

## SAMPLE QUESTION

### **OISC LEVEL 1 ASSESSMENT – MARCH 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. A child who seeks to enter the UK to join a parent who has limited leave as a partner will need to meet the requirements in**
  - (a) Part 8 of the Immigration Rules.
  - (b) Appendix KOLL.
  - (c) Article 8 of the ECHR.
  - (d) Appendix FM of the Immigration Rules.
  
- 2. Your client, a French national, has been living and working in the U.K for two years. They want to know whether they have permission to remain in the U.K. You will advise them**
  - (a) They can remain in the U.K but must apply for limited leave to remain (pre-settled status) under the EU Settlement Scheme.
  - (b) They can remain in the U.K and should apply for a registration certificate.
  - (c) Since 1 January 2021, they can no longer live in the U.K and should return to their country and apply for entry clearance.
  - (d) They can remain in the U.K, and do not need to make any kind of application.
  
- 3. On what date did the British Nationality Act 1981 come into force?**
  - (a) 1<sup>st</sup> January 1981
  - (b) 1<sup>st</sup> January 1982
  - (c) 1<sup>st</sup> January 1983
  - (d) 1<sup>st</sup> January 1984
  
- 4. Your client has been granted indefinite leave to remain as the civil partner of a British citizen. You advise your client that she can apply to naturalise in**
  - (a) In five years.
  - (b) In three years.
  - (c) In one year.
  - (d) Immediately.
  
- 5. Which of the following children (born in 2020) will not have to register as a British citizen under the British Nationality Act 1981?**
  - (a) A child born in the U.K to a parent who becomes settled after their birth.
  - (b) A child born outside the UK whose parent is a British citizen otherwise by descent.
  - (c) A child born in the U.K who lives in the U.K until the age of 10.
  - (d) A child born outside the U.K whose parent is a British citizen by descent.

- 6. You can switch into the Student category from which of the following?**
- (a) Visitor
  - (b) Seasonal worker
  - (c) Short-term Student
  - (d) None of the above
- 7. What is the financial requirement for a T5 (Temporary Worker) Religious Worker visa?**
- (a) There is no financial requirement.
  - (b) £2046
  - (c) £1270.
  - (d) £950.
- 8. Your client, who is an Indian national, has been granted permission to stay in the U.K as a Skilled Worker. He wants to apply for his 15 year old daughter to join him in the U.K. How they can they do this?**
- (a) Under Appendix FM.
  - (b) Under Appendix Skilled Worker
  - (c) Under the part 8: family members rules.
  - (d) They cannot as there is no relevant provision in the rules.
- 9. Your client, who is a British citizen, would like his father to join him in the U.K. His father (an Egyptian national, aged 70) lives in Cairo, Egypt, alone. He is disabled and requires substantial assistance with his daily tasks. How will you advise your client?**
- (a) The client's father may qualify under the rules solely because of his disability.
  - (b) Your client must show he has sole responsibility for his father to qualify under the rules.
  - (c) Your client must show that even with his practical and financial help, his father would not be able to obtain the required care in Egypt.
  - (d) The client's father may qualify on the basis of his disability providing he can meet the English language and financial requirements.
- 10. Your client wants to sponsor a relative to come to the U.K under the UK Ancestry rules. They want provide help with living expenses. You will advise him that an applicant under the UK Ancestry rules**
- (a) Should not rely on third party support because it will undermine the application.
  - (b) Cannot rely on third party support.
  - (c) The source of their funding is of no concern to the Entry Clearance Officer.
  - (d) Can rely on third party funding as provided for in the Immigration Rules.

**11. Your client has been granted entry clearance under the Start-Up rules. Subject to meeting the other requirements, when can they qualify for settlement on this route?**

- (a) In five years.
- (b) In three years.
- (c) In two years.
- (d) They cannot qualify for settlement.

**12. For the purpose of an application under the Long Residence rules, nationals of which of the following countries will not, solely for that reason, meet the English language requirement of Knowledge of Language and Life (KOLL)?**

- (a) Jamaica.
- (b) South Africa.
- (c) Guyana.
- (d) Dominica.

