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## Welcome to the 2018 winter edition of the OISCNews



**As 2018 draws to a close**, I am reminded of the line by Churchill, “This is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.”

Like so many, but perhaps more than most, we are waiting to see what EU Exit (Brexit) means to those agencies involved in Immigration such as the Home Office, and how it will impact the people who rely on the advice and those who need to supply it.

Equally, we await the imminent appointment of the new Immigration Services Commissioner and their arrival in the spring and the changes that might bring.

I feel the OISC is fortunate that we have built a strong team who are not distracted by the (endless) Brexit discussions and are busy carrying on with vital work.

In this edition, we have an update on the Electronic Online Application Form, a look at the OISC in the news and details of a scheme intended to help people provided general immigration support to friends and colleagues.

We highlight two OISC prosecutions of individuals and groups who deliberately swindled members of the public in the pretext of helping them.

The reputation of the OISC rests in ensuring that those who are regulated are fit and competent and we penalise those who set out to defraud people.

In terms of governance, Simon Smith has kindly agreed to become Chair of the OISC’s external Audit and Risk Assurance Committee (ARAC) from January 1 2019. He is taking over from Terry Price, who stepped down at the end of 2018 after many years in the role. I would like to thank him for his years of dedicated and valued service and welcome Simon to this important role.

I should also like to take this opportunity to thank my own staff and everyone within the OISC’s regulatory scheme for all their effort and the support they have given throughout this challenging year.

In the future, we will be looking to see how we can best support advisors as Brexit goes from the main discussion point of 2018 to the reality of 2019. Please keep an eye on future newsletters as we share key information and advice.

Whilst I look forward with optimism to the many opportunities which lie ahead, I trust that you and yours will first enjoy a peaceful and refreshing Christmas break – and I offer you all my very best wishes for a happy and prosperous New Year.

I look forward to having the chance to talk to you all again in 2019.



December 2018

***“take-up of the  
new process has  
steadily  
increased since  
implementation”***



# Electronic Online Application Forms

**The OISC’s electronic online application forms** have now been in place for more than 18 months and we are delighted to say that initial feedback received on the new registration process has been extremely positive.

In contrast to the previous paper-based application system, users can complete their registration form directly on the appropriate page of the OISC website before saving the editable pdf document. The document is then ready for submission through a secure file sharing platform, Dropbox, where it is instantly received by our Applications and First Contact Team.

It is pleasing to note that take-up of the new process has steadily increased since its implementation on 1 April 2017. However, the OISC is aware that not all in the regulatory sector, both existing advisers and new applicants, have adopted the online application form submission.

There may be a number of reasons for this but we hope to raise awareness of the electronic applications process as widespread as possible. So, if you were not aware of our online forms before please tell your friends and colleagues about the new process!

It is also worth reminding our readers that the major benefits to OISC advisers and applicant advisers include:

- ♦ Greater speed and efficiency in the completion and submission of applications for registration;
- ♦ Removal of the requirement to post documents, reducing the likelihood of documents being lost or misdirected in transit;
- ♦ Reduction in the financial burden on your organisation with the removal of print, paper and postage costs;
- ♦ Environmental benefits from reduced paper consumption.

We appreciate that it may not be possible for all to use the new system. Applicants are encouraged to contact the OISC if they encounter any technical issues in the completion or submission of their forms / electronic documents rather than deciding to continue with the print and post process.

It is extremely important to us to take on board any feedback that improves user experience of the new system. Please contact [info@oisc.gov.uk](mailto:info@oisc.gov.uk) if you have any problems with your electronic form or if you have any comments and suggestions for ways in which it can be improved.

# CPD Thematic Audit

December 2018

*“the revised  
CPD scheme  
remains fit for  
purpose ”*

The revised Continuing Professional Development Scheme was launched on 1 April 2017 and in order for the OISC to gain a picture of how it is working, we undertook a desk-based Thematic Audit during the summer.

120 advisers were chosen at random from both fee-paying and non-fee-paying regulated organisations and from all levels.

