



Code of Standards consultation

**The Office of the Immigration Services
Commissioner's response**

Table of contents

Executive summary	3
Background	4
Summary of consultation responses and OISC responses	7
Impact assessment	34
Next steps	35
Annex A: List of consultation respondents	36
Annex B: Substantive responses to the consultation	37

Executive summary

1. This document outlines our response to our consultation on the new Code of Standards.
2. In our consultation, we proposed making changes to the way we regulate by moving further away from a prescriptive approach to regulation to a more principle-based approach.
3. Our main objective in adopting principles-based regulation is to rationalise and simplify the standards set for regulated organisations and advisers. Our aim is to remove any unnecessary restrictions, prescription and detail, while at the same time, maintaining appropriate client protections. Adopting a principles-based approach will allow us to regulate in a way which reflects a rapidly developing and diversifying market, whilst also maintaining professional standards which ensure advice seekers receive good quality advice and services.
4. We proposed amending our current Code of Standards to nine Core Principles underpinned by Codes. These Principles are overarching standards that seek to deliver positive outcomes for advice seekers and reflect the standards expected of professional legal advisers.
5. Although there were some concerns about how the Principles and Codes would be applied, there was overwhelming support for the adoption of a principle-based approach.
6. We have published full analysis of the consultation responses we received.
7. Having analysed each consultation response, and considered how we can mitigate potential risks we have identified, we will:
 - Proceed with the introduction of the new Code of Standards, with some amendments from the draft version which reflects points raised during the consultation.
 - Publish the new Code in April 2024 but it will not come into effect until September 2024 to give advisers sufficient time to familiarise themselves with the new Code.
 - Publish detailed Guidance Notes to accompany the new Code. The guidance will assist in the interpretation and application of the Principles and Codes and provide advisers with support and assurance on compliance.
 - Continue to work closely with organisations and advisers and provide support where necessary, even after the implementation of the new Code, to ensure smooth transition from a prescriptive approach to a more principle-based approach.
 - Continue to explore potential impacts with stakeholders after the new Code of Standards is published and in its early years in operation through our ongoing engagement with regulated advisers and the sector. In particular, this will look at the duties placed on advisers in areas such as reporting misconduct and ensure these are working well for the sector and creating no risk for employees.

- Undertake a review by December 2025 to see how effective the new Code has been and if it has achieved the policy objectives that it was designed for.
8. This document explains our rationale and our next steps. In adopting this approach, the Office of the Immigration Services Commissioner (OISC) took many factors into account – including the nature of the registered sector, especially its maturity and complexity. While some prescriptive Codes remain, especially in the area of client care, there is a more permissive approach in general. Organisations will now have increased flexibility in how they deliver the outcomes that the OISC requires, and many will find a closer fit between meeting their own business objectives and meeting regulatory requirements. The less restrictive approach does not mean a lowering of standards, it will however put the onus on those who run the organisation to decide how they are going to comply with a particular principle and ensure that the practice of the organisation does indeed meet the standards the OISC sets. Well-managed firms with good governance procedures who engage positively and openly with the new Code of Standards should expect to experience real benefits in the form of a 'regulatory dividend' - higher professional standards, the improvement of services through innovation and increased client satisfaction. For consumers, principle-based regulation will be of benefit by facilitating a more innovative and competitive immigration advice sector and the delivery of improved services.
 9. The move towards this type of regulation puts the sector on a similar type of regulatory regime as those providers of immigration advice and services overseen by other legal service regulators.
 10. We have analysed our final position against our Regulatory Objectives. Overall, we are satisfied that the adoption of a principle-based approach is in line with them, as the nine Principles in the new Code express the fundamental obligations which lie at the heart of our Regulatory Objectives.

Background

For the OISC to remain an effective regulator, the Commissioner's Code of Standards (the Code) must be fit for purpose – current, effective and usable – for regulated organisations and advisers, the OISC's stakeholders and for the OISC.

Advice seekers should be able to rely on authorised persons having the necessary and up-to-date skills, knowledge, attributes and behaviours (i.e. are competent and fit) to provide good quality immigration advice and services.

In September 2022, the Immigration Services Commissioner began the process of fundamentally reviewing the Code. We undertook informal consultation workshops both internally and externally on a new, more principle-based version of the Code and asked for responses on the style, structure and content of the document. In particular, comments were sought on:

- the proposed amendments to the Code i.e., the introduction of overarching Principles, with Codes which underpin each Principle; and
- removal of some requirements and introduction of new ones;

- the potential impact of the new Code on the OISC as the regulator, on those we regulate, the advice seeker and the wider sector.

As a result of the responses received and internal discussions, a formal consultation on the new version of the Code was published on 23 July 2023 alongside the proposed Code. That consultation also acknowledged that guidance was a very useful accompaniment to a more principle-based Code, and it was indicated that guidance on the Code would be published alongside the new Code when finalised. Respondents were asked to comment on what guidance or other support regulated advisers or organisations might find helpful in supporting them with understanding and complying with the new Code.

The OISC conducted this consultation in accordance with the requirements of the Immigration and Asylum Act 1999, as amended. An initial assessment of the consultation's proposals indicated that they were likely to have an impact on regulated advisers, particularly in understanding and applying the Code, although we hoped that these would be mitigated by the detailed Guidance Notes that would accompany the Code. Respondents were also asked in the consultation about the possible impacts on the sector. An impact assessment has now been produced.

The consultation was launched on 23 July 2023 and remained open until 23 October 2023. Respondents were asked to consider the following questions in respect of each section of the draft Code:

- Do you support the introduction of overarching Principles, with Codes which underpin each Principle?
- Do you have any views on the proposed approach on the breach of the Principles and Codes?
- Do you have any comments on the introductory statements in the Code of Standards at Annex A? If yes, please set them out.
- Do you think the sector is ready for this kind of principle-based approach? What are the possible impacts on the sector?
- Do you support the removal of the requirements or obligations that exist within the 2016 version of the Code of Standards (as set out in paragraph 12 of the consultation document)?
- Do you support the addition of the new requirements to the new Code of Standards (as set out in paragraph 13 of the consultation document)?
- What guidance or other support might regulated advisers or organisations find helpful in supporting them with understanding and complying with the new Code of Standards?

Twenty-nine responses were received.

- Two authors requested that their submissions remained confidential and not be made publicly available.
- Two authors indicated that they would like their personal details to be withheld from the submission before publication.
- The remaining submissions have been published in full.

Not all respondents answered the consultation questions in respect of every section of the Code. This report does not mention all the comments that were received as some of the

respondents requested their comments not to be published. A list of respondents and the substantive responses received are at Annexes A and B respectively. The Commissioner is grateful for all the responses received.

Responses to the consultation

This section sets out our consideration of the main issues raised by the consultation responses and our conclusions.

Most of the respondents supported the intentions behind the adoption of a principles- based approach, particularly the flexibility principles offer when deciding how to comply with a requirement and conversely when enforcing the requirement.

There were some concerns expressed about how Principles and Codes would be applied by the OISC and the risk to advisers falling foul of the Code due to lack of clarity on its part.

Changes we have made

We have carefully considered all the responses received and the issues raised by respondents. As a result, we have made changes to the draft Code as described below.

- Principle 1 has been amended to read, “Act in a way that upholds the Rule of Law and proper administration of justice”.
- Principle 2 has been amended to include the following Code, “When providing immigration advice or services to clients or when interacting with prospective clients or third parties advisers must clearly identify themselves”.
- Code 2.1 has been amended to read, “Only provide immigration advice and immigration services on behalf of the specific organisation(s) you are authorised to work for under the OISC regulatory scheme”.
- Code 2.3 and 2.4 have been combined to read, “Not provide immigration advice and/or services, or operate above your authorised Level or Category, without the written permission of the Commissioner”.
- Code 2.8 has been amended to read, “Immediately notify the Commissioner in writing of any criminal charge, conviction and/or relevant civil proceedings issued against regulated advisers and those involved in the running of the business”.
- Principle 3 has been amended to read, “Maintain high standards of professional and personal conduct, ensure public trust and confidence in the OISC regulatory scheme and do not bring the regulatory scheme into disrepute”.
- Amended Code 6.9 to read, “Where requested by the client, transfer, as soon as possible and without prejudice to the client, their file and all documents irrespective of whether any payment is outstanding”.

- Our nine Principles are not ranked and are meant to operate in tandem. However, we have changed the sequencing of the Principles and Codes to give prominence to the need to prevent behaviour that is likely to harm public confidence in the profession and to prevent harm being caused to advice seekers.

Summary of consultation responses and OISC response

We received 29 responses to the consultation from a mix of regulated organisations, one regulator, and other stakeholders.

We are grateful to all the respondents who took the time to respond to our consultation and we welcome the quality of these responses and have taken account of all the responses and stakeholder engagement in conducting our analysis.

After considering the responses, we remain of the view that it is important to adopt a more principles-based approach. We believe this will provide regulated organisations and other stakeholders with a clear understanding of the OISC’s expectations and will provide a stronger framework to encourage professional judgement and facilitate the OISC to police the spirit of the Principles as well as the letter.

The following section reflects sub-headings in the Consultation document and draft Code followed by our response and any resulting changes we have made to the Principle or Code in question.

Questions

The following section sets out the main questions asked in the Consultation, followed by the respondents’ responses and our responses.