**13. Your client wants you to make an application to extend his leave as a partner. However, having taken instructions, you note that the client does not meet the requirements of the partner rules. How will you advise him?**

- (a) Explain to your client that it's worth making the application anyway because it's very difficult to predict the decision.
- (b) Tell your client that the application based on their current circumstances will fail unless they provide documents showing their circumstances are different to those they have described to you.
- (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) Explain to your client that it's worth making the application anyway because they have a right of appeal if refused.

**14. Which one of the following will be taken into account by an Entry Clearance Officer when considering the 'genuine visitor' requirement under the Standard Visitor rules?**

- (a) Support from relatives in the U.K.
- (b) Immigration history.
- (c) Intention to work in the U.K.
- (d) All of the above.

**15. Who of the following will not need a TB test certificate in order to apply for entry clearance?**

- (a) A Canadian national resident in Korea and applying under the Ancestry category.
- (b) A USA national resident in Morocco applying under the Short-term student category for entry clearance for 11 months
- (c) A South African national long-term resident in New Zealand applying to come to the UK as a partner.
- (d) An investor from the Russian Federation.

**16. When considering the 'adequate maintenance' requirement under the Rules, the applicant will need to show**

- (a) That their net income meets the cost of normal outgoings.
- (b) That their income is at least the average UK income for a family of their size.
- (c) That the family's income after paying tax, national insurance and housing costs is at least equal to the level of income that would be available to them if they were in receipt of income support.
- (d) A minimum gross income of £18,600 (plus additional amount for each child)

**17. Your client's application for entry clearance as a Skilled Worker has been refused because the Home Office consider they do not meet the eligibility requirements. How will you advise them?**

- (a) They can appeal the decision.
- (b) 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.
- (c) They can seek an Administrative Review of the decision.
- (d) There is nothing further that can be done

**18. Your client has recently voluntarily returned to her country three weeks after overstaying her leave in the U.K. She now wants to apply to visit the U.K. You advise your client that**

- (a) Under the rules, she is prohibited from entering the U.K for the next 12 months.
- (b) She can apply to visit the U.K but the Entry Clearance Officer is likely to take her previous overstaying in the U.K into account when they assess her application.
- (c) Under the rules, she will not be able to enter the U.K for next 2 years.
- (d) She cannot make an application to visit the U.K because she has previous overstayed.

**19. On what ground can a person face removal (as opposed to deportation) from the U.K?**

- (a) Where they require leave but do not have it.
- (b) Where they breach a condition of their stay.
- (c) Where their presence in the U.K is not conducive to the public good.
- (d) All of the above.

**20. A French national seeking to come to the UK for the first time to work will need to meet the Suitability requirements in**

- (a) Part 9 of the Immigration Rules.
- (b) Appendix EU (Family Permit)
- (c) Appendix FM.
- (d) Appendix EU.
- (e)

## **SAMPLE QUESTION**

### **OISC LEVEL 1 ASSESSMENT – MARCH 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**

Sade, aged 40, is a Nigerian national. She has completed her high school education in Nigeria and did not go to university. Sade moved to the U.K to live with husband, Robert, who is British. She currently has leave to enter as a partner. Her leave will expire in three months.

Their marriage broke down and they are now divorced. Sade moved out of the matrimonial home about a month ago.

Sade and Robert have a 12 year old daughter (who was born in Nigeria, and is British). Their daughter lived with Sade since her birth and moved to the U.K with her. She has been living with Sade in a one-bed flat, which she rents.

Sade and Robert have agreed contact arrangements. Their daughter's primary residence is with Sade and she stays overnight with Robert once a week every Friday and for four nights during the school holidays.

Sade works part-time as an administrative assistant, earning £19,600 a year. She takes day to day care of her daughter, pays her living expenses, takes her to and collects her from school, attends her parent's evenings, and takes her to the doctors when she is unwell. Her cousin helps her with child care when she needs it.

She seeks your advice on how she can stay in the UK.

