We welcome your feedback too. We need to know what you would like to see in this newsletter. It must be remembered that we are a regulator and not a membership organisation, but we can work together for the general improvement of the sector.

On the last page, we have some of the questions that we have already received, some of which may surprise you!

I would like to take this chance to wish you and yours and my colleagues here at the OISC a wonderful Festive Season and a Prosperous 2018!

December 2017

If potential clients are looking for immigration advisers they are directed to the OISC section of the website and from there to the OISC landing page.



CUSTOMER FOCUS & THE OISC

LEGAL
CHOICES

The Competition and Markets Authority (CMA) reported on legal services and providers in December 2016. We informed you of this report in spring this year. The CMA concluded that consumers “generally lack the experience and information they need to find their way around the legal services sector and to engage confidently with providers. Consumers find it hard to make informed choices because there is very little transparency about price, service and quality”

The CMA report set out a package of measures challenging providers and regulators to help customers better navigate the market and get value for money. These changes are overseen by the Legal Services Board, which reports regularly on progress. For detailed information you can look at the [legal-services-remedies-programme-implementation-group-minutes-2017](#) and, hot off the press, is the [Government’s response](#).

While OISC regulated firms fell outside the scope of the CMA report, we are naturally watching carefully the steps being implemented by the other Legal Services Regulators. The Solicitors Regulatory Authority has undertaken their ‘Looking to the Futures Consultation’ for solicitors which picks up on many of the issues being raised while CIEx Regulation launched in September their consultation on bold new measures to make the legal services market more consumer friendly for individuals and small businesses. This consultation will close in late December. The Bar Standards Board is currently undertaking a consultation on Transparency Standards and in June 2017 published new guidance for the public and for professionals on immigration and asylum related legal issues. These latter documents, which were written in consultation with the OISC, aim to explain the services that clients may get from regulated advisers including OISC advisers and outlines the dangers of using unregulated advisers. <https://www.barstandardsboard.org.uk/media-centre/press-releases-and-news/new-guidance-for-the-public-and-for-professionals-on-immigration-and-asylum-related-legal-issues/>

In addition to responding where appropriate to these consultations, the OISC has been actively considering the information that is available to potential clients regarding OISC registered firms. Because of the way OISC differentiates between Fee charging and Non-Fee charging firms and Categories and Levels of immigration work, we believe consumers using OISC advisers are potentially in a better position to select an adviser who best meets their needs. The OISC is considering what other information may be helpful to clients and indeed if our website could be improved to provide more information to consumers. Also under construction for 2018 is a new workshop for advisers on Consumer Satisfaction which we are likely to pilot around mid February before rolling out more widely in the new business year. The new workshop will look at the information organisations make available to potential clients and how they can meet the expectations set, resulting in happy and hopefully repeat clients!

Legal Choices is a website established to help consumers make informed choices about legal issues and how they should be represented. It is owned by Qualifying Regulators such as the SRA and BSB. Potential clients will find some facts that may be useful to them if they think they have got a legal issue, as well as practical advice to help them get the support they need to sort things out. The information includes:

- Legal costs
- Where to start in addressing legal issues
- Complaints

Since September the OISC has had a presence on the Legal Choices website <http://www.legalchoices.org.uk/>. If potential clients are looking for immigration advisers they are directed to the OISC section of the website and from there to the [OISC.gov.uk](#). Similarly, if potential clients are looking for asylum advice, they are directed to the same page. Work on the Legal Choices website is still developing. Some of these developments will be in line with the Competition & Markets Authority report on [legal services](#). The growth of the Legal Choices website means that OISC branding and recognition become even more important for you as advisers in increasing your customer base.





December 2017

“I must admit to approaching the new system with some trepidation, particularly as my personal experience of Dropbox hasn’t always been easy. However, it was faultless, and a heck of a lot more efficient than the previous system.”

“I’m happy to report that the dropbox-based system was much more convenient and efficient for me. It would be great if this (or other) online system could stay. Not to mention it’s saving for us in terms of postage!”