1. Do you support the introduction of overarching Principles, with Codes which underpin each Principle?	
What respondents said:	<p>Most of the respondents said that they supported the introduction of overarching principles, citing greater flexibility as the main benefit in relying on Principles when complying with the Code or enforcing the Code.</p> <p>Rainbow Migration said overarching Principles with the Codes, were certainly more flexible compared to the 2016 Codes as they provided advisers with the opportunity to exercise their own judgement as opposed to the 2016 codes where the Principles were vague, but the Codes stated very specific timeframe.</p> <p>Bail for Immigration Detainees (BID) said the proposed introduction of a principles-based approach to rules and supporting Codes would allow the OISC greater flexibility to ensure the enforcement of Codes and rules whereas a prescriptive approach meant that advisers may stray outside of the normal regulatory requirements while remaining free of accountability for unethical practices.</p>

	<p>Tamil Welfare Association (Newham) UK said they supported it. 1 Step Ahead Immigration Services said they supported the overarching Principles as they are flexible in knowing that each advice seeker has different needs, and the constant challenges and ways of working advisers have to adapt to daily in order to meet those needs.</p> <p>Jackie Otunnu said she supported the overarching Principles, but it was important to have clarity on what was clearly unacceptable as Principles provide standards which may be applied differently in each organisation.</p> <p>UK Council for International Students Affairs (UKCIS) on the other hand said the headings found in the current Code of Standards and Guidance Notes appear to be for the purpose of grouping similar themes together for ease of reference. That the proposed new system of overarching Principles with Codes that underpin each Principle however appears to be giving weight to the Principles (which were merely headings previously) and therefore looks more stringent.</p> <p>UKCIS also said that although the proposed approach offers the benefit of flexibility, the removal of the detail makes the application of the Principle and Codes less specific raising questions about practical application and adherence to the Code.</p>
<p>Our response:</p>	<p>Our new Code sets out the core Principles which advisers and organisations should adhere to and provides a degree of flexibility as to how these are met. Indeed the nine core Principles in the Code express the outcomes that must be achieved by those regulated by the OISC and it is intentional that these are not headings to the Codes but fundamental behaviours for the provision of fit and competent advice and services. Failure to comply with any of the Principles will most likely result in regulatory action being taken against the organisation and/or the adviser.</p> <p>For all of those working as OISC regulated advisers, the Code provides criteria to guide your practice and clarity about the standards of conduct that you are expected to meet. You are encouraged to use the Code to examine your own conduct and practice and to look for areas in which you can improve.</p> <p>As an adviser you are responsible for making sure that you work to the standards in the Code. You must ensure that your conduct and practice do not fall below the standards.</p> <p>We appreciate the concern about the interpretation of the Principles however we believe that the accompanying new Code Guidance Notes will assist in the application and interpretation of the Principles and the Codes in a uniform and consistent manner. We also hope that the ongoing dialogue between the OISC and regulated firms will further help to develop shared understanding of what conduct is required by the Principles and the role and purpose of Principles in the regulatory regime.</p> <p>Guidance Notes are intended as a practical tool, aiding advisers in their practice and contributing to good outcomes for advice seekers. The Guidance Notes may also be used to illustrate a potential failure</p>

	<p>to uphold the standards in the Code. Advisers should ensure they are familiar with the guidance.</p> <p>The Guidance Notes will include case studies and examples to illustrate good and bad practice and whether the bad practice is likely to lead to a breach of a Principle or failure to comply with a Code or both.</p> <p>Furthermore, what is acceptable will depend on the circumstances, but advisers will have to justify their actions and also demonstrate that the intention behind the Principle has been achieved.</p> <p>The new Code also takes account of how registered organisations are structured and how advice and services are delivered in an age that increasingly uses digital solutions. The Code aims to meet the regulatory needs of the sector both now and in the future.</p> <p>The new approach allows for variation and adaptability, while still setting out the core standards that must be met in order to ensure competent and professional advice and services are provided by regulated advisers to advice seekers.</p>
--	---

2. Do you have any views on the proposed approach on the breach of the Principles and Codes?

<p>What respondents said:</p>	<p>Respondents gave mixed opinions overall in their response to the question. For example, the issue of breaching a Principle without breaching any of the listed Codes and vice versa was supported by some of the respondents on the basis that it was sensible, but others raised concerns about the approach.</p> <p>Some of those who supported the approach said it was right to acknowledge that a Principle could be breached without breaching any Codes and it was also right to acknowledge that a Code could be breached without breaching the over-arching Principle, and that this should not be punished.</p> <p>de Prey Consulting said that it was a common-sense approach where a principle is clearly upheld but not exactly in the way the Codes describe. de Prey Consulting said the approach rightly recognised that a one-size-fits-all expectation of how they manage their businesses, and their administration was unrealistic, and that compliance was bound to be higher if people were allowed to meet the Principles in the ways that suit their mode of operation.</p> <p>International Visa & Relocation Services said the general principle that specific Codes could be breached without breaching Principles in general and that these may (or may not) have mitigating factors seemed equitable and sensible.</p> <p>M. El -Bahari said that it was very good practice and UK Immigration Law said they believed that the proposed approach on breach is a great proposal, as it allowed individuals to use different approaches for different matters.</p>
--------------------------------------	---

However, concerns were also raised about the issue of interpretation of the terms used in the Code. Respondents sought clarity on the use of some of the terms e.g., 'touting', 'legal status' etc, how some principles would be applied and said that the principles were open to different interpretations and were too broad.

Rainbow Migration said the proposed approach on the breach of Principles was too broad and in their view some advisers were likely to find it difficult to interpret the spirit of the Principles which could lead to confusion and difficulty in applying them. **Rainbow Migration** referred to Principle 1, *Upholding the Law*, as a very broad term for advisers to comply with and said that it went beyond the remit of immigration advice.

UKCIS said it was unclear as to what the consequences were for 'breaching' the Codes but not the Principle and vice versa. **UKCIS** said that having to consider what the 'spirit' of the Principle is, left further scope for misunderstanding and potential unintended non-compliance. **UKCIS** further said the section detailing 'Compliance with the Code' was confusing and required further clarity referring to paragraphs 6 and 7 as examples. **UKCIS** stated that the exact obligations placed on organisations and advisers should be made as transparent as possible in order to avoid an unintentional lack of compliance.

In addition, **UKCIS** said it was unclear as to how the proposed guidance would interact with the Principles and Codes but that the current guidance on the Code of Standards appeared to act as a 'guide' to the Code of Standards, whereas the proposed guidance for the new Code appeared to have taken on more of a compliance function.

BID said that the OISC should make it clear that it remained open to considering submissions, amendments and changes to the Codes and rules as experience of the principled approach develops.

1 Step Ahead Immigration Services said it would be helpful to have a list of specific definitions of terms used within the principles or soon to be released guidance and gave examples of words they felt required definition. Further comments by 1 Step Ahead Immigration Services in relation to question 2 are pertinent to question 6 and therefore are addressed in our response to question 6.

Dynamic Immigration Law Consultants said both the Principles and the Codes were very important and must be strictly adhered to by the advisers.

Jackie Otunnu said she understood the flexibility approach that the organisations could apply to suit their business models of particular clients, but she still thought the rules underpinning the Principles should be applied as uniformly as possible across the UK so the same standards are maintained and the penalties for breaching the rules are clear.

Julius Mutyambizi-Dewa and Durani Rapozo agreed with the new approach but suggested that there should be a 'Compliance Lead'

	<p>within regulated organisations to act as the First Point regarding compliance issues.</p>
<p>Our response:</p>	<p>The Principles in the new Code lie at the heart of the OISC’s regulatory objectives. A breach of a Principle is likely to result in regulatory action being taken against the organisation and/or the adviser. We recognise the concern that in order for consequences legitimately to be attached to the breach of a Principle, it must be possible to predict, at the time of the action concerned, whether or not it would be in breach of a Principle. But as long as the action or actions in respect of which regulatory action is being taken, could reasonably be foreseen to be in breach of the Principle, we do not consider that there is anything unfair about taking regulatory action for the breach of Principles. In other words, where the requirement of predictability is met it is legitimate for consequences to follow even though the Principle is expressed in general terms. This does not mean you must have known at the time of the conduct you were in breach but rather that had you applied your mind to the question you would have realised the risks you faced.</p> <p>With regards to the Codes, you are required not only to follow the literal reading of the words of the Codes, but you must follow the intention of why the Principle is enforced. As explained in the Code, an adviser may breach a Principle without being non-compliant with any of the listed Codes if they live up to the letter of the Codes but not the spirit of that Principle. What this means is that in their actions, advisers should always focus on the substantive achievement of a regulatory objective expressed in the Principle to ensure compliance. For example, Code 4.6 requires organisations not to charge directly or indirectly a fee for the provision of immigration advice where you have registered with the Commissioner as a non-fee charging organisation. Demanding donations from clients for work done on their behalf may not amount to non-compliance with Code 4.6 by the organisation. However, it is likely to breach Principle 4 which requires advisers to behave with honesty and integrity as demands for donations could amount to hidden charges as donations should be voluntary not mandatory.</p> <p>A failure to comply with a Code on its own would not necessarily result in regulatory action being taken unless it also contributed to a breach of a Principle, because although not acting in line with the Codes, the adviser or organisation may be able to demonstrate that the Principle was still achieved on the particular issue through operating in a different but still successful manner to achieve the same outcome. As explained in the new Code of Standards document, where a complaint is made about the conduct of anyone subject to the Code, OISC will assess whether the alleged conduct has breached the Principles within the Code of Standards or failed to comply with any of the individual Codes.</p> <p>Furthermore, the Codes will be applied consistently to all registered organisations taking into account the objectives of the Principle. The organisation will have to demonstrate why a failure to comply with a Code was appropriate and also prove that the Principle was still adhered to. The seriousness of the breach, the level of harm and any aggravating circumstances will always be important factors when determining the appropriate penalty to be applied. The penalties range</p>

	<p>from a written warning to cancellation of registration or laying a charge against the adviser.</p> <p>Rainbow Migration referred to Principle 1, 'Uphold the Law' as a very broad term for advisers to comply with and said that it went beyond the remit of immigration advice. We agree with the comments expressed both in response to the questions and in relation to the individual Principles and we have amended the Principle to read, "Act in a way that upholds the Rule of law and proper administration of justice". A detailed response to the comments can be found below under 'Comments on Specific Principles and Codes.'</p> <p>The Guidance Notes will assist in the application and interpretation of the Principles and the Codes, but they are not themselves provisions of the Code.</p> <p>Although the OISC, where necessary, will attempt in the Guidance Notes to define some of the terms and phrases used in the Code e.g., the word 'tout' is defined in both our current guidance and proposed new guidance, the rest of the terms and phrases should be given their ordinary and natural meaning.</p> <p>It has been suggested by one of the respondents that there should be a 'Compliance Lead' within regulated organisations to act as the first point regarding compliance issues. Although a 'Compliance Lead' may assist in ensuring that the organisation abides by the regulatory requirements and organisations may themselves wish to appoint one internally, we do not believe it is necessary for OISC registered organisations to have a 'Compliance Lead' in order to meet the requirements. This is due to the size of organisations in the scheme, many of the organisations are relatively small, and it may require hiring an extra person to act as a 'Compliance Lead' thus imposing extra costs on organisations. Notwithstanding, we have a primary contact for organisations as our first point of contact to send regulatory notices, discuss compliance issues or concerns.</p> <p>As for the comments by UKCIS and BID these have been addressed in our response to question 4 below.</p>
--	---

<p>3. Do you have any comments on the introductory statements in the Code of Standards at Annex A? If yes, please set them out.</p>	
<p>What respondents said:</p>	<p>Most of the respondents did not comment on the introductory statements in the Code.</p> <p>For those who commented, MYG Limited and International Visa & Relocation Services said the statements were clear.</p> <p>1 Step Ahead Immigration Services requested the meaning of the term 'touting' and how 'touting' differed from usual business marketing practice and whether it lived up to the principles of UK competition law.</p> <p>1 Step Ahead Immigration Services also asked whether the proposed new codes 4.4 and 4.5 did not cover the issue of touting therefore rendering Code 3.3 redundant and unclear.</p>

