

## **SAMPLE QUESTION**

**OISC LEVEL 1 ASSESSMENT – January 2018**

### **Section 1: Multiple Choice Questions**

You have 1 hour and 15 minutes to complete this exam.

*This examination is open book. You may refer to materials such as the OISC exam resource book, published texts and your own notes.*

*Please note there is only ONE correct answer for each of the questions in Section 1 so a maximum of ONE mark may be awarded for each.*

*Please ensure that you complete your answers in the grid as shown on the second page of your answer book and do not mark your answers on the question paper*

- 1. For a family to meet the “adequate maintenance” requirement as defined in the Immigration Rules, the level of income available to them must be the same as a family in receipt of income support after**
  - (a) Income tax has been deducted from the sponsor’s income.
  - (b) Income tax and national insurance contributions has been deducted from the sponsor’s income.
  - (c) Income tax and national insurance contributions and housing costs have been deducted from the sponsor’s income.
  - (d) Housing costs have been deducted from the sponsor’s income.
  
- 2. The Immigration Act 1971, as a source of law, is**
  - (a) An integral part of the Immigration Rules.
  - (b) Primary legislation.
  - (c) Secondary legislation.
  - (d) Operational Guidance.
  
- 3. A person will not have a right to seek Administrative Review of an Entry Clearance Officer’s decision to refuse an application under the**
  - (a) Visit visa rules.
  - (b) UK Ancestry rules.
  - (c) Tier 4 (General) Student rules.
  - (d) Tier 1 (Entrepreneur) rules.
  
- 4. Which of the following would not meet the rules for a Child applying to join a Settled Parent in the U.K?**
  - (a) The child is seeking join his parents who both have indefinite leave to remain in the U.K.
  - (b) The child is not leading an independent life, is unmarried, and has not formed an independent family unit.
  - (c) The child’s mother is applying to join their father (who has indefinite leave to remain) in the U.K under the partner rules, and can demonstrate a minimum income requirement of £22,400.
  - (d) The child’s parent in the U.K can show they can adequately maintain and accommodate them.
  
- 5. Who of the following will need to pay the Immigration Health Surcharge?**
  - (a) A person applying for Leave to Enter as a fiancé(e).
  - (b) A person applying for Leave to Enter as a Tier 4 (General) Student.
  - (c) A child applying for Indefinite Leave to Enter to join settled parents in the U.K.
  - (d) A person applying for Indefinite Leave to Remain under the Ancestry rules.

**6. Your client wants you to make an application under the partner rules. They are worried because their current leave as a Tier 4 (General) student expired 14 days ago, they had simply forgotten about it. How will you advise them?**

- (a) Explain to your client the HO will decide the application if they make it in the next 14 days and show there was a good reason beyond their control or their representative why the application could not have been made in-time.
- (b) Explain to your client the HO will decide the application if they make the application in the next 28 days.
- (c) Explain that you will refer or signpost them to an adviser authorised at Level 2 or 3.
- (d) Tell your client that their application based on their current circumstances will fail.

**7. Who of the following will not need to take a TB test before applying to come to the UK?**

- (a) An Algerian national applying to come to the U.K as a standard visitor.
- (b) An Algerian national applying to come to the U.K as a fiancé.
- (c) An Algerian national applying to come to the U.K as an investor.
- (d) An Algerian national applying to come to the U.K as an entrepreneur.

**8. On which form will you apply for Indefinite Leave to Remain as a Tier 2 (General) Migrant?**

- (a) SET(DV)
- (b) SET(F)
- (c) SET(O)
- (d) SET (M)

**9. A person with Fiancé (e) visa can apply for Leave to Remain under the Partner rules from within the U.K. This is because**

- (a) The partner rules allows a person to apply for extension of stay if they have entry clearance as a fiancé(e).
- (b) It is a condition of their visa that they apply for extension of stay under the partner rules.
- (c) They will be applying in the same category of the rules.
- (d) They have shown their marriage will take place in the next six months.