The OISC logo & Electronic Forms

In issuing you with the authority to use the OISC logo we are promoting instant public recognition of you and the standards that you have met. It is the logic behind the argument of why consumers should use your services as opposed to those that do not display the logo. Having these identifiable badges of regulation raises awareness about regulation and increases client confidence, not just in the individual adviser, but also the sector.

Codes 70 and 71 of the code of Standards address the use of the OISC logo:

- 70.** An organisation’s OISC registration number must be displayed on the organisation’s letterhead, website and e-mail.
- 71.** The OISC logo must only be used in accordance with the instructions contained in the organisation’s approval letter.

In the special newsletter published in April 2017 we reported on the Thematic Audit of Organisations’ websites. It was found that several organisations did not display visual cues for the public to identify them as an OISC registered organisation. They did not display either the OISC logo and/or their unique registration number.

While where you place or use the OISC logo is your choice, ask yourself whether you would use a professional service, such as an accountant, gas service engineer or a lawyer that did not display a badge of regulation. Why should your clients be any different?

Remember:

- ◇ the minimum size for printing the logo is 13mm x 10mm
- ◇ the logo may only be used whilst your organisation has a valid certificate of registration from the Commissioner
- ◇ the logo may be used in any of your printed or electronic publications for as long as your organisation holds a valid certificate of registration
- ◇ the OISC owns the logo artwork and any reproductions of it window stickers of the logo and electronic versions of it are available from the OISC upon request

Good practice and common sense seem to dictate that if an organisation uses a website, that the OISC logo is placed on their front page. Further, the organisation could provide an explanation of what the logo means for the organisation and the client. Advisers could provide a link from their organisation’s own website to the OISC’s [Adviser Finder](#) tool allowing potential clients to view their authorised Levels and categories directly from the regulator. This is likely to have the effect of increasing consumer confidence in your organisation.

In our special newsletter in April we wrote about the launch of our new, Electronic Applications initiative. The new methodology allowed those applying for registration to complete and submit their form online by visiting the OISC website. The advantages of the new system of applying include: no more downloading, printing and posting the form back to us. It also reduces the financial burden, with no more use of unnecessary paper, printer cartridges or registered post to ensure applications are received securely.

These forms have now been in use for over eight months and we would like to thank those of you who have taken advantage of the new process and sent your forms and supporting documents to us online. The process has been running smoothly since implementation and early indications of feedback from users has been extremely positive.

However, it was inevitable that not all in the sector decided to utilise the new application format, in some cases opting for the tried and trusted style of submitting their forms. We would like to see as much take up of the new system of applying to us as possible so please encourage your people to apply to the OISC online rather than printing and posting to ensure they enjoy the benefits of the new process.

We surveyed users and a typical quote was, *“The method is speedier and more efficient than in previous years. It is very easy and paperless and its file sharing platform i.e. Dropbox is more secure and helpful. We appreciate this modern development.”* There are further quotes in the sidebar.

We’d like to hear about your experiences, good or bad, with electronic applications, please drop us a line at info@oisc.gov.uk

December 2017

Remember your PII

Code 52 requires that you have current and adequate professional indemnity insurance. This may help protect you if claims are brought against you by a client due to a problem with work you have done for them. You are **obliged** to inform your insurance providers as soon as you realise that a claim may be coming your way. Insurers may reject a claim if they consider that it could have been avoided, or at least made less damaging by early notification.



Complaints Revisited

There is no way to completely avoid complaints, but it is possible to turn them into opportunities. You can use the information in a complaint as organisational training, and generate positive referrals by handling complaints quickly and professionally. The way you handle customer service complaints can have a big impact on your company's reputation. Many business owners see complaint management as a time-consuming and frustrating process. However, by developing an efficient system, complaints can be resolved quickly and easily.