	<p>Jackie Otunnu raised the issue of including the penalties for breaches of the Code in paragraph A3 and the issue of including 'highest' in addition to 'standards' in Paragraph A4. She also pointed out that there was no mention of 'professionalism' in the Paragraph 4.</p> <p>Dynamic Immigration Law Consultants said the Codes when adhered to would make an adviser better in practice.</p> <p>Augusto Scerranto said the introductory statement of the Code stated that the Code should be read alongside the 2021 Guidance on Competence, which imposes a requirement to sit a competence assessment in order to be registered as a new adviser, or for an existing adviser to raise their level of registration. He said the requirement to sit an entry examination before admission "into the profession of immigration lawyer/immigration adviser" however had to be expressly authorised by Parliament through an amendment of the Immigration and Asylum Act 1999, or alternatively, where the Act has sufficient scope, the competence assessment needed to be set up by a specific regulation 'under 4 Schedule 5 (1) of the 1999 Act' concerning expressly the necessity or/and the opportunity of a compulsory examination.</p> <p>Refugee & Migrant Network Sutton requested clarification on to how to interpret 'adhere to the Principles at all times', particularly the phrase 'at all times'. As for Codes listed under each Principle not being exhaustive, the organisation said advisers needed to know all the applicable Codes to avoid the risk of misinterpretation.</p> <p>Refugee & Migrant Network Sutton also raised the issue of 'adhering to intention'/'spirit of the principle' and how advisers would apply it to their everyday work. They mentioned that it would be helpful for the Guidance Notes to be sent together with the consultation documents to give the advisers and organisations a chance to comment on the documents.</p> <p>Furthermore Refugee & Migrant Network Sutton asked how the new code would reflect changes in immigration laws and practices and whether the Code would be updated to reflect the changes.</p> <p>Newham Community Renewal Programme like Refugee & Migrant Network Sutton raised the issue of breaching the principle without breaching any of the listed codes if they lived up to the letter of the codes but not the spirit of the Principle. Newham Community Renewal Programme argued that the 'spirit of that Principle', was too 'open and arbitrary' particularly as the list of applicable Codes was not exhaustive and that it should not be possible to breach a principle without breaching any of the listed corresponding Codes. Newham Community Renewal Programme stated that there was scope for the 'abuse of power' unless the spirit of each principle was clearly defined.</p>
<p>Our response:</p>	<p>Examples of what constitutes 'Touting for Business' is contained in the current Commissioner's Guidance on the Code of Standards 2016. This is not a new Code. Codes 4.4 and 4.5 relate to referrals for gain and clearly do not cover touting. The two Codes are not new as they are also contained in the current Code of Standards.</p>

We are also satisfied that our new Code is in accordance with UK law and the introduction of a more principle-based approach does not impede but rather encourages business development. Therefore, Code 3.3 does not contravene UK competition law.

We do not consider it necessary to include the penalties for breaching the Code in the document. A failure to comply with the Principles or Codes may call into question the fitness or competence of the regulated adviser or individual, but any subsequent action taken to cancel the registration of an individual or organisation would depend on the seriousness and extent of the breach. Any such action would be subject to internal management review to ensure the correct and proper procedures were followed in the decision-making process and carry a right of appeal to the Immigration Services Tribunal which provides assurance against any abuse of power by the Commissioner. Any concerns regarding the abuse of power by the Commissioner may also be raised with the Parliamentary and Health Ombudsman or an application for judicial review. It should be noted that the Commissioner's regulatory powers will not change with the introduction of the new Code.

Principle 3 requires advisers to maintain high standards of professional and personal conduct. As such we do not believe it is necessary to have it in the introduction as well.

Mr Scerranto suggests that the OISC does not have the authority to require those who wish to join the OISC scheme, or those already in the scheme who wish to raise their level of registration, to sit and pass a competence assessment before being admitted into the scheme or before raising their level of registration. This is not correct as pursuant to Paragraph 1 of Schedule 5 and Paragraph 1 of Schedule 6 of the Immigration and Asylum Act 1999 (as amended), the Commissioner has the authority to determine the requirements that must be met in order to be admitted into the scheme or to vary a person's or organisation's registration.

In relation to the issues raised by **Refugee Migrant Network, Sutton** and **Newham Community Renewal Programme**, the nine Principles in the new Code express the fundamental obligations that all regulated advisers should observe, which we believe to be constant, and which lie at the heart of the OISC's regulatory objectives. Regulated advisers should therefore invariably abide by these principles when providing immigration advice and/or services. In addition to this we believe the advisers should comply with the Principles even when not providing immigration advice e.g. advisers are expected to keep the client affairs confidential even after leaving the OISC scheme.

The Codes listed under each Principle help to demonstrate how a Principle may be adhered to but there may be other ways to achieve the desired objective. Therefore, it is not considered necessary or realistic to list all applicable Codes, particularly as a failure to comply with the listed Code will not necessarily lead to a breach of a Principle if the adviser can demonstrate that the objective of the Principle was still achieved. Furthermore, the Guidance Notes on the Code of Standards will provide case studies to further provide clarity.

	<p>With regards to how advisers would apply the requirement, ‘adhere to the spirit of the Principle’ in their everyday work, advisers should ensure that the objective of the Principle is always met. For example, Principle 6 requires the adviser to, “Act in the best interest of your client, deal with clients professionally and ensure they receive a good quality of service”. Code 6.3 requires the adviser to “Provide all prospective clients with an effective client care letter”. In order to adhere to the spirit of Principle 6 the adviser must ensure the client care letter meets the objectives of the Principle, in this case the client’s best interests are protected, and good quality advice on the proposed course of action is provided within the client care letter. Guidance will help to provide further clarity as to how adherence to the spirit of the Principle might be applied and demonstrated etc.</p> <p>There is no convergence between the Code and Immigration Rules as the Codes relate to the regulation of those who provide immigration advice, whereas the Immigration Rules relate to the regulation of entry and stay in the UK. Any changes in the Home Office processes e.g. the requirement that all applications now have to be made online and therefore the requirement under the current Code to provide copies of all original documents retained by the organisation may no longer be applicable, have no impact on the new Code as the Principles have been drafted at a high level, with the intention that they should be overarching requirements that can be applied flexibly and can accommodate such changes.</p>
--	--

<p>4. Do you think the sector is ready for this kind of principle-based approach? What are the possible impacts on the sector?</p>	
<p>What respondents said:</p>	<p>Overwhelmingly the respondents said the sector was ready for this type of principle-based approach although there were some who said that it was not ready.</p> <p>BID said the sector was ready since ethical considerations that apply to the current codes and rules, essentially underpin the Principles and supporting Codes.</p> <p>Tamil Welfare Association (Newham) UK said the sector was ready and that the main impact would be better quality of service.</p> <p>1 Step Ahead Immigration Services said the sector was ready and that like any sector innovation, productivity and growth were important, therefore flexibility was required as well as understanding of the many pressures advisers and advice-seekers alike face in what can be a very hostile and cynical environment to work in.</p> <p>MYG Limited said the sector was ready as long as the OISC regularly audited organisations to confirm they were following the ‘principles of the codes’ accurately, correctly and regulatory action was followed up appropriately by the OISC.</p> <p>Jackie Otunnu said the sector was ready, but it would take time to adapt because it was used to applying a more prescriptive approach of Do's and Don'ts and it will have to approach the rules in a slightly different way by applying the Principle first and then the Code. She</p>

	<p>observed that by giving organisations a degree of flexibility there is a question of how high standards and consistency would be maintained in the advice sector.</p> <p>Dynamic Immigration Law Consultants said the sector was ready and it would enable advisers to compete with other advisers regulated by other professional bodies such Solicitors Regulated Authority as the approach would enable the society to have confidence in the advisers supervised by OISC. This was further supported by M. El Bahari who said that he believed that it would make the sector more reliable and trusted.</p> <p>ILA Visa Ltd said the sector was ready but advisers would require time to get familiar with all the codes and principles.</p> <p>Rainbow Migration said that as the immigration sector was under immense pressure due to the constant changes in immigration laws and policies, OISC needed to ensure that the planned changes would not bring further complication or put administrative burden on the sector but to simplify the requirements placed on advisers. Rainbow Migration mentioned that Principles 1, 5.5 or 3.8 were very broad and hence confusing to adhere to.</p> <p>UKCIS said more flexible timeframes could lead to an unintentional lack of compliance as the level of certainty/prescription would be gone (as seen in Codes 2.7, 2.8, 4.2, 4.3, 5.1, 8.7, 9.5, 9.6 and 9.7). UKCIS said where those timescales relate to clients, it should be considered whether their removal was for their benefit or only for the benefit of advisers/organisations.</p> <p>UKCIS also said that some of the Principles were quite vague and open-ended and referred to Principle 1 as one of the examples. UKCIS said that as it stands, the concept/Principle could be interpreted as placing a far greater burden/moral code on advisers that extends beyond their normal working roles.</p> <p>Refugee & Migrant Network, Sutton said advisers and the immigration sector regulated by the OISC needed clarity, and simplicity however the new approach appears to require advisers to adhere to two sets of rules, Principles and Codes. In addition, that advisers are required to follow Guidance Notes as if there were rules themselves and therefore it will require more resources, particularly for charity organisations to ensure that all the Codes, Principles and Guidance Notes are adhered to.</p>
<p>Our response:</p>	<p>To give organisations and advisers a chance to familiarise themselves with the new Code, the Code is being published in April 2024 but it will not come into effect until September 2024. We will also be publishing the Guidance Notes on the new Code ahead of the new Code coming into effect, and we are hoping that the two documents read together will assist in the interpretation and application of the Principles and Codes. Consistency in applying the new Code will be achieved by means of the guidance. Furthermore, the OISC will continue to work closely with organisations and advisers and provide support where necessary, even after the implementation of the new Code, to ensure smooth transition from a prescriptive approach to a more principle-</p>

based approach. The OISC is willing to take onboard any suggestions that may help to improve the understanding of the new Code and guidance will be updated should issues of interpretation or difficulty in application come to light in the future.

In relation to the comments made by **Rainbow Migration** regarding Principle 1, Code 3.8 and 5.5, Principle 1 has been amended to take on board the general comments however it is not accepted that Code 3.8 and 5.5. are broad or confusing. Detailed responses to these comments can be found below under 'Comments on specific Principles and Codes and our responses'.

With regards to the comments from **UKCIS** in relation to the lack of set timescales in the new Code, not including them in the new Code does not remove the duty from advisers to act with an appropriate sense of urgency to ensure that deadlines are not missed, clients' best interests are upheld, and competent and diligent representations are provided to clients in all circumstances. The expected timescales have however been moved to the Guidance Notes where it is considered to be more appropriate, as different set of circumstances may apply in each case.

The Principles do not place a far greater burden on advisers that extends beyond their normal working roles and have been reworded to address this issue, where the initial draft may have given the impression that they did. Although the Code has been amended and reduced to nine Core Principles supported by specific Codes, the requirements placed on organisations and advisers have not changed. The Principles reflect the Codes in the current Code of Standards but what has changed is the introduction of flexibility in how the Principles may be adhered to, as the Codes may be disapplied provided the intention of the Principle is met.