**10. A child born in the U.K (in 2007) can now apply to register as a British citizen if at the time of their birth**

- (a) One or both of their parents are British.
- (b) One or both of their parents are settled in the U.K.
- (c) Their mother and father are not married, and their mother is a Spanish national (but not resident) and their father is British.
- (d) Neither parent is British or settled, but the child has lived in the U.K until the age of 10.

**11. Your client is an EEA national who has lived in the UK (without any absences) as a worker for six years. He would like to naturalise as a British citizen. How will you advise him?**

- (a) He must first apply for a Permanent Residence document and then apply to naturalise a year after the date this document is granted.
- (b) He must first apply for a Permanent Residence document and then apply to naturalise from the date this document is granted.
- (c) To apply for naturalisation because he has lived in the U.K for five years.
- (d) That he does not need to naturalise because the government has announced European nationals living in the U.K can remain following Brexit.

**12. The Suitability requirements for Visitors are set out in**

- (a) Modernised Guidance.
- (b) Appendix FM.
- (c) Appendix V.
- (d) In Part 9 of the Immigration Rules (General Grounds for Refusal).

**13. Your client, who is a British citizen, wants to sponsor his Indian partner to come to live with him in the U.K. Their son, who was born in India, is British. He lives with your client's partner in India and will be joining your client in the U.K. What will be the relevant minimum income requirement?**

- (a) Your client must have a minimum income requirement of at least £18,600.
- (b) Your client must have a minimum income requirement of at least £22,400.
- (c) Your client must be able to maintain his partner and the child adequately in the U.K without recourse to public funds.
- (d) There is no minimum income requirement.

**14. Your client, who is an EEA national, has worked in the U.K for two years and has been made redundant from his job. He has registered with a job centre as available to work and is actively seeking employment. How will you advise him about his right to reside as a worker?**

- (a) He will have a right to reside for a maximum period of six months.
- (b) He no longer has a right to reside.
- (c) He will have a right to reside for six months. If he has not found new employment within that period, he will lose her right to reside unless he can provide compelling evidence of continuing to seek employment and have a genuine chance of being engaged.
- (d) He will have a right to reside for one year. If he has not found new employment within that time, he will no longer have a right to reside.

**15. Your client, a non-EEA national, has lived in the U.K for six years as a spouse of an EEA national in employment. She would like to document her right to permanent residence. She tells you she has previously spent a couple of months abroad. Where will you find the legal provisions to advise her on whether the continuity of her residence in the U.K has been broken?**

- (a) In Regulation 3 of the Immigration (EEA) Regulations 2016.
- (b) In Regulation 4 of the Immigration (EEA) Regulations 2016.
- (c) In Regulation 5 of the Immigration (EEA) Regulations 2016.
- (d) In Regulation 6 of the Immigration (EEA) Regulations 2016.

**16. There is no English language requirement for a person applying as a**

- (a) Tier 1 (Entrepreneur)
- (b) Tier 2 (Sportsperson).
- (c) Tier 4 (General)
- (d) Tier 5 (Temporary worker).

**17. A Tier 4 (General) applicant will not be granted entry clearance to study a below degree-level course in the U.K if they have been, since the age of 18, studying courses that did not consist of degree level study for**

- (a) More than 2 years in the U.K.
- (b) More than 5 years in the U.K.
- (c) More than 6 years in the U.K.
- (d) More than 8 years in the U.K.

**18. Your client is a non-EEA national living abroad. They want to apply for entry clearance to join their British partner in the U.K. They tell you they previously submitted fake bank statements with a Tier 4 (General) application. You will advise them that they will**

- (a) Not be banned from re-entry, but their application may be refused under the suitability grounds.
- (b) Not be banned from re-entry, but their application may be refused under the general grounds for refusal.
- (c) Not be banned from re-entry.
- (d) Face a re-entry ban for 10 years due to their previous deception in an application.

