

SAMPLE QUESTION

OISC LEVEL 1 ASSESSMENT – FEBRUARY 2021

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. The Immigration Rules can also be referred to as**
 - (a) Modernised Guidance.
 - (b) HC 395.
 - (c) Statement of Changes.
 - (d) Borders, Citizenship and Immigration Act 2009.

- 2. Your client, a German national, wants to come to the UK to work for a company as a PR assistant. He has not lived and worked in the U.K before. Where will you look to see if he can qualify for entry clearance?**
 - (a) In The Immigration (European Economic Area) Regulations 2016
 - (b) In Appendix EU.
 - (c) In Appendix Skilled Worker.
 - (d) In the Immigration Act 1971.

- 3. What level of English language is required for an applicant seeking to come to the UK on the Start-Up route?**
 - (a) A1
 - (b) A2
 - (c) B1
 - (d) B2

- 4. Your client, a non-EEA national, wants to apply for entry clearance to come to the UK to study a degree. They will need to score points for the Study requirement. Which one of the following requirements will they not need to meet?**
 - (a) The approved qualification requirement.
 - (b) Have a valid Confirmation of Acceptance for Studies.
 - (c) Have a valid Certificate of Sponsorship.
 - (d) The place of study requirement.

- 5. Your client, a non-EEA national, has leave to enter as a Tier 4 Student. She has completed her degree and wants to apply for leave to remain under the Skilled Worker route. What will be the relevant financial requirement?**
 - (a) There is no financial requirement.
 - (b) £2046
 - (c) £1270
 - (d) £950

- 6. You can switch into the (Temporary Worker) Religious Worker from which of the following?**
- (a) Visitor.
 - (b) Partner.
 - (c) Student.
 - (d) None of the above.
- 7. Your client, a Nigerian national, aged 30, wants to come to the UK under the Ancestry rules. His grandmother was born in the UK. What will be the relevant financial requirement?**
- (a) The client sufficient funds to cover all reasonable expenses without working or accessing public funds.
 - (b) The client must be able to maintain themselves adequately in the UK without recourse to public funds.
 - (c) The client must have a job offer in the UK with a minimum income of at least £18,600.
 - (d) Following recent changes in the rules, there is no longer any financial requirement.
- 8. For a non-EEA national who seeks to demonstrate they have had 10 years continuous lawful residence in the UK, they will need to meet the continuity of residence requirements which can be found in**
- (a) Appendix Continuous Residence.
 - (b) Section 10, Immigration and Asylum Act 1999.
 - (c) Paragraph 276A, Immigration Rules.
 - (d) Appendix KOLL.
- 9. In addition to the Suitability criteria in Appendix FM, an applicant for entry clearance as an adult dependent relative will need to consider**
- (a) Paragraph 9.82 (a) and (c) of the general grounds of refusal in Part 9 of the Rules.
 - (b) None of the general grounds of refusal in Part 9 of the Rules.
 - (c) Section 4 of the general grounds for refusal in Part 9 of the Rules.
 - (d) All of the general grounds for refusal in Part 9 of the Rules.
- 10. Your client wants to you to make an application to extend his leave as a partner. However, having taken instructions, you note that although the client meets the requirements of the partner rules, his current leave has expired on the day of your meeting. How will you advise him?**
- (a) The client is an overstayer and should return to their country to make their application.
 - (b) You can help him make an application within 14 days but he must provide a good reason beyond her control as to why the application could not be made in-time.
 - (c) As a Level 1 advisor, you cannot advise him in these circumstances, and you will refer him to an adviser authorised at Level 2 or 3.
 - (d) The client will have continuing leave if he makes the application in the next 14 days.

- 11. Your client, a non-EEA national, wants to join her British partner in the U.K. Her husband has been working part-time over the last year; earning a gross annual income of £16,900. He has some savings. How much in cash savings will your client require to meet the financial requirements?**
- (a) £16,000.
 - (b) £18,600.
 - (c) £20,250
 - (d) £22,250
- 12. Your client, a Jamaican national, aged 29, wants to apply to extend her leave under the partner rules. She seeks your advice on the English language requirements. She does not have a degree and has not sat a language test. You inform your client that**
- (a) She will meet the English language requirement because she is a national of a majority English speaking country.
 - (b) She must have at least a degree to meet the English language requirement.
 - (c) She will be required to take and pass an English language test in speaking and listening at a minimum of level A2 of the CEFR.
 - (d) She is exempt from the English language requirement
- 13. An EEA national, who had been continuously residing and working in the U.K for 5 years, will be able to continue their residence in the U.K after 31 December 2020 if they applied for and were granted**
- (a) Pre-settled status.
 - (b) Indefinite Leave to Remain.
 - (c) Settled status.
 - (d) Permanent Residence.
- 14. Your client's application for pre-settled status under Appendix EU has been refused because the Home Office considers they do not meet the eligibility requirements. How will you advise them?**
- (a) They can appeal the decision.
 - (b) They can seek an Administrative Review of the decision.
 - (c) They cannot appeal or seek Administrative Review of the decision, so should apply again, addressing in detail the reasons for the refusal and providing further and better evidence that they meet the rules.
 - (d) There is nothing further that can be done.
- 15. Your client, a non-EEA national, has recently been granted indefinite leave to enter as a parent of a child in the U.K. When can they apply for naturalisation?**
- (a) In five years.
 - (b) In three years.
 - (c) In one year.
 - (d) Immediately.