Refugee and Migrant Network Sutton has raised a concern that the new approach appears to require advisers to adhere to two sets of rules Principles and Codes. The nine Principles are general rules, which set out the main obligations on organisations, and are those provisions from which the Codes and guidance flow. The Codes assist advisers in demonstrating that a Principle has been adhered to. For example, by only working for specific organisation(s) as required by Code 2.1, an adviser is able to demonstrate that they have adhered to Principle 2 which requires advisers to comply with their 'legal and regulatory requirements to the OISC'. Therefore, the Codes help to show adherence to the Principle and failure to comply with the Code/s which results in a breach of a Principle may attract regulatory action being taken against the organisation and/or the adviser. However, failure to comply with the Code/s may not result in a breach of a Principle or regulatory action being taken against the adviser if the Commissioner finds that the Principle was still adhered to notwithstanding the non-compliance with the Code, or the non-compliance with the Code was due to reasons beyond the adviser's control and the adviser attempted to mitigate harm to the advice seeker that could arise from the non-compliance with the Code. As explained in Paragraph 9 of the Code, the Guidance Notes themselves are not provisions of the Code and regulated organisations

	<p>will not be required to seek permission for a departure from the guidance. Guidance Notes are not binding, however organisations will need to be prepared to explain why a departure from the Guidance Notes was appropriate and prove that the Principle was still adhered to when work is being reviewed at premises audit or through a complaint investigation. Guidance Notes are there to help provide sufficient certainty and predictability.</p>
--	---

<p>5. Do you support the removal of the requirements or obligations that exist within the 2016 version of the Code of Standards (as set out in paragraph 12 of the consultation document)?</p>	
<p>What respondents said:</p>	<p>There was overwhelming support for the removal of the requirements or obligations set out in paragraph 12 of the consultation document. The few concerns raised have been addressed in our response below.</p> <p>One respondent said they were very happy to be rid of business plans as it was quite an arbitrary requirement for the voluntary sector and had caused at least one charity a great deal of unnecessary expense.</p> <p>Rainbow Migration said the removal of the requirements or obligations took the administrative burden off immigration advisers allowing them to invest time in providing better quality advice and assisting more people in need of immigration advice. This was particularly so in relation to supervision and business plans.</p> <p>BID said they believed that the proposed principles and Codes essentially replicated the existing Codes e.g. the removal of the requirement of a business plan was replaced and put into effect by the need for good governance and not to place the OISC's reputation into disrepute.</p> <p>1 Step Ahead Immigration Service agreed with the removal of the requirements or obligations although in respect of Code 7 they said it should be retained within the 'code' to provide advice seekers reassurance that the adviser they are to 'engage with' has the proper authorisation to provide authorised immigration advice.</p> <p>Tamil Welfare Association (Newham) UK said they supported the removal of requirements or obligations that exist within the 2016 version of the Code of Standards.</p> <p>MYG Limited agreed with the removal of the requirements or obligations and explained that as remote working was now part of the norm within business working practices, it made sense to update the requirements in line with modern business practices.</p> <p>Advocate Law Chambers said they supported the removal of requirements or obligations as they believed sufficient guidance "can exist or be created related to the aspects of old Code, that will replace the need for regulated organisation to have prescriptive Codes allowing them more flexibility". Advocate Law Chambers also said the new Code also removed "some of the requirements" to seek permission from the Commissioner prior to making changes.</p>

	<p>Jackie Otunnu on the whole supported the removal of the requirements or obligations although in relation to the removal of the requirement to submit supervision arrangement she said organisations must nevertheless ensure that the person/s they are seeking to supervise have the integrity to work as OISC advisers and should still supply all the basic information required by the Commissioner to register that person. Jackie Otunnu also said ‘reasonably’ or ‘promptly’ needed to be defined.</p> <p>de Prey Consulting, International Visa & Relocation Services, UK Pakistan Welfare Society, ILA Visa Ltd, Newham Community Renewal Programme etc all said they supported the dropping of some of the requirements or obligations.</p> <p>UKCIS and Refugee and Migrant Network Sutton questioned the removal of Code 16 and replacing it with Principle 7. UKCIS said Principle 7 did not offer enough of a safeguard due to its broad scope and Refugee Migrant Network Sutton asked how the OISC would monitor compliance with Principle 7 if an organisation did not have a policy and clear guidelines.</p> <p>UKCIS reiterated that the replacement of prescriptive Codes in favour of more flexible timeframes, could lead to an unintentional lack of compliance as the level of certainty/prescription would have gone.</p>
<p>Our response:</p>	<p>The suggestion that Code 7 of the current Code that requires advisers to identify themselves when providing immigration advice and services should be retained has been carefully considered and we have decided to retain the Code but amend it to include also interactions with prospective clients and third parties. Although we are satisfied that Principle 2 sufficiently covers this requirement, for the sake of clarity and completeness, Principle 2 will include the following Code, “When providing immigration advice or services to clients or when interacting with prospective clients or third parties advisers must clearly identify themselves”.</p> <p>Concerns also have been raised about the removal of the requirement to submit full details of supervision arrangements when seeking approval to supervise, as currently required under Code 9, particularly the duty for organisations to ensure that the potential supervisee has the integrity to work as an OISC adviser and the requirement to provide all the basic information required by the Commissioner to ‘register’ that person.</p> <p>The dropping of Code 9 from the Code of Standards does not remove the duty to ensure that all trainee advisers have the integrity to undertake immigration work from organisations, particularly as the supervisor remains responsible for all the work undertaken by the supervisee. The dropping of the Code also does not remove the requirement to notify the OISC of the intended supervision and providing details of the potential supervisee, but advisers will no longer be required, as a matter of course, to provide a supervision plan whenever they request to supervise trainee advisers. Please note trainee advisers are not registered with the OISC and therefore the normal checks, e.g., DBS checks are not carried out on trainee advisers.</p>

	<p>The decision not to include the requirement for organisations to have a written equality and diversity policy in the Code is simply in line with our new approach which focuses more on the objectives and outcomes rather than the process. Where advisers are found in breach of the Principle, the lack of a written equality and diversity policy will be considered an aggravating factor. However, this requirement has been moved to the Guidance Notes where it is more appropriate.</p> <p>With regards to the concerns raised by UKCIS of the possibility of unintentional non-compliance with the Principles and/or Codes due to lack of certainty, as explained above the availability of detailed Guidance Notes will help to provide clarity and the OISC will continue to provide support in interpreting the Principles or Codes where it is needed.</p>
--	--

6. Do you support the addition of the new requirements to the new Code of Standards (as set out in paragraph 13 of the consultation document)?

<p>What respondents said:</p>	<p>Respondents were generally supportive of the addition of the new requirements to the new Code. However, questions were also raised of how the new requirements would be enforced or applied.</p> <p>Tamil Welfare Association (Newham) UK said they supported the addition of the new requirements to the new Code of standards.</p> <p>BID supported the addition of the new requirements and said the need for organisations to ensure ethical standards are maintained should remain paramount.</p> <p>Advocate Law Chambers said the inclusion of Code 3.8 in Principle 3 would make OISC more "transparent in the public eye."</p> <p>Jackie Otunnu Wacha said she supported the addition of the new requirements although the requirement 'not bring the OISC into disrepute' needed more definition.</p> <p>Dynamic Immigration Law Consultants, de Prey Consulting, International Visa & Relocation Services, BWARC etc all supported the addition of the new requirements to the Code.</p> <p>However, Rainbow Migration said they did not support the addition of Principle 3, Code 3.8 and Code 4.3, because they were vague and broad and could lead to confusion. That in their opinion, the best interests of the client should take precedence over public trust and confidence in the OISC regulatory scheme. Rainbow Migration said the code of conduct for barristers and solicitors took the same approach and it was important for there to be consistency in the field to avoid OISC advisers being treated differently with further responsibility placed on them.</p> <p>Rainbow Migration further said the term "uphold public interest and confidence" was extremely vague and there were no examples provided as to what duty the Code would place on advisers or to what extent.</p> <p>1 Step Ahead Immigration Services said the expansion of responsibilities under Code 4.3 to report any serious misconduct within</p>
--------------------------------------	--

	<p>their organisation to the relevant authority in addition to the OISC needed more definition within the new guidance. 1 Step Ahead Immigration Services also stated that it was very difficult for advisers in large firms to report serious misconduct of which they become aware of within their organisation as required under Code 4.2, due to “hierarchy issues” and putting advisers at risk of being unemployable should they report their superiors to the OISC given that the industry can be “very connected.” 1 Step Ahead Immigration Services said safeguards for whistleblowers needed to be in place to avoid unintended and bad consequences for those who wish to report a concern. Furthermore, 1 Step Ahead Immigration Services said Code 4.3 had similar issues and the welfare of those who report serious misconduct needed to be protected.</p> <p>Augusto Scerranto said the concept of "bringing the OISC into disrepute" should not include any challenge, action, appeal or judicial review brought by a prospective immigration adviser or/and an already registered adviser against any OISC 's decision/guidance, rules and/or regulations.</p> <p>UKCIS said the requirement for advisers to maintain “high standards of professional and personal conduct”, “ensure public trust and confidence in the OISC regulatory scheme”, and to not “bring the OISC into disrepute”, required further guidance/elaboration. That the expansion of Code 4.3, also required greater clarity on which actions constituted “serious misconduct” in view of the additional duty to report it to a relevant authority.</p>
<p>Our response:</p>	<p>It is not accepted that Principle 3, Code 3.8 and Code 4.3 lack clarity. The inclusion of the requirement not to bring the OISC into disrepute in Principle 3 imposes a duty on the registered organisation and/or the adviser to act in a way that upholds public trust and confidence in the OISC regulatory scheme and in the immigration advice and/or services provided by authorised persons. In particular, advisers must not behave in a way, in work or outside work, which would call into question their suitability to work in the immigration advice giving profession and risk tarnishing the public perception and reputation of other OISC advisers. Clients often place their confidence in advisers assuming they will protect their best interests and with personal and often sensitive information. Advisers must therefore not exploit advice seekers in anyway, not abuse the trust of advice seekers, not discriminate unlawfully or unjustifiably against advice seekers etc. OISC will act where we see conduct in a registered organisation or by an adviser, which would question the trustworthiness and integrity of OISC advisers or delivery of regulated immigration advice.</p> <p>Furthermore, although the OISC should not be held accountable for the misconduct of a regulated organisation or adviser, when their activities are unrelated to their work as an immigration adviser, there are instances where their conduct outside of work as an immigration adviser may affect the OISC’s reputation or the reputation of other legal advisers.</p> <p>Persistent allegations of impropriety against an organisation or adviser e.g. charging clients for poor services or for services not provided,</p>