**19. A person's application for entry clearance under UK Ancestry rules will be refused if**

- (a) They are a Canadian national.
- (b) They want to work in the U.K.
- (c) They are 15 years old.
- (d) Their grandparent is British.

**20. A person, living outside the U.K, has a right of appeal against a decision to refuse them entry clearance. The time-limit for them to lodge an appeal to the Tribunal is**

- (a) 14 days after they receive the notice of decision.
- (b) 14 days after they are sent the notice of decision.
- (c) 28 days after they receive the notice of decision.
- (d) 28 days from they are sent the notice of decision.

**SAMPLE QUESTION**

**OISC LEVEL 1 ASSESSMENT – January 2018**

**SECTION 2: SCENERIO BASED QUESTIONS**

You have 1 hour and 15 minutes to complete this exam paper.

Total marks for this section: 30 marks

*The maximum marks available for each question are indicated in brackets at the end of each question. A breakdown of marks within each question is also provided. You may use this as a guide for the number of points you should include in your answers.*

*In addition to the marks gained for the content of the answers, applicants should be mindful of the need to provide answers which are legible and communicate advice clearly in plain English.*

**Your instructions**

Maria, aged 26, is a Brazilian national. Maria seeks your advice about settling in the U.K with Lucas, aged 33, who is British and lives in the U.K.

About two and half years ago, Maria met Lucas, when he was visiting Brazil, at a mutual friend's party and they went out on a couple of dates. Maria keeps in regular contact with Lucas when he is in the U.K. He has made three subsequent visits to Brazil.

Since leaving school, Maria has worked in a local café. She lives in a flat, which she rents. She receives some financial support from Lucas. Her parents, who live in Brazil, also pay some of her expenses.

This Christmas, Lucas proposed to her with a beautiful ring and they had an engagement party in Brazil. Although he has some relatives in Brazil, most of Lucas' immediate family and friends live in the U.K. Maria and Lucas would like to marry in the U.K. Lucas has made some enquiries with the registry office and hotels for a wedding reception.

Eight months ago, Lucas changed his job. He works as a banker, earning about £60,000. He lives, alone, in two bedroom apartment, which he owns. He is divorced.

**Question 1**

Write a letter of advice to Maria, *explaining*

- (a) how she may be able to settle in the U.K with Lucas;

**(2 marks)**

- (b) the facts they will need to demonstrate;

**(8 marks)**

- (c) the documents she will need to provide to support the application;

**(10 marks)**

- (d) the procedure for making the application; and

**(4 marks)**

- (e) how she and Lucas can marry in the U.K.

**(2 marks)**

**Note that up to 2 additional marks can be awarded for the structure and readability of the letter. Please note however that it is not necessary to confirm the client's instructions for this exercise.**

**Total marks available for question 1 = 28**

**Question 2**

Maria emails you. She wants to know if she makes the application under the route you have advised, whether she will be granted a settlement visa in U.K and will need to take any other steps to qualify. Make a file note of your brief advice to her.

**(2 marks)**

**MODEL ANSWER**

**OISC LEVEL 1 ASSESSMENT – January 2018**

**Section 1: Multiple Choice Questions**

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**1. For a family to meet the “adequate maintenance” requirement as defined in the Immigration Rules, the level of income available to them must be the same as a family in receipt of income support after**

- (e) Income tax has been deducted from the sponsor's income.
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- (g) Income tax and national insurance contributions and housing costs have been deducted from the sponsor's income.
- (h) Housing costs have been deducted from the sponsor's income.

answer (c)

**2. The Immigration Act 1971, as a source of law, is**

- (e) An integral part of the Immigration Rules.
- (f) Primary legislation.
- (g) Secondary legislation.
- (h) Operational Guidance.

answer (b)

**3. A person will not have a right to seek Administrative Review of an Entry Clearance Officer's decision to refuse an application under the**

- (e) Visit visa rules.
- (f) UK Ancestry rules.
- (g) Tier 4 (General) Student rules.
- (h) Tier 1 (Entrepreneur) rules.

answer (a)