- 16. Which of the following children (born in 2018) will not be able to register as a British citizen under the British Nationality Act 1981 in any circumstances?**
- (a) A child born outside the UK to a parent who is a British citizen by descent.
 - (b) A child born in the U.K to a parent who becomes settled after their birth.
 - (c) A child born in the U.K who lives in the U.K until the age of 10.
 - (d) A child born in the U.K to a parent with a document certifying permanent residence.
- 17. Your client, a non-EEA national, left the U.K one year ago after he was granted Indefinite Leave to Remain (ILR) to look after his father's business. He now wants to return to live in the U.K permanently. You advise your client that he**
- (a) Must apply for indefinite leave to enter, which will only be granted if he can show he has strong ties to the U.K
 - (b) Can return to the U.K and resume his residence without applying for a visa.
 - (c) Will be unlikely to gain entry to the U.K because his ILR lapsed on his departure.
 - (d) Should apply for entry clearance on human rights grounds.
- 18. Who of the following will need a TB test certificate in order to apply for entry clearance?**
- (a) An Eritrean national resident in Canada.
 - (b) A visitor from Kenya.
 - (c) A US national resident in Nepal applying to come to the UK as a skilled worker.
 - (d) A Bangladeshi national resident in the USA applying to come to the UK as a partner.
- 19. Your client, who has indefinite leave to remain, wants to sponsor his son (a Pakistani national, aged 15) to join him in the U.K. His son has been living with his aunt and uncle in Karachi since his mother passed away. Which of the following is the best answer?**
- (a) His son may qualify under the rules if the client can show he has sole responsibility for him.
 - (b) His son will qualify under the rules if the client can provide evidence of the death of the child's mother.
 - (c) He cannot sponsor his son to join him because there are no serious or compelling circumstances which make the exclusion of the child undesirable as his son is being cared for in Pakistan.
 - (d) He cannot sponsor his son because he is not himself a British citizen.
- 20. Your client is applying for indefinite leave to remain as a parent of a child in the U.K. Where in the rules would you look to find out if she meets the Knowledge of language and life requirements?**
- (a) In Appendix KOLL UK
 - (b) In Appendix FM-SE.
 - (c) In the Nationality Immigration and Asylum Act 2002
 - (d) In Appendix KOLL

SAMPLE QUESTION

OISC LEVEL 1 ASSESSMENT – FEBRUARY 2021

SECTION 2: SCENARIO BASED QUESTIONS

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

The following test consists of scenario-based questions and lasts for 1 hours, 15 minutes.

Total marks for this section: 31 marks

The maximum marks available are indicated in brackets at the end of each question. 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

Vivaan, aged 55, is a Sri Lankan national. He lives alone in Colombo, Sri Lanka. His wife recently passed away. His main source of income is from his grocery store (which he owns) and rental income from other property.

Vivaan's only child and daughter, Sachini, lives in the U.K. Sachini is engaged and getting married. Vivaan would like to come to the U.K for three weeks to attend Sachini's wedding.

Two years ago, Vivaan, came to the U.K with his wife for a holiday and to spend time with their daughter. They returned to Sri Lanka before the expiry of their visa.

Vivaan has a reasonable income and sufficient savings of his own to fund his trip to the U.K.

Sachini is a British citizen and in employment. Vivaan plans to stay with her in a one-bedroom flat, which she rents. She lives alone in her flat and plans to move to live with her fiancé after their wedding.