	<p>irrespective of whether those services are regulated by the OISC could result in a breach of Principle 3 given the organisation’s association with the OISC regulatory scheme.</p> <p>In addition, an OISC adviser who repeatedly brings spurious or hopeless immigration applications knowing, or suspecting, that the true purpose of these was to delay the lawful removal of their clients from the country, may, in addition to Code 1.2 and 1.3, find themselves in breach of Principle 3. Examples of actions or behaviours that may be judged as bringing the OISC regulatory scheme into disrepute will be covered in the Guidance Notes.</p> <p>Please note that any legitimate challenge, action, appeal, or judicial review brought by a prospective immigration adviser or an already registered adviser, against an OISC decision/guidance, rules and/or regulations will not amount to a breach of Principle 3. Pursuant to the Immigration and Asylum Act 1999 OISC decisions are reviewable by the courts.</p> <p>With regards to Code 4.3, the requirement to promptly report any serious misconduct of which you become aware to the relevant authority, this is not a new Code in so far as reporting any serious misconduct is concerned. The difference is that Code 4.3 expands the responsibility to report misconduct which advisers come across within their professional work to any relevant authorities, e.g., SRA, BSB, CILEX Regulation etc to promote the integrity of the profession. We do not think it is unreasonable for an OISC adviser who becomes aware of serious misconduct which may be of concern to another body to report it to the body. For example, where an adviser learns from his client that their previous representatives, a firm of solicitors, helped him concoct his asylum account in addition to helping many others to do the same and the account appears credible, we expect the adviser to report this misconduct to the relevant regulatory body. Examples of what constitutes serious misconduct will be included in the Guidance Notes.</p> <p>As to the concerns about the risk to advisers who report serious misconduct in an organisation, this Code already exists and there is no evidence to suggest that those who have reported serious misconduct in the past have suffered any harm as a result. Nevertheless, the OISC will always ensure that the confidentiality of those who report serious misconduct is protected and their details are not disclosed to those accused of misconduct or third parties. The OISC protocol for dealing with ‘whistleblowing’ will be included in the Guidance Notes.</p>
--	---

<p>7. What guidance or other support might regulated advisers or organisations find helpful in supporting them with understanding and complying with the new Code of Standards?</p>	
<p>What respondents said:</p>	<p>Rainbow Migration said providing illustrative examples of situation would benefit the advisors to understand the new Codes, and both Rainbow Migration and BID said that advisers should be able to contact the OISC to seek clarification where they need it.</p>

	<p>1 Step Ahead Immigration Services said a separation of Codes between what is expected of regulated advisers and what is expected of organisations, for example, Code 4.2 made more sense from an organisation perspective than a regulated adviser who was more likely to be lower down a large organisations hierarchy of decision-making. MYG Limited said workshops to go through the new Code and posted on YouTube for future reference would help and Jackie Otunnu suggested an on-line course/test on the Code to be undertaken by all new advisers.</p> <p>de Prey Consulting said they had found a ‘tick box’ list very helpful when setting up their business and suggested that the OISC should keep it as part of the OISC application process.</p> <p>Dynamic Immigration Law Consultants suggested “constant and consistent” online workshops and seminars.</p> <p>UKCIS said detailed supporting guidance that would assist in the understanding and application of the Code, rather than as a compliance tool.</p> <p>Refugee & Migrant Network Sutton suggested regular updates and practical workshops.</p>
<p>Our response:</p>	<p>Most of the above proposals have already been covered in the guidance that is to accompany the Code and we will also take on board those that we haven't. As already mentioned above, the OISC will work closely with advisers and other stakeholders to ensure a successful implementation of a more principle-based approach.</p>

Comments on specific Principles and Codes and our responses

<p>Principle 1: Uphold the Law Codes 1.1 – 1.3</p>	
<p>Comments:</p>	<p>Although there was general support for Principle 1, there were also concerns raised that it was too broad and vague.</p> <p>One of the issues raised was that there was no direct equivalent to ‘uphold the law’ within the regulatory framework for solicitors/barristers. This was also raised as a concern by Rainbow Immigration which stated that the Principle was rather vague, broad and very different to the code of conduct for solicitors and barristers, and that it placed a “burden of such heavy duty” on OISC advisers and it appeared to go far beyond what was expected from a professional legal adviser.</p> <p>Another respondent said, "uphold the law" was too broad a statement and took on a “slightly sinister ambiguity in the current political context, which includes strong anti-migrant sentiments expressed by senior government ministers and legislation passed which arguably could breach international law”. The respondent also said Code 1.2., in the context of the very broad duty to "uphold the law", could be read by some as a requirement to breach confidentiality where a client employs deception, rather than merely withdraw from a case.</p>

	<p>Refugee and Migrant Network Sutton asked whether upholding the law required a proactive duty of some kind. They also said it had to be made clear to advisers whether upholding the law required them to monitor and report on behaviour of others.</p> <p>Respondents also raised issues of concern about individual codes. Rainbow Migration and PAFRAS said Code 1.2 required more clarification, particularly the meaning of “recklessly mislead” and how this code could be reconciled with the duty of confidentiality. Two respondents including Jackie Otunnu said that the Code needed to be rewritten. 1 Step Ahead Immigration Services asked for the definition of ‘abuse of process’.</p>
<p>Our response:</p>	<p>We appreciate the concerns raised, particularly in relation to the perceived lack of clarity due to the way the Principle is phrased, ‘Uphold the Law’. Although the duty imposed within Principle 1 could encompass actions and behaviour conducted outside of a professional context, we agree the Principle could also be read as imposing a proactive and an overarching requirement on advisers to ensure that the law is not breached in all circumstances. The Objective of Principle 1 is to impose a duty on advisers to always act lawfully both in their professional and private capacity and to uphold the proper administration of justice. We have therefore amended the wording of the Principle to read “Act in a way that upholds the Rule of law and proper administration of justice”. We are satisfied that new wording of Principle 1 clearly expresses the purpose of the Principle and covers all the three Codes that underpin it. Principle 1 does not require the adviser to “monitor and report on behaviour of others”. Principle 1 relates to individual conduct not the conduct of others. Serious misconduct of others within the practice and outside the practice is covered by Principle 4. Furthermore, Principle 1 is now in line with other regulators which have a similar requirement.</p> <p>As to the Codes we have considered the comments, but we are satisfied that the guidance accompanying this Code will cover the matters raised and the wording is adequate. It is also not accepted that there is a conflict between the requirement not to “recklessly mislead” and the “duty of confidentiality”. The requirement not to mislead does not impose a duty on the adviser to disclose <i>confidential information about a client’s affairs</i> unless disclosure is expected or authorised by law, or the client consents to it. However, an obligation to advance the client’s interest and the duty to ensure that the client’s confidential information is not disclosed, does not override the adviser’s duty not to mislead the Commissioner, the Home Office, the courts, and tribunals and/or third-party agencies. Where there is a conflict between the duty of confidentiality and the requirement not to mislead, the adviser must withdraw from the case. Advisers in addition have a professional duty of candour.</p>

<p>Principle 2: Comply with your legal and regulatory requirements to the OISC acting openly, promptly and co-operatively. Codes 2.1 – 2.9</p>	
<p>Comments:</p>	<p>Generally, there were no comments on the Principle or the Codes. However, PAFRAS, 1 Step Ahead Immigration Services, Julius Mutyambizi-Dewa and Durani Rapozo and Newham Community</p>

	Renewal Programme asked for “significant changes” within Code 2.7 to be defined.
Our response:	The Guidance accompanying this Code will cover these matters.
Comments:	A concern was raised that Code 2.1 appeared to be imposing an outright ban on OISC advisers working in any capacity for unregistered organisations including for example a ban on an adviser working in a job unrelated to immigration advice.
Our response:	Although this was not the intention of the Code, we recognise that it could be interpreted broadly to include work outside OISC’s jurisdiction. One of the respondents suggested the following wording to replace the wording in the draft document: “Only provide immigration advice and immigration services on behalf of the specific...”. We have considered the suggested wording, and we are happy to amend the Code in line with it. The new Code will read, ‘Only provide immigration advice and immigration services on behalf of the specific organisation(s) you are authorised to work for under the OISC regulatory scheme’.
Comments:	The respondent also said Codes 2.3 and 2.4 appeared contradictory and could be combined as follows: “Not operate above your authorised Level or in Categories for which you are not authorised without the written authorisation of the Commissioner”.
Our response:	Although we do not accept that the two Codes are contradictory, for the sake of clarity we have combined the two Codes and the new Code will read, “Not provide immigration advice and/or services, or operate above your authorised Level or Category, without the written permission of the Commissioner”.
Comments:	The respondent also said that as there may be a large range of civil proceedings that the OISC has no legitimate interest in, Code 2.8 should maybe refer to ‘relevant civil proceedings’ with some examples in the accompanying guidance.
Our response:	We accept that there may be a wide range of civil proceedings and we will amend the Code to include the word ‘relevant’. The Code will now read, “Immediately notify the Commissioner in writing of any criminal charge, conviction and/or relevant civil proceedings issued against regulated advisers and those involved in the running of the business”. Guidance Notes will provide examples of what would constitute ‘relevant’ civil proceedings.
Comments:	Newham Community Renewal Programme raised concerns about the risk of an adviser failing to comply with Code 2.2 where immigration advice and/or services are provided on their behalf by someone not authorised to do so.
Our response:	Please note that it is for the individual adviser and the organisation to ensure they have safeguards in place to prevent this from happening. Where such occurrence does occur the OISC would accept evidence that this is the case against any breach of the Code.
Comments:	1 Step Ahead Immigration Services and Julius Mutyambizi-Dewa and Durani Rapozo requested the phrase ‘significant change(s) within Code 2.7 to be defined and also to provide examples of what constitutes ‘significant change(s). PAFRAS raised the same issue and questioned how it would be applied in practice.
Our response:	The guidance to accompany the Code will provide a definition and examples.

