

SAMPLE QUESTION

OISC LEVEL 1 ASSESSMENT – 24 November 2016

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

OISC LEVEL 1 ASSESSMENT – 24th NOVEMBER 2016

Part 1 Multiple Choice Questions

1. By what process does the Secretary of State amend the Immigration Rules?

- (a) By publishing an Immigration Bill
- (b) By publishing new Immigration Regulations
- (c) By publishing a Statement of Changes
- (d) Simply by updating the rules on the gov.uk website without prior notice

2. In which of these circumstances will your client become an overstayer?

- (a) She makes an application for an extension of stay before her leave runs out, but her leave runs out before she gets a decision on that application
- (b) She makes an application for an extension of stay before her leave runs out, but after her leave has run out, the Home Office returns the application to her with a notice of invalidity
- (c) She makes an application for an extension of stay before her leave runs out, but after her leave has run out the Home Office makes a decision to refuse that application, with a right of administrative review
- (d) She makes an application for an extension of stay before her leave runs out, but after her leave has run out the Home Office makes a decision to refuse that application, with a right of appeal

3. Your client's leave is about to run out. You have prepared her application for an extension, but she does not have a passport. She sent her old passport to her country's embassy, and is awaiting a new one to be issued. It is not likely to arrive until her leave has run out. How do you advise her?

- (a) She should not make the application until she has the passport, however long that takes, even if this means applying as an overstayer
- (b) She will need to wait for the passport to arrive, and then go home to apply for entry clearance to come back to the UK
- (c) There is no requirement to submit a passport with an application as the Home Office will already have a copy of her passport on her file
- (d) She should apply before her leave runs out explaining why the passport is not enclosed and then send the passport to the Home Office as soon as it arrives

- 4. Which of the following guidance documents can be found in the Operational Guidance section of the gov.uk website?**
- (i) Modernised Guidance
 - (ii) Immigration Directorate Instructions
 - (iii) Guidance to Applicants
 - (iv) Entry Clearance Guidance
- (a) (i) and (ii) only
(b) (i), (ii), and (iii) only
(c) (iii) only
(d) (i), (ii), and (iv) only
- 5. What is the deadline for lodging an appeal with the First-tier Tribunal (IAC) if the right of appeal is from within the UK**
- (a) 10 working days after the Home Office refusal decision is received
 - (b) 10 working days after the Home Office refusal decision is sent
 - (c) 14 calendar days after the Home Office refusal decision is received
 - (d) 14 calendar days after the Home Office refusal decision is sent
- 6. Your client, a British citizen, has a British citizen child and another child who has Indefinite Leave to Remain. She wants to sponsor her husband to come to the UK as her partner. What financial requirement will she need to meet?**
- (a) £18,600
 - (b) £22,400
 - (c) £24,800
 - (d) 'adequate maintenance without recourse to public funds'
- 7. If your above client is receiving disability living allowance, what financial requirement will she have to meet?**
- (a) £18,600
 - (b) £22,400
 - (c) £24,800
 - (d) 'adequate maintenance without recourse to public funds'
- 8. Your above client's husband was fined following a minor criminal conviction six months ago. How will you advise him?**
- (a) He is likely to be refused a visa unless he waits a further six months before making the application
 - (b) Minor convictions are usually ignored by the Home Office so there will be no need to delay the application
 - (c) He will be refused unless he waits 5 years from the date of conviction
 - (d) He does not have to declare criminal convictions abroad, unless they resulted in imprisonment, so it is irrelevant to his application

9. What level of NHS debt will normally lead to a refusal of entry clearance as a visitor?

- (a) £100
- (b) £500
- (c) £1000
- (d) £5000

10. Which of the following activities can a visitor to the UK undertake?

- (a) Volunteering for the entire period of the visit
- (b) Negotiate and sign deals and contracts
- (c) Studying English language with a private tutor
- (d) Private medical treatment arranged after arriving in the UK

11. Your client has made an application for an extension of stay under the Tier 1 (Entrepreneur) category. She awaits a decision. She realises that the electronic bank statements she submitted are unlikely to be accepted by the Home Office because they were not stamped by the bank. How will you advise her?