We wrote to the primary contact of each organisation, asking them to provide the CPD Plan and CPD Record, with supporting evidence, of the chosen adviser. The primary contact was also asked to complete a questionnaire relating to their evaluation of the CPD needs of both the organisation and the individual adviser.

Overall, the feedback has shown that the majority of regulated organisations and advisers are complying with the CPD requirements by keeping some form of CPD Plan and Record and undertaking CPD in various ways.

By far the most popular method of undertaking CPD is a mix of formal learning and self-study, but looking into this further, the predominant method is self-study comprised mainly of a regular review of relevant websites such as .gov.uk.

In a number of cases where no CPD Plan or Record were provided, or where the information provided was not sufficient for review purposes, the OISC caseworkers contacted these organisations directly for clarification or to offer guidance to ensure full compliance.

About a third of the organisations contacted have no budget allocated for CPD and this limits their options for undertaking training and development.

Taking an overall interpretation of the information provided by this thematic review, the revised CPD scheme remains fit for purpose and that the majority of organisations and advisers are meeting the requirements.

There are some areas of improvement that could be made by organisations and advisers, with guidance from caseworkers.

- ◆ The information provided in the CPD Plan and Record (in whatever format chosen) needs to be more coherent to enable caseworkers to assess compliance without having to refer back to the adviser for clarification.
- ◆ Supporting evidence needs to be kept, even for the review of websites. This could be in the form of a record of the date and time the review was undertaken.
- ◆ The OISC needs to continue to assess the reliance a large number of advisers have on the review of websites as the main or only way of undertaking CPD.

In the long-term, the effectiveness of the CPD Scheme will be measured through the fitness and competence of advisers which is assessed through complaints, premises audits and at continued registration.



# Immigration Assistance

Office of the  
Immigration  
Services  
Commissioner  
News

December 2018

***“ I do not have  
an immigration  
qualification, but  
what can I do to  
assist?”***

The decision to make a foreign country your home is a brave one and full of potential bureaucratic pitfalls.

Where do you go for advice? What sort of advice do you need? Have you been provided with enough options or the best ones for your situation?

An important first step is finding a qualified and competent Immigration Adviser and this can easily be done via the Office of the Immigration Services Commissioner website through ‘Adviser Finder’

But that does not mean that said Adviser is your only source of advice or support.

The Office of the Immigration Services Commissioner (OISC), with help from Refugee Action and the 3 million group, have published “Immigration Assistance”, a series of guidelines that sets out in accessible terms, what it believes individuals and community/voluntary groups can legally do to assist others with simple immigration queries and stay on the right side of the law; rather than committing a criminal offence.

In doing so, the OISC hopes to answer a question that it is often asked: “I know I am not allowed to give immigration advice and services without a qualification, but what can I do to assist people”?

The document contains a number of scenarios complete with details of how to deal with those situations in very general terms.

For more complex or convoluted queries, the best approach is still to engage a qualified and competent Immigration Adviser.

And with the ongoing discussions surrounding the impending exit of the United Kingdom from the European Union, it is important that the potentially large number of people needing to make applications to the Home Office have access to both the best of immigration advice and support.

The document can be found [here](#):



December 2018

*“This prosecution -  
the result of an  
OISC-led  
investigation in  
partnership with  
Immigration  
Enforcement and  
the Metropolitan  
Police Service—led  
to investigator  
Andy Kennedy  
being commended  
by the trial Judge ”*



# Action Against Illegal ‘Advisers’ Part I

## Bogus Immigration Lawyer Jailed for Fraud

On Thursday 26 July 2018, at Southwark Crown Court, Ms. Harvinder Kaur Thethi, aged 46 years, of Old Hall Gardens, Solihull, West Midlands, was found guilty of six counts of fraud by false representation. Ms. Thethi was remanded in custody pending a sentencing hearing.

The offences took place between 1 June 2013 and 8 September 2014 in Hounslow, West London. Ms. Thethi, an unqualified person, falsely claimed to be a barrister, solicitor and a Home Office official with the ability to progress immigration applications. She obtained £68,000 from vulnerable people in payment for immigration related services which were promised but not delivered. Ms. Thethi ingratiated herself to the victims and was treated as a daughter or sister.

