

Welcome to the Spring 2021 OISC Newsletter which includes a save the date for an OISC Adviser Conference and updates on the EUSS Settlement Scheme and our enforcement activities.

Message from the Commissioner

As we start a new financial year and look forward to the year ahead, it's also important to pause and reflect on the previous year. And, as I said in my last message to you it was certainly challenging.

COVID meant we had to change how we did our business, moving many of our processes online, and working out how we can continue to provide support and checks to all our advisers. Our staff also moved from being in the office together to all of us working from home and like many we had to embrace the new daily rhythm of Teams calls.

One of the areas we were most concerned with was no longer being able to come out and meet with our advisers, which affected not only our ability to continue with premise audits but also to maintain that one on one contact. However, through successfully trialling remote audits were able to carry out 264 audits, which is a great result and I would like to thank you for your patience and support in this.

A second area we had to quickly adapt to was how we carry out our competence assessments, moving them from being in person assessment centres to online. Whilst I understand there have been a few issues as we began to implement the new system I hope these are all resolved and people are finding it easier to take part. The flexibility of online assessments has meant we have been able to hold 11 assessment centres in 2020/21 with 368 applications passing. I would like to welcome all those who are new to our scheme and I look forward to working with you in the year to come.

Despite the restrictions on accessing the Courts we also were successful in a number of prosecutions – details of which are in the updates below. Stopping or disrupting illegal immigration advice continues to be an important part of our work and one this year we will be looking at in more detail, specifically what are the best ways we can protect the advice seekers from being taken advantage of by non-regulated, unlawful immigration advisers.

Other priorities for the OISC this year are transforming how we are structured and work in order to deliver our vision - where every person seeking immigration advice within the UK makes an informed choice to seek advice only from a regulated immigration adviser and receives reliable and professional advice and service that they have confidence and trust in. As part of this we will also be looking to improve how we engage with our advisers, starting with my first Adviser Conference which will be held on Tuesday 18 May – more details are below.

I have no doubt that this year will be far from normal, and we will all have to work with the continuing challenges of COVID-19, but hopefully as the vaccination

programme continues we can look forward to returning to new but more normal ways of working.

NEW – Annual Adviser Conference: SAVE THE DATE

We will be holding the first of a new annual adviser conference on Tuesday 18 May 2021. This year, with COVID, the conference will be online and focus on our new vision and what it means for the OISC and how we work with our stakeholders and our advisers.

We will be sending out more information in the next week about times and how to register but in the meantime please – save the date!

OISC Level 1 - EU Settlement Scheme – still open for applications

There is still time for community and voluntary organisations to register with the OISC as an OISC Level 1 Immigration – EU Settlement Scheme.

Many EU citizen wanting to remain in the UK who have attained pre-settled status and meet the requirements to apply for settled status after June 2021 will still need support. The OISC EUSS registration scheme can help community and voluntary organisations provide this help.

Post 30 June 2021

We are also speaking with the Home Office to understand more about what happens after the 30 June deadline for the EUSS scheme. In particular one area we are discussing is “reasonable grounds” for an out of time application. We anticipate that the outcome of these discussions will affect where Level 1 and Level 1 – EUSS advisers will be able to help clients who submit applications after 30 June 2021.

Help the OISC improve

One of our priorities for this year is improving how we engage and communicate with our stakeholders. As part of that we are reviewing our website and would like your help.

In the next few months we will be carrying out some user testing of our gov.uk site and would like a couple of volunteers to help us understand what works well and what doesn't and to help identify what we need and how.

If you would be happy to take part please email communications@oisc.gov.uk with your name, contact details, organisation and role.

IN FOCUS

The OISC has responsibility for regulating immigration advice and services, and unlike many regulators we're a bit different in that we see people through the whole

regulatory system from applications for those wanting to become an adviser to taking enforcement activity against those who provide immigration advice illegally.

In this newsletter we would like to tell you more about the work of our criminal investigations team, who work to bring justice to those who have been provided immigration advice illegally and potentially damaged the reputation of the sector.

Criminal Investigations Team

Our new vision helps make sure we put the advice seeker at the centre of everything we do. One of the important parts of this is protecting them from people who take advantage of their vulnerability and use immigration advice as a way of defrauding them out of savings or provide immigration services illegally and affecting a person's immigration status.

Our Criminal Investigations Team, supported by the OISC Intelligence Team and other agencies, lead on this work. They are responsible for investigating complaints by advice seekers or other advisers into reports of poor or unlawful immigration advice. Led by Victoria as our Head of Enforcement, the team is made up of five investigators, all of which previously worked in the police and bring with them years of experience in investigations and bringing cases to prosecution.

Over the last 12 months, as with many organisations, COVID has meant we've adapted how we carry out this work and moved to a more virtual way of carrying out investigations. One area that has worked especially well has been online witness statements and we have also been one of the first enforcement agencies to do online investigative interviews. Since March 2020 over 50 witness statements have been taken and 10 interviews under caution have been conducted, while our staff continue to work from home.

Through our investigations we look to disrupt and stop illegal activity from taking place. One of the outcomes of this is taking a case to prosecution. While access to courts was restricted for the majority of 2020 we have still been able to secure convictions against eight people for the unlawful provision of immigration advice and services.

If you have any information about people who are providing unregulated and unlawful immigration advice, please contact us via complaints@oisc.gov.uk.

Here are two examples of prosecutions from the last year:

Zabun Nissa: Zabun Nissa was sentenced in March 2021 at Birmingham Crown Court for two counts of fraud by misrepresentation and was sentenced to 19 months imprisonment. Nissa pretended to be employed by the Immigration Department at Birmingham Airport and took over £8,000 from a couple after promising them British nationality, jobs at Birmingham Airport and to bring family members to the UK from Pakistan.

Burrow and Spencer Limited/DDR Legal Limited: Zia Bi, Dan Dandes and Jamil Ali were sentenced in January 2021 at the Old Bailey after being found guilty of six

counts of providing unqualified immigration advice and/or services. They were fined a total of over £35,000 and ordered to pay a compensation order of £8,745.

This case was particularly important as Mr Dandes had looked to work outside of the OISC regulation by claiming qualification as an EU registered lawyer and established an unlawful supervision scheme for a UK registered company - DDR Legal Services LLP. The OISC received over 95 complaints about a company Burlow and Spencer who were claiming supervision by DDR Legal. While the judge in his findings accepted that Mr Dandes believed he was acting within the law, he found that his actions were illegal. Many of the complainants suffered serious consequences because of the poor immigration advice they had received including being unable to work, forced to take international trips to submit paperwork and incurring financial losses.

And finally... Farewell to Deputy Commissioner, Dr Ian Leigh

In February we said goodbye to our Deputy Commissioner Dr Ian Leigh after ten years' service with the OISC.

Prior to joining the OISC, Ian had an accomplished academic background in science, before moving into government regulation. He gained much experience championing consumers' rights as the Managing Director of the Consumer Council for Postal Services, Postwatch. That passion for consumer rights is something that Ian continually demonstrated here at the OISC, staunchly supporting organisations providing high quality immigration advice and services.

In September 2015, after our previous Commissioner Suzanne McCarthy completed her ten-year term as Immigration Services Commissioner and Ian stepped in to lead the organisation until John Tuckett was appointed to the role in July 2019.

Ian's balanced, collegiate style of leadership enabled the organisation to continue to deliver the OISC's business despite challenging political times including Brexit and tight budget restrictions and to continually drive the improvement of good immigration advice across the whole sector.

We thank Ian for his ten years of valuable service and send him our very best wishes for the future.