**4. Which of the following would not meet the rules for a Child applying to join a Settled Parent in the U.K?**

- (e) The child is seeking join his parents who both have indefinite leave to remain in the U.K.
- (f) The child is not leading an independent life, is unmarried, and has not formed an independent family unit.
- (g) The child's mother is applying to join their father (who has indefinite leave to remain) in the U.K under the partner rules, and can demonstrate a minimum income requirement of £22,400.
- (h) The child's parent in the U.K can show they can adequately maintain and accommodate them.

answer (c)

**5. Who of the following will need to pay the Immigration Health Surcharge?**

- (e) A person applying for Leave to Enter as a fiancé(e).
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- (g) A child applying for Indefinite Leave to Enter to join settled parents in the U.K.
- (h) A person applying for Indefinite Leave to Remain under the Ancestry rules.

answer (b)

**6. Your client wants you to make an application under the partner rules. They are worried because their current leave as a Tier 4 (General) student expired 14 days ago, they had simply forgotten about it. How will you advise them?**

- (e) Explain to your client the HO will decide the application if they make it in the next 14 days and show there was a good reason beyond their control or their representative why the application could not have been made in-time.
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answer (c)

**7. Who of the following will not need to take a TB test before applying to come to the UK?**

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answer (a)

**8. On which form will you apply for Indefinite Leave to Remain as a Tier 2 (General) Migrant?**

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answer (c)

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**10. A child born in the U.K (in 2007) can now apply to register as a British citizen if at the time of their birth**

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answer (d)

**11. Your client is an EEA national who has lived in the UK (without any absences) as a worker for six years. He would like to naturalise as a British citizen. How will you advise him?**

- (e) He must first apply for a Permanent Residence document and then apply to naturalise a year after the date this document is granted.
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answer (b)

**12. The Suitability requirements for Visitors are set out in**

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answer (c)

**13. Your client, who is a British citizen, wants to sponsor his Indian partner to come to live with him in the U.K. Their son, who was born in India, is British. He lives with your client's partner in India and will be joining your client in the U.K. What will be the relevant minimum income requirement?**

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answer (c)

**15. Your client, a non-EEA national, has lived in the U.K for six years as a spouse of an EEA national in employment. She would like to document her right to permanent residence. She tells you she has previously spent a couple of months abroad. Where will you find the legal provisions to advise her on whether the continuity of her residence in the U.K has been broken?**

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- (h) Face a re-entry ban for 10 years due to their previous deception in an application.

answer (b)

**19. A person's application for entry clearance under UK Ancestry rules will be refused if**

- (e) They are a Canadian national.
- (f) They want to work in the U.K.
- (g) They are 15 years old.
- (h) Their grandparent is British.

answer (c)

**20. A person, living outside the U.K, has a right of appeal against a decision to refuse them entry clearance. The time-limit for them to lodge an appeal to the Tribunal is**

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- (f) 14 days after they are sent the notice of decision.
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- (h) 28 days from they are sent the notice of decision.

answer (c)

**OISC LEVEL 1 ASSESSMENT – January 2018**

**MODEL ANSWER**

**SECTION 2: SCENERIO BASED QUESTIONS**

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Since leaving school, Maria has worked in a local café. She lives in a flat, which she rents. She receives some financial support from Lucas. Her parents, who live in Brazil, also pay some of her expenses.

This Christmas, Lucas proposed to her with a beautiful ring and they had an engagement party in Brazil. Although he has some relatives in Brazil, most of Lucas' immediate family and friends live in the U.K. Maria and Lucas would like to marry in the U.K. Lucas has made some enquiries with the registry office and hotels for a wedding reception.

Eight months ago, Lucas changed his job. He works as a banker, earning about £60,000. He lives, alone, in two bedroom apartment, which he owns. He is divorced.

**Question 1**

Write a letter of advice to Maria, *explaining*

- (f) how she may be able to settle in the U.K with Lucas;

**(2 marks)**

- (g) the facts they will need to demonstrate;

**(8 marks)**

- (h) the documents she will need to provide to support the application;

**(10 marks)**

- (i) the procedure for making the application; and

**(4 marks)**

- (j) how she and Lucas can marry in the U.K.