Complaints can be dealt with in three ways:

- Locally (by the organisation and its internal processes)
- Re-direction (the OISC refers the matter back and oversees the process)
- Formal investigation

Local

We encourage advisers to deal with matters locally. This is generally a faster way of dealing with the matter, advisers can use their own judgement on what went wrong and it is potentially a better way of retaining clients.

Complainants can however come directly to the OISC with their dissatisfaction with an organisation.

Re-direction

We developed the complaint re-direction scheme back in 2009. The main objective is to give advisers an opportunity to demonstrate that they can deal effectively and responsibly with a complaint made about them. The use of this solution to resolve a complaint may increase the possibility of an early outcome both of the complaint and for the complainant to receive some type of compensation or redress. How you respond to a complaint makes a big difference to the way customers perceive you. In the age of social media, a disgruntled customer can easily tell hundreds of people about a bad experience.

While advisers are expected to keep the OISC informed as to the progress of the complaint re-direction and complete the Complaint investigation Record, the ultimate responsibility for outcomes and any learning points remains yours.

Formal investigation

Some complaints are not suitable for complaint re-direction – for example when a complaint has already gone through an organisation's complaints scheme or there are more serious allegations. These complaints are subject to formal investigation by the OISC. When considering these complaints we need to see that policies and procedures that you say operate in your organisation are being properly implemented. When we are investigating a complaint and it is alleged, for example, that incompetent advice was given, it is not sufficient for an adviser to point to continuous registration with the OISC or undertaking CPD as signs of competence. To engage with the process you must show that you applied your competence and knowledge in the specific case before the Commissioner.

Similarly, if a client complains of poor or inadequate service, it is crucial when we are investigating for you to produce the complete client file when requested. This will allow us to properly judge whether the advice and services provided were suitable in all the circumstances. Therefore do not only send us the applications made to UKVI, but also any responses from them, any correspondence with the client and advice given, receipts and full file notes. Without independent, verifiable evidence, it is simply one person's word against another's. Without a full file and candour we would be tempted to ask more questions, not fewer.

Remember that complaint handling is governed by:

- The Complaints Scheme
- Code 79 of the Code of Standards
- The Practice Note on Registered Organisations Investigating Clients' Complaints, and
- The Guidance Note on the OISC Complaints Re-direction Scheme

December 2017

We are acutely aware that the Community and Voluntary Sector are under increasing pressure to provide immigration advice and services to clients who cannot afford advice within the Fee-Charging Sector



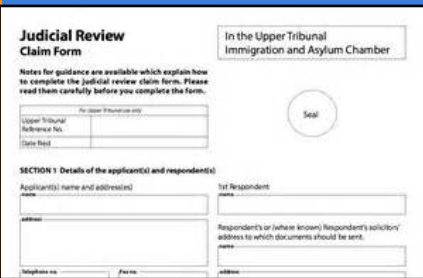
Supporting the Community and Voluntary Sector into Registration

In October 2017 the OISC launched a new section on our website dedicated to the Community and Voluntary Sector.

We are acutely aware that the Community and Voluntary Sector are under increasing pressure to provide immigration advice and services to clients who cannot afford advice within the Fee Charging Sector and with the reduction in legal aid availability, current providers are being stretched to capacity. Organisations that previously limited their work to assisting clients on matters related to immigration welfare, such as housing and access to benefits, are as a result considering registration. Because the needs of these organisations maybe quite unique, with staff working on a voluntary basis and clients who may be particularly vulnerable persons, their route to registration may also be slight different. The new section of the website aims to provide a simple Three Step Process which outlines the route to registration. This should allow organisations who are considering whether to become registered to easily understand what's involved in the process, allowing them to make an informed decision at the outset as to whether this is something they can commit to. This section of the website also provides a set of Frequently Asked Questions raised by the Community and Voluntary Sector which we think are helpful to share with others. Currently these include comments on areas such as exceptional case funding, signposting, leave requirements for staff and client care at drop in centres.

The OISC would like to thank Rights of Women and Refugee Action both of whom worked closely with the OISC in scoping the support needed by the Community and Voluntary Sector in this area.