Question 1

Write a letter of advice to Vivaan, addressing each of the following matters

- (a) Provide details of the application that Vivaan may be able to make;

(2 marks)
- (b) Outline the requirements he will need to meet in order to be admitted in the category identified

(6 marks)
- (c) Outline matters for and any against Vivaan meeting the requirements -

(5 marks)
- (d) Detail the documents Vivaan will need to provide to support the application -

(11 marks)
- (e) Summarise the procedure for making the application -

(3 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 = 29

MODEL ANSWER

OISC LEVEL 1 ASSESSMENT – FEBRUARY 2021

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. The Immigration Rules can also be referred to as

- (e) Modernised Guidance.
- (f) HC 395.
- (g) Statement of Changes.
- (h) Borders, Citizenship and Immigration Act 2009.

answer (b)

2. Your client, a German national, wants to come to the UK to work for a company as a PR assistant. He has not lived and worked in the U.K before. Where will you look to see if he can qualify for entry clearance?

- (e) In The Immigration (European Economic Area) Regulations 2016
- (f) In Appendix EU.
- (g) In Appendix Skilled Worker.
- (h) In the Immigration Act 1971.

answer (c)

3. What level of English language is required for an applicant seeking to come to the UK on the Start-Up route?

- (e) A1
- (f) A2
- (g) B1
- (h) B2

answer (d)

4. Your client, a non-EEA national, wants to apply for entry clearance to come to the UK to study a degree. They will need to score points for the Study requirement. Which one of the following requirements will they not need to meet?

- (e) The approved qualification requirement.
- (f) Have a valid Confirmation of Acceptance for Studies.
- (g) Have a valid Certificate of Sponsorship.
- (h) The place of study requirement.

answer (c)

5. Your client, a non-EEA national, has leave to enter as a Tier 4 Student. She has completed her degree and wants to apply for leave to remain under the Skilled Worker route. What will be the relevant financial requirement?

- (e) There is no financial requirement.
- (f) £2046
- (g) £1270
- (h) £950

answer (a)

6. You can switch into the (Temporary Worker) Religious Worker from which of the following?

- (e) Visitor.
- (f) Partner.
- (g) Student.
- (h) None of the above.

answer (d)

7. Your client, a Nigerian national, aged 30, wants to come to the UK under the Ancestry rules. His grandmother was born in the UK. What will be the relevant financial requirement?

- (e) The client sufficient funds to cover all reasonable expenses without working or accessing public funds.
- (f) The client must be able to maintain themselves adequately in the UK without recourse to public funds.
- (g) The client must have a job offer in the UK with a minimum income of at least £18,600.
- (h) Following recent changes in the rules, there is no longer any financial requirement.

answer (b)

8. For a non-EEA national who seeks to demonstrate they have had 10 years continuous lawful residence in the UK, they will need to meet the continuity of residence requirements which can be found in

- (e) Appendix Continuous Residence.
- (f) Section 10, Immigration and Asylum Act 1999.
- (g) Paragraph 276A, Immigration Rules.
- (h) Appendix KOLL.

answer (c)

9. In addition to the Suitability criteria in Appendix FM, an applicant for entry clearance as an adult dependent relative will need to consider

- (e) Paragraph 9.82 (a) and (c) of the general grounds of refusal in Part 9 of the Rules.
- (f) None of the general grounds of refusal in Part 9 of the Rules.
- (g) Section 4 of the general grounds for refusal in Part 9 of the Rules.
- (h) All of the general grounds for refusal in Part 9 of the Rules.

answer (a)

10. Your client wants to you to make an application to extend his leave as a partner. However, having taken instructions, you note that although the client meets the requirements of the partner rules, his current leave has expired on the day of your meeting. How will you advise him?

- (e) The client is an overstayer and should return to their country to make their application.

- (f) You can help him make an application within 14 days but he must provide a good reason beyond her control as to why the application could not be made in-time.
- (g) As a Level 1 advisor, you cannot advise him in these circumstances, and you will refer him to an adviser authorised at Level 2 or 3.
- (h) The client will have continuing leave if he makes the application in the next 14 days.

answer (b)

11. Your client, a non-EEA national, wants to join her British partner in the U.K. Her husband has been working part-time over the last year; earning a gross annual income of £16,900. He has some savings. How much in cash savings will your client require to meet the financial requirements?

- (e) £16,000.
- (f) £18,600.
- (g) £20,250
- (h) £22,250

answer (c)

12. Your client, a Jamaican national, aged 29, wants to apply to extend her leave under the partner rules. She seeks your advice on the English language requirements. She does not have a degree and has not sat a language test. You inform your client that

- (e) She will meet the English language requirement because she is a national of a majority English speaking country.
- (f) She must have at least a degree to meet the English language requirement.
- (g) She will be required to take and pass an English language test in speaking and listening at a minimum of level A2 of the CEFR.
- (h) She is exempt from the English language requirement.

answer (a)

13. An EEA national, who had been continuously residing and working in the U.K for 5 years, will be able to continue their residence in the U.K after 31 December 2020 if they applied for and were granted

- (e) Pre-settled status.
- (f) Indefinite Leave to Remain.
- (g) Settled status.
- (h) Permanent Residence.

answer (b)

14. Your client's application for pre-settled status under Appendix EU has been refused because the Home Office considers they do not meet the eligibility requirements. How will you advise them?