**(2 marks)**

**Firm's name and address**

**Firm's Ref No.**

26 January 2017

**Maria**

**Maria's address**

Dear Maria

Your immigration case

Thank you for instructing our firm to provide you with some immigration advice. As I promised in our recent conversation, here is the written advice about your situation.

Confirmation of Instructions

Not required for the purposes of this assessment.

Our advice

As you are engaged to Lucas (a British citizen, living in the UK), you may be able to make an application for leave to enter as a *Partner (Fiancée)*.

What you will need to show

To succeed in getting your visa in the *Partner* category, you will need to meet certain requirements and prove certain facts.

Firstly, you will need to show Lucas is a British citizen, but that will be shown by his passport, so no problem here. And, of course, you will need to demonstrate certain facts about your relationship. Your relationship with Lucas must be genuine and subsisting, and that you both intend to live together permanently in the UK. If either of you have been in previous relationship, you must be able to show that relationship has broken down permanently. This means Lucas will need to prove he is divorced. Neither of you should be married to another person when you make this application.

You will need to show that you are coming to the UK for your marriage to take place. You have informed me Lucas has made with the registry office and hotels for your wedding reception.

You will also need to meet an English language requirement by sitting an approved English language test in speaking and listening, and pass this test at a minimum level A1 of CEFR.

Lastly, you will need to show Lucas is earning an income of at least £18,600 and that you can both adequately accommodate yourselves in the UK without having to claim welfare. Lucas' current salary and his two-bedroom apartment, where you will reside, should be sufficient to meet these requirements.

The documents you will need to provide with your application

You will need to provide certain documents to the Entry Clearance Officer when you make the application to prove you meet the above requirements. I will list them:

- Your and Lucas' passport
- A written statement from Lucas and you explaining how your relationship began and developed, the wedding arrangements, and what your future plans are after you are married.
- Lucas' decree absolute divorce certificate
- Documents showing you keep in regular contact with each other: e.g. phone records, emails, letters, social media, card, money or bank transfers, photos of your engagement party, and letters of from guests.
- Documents showing Lucas visits you in Brazil and that you spend time together: e.g. photographs, and plane tickets of Lucas' visits
- Documents showing your wedding arrangements in the UK: e.g. correspondence with registry office and the hotel, and the receipt for your engagement ring.
- Approved English language test certificate (showing you have achieved level A1 of the CEFR in speaking and listening)
- Lucas' payslips and bank statements for the last 6 months showing you can meet the financial requirement.
- A letter from Lucas's employer's within information on Lucas' employment and gross annual salary, length of his employment, the period over which he was paid the level of his salary, and type of employment.
- Evidence of availability of accommodation: e.g. title deeds for Lucas' flat.

### How to make the visa application

You will need to apply for the visa online and pay a fee. You will then need to make an appointment and attend the Visa Application Centre to provide your biometrics and documents in support of your application.

### Getting married in the UK

To marry Lucas in the UK, you will need to give 28 days' notice of the marriage to the registrar at a designated registry office.

I hope this is clear. Do please ring me if you wish to clarify anything. We can arrange a further time for a telephone conference when you are ready to prepare the application (or you can contact me by email).

Yours sincerely

An Advisor

**Note that up to 2 additional marks can be awarded for the structure and readability of the letter. Please note however that it is not necessary to confirm the client's instructions for this exercise.**

**Total marks available for question 1 = 28**

### Question 2

Maria emails you. She wants to know if she makes the application under the route you have advised, whether she will be granted a settlement visa in U.K and will need to take any other steps to qualify. Make a file note of your brief advice to her.

**(2 marks)**

Maria will be granted entry clearance for 6 months. If her marriage takes place within the 6 months, she can qualify for ILR after 60 months (or 30 + 30 months) of leave to remain under the Partner route.