In addition this section of the website introduces an e-mail address VSS@oisc.gov.uk specifically for the Community and Voluntary Sector. Queries sent to this e-mail address will be dealt with by a dedicated voluntary sector support group made up of caseworkers who will be able to offer advice on compliance requirements and consider any special requests from the Community and Voluntary Sector who see hurdles to registration posed by the current Codes of Practise or the Guidance on Competence. This group aims to promote innovative and inclusive registration and has already begun piloting a number of projects with particular groups. We hope in time that this work will lead to new ways of working being able to be implemented for both the Non-Fee Charing and Fee Charging Sectors.



JRCM & CPD PROGRESS REPORTS

Office of the
Immigration
Services
Commissioner
News

December 2017

With JRCM you do not hand over all authority to counsel, you must exercise control in your client's best interests.



Since 1 June Level 3 advisers have been able to apply to undertake Judicial Review Case Management (JRCM) work. To date nine applications eight of which have been successful. There have been delays in processing a number of other applications because we have had to go back to applicants for further information, such as previous experience. The previous experience that we are looking for can be work done previously in a solicitors firm or the issuing of pre-action protocol letters to the Home Office and their responses. We don't need to see entire files of work, but if for example, you refer, in your pre-action protocol letter, to a number of documents we would like to see a list of those documents that you were seeking to rely on. That will help us better determine your competence and suitability to undertake this work.

In reviewing your work we want to see, among other things:

- That there is evidence of reasoned argument based on objective evidence
- If you are relying on instructions to counsel, they are well drafted and will actually help your client's case.
- That you understand the importance of the relevant evidence needed in a case
- Similarly, if a skeleton argument is relied on, that it addresses the key issues.

Once we are satisfied, the OISC Register and Adviser Finder will be amended to show your new status. Your certificate will be updated at your next registration.

With JRCM you do not hand over all authority to counsel, you must exercise control in your client's best interests.

Remember that JRCM authorisation only covers the individual granted that status at that specific organisation. Please also consider that it is highly unlikely that authorisation will be granted to a recent graduate with no practical experience or a Level 2 adviser, even if they are working under supervision.

Code 6: Advisers must be able to demonstrate that they are compliant with the Commissioner's Continuing Professional Development requirements.

The revised OISC Continuing Professional Development scheme came into operation on 1 April 2017. By now all advisers should understand how the scheme works and have a training plan in place. Full details of the CPD scheme can be found on the OISC website via this [link](#).

At registration and continued registration each organisation will be required to sign a declaration on behalf of all their advisers confirming compliance with Code 6. This is an important declaration which will hold the organisation responsible for maintaining both its and its advisers, continuing competence.

This principle-based scheme focuses on the outcomes of learning and development. It places the responsibility on you as advisers and your organisations to demonstrate that you are taking action to remain fit and competent in the areas that they are authorised to operate in.

Organisations should concentrate on the quality of service they provide; their strengths and weaknesses and what they need to do to ensure their advisers' skills and knowledge are up-to-date. They can decide on how much and in what format any required learning and development is undertaken, but it is important that they evidence this in writing.

We review compliance with Code 6 during a premises audit, as part of a complaint investigation where it is relevant to do so and by dip sampling. Records must be kept with supporting evidence of training planned or undertaken in order to demonstrate compliance to the Commissioner.

Where it is evident that a failure to plan or complete appropriate CPD has resulted in a failure to deliver fit and competent advice and services, sanctions will be placed on the organisation and the non-compliant adviser.

You should be aware that during the 2018/19 business year the OISC is likely to undertake a formal evaluation of the revised scheme.

December 2017

In each case where you consider breach of confidentiality, it is necessary to be able to justify the action both to yourself and to others if the decision is challenged.



Confidentiality

Where does an adviser's strict duty of confidentiality lie in relation to other requirements?

Code 27 requires that organisations and advisers must ensure the confidentiality of all of the information they hold relating to each of their clients, subject to legal and regulatory disclosure requirements.

We have been asked what these legal and regulatory disclosure requirements are.