### **Question 1**

Write a letter of advice to Sade, *explaining*

- (a) how she may be able to stay in the UK; **(2 marks)**
  
- (b) the requirements she will need to meet; **(9 marks)**
  
- (c) the documents she will need to provide to support the application; **(11 marks)**
  
- (d) the procedure for making the application. **(4 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 = 28**

### **Question 2**

After making the application, but before receiving a decision, Sade tells you that she has lost her job. She asks you if the Home Office need to know this. How will you advise her?

(3 marks)

**MODEL ANSWER**

**OISC LEVEL 1 ASSESSMENT – MARCH 2021**

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**1. A child who seeks to enter the UK to join a parent who has limited leave as a partner will need to meet the requirements in**

- (e) Part 8 of the Immigration Rules.
- (f) Appendix KOLL.
- (g) Article 8 of the ECHR.
- (h) Appendix FM of the Immigration Rules.

answer (d)

**2. Your client, a French national, has been living and working in the U.K for two years. They want to know whether they have permission to remain in the U.K. You will advise them**

- (e) They can remain in the U.K but must apply for limited leave to remain (pre-settled status) under the EU Settlement Scheme.
- (f) They can remain in the U.K and should apply for a registration certificate.
- (g) Since 1 January 2021, they can no longer live in the U.K and should return to their country and apply for entry clearance.
- (h) They can remain in the U.K, and do not need to make any kind of application.

answer (a)

**3. On what date did the British Nationality Act 1981 come into force?**

- (e) 1<sup>st</sup> January 1981
- (f) 1<sup>st</sup> January 1982
- (g) 1<sup>st</sup> January 1983
- (h) 1<sup>st</sup> January 1984

answer (c)

**4. Your client has been granted indefinite leave to remain as the civil partner of a British citizen. You advise your client that she can apply to naturalise in**

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

answer (d)

**5. Which of the following children (born in 2020) will not have to register as a British citizen under the British Nationality Act 1981?**

- (e) A child born in the U.K to a parent who becomes settled after their birth.
- (f) A child born outside the UK whose parent is a British citizen otherwise by descent.

- (g) A child born in the U.K who lives in the U.K until the age of 10.
- (h) A child born outside the U.K whose parent is a British citizen by descent.

answer (b)

**6. You can switch into the Student category from which of the following?**

- (e) Visitor
- (f) Seasonal worker
- (g) Short-term Student
- (h) None of the above

answer (d)

**7. What is the financial requirement for a T5 (Temporary Worker) Religious Worker visa?**

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

answer (c)

**8. Your client, who is an Indian national, has been granted permission to stay in the U.K as a Skilled Worker. He wants to apply for his 15 year old daughter to join him in the U.K. How they can they do this?**

- (e) Under Appendix FM.
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- (g) Under the part 8: family members rules.
- (h) They cannot as there is no relevant provision in the rules.

answer (b)

**9. Your client, who is a British citizen, would like his father to join him in the U.K. His father (an Egyptian national, aged 70) lives in Cairo, Egypt, alone. He is disabled and requires substantial assistance with his daily tasks. How will you advise your client?**

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answer (c)

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answer (d)

**12. For the purpose of an application under the Long Residence rules, nationals of which of the following countries will not, solely for that reason, meet the English language requirement of Knowledge of Language and Life (KOLL)?**

- (e) Jamaica.
- (f) South Africa.
- (g) Guyana.
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answer (b)

**13. Your client wants you to make an application to extend his leave as a partner. However, having taken instructions, you note that the client does not meet the requirements of the partner rules. How will you advise him?**

- (e) Explain to your client that it's worth making the application anyway because it's very difficult to predict the decision.
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answer (c)

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**16. When considering the 'adequate maintenance' requirement under the Rules, the applicant will need to show**

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**17. Your client's application for entry clearance as a Skilled Worker has been refused because the Home Office consider they do not meet the eligibility requirements. How will you advise them?**

- (f) They can appeal the decision.
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- (h) They can seek an Administrative Review of the decision.
- (i) There is nothing further that can be done.

answer (c)

**18. Your client has recently voluntarily returned to her country three weeks after overstaying her leave in the U.K. She now wants to apply to visit the U.K. You advise your client that**

- (e) Under the rules, she is prohibited from entering the U.K for the next 12 months.
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answer (b)

**19. On what ground can a person face removal (as opposed to deportation) from the U.K?**

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answer (a)

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answer (a)

**OISC LEVEL 1 ASSESSMENT – MARCH 2021**

**MODEL ANSWER**

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Their marriage broke down and they are now divorced. Sade moved out of the matrimonial home about a month ago.