- (e) They can appeal the decision.

- (f) They can seek an Administrative Review of the decision.
- (g) They cannot appeal or seek Administrative Review of the decision, so should apply again, addressing in detail the reasons for the refusal and providing further and better evidence that they meet the rules.
- (h) There is nothing further that can be done.

answer (b)

15. Your client, a non-EEA national, has recently been granted indefinite leave to enter as a parent of a child in the U.K. When can they apply for naturalisation?

- (e) In five years.
- (f) In three years.
- (g) In one year.
- (h) Immediately.

answer (c)

16. Which of the following children (born in 2018) will not be able to register as a British citizen under the British Nationality Act 1981 in any circumstances?

- (e) A child born outside the UK to a parent who is a British citizen by descent.
- (f) A child born in the U.K to a parent who becomes settled after their birth.
- (g) A child born in the U.K who lives in the U.K until the age of 10.
- (h) A child born in the U.K to a parent with a document certifying permanent residence.

answer (d)

17. Your client, a non-EEA national, left the U.K one year ago after he was granted Indefinite Leave to Remain (ILR) to look after his father's business. He now wants to return to live in the U.K permanently. You advise your client that he

- (e) Must apply for indefinite leave to enter, which will only be granted if he can show he has strong ties to the U.K
- (f) Can return to the U.K and resume his residence without applying for a visa.
- (g) Will be unlikely to gain entry to the U.K because his ILR lapsed on his departure.
- (h) Should apply for entry clearance on human rights grounds.

answer (b)

18. Who of the following will need a TB test certificate in order to apply for entry clearance?

- (e) An Eritrean national resident in Canada.
- (f) A visitor from Kenya.
- (g) A US national resident in Nepal applying to come to the UK as a skilled worker.
- (h) A Bangladeshi national resident in the USA applying to come to the UK as a partner.

answer (c)

19. Your client, who has indefinite leave to remain, wants to sponsor his son (a Pakistani national, aged 15) to join him in the U.K. His son has been living with his aunt and uncle in Karachi since his mother passed away. Which of the following is the best answer?

- (e) His son may qualify under the rules if the client can show he has sole responsibility for him.
- (f) His son will qualify under the rules if the client can provide evidence of the death of the child's mother.
- (g) He cannot sponsor his son to join him because there are no serious or compelling circumstances which make the exclusion of the child undesirable as his son is being cared for in Pakistan.
- (h) He cannot sponsor his son because he is not himself a British citizen.

answer (b)

20. Your client is applying for indefinite leave to remain as a parent of a child in the U.K. Where in the rules would you look to find out if she meets the Knowledge of language and life requirements?

- (e) In Appendix KOLL UK
- (f) In Appendix FM-SE.
- (g) In the Nationality Immigration and Asylum Act 2002
- (h) In Appendix KOLL

answer (d)

MODEL ANSWER

OISC LEVEL 1 ASSESSMENT – FEBRUARY 2021

SECTION 2: SCENARIO BASED QUESTIONS

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

The following test consists of scenario-based questions and lasts for 1 hours, 15 minutes.

Total marks for this section: 31 marks

The maximum marks available are indicated in brackets at the end of each question. 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

Vivaan, aged 55, is a Sri Lankan national. He lives alone in Colombo, Sri Lanka. His wife recently passed away. His main source of income is from his grocery store (which he owns) and rental income from other property.

Vivaan's only child and daughter, Sachini, lives in the U.K. Sachini is engaged and getting married. Vivaan would like to come to the U.K for three weeks to attend Sachini's wedding.

Two years ago, Vivaan, came to the U.K with his wife for a holiday and to spend time with their daughter. They returned to Sri Lanka before the expiry of their visa.

Vivaan has a reasonable income and sufficient savings of his own to fund his trip to the U.K.

Sachini is a British citizen and in employment. Vivaan plans to stay with her in a one-bedroom flat, which she rents. She lives alone in her flat and plans to move to live with her fiancé after their wedding.