<p>Principle 3: Maintain high standards of professional and personal conduct, ensure public trust and confidence in the OISC regulatory scheme and do not bring the OISC into disrepute.</p> <p>Codes 3.1 – 3.8</p>	
<p>Comments:</p>	<p>Rainbow Migration said Code 3.8 needed further elaboration because it referred to “uphold public trust” which advisers were likely to find confusing as the extent of their responsibilities in upholding public trust at all times was not clear. Rainbow Migration also stated that Code 3.8 was closely related to Principle 4 and therefore advisers would struggle to understand the need for this code.</p>
<p>Our response:</p>	<p>The comments in relation to Code 3.8 have already been addressed in the responses to Question 6 (please see above). In relation to Code 3.8 being closely related to the Principle 4, the failure to act in a way that upholds public trust and confidence in the OISC regulatory scheme does not necessarily mean that the requirement to conduct yourself with honesty and integrity has been breached. For example, the adviser might not have acted in a way that upholds public trust and confidence in the OISC by continuously sending derogatory and offensive emails to a client or posting online derogatory and offensive comments about a client that had not paid them for their services. Although these actions are unprofessional and are likely to breach Code 3.8, they do not on their own amount to a breach of Principle 4. The Guidance accompanying this Code will provide examples of what is covered under Code 3.8 and Principle 4.</p>
<p>Comments:</p>	<p>With regards to Code 3.5: 'Not make publicly, orally or in writing, promotional statements about your success rates.', BID explained that NGOs often rely on reporting upon the 'success rates' of their work as these are matters their funders seek to understand. That reports on outcomes are therefore often referred to in annual reports and they are means by which NGOs are held to account for their work that they do. Another respondent said that it would be helpful for the accompanying guidance to unpick the harm the OISC sees that arises from publishing success rates, so as to distinguish this from legitimate research, evaluation and reporting.</p> <p>Dynamic Immigration Law Consultants asked for the OISC to throw more light on the best way for advisers to answer clients when ask about the success rate and de Prey Consulting asked for clarification on whether it was only in a promotional setting this was not allowed and if it was allowed in cases where the client specifically as the adviser about their success rates.</p>
<p>Our response:</p>	<p>Code 3.5 is not new, and its purpose is to protect clients who may be influenced to instruct an organisation based on its promotional statements about its success rates, but which may not necessarily reflect the organisation’s ability, and where it may not be in the client’s best interests to instruct the firm. This is particularly so in cases where the adviser is dealing with a vulnerable client. Given the potential risk to clients, the Code prevents organisation from making statements about their success rates when publicising their services to increase sales and public awareness. The Code is not there to prevent organisations from providing figures, particularly in circumstance described above by BID, that can be backed up and are not used for promotional material. Furthermore, answering clients honestly when asked specifically about</p>

	the success rate is not prevented under Code 3.5. This Code is therefore retained, and guidance will explain where data can be used.
Comments:	1 Step Ahead Immigration Services, de Prey Consulting and International Visa & Relocation Services said touting needed to be defined.
Our response:	The Guidance accompanying this Code will cover these matters.
Comments:	Refugee and Migrant Network Sutton raised the issue about the ranking of the principles. They stated, "Sequencing of the Principles 3, 4, 5, 6, 7 should be more prominent and they should start as Principles 1,2,3 etc to show what is most important - client who seeks advice and the adviser who is acting with honesty and integrity and in the best interest of the client". The ranking of the Principles was also raised as an issue by another respondent.
Our response:	<p>Although <i>there is no primacy</i> of one Principle over the other, we have amended the Code and moved Principles that when breached may have serious consequences for clients and may undermine public trust and confidence in the OISC regulatory scheme to give them more prominence.</p> <p>It was also recommended that Principle 3 should be amended to include, "...and do not bring the regulatory scheme into disrepute." For the sake of clarity, the Principle has been amended to include the suggested wording. It will now read, 'Maintain high standards of professional and personal conduct, ensure public trust and confidence in the OISC regulatory scheme and do not bring the regulatory scheme into disrepute'.</p>

Principle 4: Behave with honesty and integrity. Codes 4.1 – 4.7	
Comments:	Rainbow Immigration said the term 'relevant authority' within Code 4.3 needed clarification and that the requirement to report any misconduct of which an adviser may become aware of is likely to be inconsistent with the duty of confidentiality to the client.
Our response:	We do accept that there may be occasions when the duty to report any misconduct of which an adviser may become aware of is inconsistent with the duty of confidentiality. The requirement however does not impose a duty on the adviser to disclose <i>confidential information about a client's affairs</i> unless disclosure is expected or authorised by law, or the client consents to it. Where there is a conflict between Code 4.3 and Code 5.5 the adviser should consider whether to continue acting on behalf of the client is likely to breach Code 5.5 and if so whether they should withdraw from the case. The Guidance accompanying the Code will provide examples of what we consider to be a relevant authority depending on the circumstances.
Comments:	One of the respondents said Code 4.3 required more explanation to distinguish it from Code 4.2.
Our response:	Please see our response to Question 6.
Comments:	BID suggested an amendment to Code 4.7 which addresses the duty to: "Inform your client(s) of the availability of Legal Aid and free legal advice where appropriate" and the fact that clients are not advised that

	legal aid may include payments for disbursements e.g., for a psychological report relating to a child.
Our response:	This issue is one of competency however the guidance accompanying this Code will look to cover these matters.
Comments:	In relation to Code 4.5, International Visa & Relocation Services said there was a difference between offering inducements to individuals or organisations in order to acquire cases which would not otherwise be deemed appropriate (for reasons of capability or reputation etc) and acknowledging that certain individuals or organisations have been helpful in directing clients to you in circumstances where you are capable of delivering an excellent service but the client would not otherwise have been aware of your existence/capability.
Our response:	Code 4.5 is very clear; advisers or organisations must not offer an inducement to any other organisation or person for referring or recommending a client. This is to protect clients from the possible abuse of such an arrangement, particularly as the fee paid in return for recommending clients may potentially act as the driving factor for referring a client to a firm rather than the client's best interests. The Code does not prevent the recommendation or referral of a client's case to another provider who may be well placed to assist them but removes the potential incentive for doing it for personal or organisation gain, whether direct or indirect.

Principle 5: Act competently and respect confidentiality Codes 5.1 – 5.5	
Comments:	Rainbow Migration said they had concerns that Code 5.5, appeared to indicate that where client's confidentiality clashed with law or the code, then the advisor must report or is no longer bound by the confidentiality rules. That this was very different to the duties placed on lawyers in general and that they thought that it was not practical, fair or necessary for an adviser to report or breach confidentiality and trust of their clients if they are in conflict with rule of law.
Our response:	Code 5.5 does not <i>impose a regulatory or legal obligation on advisers and organisations to take proactive action and report unlawful conduct by clients</i> . The duty imposed by Code 5.5 of the draft Code is not any different from the duty imposed by Code 28 of the current Code of Standards. The basic rule is that an adviser must keep the happenings of their clients confidential unless disclosure is expected or authorised by law, or the client consents to it. Advisers will need to consider the information available to them carefully and whether it is compelling enough for them to form an opinion that a duty of confidentiality needs to be breached. The adviser should, where relevant, inform their client of the circumstances in which their duty to uphold the rule of law and other professional obligations will outweigh their duty to them.
Comments:	PAFRAS said it would be helpful to have very clear guidance from the OISC in relation to a breach of confidentiality where they have concerns that the client might harm themselves or (and) other(s).
Our response:	The guidance accompanying this Code will cover these matters.
Comments:	Another respondent asked whether there were circumstances in which the law would not require a breach of confidentiality, but Code 5.5 would, and what legitimate purpose would the Code 5.5 serve in requiring such a breach.

Our response:	If disclosure of information is required by law and/or regulation, then this will not be considered a breach of confidentiality. For example, an adviser must allow the OISC to examine a client's file as part of an audit or a complaint against the organisation. The legal and regulatory approach to considering potential breaches of confidentiality will not change with the introduction of the new Codes. Indeed, this duty exists in the current Codes.
Comments:	de Prey Consulting said they were unclear what Code 5.4 covered that was different from Codes 5.2 and 5.3 combined and Jackie Otunnu requested 'fit' and 'competence' to be defined in the Guidance Notes. PAFRAS said Code 5.4: "fit to provide immigration advice and/or services", was unclear to them, particularly as Principle 4 and Codes 5.1, 5.2 and 5.3 appeared to cover this requirement.
Our response:	Codes 5.1, 5.2 and 5.3 relate to competence which is the knowledge and skills required to be an effective immigration adviser whereas Code 5.4 relates to fitness which is about the character and suitability of the adviser. The guidance accompanying this Code will further cover these matters.
Comments:	ILA Visa Ltd said it was not very clear what types of CPD were required under Code 5.3.
Our response:	OISC Continuing Professional Development (CPD) Scheme and Guidance Booklet covers these matters.

Principle 6: Act in the best interest of your client, deal with clients professionally and ensure they receive a good quality of service. Codes 6.1 – 6.91	
Comments:	Most of the respondents were in agreement with the Principle and the Codes. However, one of the respondents asked for Code 6.9 to be removed and explained that retention of documents as a lien against an unpaid bill was common practice amongst solicitors.
Our response:	This suggestion has been considered however it is not accepted that the risk of an organisation not being paid for work undertaken outweighs the likely risk of the client not being able to effectively pursue their claim if their documents were retained by the organisation pending payment. To minimise or mitigate the risk, advisers can operate a client account and take payments in advance or set up, with the express written agreement of their client, a Progress Payment Schedule (PPS). This will enable the organisation to take partial payment after the completion of a predefined stage of work. Please see our Guidance Notes of Fees and Accounts <u>Guidance Note - Fees and Accounts.pdf (publishing.service.gov.uk)</u> for further information.
Comments:	1 Step Ahead Immigration Services said although Principle 6 was overall good, further advice/guidance on Code 6.6 would be helpful for sole advisers. For example, if they had a close network/relationship with another firm/adviser(s), how contingency plans could be put in place/operate with consent from OISC to safeguard advice seekers.
Our response:	The current guidance note on the Code of Standards and the accompanying practice note on 'Cover in the Absence of an Adviser'

	cover this issue and it will also be covered in the new guidance note document.
Comments:	ILA Visa Ltd said the requirement under Code 6.5: “Ensure that each of your clients is kept regularly informed, in writing, of the progress of their case” would cause a lot of unnecessary work as they use different ‘apps’ to communicate with their clients in the client’s own language using apps such as WeChat, WhatsApp etc. That they also sometimes use voice messages or video calls or telephone calls to inform clients about progress. That it would be difficult sometimes to keep everything in writing.
Our response:	We have considered these comments, but the requirement is not a new Code and while the Code is not restrictive as to the means by which ‘in writing’ may be achieved, as a professional legal adviser there is an expectation that clients will receive written updates on their case progression. This does not mean that messages cannot be relayed through other means, but any significant updates should also be confirmed more formally, and an adequate record of all interactions must be maintained by advisers for regulatory purposes and client protection. We do not see any conflict between Code 1.2 and 6.1 as suggested by PAFRAS .
Comments:	There was concern that Code 10; “Organisations and advisers must not take advantage of a client’s or a prospective client’s vulnerability” of the current Code had been lost and therefore there was a risk of vulnerable clients being exploited by advisers. It was also suggested that the exploitation of vulnerability was the reason why complaints about immigration advice were rare while poor practice persists.
Our response:	These comments have been considered however we are satisfied that Code 7.2 provides the same provisions held previously under Code 10.
Comments:	One of the respondents recommended that Code 6.4 should be amended to include ‘where it is reasonable to do so’ as it had been accepted that the Code could be breached without breaching the Principle in circumstances where access to a client was severely restricted and work needed to be undertaken urgently. That this was potentially a very common example.
Our response:	We have considered this recommendation, but we do not believe it is necessary to change the Code to include the suggested wording as the reasonableness test will always be applied when considering whether there has been non-compliance with a Code or not. Examples of what may amount to exceptional circumstances that justify non-compliance with a Code will be included in the Guidance Notes.
Comments:	In relation to Code 6.6 Newham Community Renewal Programme asked whether the illness of a sole trader of two weeks or more require a partnership agreement with another firm and for the circumstances requiring contingency plans to be defined.
Our response:	The current guidance note on the Code of Standards and the accompanying practice note on ‘Cover in the Absence of an Adviser’ cover this issue and it will also be covered in the new guidance note document.
Comments:	Newham Community Renewal Programme also observed that the requirement in Code 6.9 to transfer a client’s file within three days of the file being requested, precluded annual leave in respect of a sole trader for longer than two days. The organisation suggested that it

	should be at least 14 days if there is no deadline on the case and 5-7 days if there is a deadline.
Our response:	Although this requirement is contained in the current version of the Code, we are alive to the fact that there may be cases where it is not possible to transfer the file within three days of being requested. The purpose of the Code is to ensure that any delay in transferring the file does not prejudice the client thus the reason for the three days' timescale. However, we have amended the Code to reflect the purpose of the Code in line with our new approach and the 3- day guideline will now be moved to the guidance. The Code will now read, "Where requested by the client, transfer, as soon as possible and without prejudice to the client, their file and all documents irrespective of whether any payment is outstanding". Further information will be provided in the Guidance Notes.