- (a) She cannot now submit appropriate bank statements as the Home Office will only consider documents submitted with the application. The application is likely to be refused. When that happens she can make a fresh application
- (b) She need do nothing now as the Home Office will write to her to give her an opportunity to provide the correct bank statements
- (c) Although the Home Office should write to her to give her an opportunity to provide the correct bank statements, she should submit them in any case without waiting for the Home Office letter
- (d) To be on the safe side, she should make a fresh application for an extension and submit the correct bank statements with that application

12. An applicant under Tier 2 (General) will need to be paid an appropriate salary to score the required points for Attributes. Where will you find the appropriate salary for the job your client has been offered?

- (a) Minimum income legislation
- (b) Appendix A to the Immigration Rules
- (c) Appendix J to the Immigration Rules
- (d) On the Jobcentre Plus website

13. What level of English language is required for an applicant under the Tier 5 (Temporary worker) category?

- (a) Adequate English without recourse to a dictionary
- (b) There is no English language requirement for this category
- (c) Level A1, CEFR
- (d) Entry level 3, ESOL

14. Your EEA national client approaches you for advice about applying for naturalisation. How will you advise him?

- (a) It will always be a good idea to apply for naturalisation as soon as possible giving the UK's plan to leave the EU
- (b) There is no benefit in applying for British citizenship as EEA nationals with permanent residence will be in exactly the same position as British citizens when the UK leaves the EU
- (c) He needs to consider the implications for any family members that are with him in the UK or plan to join him before naturalising, as this may affect their right to reside
- (d) It is entirely up to the client whether he chooses to naturalise or not and an adviser should not seek to influence that decision

15. Who of the following is not an ordinary family member of an EEA national under EU law?

- (a) A 19 year old child in fulltime employment living independently from their parents
- (b) A fit and healthy parent who is financially dependent on the EEA national
- (c) The EEA national's financially dependent father-in-law
- (d) The long-term cohabiting partner of the EEA national

16. Your EEA national client arrives in the UK and works for six months. Their temporary contract then comes to an end. How long will they have to find another job before losing their right to reside as a worker?

- (a) A maximum of six months
- (b) Initially six months but they can extend that period by providing compelling evidence of looking for a work and of having a genuine chance of being engaged
- (c) 91 days
- (d) They will lose their right to reside immediately on the contract coming to an end

17. An EEA national qualified person can apply for which document to evidence their status?

- (a) A QP card
- (b) A residence card
- (c) A registration certificate
- (d) A worker's registration document

18. When can a child born in the UK apply for registration as a British citizen on the basis of their residence in the UK?

- (a) At the age of 6
- (b) At the age of 7
- (c) At the age of 10
- (d) In the first year of their birth

19. What, if anything, is the difference between 'removal' and 'deportation'?

- (a) Removal is for those with no leave, deportation is for those whose presence in the UK is not conducive to the public good
- (b) There is no real difference
- (c) Removal is a voluntary process, but deportation is not
- (d) EEA nationals are removed, non-EEA nationals are deported

20. Where will you find the procedure for applying for an Administrative Review?

- (a) Appendix AR
- (b) Part 1 of the Immigration Rules
- (c) Appendix FM
- (d) The Tribunal Procedure (First-tier Tribunal) (IAC) Rules 2014

Please do not remove the question paper from the exam hall

OISC LEVEL 1 ASSESSMENT – 24 November 2016

SECTION 2: SCENARIO 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

Susan from Canada comes to you for some advice. She has been in the UK as the partner of a Tier 4 (General) student for about two years, and her leave expires in a few weeks. She separated from her partner shortly after arriving in the UK, and has come to you for some advice about her status here.

Susan also tells you that her father's father was born in the UK, and asks whether this may be relevant. She has explored the possibility of registering as a British citizen but has been properly advised that she is not entitled.

She is keen to stay in the UK as she is in a serious relationship with a British man with whom she has been living for just over a year. Although they have discussed getting married, they do not want to do so now or in the foreseeable future. Susan has been living off her savings in the UK and has not worked since she came here, but she will be looking for work shortly as her savings will only last for a few more months. She worked in Canada for three years before coming to the UK.

Question 1

Write a letter of advice to Susan. In that letter, *explain*, on the basis of the above facts:

- The application she can make that would allow her to settle in the UK; **(4 marks)**

- the specific facts she will need to demonstrate to succeed in the application; **(9 marks)**

- on the evidence, and documents she will need to support her application; **(9 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 introduce yourself or confirm the client's instructions for this exercise.