Question 1

Write a letter of advice to Vivaan, addressing each of the following matters

- (f) Provide details of the application that Vivaan may be able to make; **(2 marks)**

- (g) Outline the requirements he will need to meet in order to be admitted in the category identified - **(6 marks)**

- (h) Outline matters for and any against Vivaan meeting the requirements - **(5 marks)**

- (i) Detail the documents Vivaan will need to provide to support the application - **(11 marks)**

- (j) Summarise the procedure for making the application - **(3 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 = 29

Model letter

Name

Address

Our Ref:

Date:

Dear Vivaan

Your Visit Application

Thank you for coming to see me yesterday to discuss your immigration case. Here is the advice letter that I said I would send you. I will send you a further letter providing our terms of business.

Let me also offer my condolences on the passing away of your wife.

Your instructions

Not required for this exercise

Our advice

As I explained at our meeting, I can help you apply for a standard visit visa to enable you to come to the UK to attend your daughter's wedding. I list below the requirements to meet for the application, the documents you will need submit, the merits of the application, and the application process.

The requirements for a visit visa

To succeed with the application, we will need to satisfy the entry clearance officer that:

- You will leave the UK at the end of your visit (ie after a maximum stay of 6 months)
- You will not live in the UK for extended periods through frequent or successive visits or make the UK your main home
- You genuinely seeking entry to attend your daughter's wedding
- You will not undertake prohibited activities (ie you will not work in the UK during your visit)
- You have sufficient funds to cover all reasonable expenses in relation to the visit without working or accessing public funds in the UK, including the cost of your return journey and any activities you plan whilst you are in the UK
- Any funds you rely on to cover your costs are held in an approved financial institution
- That Sachini can and will provide adequate accommodation during your stay in the UK
- You will not fall for refusal under the suitability requirements (eg due to criminal convictions, or previous breaches of the immigration rules, or because you owe money to the NHS).

The merits of the application

You asked me whether you will be successful in applying for a visit visa. As I explained, I would expect you to be granted the visa. On any reasonable view, you meet the above requirements. However, I cannot of course guarantee the visa will be granted. If you are refused, I will arrange for you to meet one of our more experienced advisors to discuss how we may be able to help you further.

You have a genuine intention to visit the UK to attend your daughter's wedding, and then go home. You have previously complied with the visit rules. You also have ties to your country, including your ownership of property and your grocery business, so there should be no suspicion that you will want to stay in the UK or work whilst you are here. Your daughter has also complied with the country's immigration rules and is now a British citizen. We will need to establish that you can stay with your daughter in the UK and her flat will not be overcrowded, but that shouldn't be a problem.

Documents to submit

To demonstrate that you meet the requirements for a visit visa, please provide me with the following documents. If possible, please provide me with scans of these documents so that I can upload them to the Home Office website when I have made the application.

- Your passport
- Sachini's passport
- Sachini's birth certificate showing you as her father
- Your marriage certificate and your wife's death certificate
- A letter from you explaining the purpose of your visit, and any relevant background to your decision to come to the U.K
- A letter from Sachini explaining her own immigration history, employment in the UK, planned dates of their wedding in the UK, her relationship to you, confirmation that she can accommodate and support you in the U.K for the duration of your visit, and confirming that you previously visited the UK and returned to Sri Lanka before the expiry of your visa
- An outline of how you intend to spend your time in the UK and the cost of any activities here
- Evidence of daughter's wedding arrangements
- Your bank statements, ideally for the last six months, showing your business income
- Evidence of your property ownership in Sri Lanka
- Your rental agreements with your tenants
- Sachini's Tenancy Agreement in the UK
- Evidence of the size of her flat, if necessary by her getting a property inspection report

Application process

I will make your application online, using the visit visa application form. As I explained, I may need to ask you some more questions while completing the form. We agreed I should do this by email. I will then pay the fee (£95.00) online and submit the application to the Home Office. I will ask you to check the details on the form before I submit it.

When the application has been submitted, I will make an appointment for you to attend a Visa Application Centre in Sri Lanka so that you can enrol your biometrics (have your face and fingerprints scanned). I will also upload scans of the documents you have provided. Then we wait for the decision.

Please send me the above documents as soon as possible so that I can make the application. Please contact me by phone or email if you have any questions.

Yours sincerely

An Advisor

Question 2

Vivaan emails you for advice. He wants to know whether he needs to pay the Immigration Health Charge with the visa application you have advised him to apply for. Make a file note of your brief advice to him (with your reason).

(2 marks)

Model Attendance note

Vivaan has emailed me enquiring about the IHS. I confirmed he didn't need to pay it as is coming for no more than six months. He will need to pay any health charges he incurs whilst in the UK.

