



18 Sep 2019

OISC Summer Newsletter

WELCOME!

Welcome to the first edition of the refreshed OISC Newsletter which I hope will herald a new approach as to how we communicate and work with Advisors.

It is also my first Newsletter as the Immigration Services Commissioner, a role in which I started only a few weeks ago. It is



a great honour to be only the third person to hold the position of Commissioner since OISC's inception, and I am well aware of the importance of the organisation and its work in regards to Immigration in the UK. I am also acutely aware that the role has been vacant for over 3 years and that many of you will be asking what a new Commissioner will mean for the work of the Office and how that will impact on Advisors.

I am new to the world of Immigration but assure you I will learn quickly. My first task is to gather information about OISC and its work, including understanding your perceptions and needs, before I make any major decisions. My initial thoughts on the role and work of the OISC are in a Q&A which you will find later in this newsletter.

However my appointment is only one of a number of changes which the Immigration sector will experience over the coming weeks and months. We have a new Prime Minister, a new-

look cabinet and possibly a new election if the political pundits are to be believed, with an exit from the EU by the end of October. Whatever happens on the political front, there will be major changes for our Immigration system and this will affect all of us with new policies and programmes.

It is important that you are kept up to speed with such changes and this new look newsletter has been designed to be easier to follow when you are on the move.

We have also created a [Facebook Group Page](#) and a [Twitter](#) account to improve how we engage with you.

However good communication goes both ways and I would welcome any feedback on OISC and its work, as well as on the look of this newsletter. I would also like to meet with as many of you as I can in the near future and I look forward to working with you over the coming weeks and months

Best wishes

John Tuckett

Interview with John Tuckett

• When did you first become aware of the OISC and how?

Until last year I fully admit I had never heard of the OISC! Then one day I was browsing the Cabinet Office website on Public Appointments and saw the role of the Commissioner

advertised. When I looked at the details, I was immediately struck by the importance of the organisation and the role it plays in the overall Immigration system, and to cut a long story short.....here I now am.

• **What does a regulatory body mean to you? What does the OISC mean to you?**

Regulatory bodies come in many different shapes and sizes. In one sense they all share the common aim of ensuring some part of the government's business is carried out to agreed standards and ways to avoid illegal or some other negative impact. However they are much more than just enforcers of regulations – and this applies to the OISC particularly where we work with those we regulate, to raise standards and ensure best practice to help those who need advice. For me regulation is an active partnership between regulator and those we regulate, working together to ensure the best possible outcome for the public, customers or clients. In this sense the OISC has a critical role to play in ensuring those who need immigration advice get the best possible advice whenever they need it.

• **What qualities do you bring to the OISC that you feel it doesn't currently process?**

My initial weeks in the OISC have shown me there is a huge range of talent and experience in immigration matters within the staff. I would be the first to admit that I have no direct experience of immigration issues as such and for me this is therefore a completely new field of work. However what I do bring is a range of senior executive appointments as either a CEO or as a Programme Director driving major organisational transformations across many different parts of the public sector ranging from Defence, to Health to the Environment having worked in many different government departments as well at one time, in the Church of England. I think it is the breadth of experience in so many different fields that enables me to bring something different to the OISC – the ability to look at issues and relate them to ones that I have encountered elsewhere, that hopefully adds value to the OISC's work

• **The OISC has not had a Commissioner for four years; why do you feel it needs one?**

Yes I most certainly think it needs one but first let me pay tribute to Ian Leigh and the magnificent work he has done over the last few years in doubling up as both Commissioner and Deputy, and to those OISC members of staff who have had to shoulder extra responsibilities during this period. However we are now about to enter a new phase in the UK's life as we leave the EU and Immigration is without doubt at the top of the political agenda with the prospect of new schemes to be developed. The OISC as an organisation is one that deserves to be much better known amongst the public and politicians as we are central to the effective working of whatever Immigration policy is decided upon. Our work determines whether people get good advice and avoid the problems that so often arise from poor, bad or illegal advice. We need now to raise our overall profile to ensure people know about us and how we work, and to enable us to investigate and deal with those people who provide advice illegally and can do so much harm to others.