Total marks available for question 1 = 24

Question 2

Susan's application is refused. She believes the Home Office failed to read her evidence of previous savings correctly. In an attendance note, record the advice you give her about her options, and any relevant deadline

(4 marks)

Question 3

If the application is granted, and Susan marries her boyfriend shortly afterwards, note the further applications she will need to make to become a British citizen, and the timing of those applications

(2 marks)

MODEL ANSWERS

OISC LEVEL 1 ASSESSMENT – 24th NOVEMBER 2016

Part 1 Multiple Choice Questions

1. By what process does the Secretary of State amend the Immigration Rules?

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- (b) By publishing new Immigration Regulations
- (c) By publishing a Statement of Changes
- (d) Simply by updating the rules on the gov.uk website without prior notice

answer (c)

2. In which of these circumstances will your client become an overstayer?

- (a) She makes an application for an extension of stay before her leave runs out, but her leave runs out before she gets a decision on that application
- (b) She makes an application for an extension of stay before her leave runs out, but after her leave has run out, the Home Office returns the application to her with a notice of invalidity
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- (d) She makes an application for an extension of stay before her leave runs out, but after her leave has run out the Home Office makes a decision to refuse that application, with a right of appeal

answer (b)

3. Your client's leave is about to run out. You have prepared her application for an extension, but she does not have a passport. She sent her old passport to her country's embassy, and is awaiting a new one to be issued. It is not likely to arrive until her leave has run out. How do you advise her?

- (a) She can delay the application for up to 28 days after her leave expires, so she should do that and then make the application when her new passport arrives
- (b) She will need to wait for the passport to arrive, and then go home to apply for entry clearance to come back to the UK
- (c) There is no requirement to submit a passport with an application as the Home Office will already have a copy of her passport on her file
- (d) She should apply before her leave runs out and then send the passport to the Home Office as soon as it arrives

answer (d)

4. Which of the following guidance documents can be found in the Operational Guidance section of the gov.uk website?

- (i) Modernised Guidance
- (ii) Immigration Directorate Instructions
- (iii) Guidance to Applicants
- (iv) Entry Clearance Guidance

- (a) (i) and (ii) only
- (b) (i), (ii), and (iii) only
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answer (d)

5. What is the deadline for lodging an appeal with the First-tier Tribunal (IAC) if the right of appeal is from within the UK

- (a) 10 working days after the Home Office refusal decision is received
- (b) 10 working days after the Home Office refusal decision is sent
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answer (d)

6. Your client, a British citizen, has a British citizen child and another child who has Indefinite Leave to Remain. She wants to sponsor her husband to come to the UK as her partner. What financial requirement will she need to meet?

- (a) £18,600
- (b) £22,400
- (c) £24,800
- (d) 'adequate maintenance without recourse to public funds'

answer (a)

7. If your above client is receiving disability living allowance, what financial requirement will she have to meet?

- (a) £18,600
- (b) £22,400
- (c) £24,800
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answer (d)

8. Your above client's husband was fined following a minor criminal conviction six months ago. How will you advise him?

- (a) He is likely to be refused a visa unless he waits a further six months before making the application
- (b) Minor convictions are usually ignored by the Home Office so there will be no need to delay the application
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answer (a)

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- (a) £100
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- (d) £5000

answer (b)

10. Which of the following activities can a visitor to the UK undertake?

- (a) Volunteering for the entire period of the visit
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- (c) Studying English language with a private tutor
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answer (b)

11. Your client has made an application for an extension of stay under the Tier 1 (Entrepreneur) category. She awaits a decision. She realises that the electronic bank statements she submitted are unlikely to be accepted by the Home Office because they were not stamped by the bank. How will you advise her?

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answer (c)

12. An applicant under Tier 2 (General) will need to be paid an appropriate salary to score the required points for Attributes. Where will you find the appropriate salary for the job your client has been offered?

- (a) Minimum income legislation
- (b) Appendix A to the Immigration Rules
- (c) Appendix J to the Immigration Rules
- (d) On the Jobcentre Plus website

answer (c)

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answer (b)

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answer (c)

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answer (d)

16. Your EEA national client arrives in the UK and works for six months. Their temporary contract then comes to an end. How long will they have to find another job before losing their right to reside as a worker?