This prosecution was the result of an OISC led Investigation in partnership with Immigration Enforcement and the Metropolitan Police Service.

On Thursday 6 September 2018 Ms. Thethi appeared before His Honour Judge Loraine-Smith at Southwark Crown Court for sentencing.

Ms. Thethi was sentenced to 5 years imprisonment on each count to run concurrently. In sentencing HHJ Loraine-Smith stated:

“You decided to embark on a fantasy life, when you claimed to be a successful lawyer earning a large income. You were nothing of the sort. The large amounts of money you obtained came entirely from money you had stolen from people you had befriended and cheated. People whose immigration status is precarious are very, very vulnerable.

It is not surprising that if they found somebody they thought was a family friend, they could be convinced to part with large sums of money they could ill afford. You preyed on their vulnerability again and again...the investigation was thorough, fair, and – it is clear from the Victim Personal Statements – kind. I commend both officers in this case.”

Speaking about the decision, Deputy Immigration Services Commissioner, Dr Ian Leigh, stated:

“Securing the conviction of Ms Thethi is an excellent example of collaborative working by agencies operating within the immigration environment. The OISC is here to ensure that people seeking immigration advice are treated fairly by qualified people they can trust. Ms Thethi was operating outside of the law, preying upon vulnerable victims without regard for their protection or the consequences of her criminal behavior. I am delighted with the outcome of this case, and I hope it sends a clear deterrent message to anyone considering acting similarly.”



December 2018

***“These are extremely serious offences. I am delighted with the outcome in this case.”***



# Action Against Illegal ‘Advisers’ Part 2

## **Bogus Croydon immigration adviser convicted of fraud**

A bogus Immigration Adviser from Birmingham, who after taking thousands from unsuspecting members of the Pakistani community had his victims intimidated, has been sentenced to 27 months imprisonment. Following an OISC prosecution.

Safhir Majid, formerly a mortgage advisor, from Cradley Heath, was recently sentenced at Birmingham Crown Court to a total of 27 months imprisonment plus a victim surcharge. Mr Majid is to serve half the sentence in custody and half on licence.

His partner, Shahid Ahmed Bhatti, a former businessman, of Great Barr, was given a 16 month sentence suspended for 24 months plus a victim surcharge.

Mr Majid, 38, and Mr Bhatti, 39, founded Empire Legal Solutions Ltd in Walsall, West Midlands, where they pretended to be qualified immigration advisers with Mr Majid posing as a fake solicitor. They then took monies from unsuspecting members of the public by providing poor advice; in one case £4,500 from a client..

Mr Majid pleaded guilty to five counts of providing unqualified immigration advice and services and one count of fraud by false representation. Mr Bhatti pleaded guilty to one count of providing unqualified immigration advice and one count of fraud by false representation.

His Honour Judge Mayo said to Mr Majid, “You posed as a lawyer, you knew you were not qualified” and to Mr Bhatti, “Your role was lesser but when required you were able to offer enforcement”.

He went on to say concerning one particular case, “You bungled one application and as a result of your incompetence she faces removal from the UK. You threatened her husband and this is despicable behaviour, you threatened again in the case of other victims.

“Offences of this type prey on vulnerable people. Immigration relies on people being properly represented, you were incompetent and greedy. You have made a good deal of money from these frauds”.

Commenting on about the decision, Deputy Immigration Services Commissioner Dr Ian Leigh, said: “Safhir Majid and Shahid Ahmed Bhatti set up a criminal enterprise to provide immigration advice when they were not qualified or competent to do so.

“The degree of culpability is high, as is the harm they have caused. They owe a considerable amount of money to individuals, may have caused harm to unknown others and have undermined the immigration system.

“These are extremely serious offences. I am delighted with the outcome in this case.”