• **What priorities do you feel the OISC should be pursuing?**

Our core purpose of ensuring the regulatory framework for advisors is working and is effective. In this the OISC has focussed its attention over the last few years and must continue to do so. However we must also now have an agenda around being clear what our vision for the OISC is in the future and where over the next months and years we will develop and evolve. Part of this will be having a more prominent profile to ensure that those who need or seek advice are aware of how to get it and do get it. I am currently still very much in my learning phase but by the autumn proper I will be much clearer about our sense of direction for the future and what our key priorities will be.

On a personal note, I want to learn first-hand what you, as Immigration Advisers, think about the work of the OISC. Therefore, as far as is reasonably possible, I want to take the time to meet with many of you over the next few months.

- **How will the OISC of September 2020 differ from the OISC of September 2019?**

In one sense the OISC may still in September 2020 being doing much of what it already does now – but life will be different. We will then be out of the EU and as an independent coastal state may well be into implementing a new immigration policy whether for citizens of the EU or the wider world. Financial pressures on us as a government body may still be with us and we will need to be flexible and agile in how we go about our business. By next September we will have a much clearer sense of our future direction as an organisation and I hope will be well on the way to making progress.



Adviser Survey

The OISC would like to thank all of those advisers and applicant advisers who completed last year's Adviser Survey for the financial year 2018/19.

The OISC invites registered advisers and applicants to complete a survey in four specific areas, namely those who have had a premises audit and those whose organisation has been subject to a complaint determination following investigation into the matter by the OISC.

Furthermore, those applying to become registered by the Commissioner are asked to complete a survey on the OISC's Electronic Applications process as well as another relating to the OISC Competence Assessment.

The results of the surveys has provided the OISC with plenty of food for thought and overall it was encouraging to see so many of the surveys completed and returned.

The OISC considers the results of the surveys very seriously and we are happy to take on board the additional comments provided by respondents, with a view to improving processes and adviser experiences of our various processes as much as possible.

It was pleasing to see an encouraging response rate was for the financial year 2018/19, however we would like to see as many applicant and primary contacts as possible who are sent a survey to take some time to complete the appropriate questionnaire and provide your views on the relevant processes and more importantly, provide comments you feel would help to improve our services.

Based on respondent comments received in the surveys, we have made changes to the Level 1 Competence Assessment process, namely providing a break in between sections as well as an increase in the overall time limit. These changes have coincided with an overall increase in the pass rate at Level 1 and this further shows the importance of the sector's feedback when completing OISC surveys.

Electronic Applications and the design of those came about partly through previous adviser survey comments and we have embraced and enjoyed the process of receiving the majority of OISC applications in all formats via our online, secure platform.

Based on adviser feedback, much of which was extremely positive, the OISC has also published a Guidance Note on Premises Audits to help registered advisers prepare for their upcoming premises audits. Among other matters the documents explains to advisers how the OISC chooses to assess, which types of organisations should be audited and when, how to prepare for their audit and what to expect from their caseworker on the day. We believe that

this has contributed to adviser understanding of the audit process and has improved the experience of both parties before, during and after OISC visits to organisations.

Looking ahead, the OISC also plans to carry out a consultation to the immigration advice sector on our Complaints Process, in order to receive quality feedback and ways of improving and streamlining how this organisation investigates and determines complaints.

Finally, the OISC would like to again encourage as many responses to our surveys as possible, we are listening, so please fill in those questionnaires when you receive them!

New Guidance on Premises Audits

The OISC have recently published guidance for registered organisations regarding the OISC's Premises Audit process.

The OISC is conscious that some organisations, and in particular newly approved organisations, may have concerns about receiving a premises audit. We hope the new guidance document will be helpful in alleviating those concerns by explaining why the OISC conduct premises audits, what happens on the day and the post audit processes.