Principle: 7 Treat everyone fairly and without prejudice. Codes 7.1 – 7.3	
Comments:	There were generally no comments on the Principle or Codes. However, International Visa & Relocation Services suggested including in Code 7.3 'informal' phone calls and emails to clients.
Our response:	We do not think it is necessary to amend Code 7.3 and include 'informal' phone calls as advisers are expected to show due respect in all forms of communication and in all interactions.

Principle 8: Manage your business affairs and client records effectively. Codes 8.1 – 8.7	
Comments:	Although there were generally no comments on the Principle or Codes, ILA Visa Ltd said they did not understand what Codes 8.1 and 8.5 meant.
Our response:	Please note that Code 8.1 requires organisations to have systems in place to facilitate the effective running of the organisation, whereas Code 8.5 requires advisers to keep a written record of all interactions with the client and a written record of all their dealings and on behalf their clients e.g., with third parties.
Comments:	One respondent suggested replacing the word 'business' in Code 8.1 to 'service'.
Our response:	We have not deemed it necessary to replace the word 'business' with 'service' as all OISC regulated organisations are operating in the course of business whether this is a charitable or fee charging enterprise.

Principle 9: Charge fairly and transparently, dealing appropriately with client money.	
Comments:	de Prey Consulting suggested the addition of, 'if requested,' at the end of Code 9.2 on the grounds that the organisation received all their payments in a format that automatically confirms to the client that payment had been received e.g., BACS (shows in their account), Worldpay and Paypal provide receipts to the client.
Our response:	Code 9.2 does not stipulate the type of receipt that should be issued to the client. The code simply requires the client to be issued with written confirmation of proof of payment of the sum taken. So, it is

	<p>unnecessary to add the suggested wording, but guidance will clarify that such electronic payment receipts will satisfy this requirement.</p> <p>In relation to Code 9.4 there was general reference to the problems OISC advisers are facing in opening and maintaining client accounts. OISC is aware of the issue, and we have published Guidance Notes on fees and accounts which include advice on how organisations can operate without a client account.</p>
--	---

Other comments

Respondents were also invited to make further general comments about the Code. A number of respondents took the opportunity to do so. The additional comments mainly reiterated what was said in response to the seven questions asked in the consultation and the comments about the individual Principles and Codes. There was general support for the OISC decision to adopt a more principle-based approach to regulation and for the draft Principles and Codes.

- **Dynamic Immigration Law Consultants** said that the document was laudable, and which when adhered to would make all the advisers be able to give credible advice to clients. **Dynamic Immigration Law Consultants** also said that the OISC Scheme will attract more potential advisers to be registered especially those that are unable to secure training contracts with solicitors' firms.
- **Z Law Immigration** said the updated code of conduct would help in improving the service standard.
- **UK Immigration Law** said they believed the new principles will have a positive outcome.
- **International Visas & Relocation** said they were happy with the general principles and tenor of the document.
- **Julius Mutyambizi-Dewa and Durani Rapozo** said the changes were meaningful except for the areas they had highlighted.
- **BSB** said they welcomed the opportunity to provide feedback on the proposed revisions to the OISC Code of Standards. BSB said they supported the OISC's planned introduction of overarching Principles, with Codes which underpin each Principle.
- **BSB** further said that in relation to the proposed duty not to bring the OISC into disrepute, they noted that it was typically acceptable for regulated professionals to offer public feedback on their regulator. That in the **BSB's** rules, they have a Core Duty not to behave in a way which is likely to diminish the trust and confidence which the public places in the profession. **BSB** therefore believed that public confidence in the regulated profession may be a better test than the reputation of the regulator.
Our response: Principle 3 has been amended to reflect various comments on this matter.
- **Dr. J N Thakerar** said the document read well. He also said that the principle-based approach generally worked well when the sector had basic academic entry qualifications for members to qualify for authorization to practice. That if implemented this would ensure that all immigration advisers begin on the same page and would be able to apply principles broadly within a given range.

- **Dr Thakerar** further said that the Consultation was focused on Client care and welfare but was silent on advisers' dealings with other professionals in practice e.g., barristers, interpreters, expert witnesses, Home Office, MPs, etc.
Our response: Codes 4.1 and 7.3 cover advisers' dealings with third parties including those listed by **Dr Thakerar**. We do acknowledge **Dr Thakerar's** comment about advisers who wish to join the scheme to have basic academic qualifications. However, we believe our application process, which includes a written competence-based assessment, is robust *enough* to ensure that those who join the scheme have the requisite knowledge and skills to practice as immigration advisers. With regards to the application of the Principles, advisers are expected to make use of the Guidance Notes and OISC will provide support where it is needed.
- **Newham Community Renewal Programme** - comments have already been addressed in previous responses.
- **Rainbow Migration** reiterated what they said about Principle 1 i.e., that it was too broad and that they believed that the wording needed to be amended to a more 'specific term'.
Our response: as already explained above, the concerns raised in relation to Principle 1 have been taken on board and the principle has been amended.
- **Rainbow Migration** also made further comments about the tension between Code 4.3, which requires advisers to report serious misconduct, and Code 5.5 which requires advisers to keep their clients' affairs confidential.
Our response: This issue has also been addressed in our response to comments on Codes 5.1 - 5.5.
- **1 Step Ahead Immigration** stated that the Codes had to be in accordance with all UK law, such as UK competition law. They referred to Code 1.1 and stated that the 'business development of the immigration services and its reputation' should not be impeded.
Our response: we are satisfied that our new Code is in accordance with UK law and the introduction of a more principle-based approach does not impede but rather encourages business development mainly due to its flexibility.
- **1 Step Ahead Immigration** said Codes also needed to safeguard advisers working in larger firms from exploitation as well as recognise the significant amount of time, study, and expenses an adviser may incur to ensure that they are giving advice to a good standard.
Our response: We do not think that the issue of potential exploitation of advisers by large firms is a matter to be covered by the Codes but rather by employment law. Furthermore, the OISC is alive to the fact that it takes time and resources to ensure that you are fit and competent to provide immigration advice and services.
- **1 Step Ahead Immigration** said the Codes needed to take into account, "the vulnerabilities an adviser may encounter if met with an advice seeker, or someone who pretends to be an advice seeker who is simply out to cause trouble for ulterior motives". They gave an example of an individual who was "unjustifiably targeted by hostile journalists" and suggested that all advisers needed to have "such protections and assurances from the OISC and to be defended if such issues" arose and not apply Code 3.8 or Principle 3 to advisers who find themselves in difficult positions beyond their own control.
Our response: as already explained above on page 12, the Commissioner will always apply proportionality when making regulatory decisions giving due consideration to all available evidence including advisers' own submissions.

Jackie Otunu said she believed the sector was ready for the principle-based approach, but that breaches must also be made clear otherwise there may be different standards applied across the UK and it may be more difficult to maintain high uniform standards.

Our response: This concern has already been addressed above.

- **PAFRAS** said overall the emphasis of the Code was in their view skewed too far in favour of the state and against the individual. **PAFRAS** stated that although advisers had a duty to follow and obey the law and to not mislead, deceive, or knowingly allow themselves to be involved in misleading or deceiving the authorities, the Code went a lot further than this and required advisers to put the interests of the state above those of the individual and police the actions of individuals even when they do not (or do not any longer) act for them.

Our response: It is not accepted that the overall emphasis of the new Code is biased in favour of the ‘state’ against the individual. Some wording and the sequencing of the Principles has been amended to mitigate against giving this impression if given by the draft document, as this was not the intention. The Code does not impose any new obligations on advisers that put the interests of the state above those of the individual. As explained above, the Commissioner’s regulatory powers will not change with the introduction of the new Code. The Code simply expresses the statutory objectives that the OISC, as a regulator or immigration advice and/or services, has to ensure are achieved.

Impact assessment

We have summarised some of our key challenges from our impact assessment and mitigating factors in the table below.

Challenge	Mitigating this challenge
Revised Code of Standards could lead to a lack of clarity or certainty as to what advisers have to do to comply	<p>The new Code is made up of Principles underpinned by specified Codes that help to demonstrate how a Principle may be adhered to.</p> <p>The Code will be accompanied by significant guidance. The guidance will provide practical examples or case studies to help illustrate ways in which firms are likely to meet our requirements.</p> <p>It is also our intention is to work closely with stakeholders, particularly regulated organisations and advisers to ensure that the Principles have higher congruence with their purpose – achievement of what it is they are intended to achieve.</p>
There is a risk that the revised Code will put extra administrative burden and costs on the sector.	The flexibility afforded by the new Code of Standard is likely to decrease rather than increase any administrative burden on regulated organisations, who may be able to operate in a fashion which better suits their particular business model or clients.

<p>Revised Code could lead to an increase in non-compliance.</p>	<p>The new Code will enable the OISC to police the spirit of the Principles as well as the letter, avoiding creative compliance and the need for the Code to anticipate every possible situation. It will also enable us to take targeted and proportionate action against those advisers who fall short of the required standards. Flexibility in how compliance can be demonstrated, should reduce rather than increase the likelihood of non-compliance. The extent of compliance and non-compliance with the new Code will be considered as part of review of the new Codes carried out by December 2025.</p>
--	---

Next steps

Over the coming months in the lead up to implementation, we will publish the guidance to accompany the Code with further information on what organisations and advisers will need to do to ensure compliance.

The new Code will come into effect on 1 September 2024, allowing organisations and advisers six months to read and understand what the new Code means for them. It also allows plenty of time for businesses and advisers to make any changes so that they meet the new requirements. Up until 1 September 2024, the existing Code (dated April 2016) will continue to apply.