In each case where you consider breach of confidentiality, it is necessary to be able to justify the action both to yourself and to others if the decision is challenged. There are no hard and fast rules here; each decision has to be made on its own merits. You must think about all the factors set out below, and be cautious in making disclosures of confidential information until you are sure of the legal and ethical basis for the disclosure. Where appropriate, you should seek legal or other professional advice.

Some areas where disclosure may be considered appropriate, the list is not exhaustive:

- ◇ Prevention of serious harm to the client or others
- ◇ Serious crime – (e.g. murder, manslaughter, child abuse)
- ◇ Terrorist activity - [The Terrorism Act 2000](#)
- ◇ Drug trafficking - [Drug Trafficking Act 1994](#)
- ◇ Money laundering- [Money Laundering Regulations 2007](#)
- ◇ Child protection - [Children Act 1989](#)

Disclosure checklist

It may help in the decision making process about sharing information to consider these points.

- √ Is this information regulated by the Data Protection Act 1998 (DPA) or the Freedom of Information Act 2000 (FOIA)? – Remember that the General Data Protection Regulations (GDPR) will apply to us all from 25 May 2018. The Information Commissioner's Office has published a [guide-to-the-general-data-protection-regulation-gdpr](#)
- √ Is there a legitimate requirement to share this information, for example a statutory duty or a court order?
- √ What is the purpose of sharing the information?
- √ If the information concerns a child, young person or vulnerable adult, is sharing it in their best interests?
- √ Is the information confidential? If so, do you have consent to share it?
- √ If consent is refused, or there are good reasons not to seek consent, does the public interest necessitate sharing the information?
- √ Is the decision and rationale for sharing the information recorded?
- √ What is the most appropriate way to share this information?

Remember that while OISC advisers are not covered by Legal Professional Privilege, confidentiality and trust remain central to their work. OISC advisers have a duty of candour and openness to the courts and the immigration system. If that is compromised they should consider withdrawing.

December 2017

“You took advantage of the desperation and vulnerability of these applicants. This is a seriously dishonest offence that crosses the custody threshold.”

Mr Babar Khan, of London was convicted on 24 August 2017 at Southwark Crown Court of providing unregulated immigration advice and services. On 25 August Mr Khan was sentenced to 18 months imprisonment suspended for two years. He was also ordered to perform 200 hours of unpaid work and has been disqualified from holding any company directorship for eight years. He must also pay prosecution costs of £500.

Mr Khan was employed as a trainee solicitor. However, at the time of these offences he was not suitably qualified or regulated as required by law. He introduced himself as a solicitor to three clients and submitted immigration applications on their behalf. He charged fees for his services without disclosing that he was not qualified to do so. He did this continuously between 2012 and 2015. His misconduct came to light when a complaint was lodged with the OISC in late 2014.

In sentencing Mr Khan, Her Honour Judge Korner QC (pictured) said *“For vulnerable applicants the right to remain in the UK is extremely important to them and their families. It is therefore equally important that they are represented by suitably qualified people. Immigration Tribunals in the UK are struggling to cope with the number of unmeritorious appeals because of illegal advisers like you. You took advantage of the desperation and vulnerability of these applicants. This is a seriously dishonest offence that crosses the custody threshold. There are no mitigating factors other than your hitherto good character.”*



ACTION AGAINST ILLEGAL “ADVISERS”

Mr Prince Adewale Adeola 53 of Kent, was sentenced to 5 months imprisonment on 10 October 2017 at Woolwich Crown Court. He pleaded guilty to 11 charges of providing unregulated immigration advice. Mr Adeola is the company director of Vinbrooke Legal Practitioners, of Kent where clients met with him to discuss their immigration issues. Mr Adeola misrepresented his company as being qualified to provide immigration advice and services. Mr Adeola had previously been the subject of disciplinary action by CILEx, for providing unqualified immigration advice and or services for which he was fined £500.