The guidance document includes advice on how to be prepared for a premises audit and get the most from the day and we hope provides some reassurance that an OISC premise audit is a positive experience for most organisations.

The new guidance document can be found at the following link:

[Guidance_note_on_Premises_Audits](#)

New information for Consumers on the OISC Website

The OISC are adding to the content currently available on the OISC website for consumers of Immigration Advice and Services. The OISC are committed to increasing consumer confidence in instructing and working with OISC registered advisers. By setting out the standards and expectations, consumers will receive from registered advisers we hope to discourage consumers from approaching unregulated advisers with all the potential risks this holds for them.

The OISC want consumers to know what the OISC do and the protections OISC regulation affords them. We believe we have a strong regulatory system and advisers operating with OISC registration have demonstrated themselves to be both fit and competent to meet client needs. We believe that clients should be aware of what advisers operating at different levels and different categories of work can do, to allow them to find the right adviser for them.

They should know how to instruct their adviser and how to complain if something goes wrong. For the first time the OISC has also created an online survey so clients of OISC registered organisations can provide feedback on their experiences. We will share this feedback with you and hope to use it when considering our Code of Standards and whether their requirements we place on advisers is working for clients.

We expect the new content to appear on the OISC website from the beginning of October. Our new consumer surveys are already in place and we would invite you to encourage clients to review their experiences. Surveys do not invite or permit consumers to disclose an advisers identity, but provide more general comments on their experience.

Feedback received to date has been reassuringly positive.

B&S/DDR investigation and Prosecution

Background

In February 2016 the OISC became aware of the existence of Burlow and Spencer Ltd (B&S), whilst conducting an investigation into a company called Immigration Assistance Services Ltd (IAS), based in Rochdale. Both companies were claiming to be supervised in the provision of immigration advice by a Romanian registered lawyer, Dan Dandes. The route to qualification, to enable provision of immigration advice/services was claimed under section 84 (2) (e) of the Immigration and Asylum Act 1999 (the Act). Dan Dandes (and Babbar Jamil) were company officers of DDR Legal Services LLP, registered in the UK since January 2016. DDR offered 'franchise/licensed' immigration supervision to enable the provision of immigration advice/services. The 'franchises/licenses' were offered at three levels of support, Pro, Elite and Supreme at a cost of £2,999, £9,999 and £19,999 respectively. The DDR website claimed a licensee, "...can begin operating under our supervision without the need for OISC or SRA registration".

It was also noted the contract between IAS and DDR stated 20% of (IAS) client fees would be payable to DDR for providing supervision, which was later noted as a standard clause in such arrangements.

Tariq Hussain was registered as the company director of IAS.

Tariq Hussain pleaded guilty to providing unqualified immigration advice on 16 April 2018 at Manchester Crown Court and was fined £600 and ordered to pay £1,999 compensation. The supervision claimed by IAS, was not tendered in evidence as part of their defence, and was therefore not subject of consideration.

IAS was dissolved in January 2017.

Investigation

Most, if not all, clients found B&S via an internet search. The website presented a professional account of the company including immense experience and boasts of 100% success rate. The site contained favourable reviews, some of which were later found to be fake by the review service provider.

96 complaints were received by the OISC from a number of persons who had instructed B&S in their immigration matters. The complaints ranged from incorrect details regarding the applicant's circumstances, to completely wrong applicant names and circumstances being sent in client care letters and/or representation letters. Some of the complaints related to incorrect applications submitted to the Home Office resulting in refusals and subsequent appeals lodged by B&S, which also failed. B&S were also instructed in some instances in matters requiring immediate to very short time resolution, which B&S stated they could deliver at premium fee rates, which were not processed within the time frame specified. Needless to say, a number of B&S clients were, in some instances, put in a precarious position regarding their immigration status in the UK.