Sade and Robert have a 12 year old daughter (who was born in Nigeria, and is British). Their daughter lived with Sade since her birth and moved to the U.K with her. She has been living with Sade in a one-bed flat, which she rents.

Sade and Robert have agreed contact arrangements. Their daughter's primary residence is with Sade and she stays overnight with Robert once a week every Friday and for four nights during the school holidays.

Sade works part-time as an administrative assistant, earning £19,600 a year. She takes day to day care of her daughter, pays her living expenses, takes her to and collects her from school, attends her parent's evenings, and takes her to the doctors when she is unwell. Her cousin helps her with child care when she needs it.

She seeks your advice on how she can stay in the UK.

### **Question 1**

Write a letter of advice to Sade, *explaining*

(e) how she may be able to stay in the UK;

**(2 marks)**

(f) the requirements she will need to meet;

**(9 marks)**

(g) the documents she will need to provide to support the application;

**(11 marks)**

(h) the procedure for making the application.

**(4 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 = 28**

## **Model letter**

Name

Address

Our Ref:

Date:

Dear Sade

### **Your Parent 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.

### **Your instructions**

Not required for this exercise

### **Our advice**

Now that you are divorced from your British citizen spouse, you can apply for an extension of your stay in the UK (also called leave to remain) as a Parent of a British Citizen child. You must make this application before your current leave expires.

I list the requirements for the application, the documents for you to provide, and outline the application process below.

### **The requirements of the Parent application**

In order to succeed in this application, you will need to show that:

- your current leave was granted for a period of more than 6 months
- your daughter is under 18, British and living in the UK
- your daughter normally lives with you and not with her father
- her father is British
- you cannot apply for leave to remain as a partner (ie because you do not have a current partner)
- you are taking and intend to continue to take an active role in your daughter's upbringing
- you can support yourself and your daughter adequately without needing to apply for additional welfare benefits (eg Universal credit)
- you have adequate accommodation. You have a one-bedroom flat which is adequate for the both of you
- you have passed an approved English language test at Level A2
- 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).

From what you told me at our meeting, I advised you that you meet these requirements. This should be a straightforward application and it should be successful.

### **Documents to send to the Home Office**

You will need to provide me with the following documents to show that you meet the requirements listed above.

- Your passport and BRP
- Your daughter's passport, and birth certificate showing you as her mother
- Your ex-husband's passport
- A letter from you and your ex-husband confirming your relationship has permanently broken down, and detailing what living and care arrangements have been agreed for your daughter

- Your decree absolute
- The child arrangements order
- Documents showing you are taking an active role in her daughter's upbringing - i.e. this may include, for instance, documents or letters showing that your daughter's main address is with you, a letter from her school confirming that they know you as her mother, evidence of financial outlay for your daughter, photos of you and your daughter together
- Your recent payslips and bank statements (ideally for the last 6 months)
- A letter from your employer confirming your job, and income
- Your tenancy agreement
- If your tenancy agreement does not show the size of the property, a property inspection report which you can get from a local valuer or estate agent

### **Application process**

I will make your application online by completing form FLR(FP). 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 (£1033.00) and NHS charge (£1560) 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 UKVCAS service point 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.

All of this must be done no later than the last day of your current leave, but we can do it as soon as we are ready.

Let me know when you have the above documents and I will make a further appointment to see you. Please also let me know if you have any questions.

Yours sincerely

An Advisor

### **Question 2**

After making the application, but before receiving a decision, Sade tells you that she has lost her job. She asks you if the Home Office need to know this. How will you advise her?

**(3 marks)**

### **Model answer**

#### Attendance note

Date:

Sade rang, has lost her job. Advised we must inform HO or will risk being accused of deception. Advised will now be a more complex application, and that I will refer her to one of our Level 2 advisors who will contact her for an appointment.