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answer (a)

17. An EEA national qualified person can apply for which document to evidence their status?

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answer (c)

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answer (c)

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answer (a)

20. Where will you find the procedure for applying for an Administrative Review?

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- (d) The Tribunal Procedure (First-tier Tribunal) (IAC) Rules 2014

answer (b)

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Susan also tells you that her father's father was born in the UK, and asks whether this may be relevant. She has explored the possibility of registering as a British citizen but has been properly advised that she is not entitled.

She is keen to stay in the UK as she is in a serious relationship with a British man with whom she has been living for just over a year. Although they have discussed getting married, they do not want to do so now or in the foreseeable future. Susan has been living off her savings in the UK and has not worked since she came here, but she will be looking for work shortly as her savings will only last for a few more months. She worked in Canada for three years before coming to the UK.

Question 1

Write a letter of advice to Susan. In that letter, *explain*, on the basis of the above facts:

- The application she can make that would allow her to settle in the UK; **(4 marks)**

- the specific facts she will need to demonstrate to succeed in the application; **(9 marks)**

- on the evidence, and documents she will need to support her application; **(9 marks)**

Firm's name and address

**Firm's Ref No.
24 November 2016
Susan
Susan's address**

Dear Susan

Your immigration case

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

Confirmation of Instructions

Not required for the purposes of this assessment

Our advice

As you have a grandfather who was born in the UK, you may be able to make an application for a visa in the *UK ancestry* category. Unfortunately, the Immigration Rules do not allow you to make this application from within the UK. You would have to go back to Canada to do so.

What you will need to show

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

Firstly, you can be refused a visa under the *General Grounds for Refusal* if you have any criminal convictions, or if you owe money to the NHS for medical treatment you have had here. Please let me know if either of these issues may apply to you.

You will also need to show you are a Commonwealth citizen over the age of 17, but that will be shown on your passport, so no problem there. And, of course, you will also need to prove your grandfather was born in the UK

You will also need to show that you can and will work in the UK during your residence here.

Lastly, you will need to show that you can support and accommodate yourself in the UK without needing to claim welfare benefits until you're able to find work. You will need to show you have enough money to rent a room of your own (or that you can share your partner's accommodation as long as you have at least one room for the sole use of you both). For maintenance, you will need to show that after your housing costs are met you will have at least the amount of money that you would receive if you were entitled to benefits. As you will not be entitled to claim benefits, you will need to have savings to cover this or you may be able to show your partner can support you until you find work.

The documents you will need to provide with your application

You will need to provide certain documents to the Home Office when you make the application to prove that you meet the above requirements. I will list them:

- Your passport
- Your birth certificate showing your father's name
- Your father's birth certificate showing his father's name
- Your paternal grandfather's birth certificate (to show he was born in the UK)
- Documents showing an intention to work in the UK: e.g. showing that you have looked for work in the UK, a CV, qualifications, evidence of having worked in Canada, and/or a letter confirming your intention to seek work with some detail about your plans to do so
- Bank statements showing you have enough savings to maintain yourself until you find work, and information on the source of those savings
- Evidence of availability of accommodation (or that your savings will cover this if you do not intend to live with your partner when you return to the UK)

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

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 introduce yourself or confirm the client's instructions for this exercise.

Total marks available for question 1 = 24

Question 2

Susan's application is refused. She believes the Home Office failed to read her evidence of previous savings correctly. In an attendance note, record the advice you give her about her options, and any relevant deadline
(4 marks)

Can apply for Administrative Review, a Home Office review process where they will consider any 'caseworking errors' such as failing to consider documents. Must make an application to the Home Office for Administrative Review within 28 days of receiving the refusal decision. Alternatively, depending on the specific reason for refusal, it might be better to apply again for a visa with better evidence.

Question 3

If the application is granted, and Susan marries her boyfriend shortly afterwards, note the further applications she will need to make to become a British citizen, and the timing of those applications

(2 marks)

Client will be granted five years leave to enter. Can then apply for ILR. Can apply for naturalisation immediately after being granted ILR.

Please do not remove the question paper from the exam hall