In sentencing, HHJ Miller, said:

“You knew the regulations in respect of providing immigration advice. Public interest in such matters is obvious, given the desperate circumstances of those seeking immigration advice. The consequences of immigration proceedings are hugely important and in most cases dealing with complex matters. It is right that people who charge for such services must be qualified.”

On Thursday 26 October 2017 at the Barkingside Magistrates Court, Mr James Yaw Appiah, of London, pleaded guilty to a charge of providing unregulated immigration advice and a charge of fraud relating to the same incident

Mr Appiah was sentenced to 24 weeks imprisonment suspended for 12 months, and ordered to pay compensation of £1,550 to the victim, £400 prosecution costs and a victim surcharge of £115.

In sentencing Judge Gary Lucie said:

“The offences are serious as the person you advised is vulnerable and you told him to lie to the authorities. Your intervention did not help him, the offences are so serious only custody can be justified.”

....with 3.5 million EU citizens currently in the UK, many may need immigration advice and services in years to come



BREXIT



We are currently unpicking what Brexit may mean for registered organisations and consumers.

We have decided to put together some information to give you some idea of our understanding of the UK's current position, which we have gathered from a variety of publicly available sources. More detailed information is available from the [department-for-exiting-the-European-union](#)

The UK has voted to leave the European Union. It is scheduled to depart on 29 March, 2019. Talks are currently taking place on aspects of how Brexit will work

EU citizens living in the UK

It has yet to be agreed what happens to those EU citizens remaining in the UK. All EU nationals and the citizens of the three EEA countries and Switzerland, lawfully resident in the UK for at least five years will be able to apply for "settled status" and be able to bring over spouses and children. The Prime Minister stated that any deal on their future legal status and rights must be reciprocal and also give certainty to the 1.2 million British expats.

EU nationals with a right to permanent residence, which is granted after they have lived in the UK for five years, should not see their rights affected after Brexit.

EU nationals who want to work in the UK

Any EU citizen already living and working in the UK will be able to carry on working and living in the UK after Brexit. The current plan is that even after Brexit, people from the EU will be able to move to work in the UK during a "transition" phase of up to three years. However they will have to register.

Will immigration be cut?

Prime Minister Theresa May has said one of the main messages she has taken from the Leave vote is that the British people want to see a reduction in immigration. She has said this will be a focus of Brexit negotiations as she remains committed to getting net migration - the difference between the numbers entering and leaving the country - down to a "sustainable" level, which she defines as being below 100,000 a year. EU citizens presently in the UK will be able to rely on using EU rules to bring in family members even after they get citizenship rather than UK

Immigration Rules.

We do however know that with 3.5 million EU citizens currently in the UK, many may need immigration advice and services in years to come.

Visas to travel to the EU

The UK government wants to keep visa-free travel to the UK for EU visitors after Brexit and it is hoping this will be reciprocated, meaning UK citizens will continue to be able to visit EU countries for short periods without seeking a visa. Under current proposals, if visitors from EU countries wanted to work study or settle in the UK they would have to apply for permission. No agreement has been reached yet, however. If it is decided that EU citizens will need visas to come to the UK in the future, then it is probable that UK citizens will need visas to travel to the EU.

The European Court of Human Rights

Quitting the EU will not exempt the UK from ECHR decisions. The government is currently committed to sticking with the Human Rights Act which requires UK courts to treat the ECHR as setting legal precedents for the UK during the Brexit process.

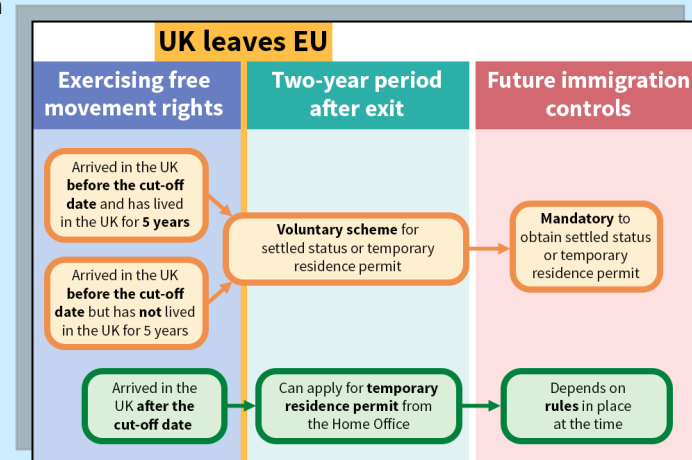
The European Court of Justice (ECJ)