It was notable that complaints were received from persons from across the social spectrum, relating to applicants from diverse cultures and backgrounds, which all followed a similar pattern. Payment from clients were required upfront, when a fixed fee was quoted, before any work could take place. Contact between B&S and the client was usually by email or phone. There were a number of exceptions to this, when face-to-face meetings took place, upon insistence of the clients concerned. Following payment a telephone consultation was arranged, usually within 24 hours during which, the full circumstances of the immigration matter were explained.

The client was then sent a questionnaire to complete on-line. Little help or assistance was provided by B&S at this stage during which many clients became frustrated due to the inflexible nature of the questionnaire in providing an opportunity for a truly bespoke service. A client care letter was then sent to the client. Very often the client advised corrections to the client care letter, repeated on a number of occasions or correcting further mistakes. Many clients asked for a refund at this time. Clients were passed from one member of staff to

another.. B&S claimed an 8 week period in which they were bound to resolve a complaint, a period of time which was more often than not, surpassed.

A number of complaints were escalated to DDR by clients , as advised on the B&S website. It is apparent instructions to resolve the matter were issued to B&S from DDR, without any further direction/recommendation in how to reach an amicable settlement.

The OISC invited Zia Bi, Dan Dandes and Babbar Jamil to interview under conditions afforded to persons suspected of committing a criminal offence, as provided by the Police and Criminal Evidence Act 1999. They declined to attend.

Prosecution

The OISC presented a prosecution of Zia Bi, B&S, Dan Dandes, Babbar Jamil and DDR on the evidence provided by 19 complainants. The parties were indicted on 6 counts relating to 19 offences of, in the case of Zia Bi and B&S, providing unqualified immigration advice contrary to section 91(3) Immigration and Asylum Act 1999, in the case of Dan Dandes, Babbar Jamil and DDR, assisting and encouraging an offender in the provision of unqualified immigration advice.

During the trial at the Old Bailey the prosecution case was presented on the basis of examining the qualification of Dan Dandes and the supervisory relationship between him and B&S. Additionally the prosecution sought to demonstrate the arrangement between B&S and DDR was in order to circumvent regulatory requirements in the UK. The prosecution argued that in order for Dan Dandes to be so qualified, he was required to be registered with a designated professional body or designated qualifying regulator (or the OISC) in the UK.

The prosecution and defence cases centred on issues of EU directives and UK implementation of those directives.

The jury reached a unanimous verdict, on 24 April 2019, in convicting Dan Dandes, Babbar Jamil and DDR on the basis they were not qualified to provide

immigration advice. It therefore followed Zia Bi and B&S were not qualified to provide immigration advice under supervision of DDR.

Sentencing has been adjourned to 25 September 2019 at the Old Bailey, pending a financial investigation under the Proceeds of Crime Act 2002.

B&S has gone into voluntary liquidation and is currently under administration of an insolvency company. An appeal against conviction has been lodged.

Court Report

Byass

Eugene Byass, 49, of no fixed address, was sentenced at Nottingham Crown Court after pleading guilty to eight counts of providing unqualified immigration advice and services between November 2015 and late December 2017.

He provided unregulated immigration advice and services in exchange for payment in excess of £11,000 from refugees he met in social centres.

He was sentenced to 8 months imprisonment, suspended for 12 months and 100 hours of unpaid work. He was also ordered to pay compensation to his victims in full, a total cost of £11,507.

Khan, Sayem and Mitu

Abdul Mukthadir KHAN, 33 of Hampton Road, Forest Gate, and Mohammed SAYEM, 40 of Windsor Road, Forest Gate, appearing at Southwark Crown Court, were found guilty on

seven counts, namely: 1. Fraud by False Representation x 2; 2. Providing Unqualified Immigration Advice/Services x 2; 3. Converting Criminal Property (money laundering) x 3.

Mr Khan's wife, Mahmuda MITU, 32, also of Hampton Road, was found guilty of one count of Converting Criminal Property.