December 2018

*“A consumers survey designed to collect information on the experiences of those people who have received immigration advice ”*



# OISC Online

## OISC Webinar

Following on from the success of the OISC's first webinar on Consumer Satisfaction, which we published earlier this year, a second, "Welcome to the OISC", will soon be going live on our website.

This webinar is designed primarily for newly regulated organisations and advisers, and provides a general overview to the types of things we think everybody should know when they are starting out, such as:

- ◆ how to keep good records;
- ◆ how the OISC assesses compliance; and
- ◆ how best to work with the OISC.

We will be e-mailing registered organisations when the webinar is live. Although it is designed for new advisers, we think that everyone might benefit from a little refresher, so why not have a look and let us know what you think?

## Consumer Satisfaction Survey

The OISC will shortly be launching a survey for consumers, designed to allow us to collect information on the experiences of those people who have received immigration advice and services from regulated organisations. We'll be asking consumers about things such as how they selected their advisers, what things influenced their choice, as well as other information about their experiences.

The survey, which is completely anonymous, will allow us to identify information that we will then use to tailor the guidance and training we provide to the regulated sector that should help you to understand how to attract new clients, retain existing ones and provide the best service possible.

The survey will be launched over the coming weeks and will eventually feature in a **new section of our website** providing information and guidance specifically to consumers.

Initially we will be asking a selected group of advisers to spread word about the survey to their clients, if that is something that you would be interested in, or if you would like to know more about the survey in general, please get in touch with your caseworker.

December 2018

**“Public Relations  
mandate is to  
build and  
maintain strong,  
positive and  
constructive  
relationships  
between an  
organisation and  
its audience /  
stakeholders ”**

# OISC Corporate Communications

**There have been a number of changes within the OISC** regarding personnel but one change will add a different dimension to how the OISC works.

Cornelius Alexander is the new Corporate Communications officer, the first time that the OISC has had a dedicated communications team member for a number of years.

Public Relations mandate is to build and maintain strong, positive and constructive relationships between an organisation and its audience/stakeholders.

Cornelius will be looking to build the profile of the OISC and to promote it to stakeholders and to wider audiences. To drive this forward, he has responsibility for its communications channels.

With regards to advisers, Cornelius will be working to improve the dialogue between stakeholders and the OISC. Improved communications leads to better discussions which means that we have a clearer understanding of the processes needed to support you.

In other words, you will be getting targeted communications which supports you in your work with clients by making sure you are aware of policy and operational changes which has an impact on how you conduct your work.

Initially, Cornelius will look at the frequency of communications advisors receive from the OISC in terms of the newsletter, possible changes to the newsletter format and to support/recommend improvements to the OISC website.

This will not be in place of the strong relationships between advisers and their caseworkers but will be in addition.

More will be revealed over the coming months.





# OISC General Information

Office of the  
Immigration  
Services  
Commissioner  
News

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**“OISC: In The  
News an  
interview with  
Victoria Bovill-  
Lamb, Head of  
Intelligence +  
Investigations.”**

## OISC: In The News

It can sometimes be easy to forget that behind the reams of data and information regarding those seeking immigration advice are the very personal stories of those hoping (and dreaming) to move to / stay in the UK.

Although no two stories are the same, in terms of anxiety, hard work and aspiration, every potential migrant has heavily invested in making this dream come true.

So when they pass the path of a bogus or incompetent adviser, it can often lead to misery and heartache.

Last summer, Northern Ireland’s Detail TV published an article on the growing need for (free) specialist immigration advice. A number of interviews were filmed to accompany this, including one with the OISC’s Head of Intelligence and Investigations, Victoria Bovill-Lamb.

Click [here](#) to follow the link to the news story.

## STOP PRESS

The Home Office has announced a toolkit for community leaders to deliver community engagement and to support vulnerable or at risk EU citizens applying for the EU Settlement Scheme.

The toolkit is backed by £9m grant funding to be awarded to voluntary and community sector organisations. For more information, click [here](#).

## 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.

Adviser organisations should email [Sharon.harris@oisc.gov.uk](mailto: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 Office of the Immigration Services Commissioner.

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