The ECJ interprets and enforces the rules of the single market, settling disputes between member countries over issues like free movement and trade.

Prime Minister Theresa May has vowed that Britain will not be under the "direct" jurisdiction of the ECJ after Brexit.

After that, there will need to be a new mechanism for settling disputes between the UK and the EU.

<https://www.gov.uk/guidance/status-of-eu-nationals-in-the-uk-what-you-need-to-know>



December 2017

*The Home Office
is inviting
Expressions of
Interest from
organisations
which are OISC
registered and
interested in
delivering legal
services to victims
of modern slavery
and human
trafficking*



Expressions of Interest in Providing Legal Services to Victims of Trafficking

The Home Office wants to increase access to independent and expert legal advice for victims of modern slavery and human trafficking. Victims face a number of obstacles in their journey to recovery, one of which can be accessing quality independent legal advice. Victims are currently supported by specialist support workers, across England and Wales. This is under the Adult Victims of Modern Slavery Care Contract, and is delivered by the Salvation Army and their twelve sub-contractors.

The Home Office is inviting Expressions of Interest from organisations which are OISC registered and interested in delivering legal services to victims of modern slavery and human trafficking on a variety of immigration matters. Victims are entitled to legal aid to receive this advice.

Organisations must be OISC registered to respond to this Expression of Interest. If you are interested or wish to know more about the nature of this work, please complete the form aside. [expression-of-interest-in-providing-legal-services-to-victims-of-trafficking-and-modern-slavery](#) .

To submit your Expression of Interest, complete the form aside and email it to dale.pedder@homeoffice.gsi.gov.uk by **12 noon on 12 February 2018**.

1) Organisation contact details and main office

Name of organisation:

Address:

Postcode:

Email address:

Telephone number:

URN (10 digit reference number):

Or

OISC Registration Number:

2) Other office(s)

If it differs from the above, please enter the address of the premises from which work would be delivered:

Address of office:

Postcode:

3) Key Personnel

Please enter the following information for the Key Personnel who is submitting this Expression of Interest on behalf of the organisation:

Name:

Position:

Date:

Please indicated if you:

Are interested

Wish to know more

December 2017

The main area for employers to note is that the DBS now require confirmation of an applicant's right to work in the UK as well as their identity and proof of address as part of the checking guidelines.



SECTOR NEWS & NEW ID CHECKING GUIDELINES

In November the Department for Education and the Home Office published revised [statutory guidance](#) for local authorities on the care of unaccompanied migrant children and child victims of trafficking. This guidance is part of a wider [safeguarding strategy](#) for unaccompanied asylum-seeking children and refugee children announced.

Office for National Statistics (ONS) report figures show:

- The number of non-EU citizens leaving the UK has remained stable over the past year - but the number of EU citizens, including British-born people - who have chosen to leave has increased by almost a third
- Applications by EU nationals to become British citizens were up by 80%

ONS figures also showed that in this 12-month period, 572,000 people arrived in the UK, and 342,000 emigrated. Immigration specifically fell by 80,000 people over the year - and three-quarters of that drop was down to fewer EU citizens coming to live in the UK.



New Rules

On **7 December** the Home Office introduced new Immigration Rules. Some of these Rules will come into effect from 28 December 2017, with the majority of the changes taking effect on 11 January 2018. They include rules on:

- Digital Permissions,
- Transiting the UK, and
- Skilled Work Visas - This will allow those under the Tier 1 (Exceptional Talent) route to apply for settlement after three years.