Mr Khan and Mr Sayem, who operated from an office in Whitechapel, Tower Hamlets, falsely represented themselves to be immigration advisers and obtained £26,700 from two individuals for visas which were not provided. Only £6000 was returned.

The two victims were instructed to pay most of the money into a bank account of Ms Mitu which was operated by Mr Khan. That money was subsequently transferred to accounts held by either Mr Khan or Mr Sayem.

In addition large quantities of money, proceeds of criminal conduct, were transferred between bank accounts held by all three defendants over a period of two and a half years. All three were found guilty of this matter.

Mr. KHAN was given a number of sentences, to be run concurrently, resulting in him serving two years in prison.

Mr. SAYEM was also given a number of sentences, to be run concurrently, resulting in him serving two years in prison.

Ms. MITU was sentenced to a 24-month Community Order.

Ogbonmwan

A Reading man has received a community order after being found guilty of 12 counts of providing unregulated immigration advice and service.

Howard Ogbonmwan, 52, of Byfield Road, Reading, ran a company called Visionary Community Ambassadors from Arlington Business Park, Theale, where between 2013 and

2015, he gave immigration advice and services to six individuals when he was not qualified to do so.

At Reading Crown Court, on 21 June 2019, Mr Ogbonmwan was sentenced to 12 months Community Order with a requirement to carry out 40 hours unpaid work.

News Coverage



Over the last few months, the subject of immigration services has gained major media attention both in print and on television. Various areas of the Immigration Service been discussed, dissected and been the subject of either major newspaper investigation or TV scrutiny.

Here is a selection of the coverage which has made headlines over the last three months or so.

The Times

A report from the Henry Jackson Society, a think tank, about an organisation from Wembley offering immigration advice from Wembley and their links to the Iranian Supreme Council via a board member led to a story in The Times. There was nothing to substantiate claims of inappropriate behaviour either by the organisation or the OSC in regulating it.

The Sunday Times/Channel 4

Both the Sunday Times and C4 Dispatches looked into the case of so-called Golden Visas - a route to a British passport if you have enough money to invest.

According to the investigation the cost is £2m and the story featured a number of people including an immigration adviser who was able to provide advice on how to apply for such a visa allegedly by not providing a full picture of client's wealth or political connections in visa applications in order to avoid scrutiny.

The conclusion was that such advice should be urgently reviewed by the Home Office.

BBC3

The BBC had a three-part TV documentary called "Who Should Get To Stay In The UK?" which looked at those involved at sharp end of Immigration Advice and Services; the advisers and their clients.

Focusing on a group of people from various walks of life and how they tried to get a visa to stay in the country, the series creators said; 'While some immigrants bring with them the prospect of investment and job creation, others come for asylum and sanctuary. All are determined to make Britain their home – but it will be up to their lawyers to convince the Home Office to let them stay.'

Not all those featured were trying to get into the country. One person, here since childhood, found out that they and their children were not eligible to stay in the country and had to find evidence to prove that they had the right to residence. Another sought like-saving medical treatment.

Over three hours the lives, fears and hopes of those looking to get residence was covered in this documentary and we heard from those with an interest in the immigration system.

There was also a quick delve into the advisers themselves. One of the lawyers featured in the first episode was Mike McGarvey, an OISC Level 3 adviser. He has been on the BBC before, as the focus of an episode of Radio 4's The Untold, "All in the Proof".

Although the OISC did not feature in the programme, a constructive and informed documentary is a great boost to our work being publicised.

The bottom-line is that to by being fit and competent and doing your best for you clients you will help to improve the reputation of the immigration service.

OISC 2018/19 Annual Report and Accounts now available.

Our annual report and accounts was laid before Parliament on 11 July 2019. This document provides a full report on the activities the OISC has carried out over the past year as well as important financial information.

If you would like to find out more about what the OISC has been doing, you can find the document [here](#).

News In Brief

The OISC would like to remind advisers to watch the free on-line presentation on increasing consumer satisfaction." To access, please click on **OISC Online Presentation**

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