A MoneySavingExpert report

On 1 November a report for the All-Party parliamentary Group on Consumer Protection was published **Sharper teeth: the consumer need for ombudsman reform** available here <https://www.moneysavingexpert.com/news/protect/2017/11/mse-tells-mps-of-need-for-urgent-reform-to-ombudsman-farce>

All primary contacts should be aware that new DBS ID checking guidelines were introduced on 24 October and will formally apply to all applications for standard or enhanced DBS checks from 25 January 2018.

The new guidelines will run in parallel with the existing guidelines from 24 October 2017 to 25 January 2018, when the existing guidelines will cease to apply.

We appreciate that you may need to make changes to your processes and inform your employees and applicant advisers.

The main area of change for employers to note is that the DBS now require confirmation of an applicant's *right to work* in the UK as well as their identity and proof of address as part of the checking guidelines. The DBS state that this will apply to nationals seeking disclosure certificates that are from outside the UK and EEA who do not have permanent status in the UK.

Therefore if you have an applicant adviser from outside the EEA wishing to join your organisation who requires proof of right to work in the UK, they will be required to show the original documentation as part of the Post Office ID checking guidelines as required under OISC DBS guidance. Furthermore, DBS applicants may be required to provide evidence of previous names and changes of names under the new guidance.

Please see the link below for full detailed information around the changes to ID checking:

<https://www.gov.uk/government/news/changes-to-identity-checking-guidelines>

If you have queries regarding the changes, please contact:

CustomerServices@dbs.gsi.gov.uk

A separate email will be sent to primary contacts outlining the changes to ID checking guidance and how it affects OISC registered organisations in due course.

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.

Your Questions Answered

Can OISC registered advisers certify passports etc.

In reference to immigration matters, it is perfectly acceptable for OISC registered advisers to certify passports and identity documents. In relation to other issues, it is entirely a matter for the person taking the document to whether to accept it or not. OISC registered advisers are not Commissioners of Oaths, or Notaries Public and must not present themselves as such unless they are so qualified.

Does registration allow advisers to provide immigration advice in Jersey or the Isle of Man and if not, who regulates advice there.

The OISC regulates immigration advice and services given in the UK. The Channel Islands and Isle of Man are not part of the UK, but are Crown Dependencies. If the adviser is based solely in the Channel Islands or Isle of Man they cannot be registered by the Commissioner. Any advice given whilst on the UK mainland however must be regulated.

Are Foreign Registered Lawyers caught by OISC Scheme

RFL's are only on the Solicitor's Roll and are not deemed to be practising, so if they wish to provide immigration advice and/or services in an organisation which either is or is in need of OISC regulation, then they must apply for registration, or satisfy S.84.

The onus is on you to show that you satisfy s. 84(2), so that if you provide immigration advice and/or services, you do so as a qualified person.

A recent change in the Legal Aid contract forms and guidance used by the LAA as part of their tender exercise for new contracts caused confusion. Can OISC organisations tender?

Invitations from the Legal Aid Agency inviting applications for new contracts caused concern for registered advisers due to the "Information for Applicants" section failing to mention OISC registered firms, despite being mentioned on the Immigration Supervisor Declaration Form. We contacted the LAA to clarify OISC regulation and its operation. The LAA revised their position through issuing further guidance to applicants.

Season's Greetings from all at the OISC!

OISC News is published by the Office of the Immigration Services Commissioner.

For general queries telephone our helpline on **0345 000 0046**

Address: **5th Floor, 21 Bloomsbury Street, London WC1B 3HF**

Telephone: **020 7211 1500** Email: info@oisc.gov.uk

Other Questions Received...but were not able to answer!

*Why haven't you
fixed my 80-year
old mum's car?*

*Will you go up to
Newcastle to
carry out repairs on
one of my
properties?*

*My bank told me to
call the OISC as I am
an immigrant and can't
pay my overdraft!*

*Can I register my
company with you? I
produce dog food!*

*Can I exchange my XXL
shirt?*