Annex A

List of consultation respondents

Code of Standards	
Ayesha Aziz	Rainbow Immigration
Pierre Makhlouf	Bail for Immigration Detainees (BID)
Ankuda Joel Matsiko	1 Step Ahead Immigration Services
Marc Gibson	MYG Limited
Muhammad Waqas	Advocate Law Chambers
Jackie Otunnu Wacha	
Samuel Funsho-Ajayi	Dynamic Immigration Consultants
Nikki de Prey	de Prey Consulting
Chris Mills	International Visa & Relocation Services
Jawaid Chaudhry	UK Pakistan Welfare Society
Maple Harfoot	ILA Visa Ltd
Laurie Ray	PAFRAS
	Z Law Immigration
Stella Njaka	BWARC
Sebnem Bostanci	N & N Consultancy
Augusto Scerranto	
Dr. J N Thakerar	
Tema Nwulu	UK Council for International Students Affairs (UKCIS)
Richard Parnham	Bar Standards Board (BSB)
M. El -Bahari	
Mohamad Salim Kureshi	UK Immigration Law
Julius Mutyambizi-Dewa and Durani Rapozo	
Lucy Minyo	Refugee & Migrant Network Sutton
Sylwia wawrzynczak	Newham Community Renewal Programme
	Tamil Welfare Association (Newham) UK

Annex B

Substantive responses to the consultation

Questions	Response/comments
<p>1. Do you support the introduction of overarching Principles, with Codes which underpin each Principle?</p>	<p>Rainbow Immigration - Yes, the overarching Principle with the Codes, are certainly more flexible compared to the 2016 codes. It provides the advisors with the opportunity exercise their own judgement as opposed to the 2016 codes where the principles were vague, but the codes stated very specific timeframe. The current approach is similar to the Code of Conduct for solicitors and barrister which brings consistency to immigration advice in the field.</p> <p>BID - BD believes the proposed introduction of a principled approach to rules and supporting codes will allow the OISC greater flexibility to ensure the enforcement of codes and rules. A prescriptive approach otherwise means that advisors may stray outside of the normal regulatory requirements while remaining free of accountability for unethical practices.</p> <p>1 Step Ahead Immigration Services - I support the overarching principles and welcome that they are flexible in knowing that each advice seeker has different needs and the constant challenges and ways of working advisers have to adapt to daily in order to meet those needs, often at pace due to time pressures involved in immigration work with the UKVI. For example, to be able to respond within very tight deadlines to UKVI requests or advice seeker requests, and manage what can sometimes be unrealistic expectations.</p> <p>MYG Limited - Yes it gives a clear indication as to what the requirements and Expectations are of both organisation and individual adviser.</p> <p>Advocate Law Chambers - Yes, I support the overarching principles that seek to deliver positive outcomes for the advice seeker.</p> <p>Jackie Otunnu Wacha - Yes I support this however it is important to have clarity. Principles provide standards but may be applied differently in each organisation and it is important to have clarity on what is clearly unacceptable; there may be a few grey areas where it is not stated clearly what is expected from advisers. In some instances, it is left to advisers to use their judgement and common sense to adhere to the principle, and so rules may be applied differently.</p> <p>Dynamic Immigration Consultants - Yes as this will seek to deliver positive outcomes for advice seekers and reflect the standards expected of professional legal advisers.</p>

de Prey Consulting - Very much so, I have always held the OISC in high esteem because you have always taken a common sense approach to regulation, versus box ticking for the sake of it. This is the natural extension of that, and is much appreciated.

International Visa & Relocation Services - Yes, they provide a set of clear, general statements based on professional integrity. UK

Pakistan Welfare Society - Yes I do support proposed amendment to the code of standards.

ILA Visa Ltd - Yes

PAFRAS - Yes, in general the idea of a principle-based code is good.

Z Law Immigration – No comment

Yes BWARC - The overriding objective to providing competent Immigration advice and discharge of casework should be seen to be in line with the Commissioner's codes of practice. However where the adviser finds it not practicable to reach a potential client and there is evidence through email communication to establish the circumstance of inability to make a contact then the overriding principles is seen to be underpinned. Therefore question 1 is either yes or no depending on the circumstance.

N & N Consultancy Ltd - Yes

Augusto Scerranto – No comment.

Dr. J N Thakerar – No comment.

UKCIS - The current framework consists of the Code of Standards accompanied by supplementary Guidance Notes. The headings found in the current Code of Standards and Guidance Notes appear to be for the purpose of grouping similar themes together for ease of reference. The new proposed system of overarching Principles with Codes that underpin each Principle, is now giving weight to the Principles (which were merely headings previously). Consequently, it seems that this new proposed system is a little more stringent as in the current Code of Practice a general duty was placed on organisations and advisers to do the following: "Organisations and advisers must always act in accordance with UK law". This requirement is now set out in a more prescribed fashion as a Code (1.1), in the new proposed Code of Standards. It is also arguable that the emphasis placed on the "spirit" of the Principle could appear useful given the flexibility it appears to adopt; however, it is less helpful when considering the practical application and adherence to the Code. The

	<p>removal of the detail in adopting this Principled approach makes the application of the Principle and Codes less specific. We understand the explanation provided in the consultation documents that this new approach is more inclusive of the range of advisers and organisations (with differing needs) who are regulated by the OISC. However, it is concerning that the following statement is set out in paragraph 6 under the heading "Compliance with the Code": "An adviser may breach a Principle without breaching any of the listed Codes if they live up to the letter of the Codes but not the spirit of that Principle. Advisers must not only follow what is written in the Principle but must also adhere to its intention." Intention and spirit can be subjective to a point, and the interaction between the Principles, the Codes contained within each Principle and the concept of 'spirit' might need to be carefully balanced to avoid misunderstanding and a risk of an unintentional compliance breach.</p> <p>BSB - No comment.</p> <p>Newham Community Renewal Programme - No comment</p> <p>M. El -Bahari - Yes UK Immigration Law - Yes I do support the introduction of overarching principles, with codes which underpin each principle. Having principles in place give an individual the opportunity to ensure that they are operating within the standards set out.</p> <p>Julius Mutyambizi-Dewa and Durani Rapozo - I am in support of the principles since they are in line with how regulation is being handled by other Professional Bodies.</p> <p>Refugee & Migrant Network Sutton - From the information in the consultation documents it is very difficult to ascertain the impact of the Principles and Codes on the immigration adviser's work and how they can deliver positive outcomes for advice seekers.</p> <p>Publish the response anonymously - It seems like it could work.</p> <p>Tamil Welfare Association (Newham) UK - Yes, we do support them.</p>
<p>2. Do you have any views on the proposed approach on the breach of the Principles and Codes?</p>	<p>Rainbow Migration - The OISC's current approach on the breach of Principles is too broad and in our view some advisors may find it difficult to interpret the spirit of the principles. This can lead to some confusion and difficulties when implementing Principle 1 "Upholding the Law" as this is a very board term for advisors to comply with and goes far beyond the remit of immigration advice.</p> <p>BID - We think the OISC should make it clear that it remains open to considering submissions, amendments</p>

and changes to the codes and rules as experience of the principled approach develops.

1 Step Ahead Immigration Services - It would be helpful to have a list of specific definitions of terms used within the principles or soon to be released Guidance, for example:

Code 1.3 What is meant by abuse of the process? and how does 1.3 differ from 1.2 and 1.1? Code 2.7 What is defined as significant change? Within the approval letter it states business address or changes in personnel. Are there any other changes to add that could be defined within a definitions section of the new code?

Code 3.3 Need to define what is touting and how this differs to marketing techniques such as leaflets, social media, website etc expected in generally normal business practice and networking.

Code 3.5 Define the goal of this code as many advise seekers seek reassurance on this point and many SRA firms OISC regulated services appear to be advertising success rates. There is also the potential issue that this code is anti-competitive in limiting the promotion of good practice/services which may contravene compliance with UK competition law.

Code 3.7 "Name" is obvious, "legal status" needs defining.

Code 4.2 Very difficult for advisers in large firms to do this due to hierarchy issues and potentially puts advisers at risk of being unemployable should they report their superiors to the OISC, which may lead to reputation issues as the industry can be very connected. Essentially, safeguards for whistleblowers need to be in place to avoid unintended and bad consequences for those who wish to report a concern.

4.3 of code has similar issue.

A procedure, protective of the adviser reporting concern(s) that their welfare will be protected when reporting such concerns or misconduct, especially if not full facts of a concern or allegation of misconduct were known by adviser reporting which may cause them serious professional embarrassment and lead to victimisation, which again can be very hard to prove.

MYG Limited - Not at this time.

Advocate Law Chambers – No comment.

Jackie Otunnu Wacha - I understand the flexibility approach that the organisations can apply to suit their business models of particular clients, but I still think the rules underpinning the Principles should be applied as uniformly

as possible across the UK so the same standards are maintained and the penalties for breaching the rules are clear - organisations can argue uniqueness but only within the law.

Dynamic Immigration Law Consultants - Yes. Both the principles and the codes are very important and must be strictly adhered to by the advisers.

de Prey Consulting - Again I like the fact you are taking a common sense approach, not a 'letter of the law' approach, for example where a principle is clearly upheld but not exactly in the way the codes describe. It rightly recognises that a one-size-fits-all expectation of how we manage our businesses and our administration is unrealistic, and that compliance is bound to be higher if people are allowed to meet the principles in the ways that suit their mode of operating.

International Visa & Relocation Services - The general principle that specific codes may be breached without breaching principles in general and that these may (or may not) have mitigating factors seems equitable and sensible. Clearly, 'real world' actions will provide a better picture of how this works over time.

UK Pakistan Welfare Society – No

ILA Visa Ltd - No

PAFRAS – No comment

Z Law Immigration - No comment

BWARC - Code 2.1 Only work for the specific organisation(s) you are authorised to work for under the OISC regulatory scheme. The above code is restrictive because if a regulated adviser has competence to advice and discharge casework, why should the adviser be restricted not to work with another organisation?

Code 2.1 The Commissioner should have exclusion clause to Code 2.1 in order to achieve the principles for the promotion of effective Immigration advice and casework where possible a competent adviser is needed to work on a case for a law firm or an organisation in need of their help and resources.

Having said so, the obligation the adviser owes to the OISC should be seen to be complied with in all circumstances of their duties to the public/client.

N & N Consultancy Ltd - I think 9.4 needs more clarification

Augusto Scerranto – No comment.

Dr. J N Thakerar – No comment.

UKCIS - It appears that the hierarchy is the 'Principle' followed by the Codes that underpin it. It is unclear as to what the consequences are of breaching the Codes but not the Principle and vice versa (the Principle but not the Codes). Does having the possibility of breaching one and not the other have separate consequences? Does it mean that an overall breach has occurred? Furthermore, having to consider what the 'spirit' of the Principle is leaves further scope for misunderstanding and potential unintended non-compliance. The section detailing "Compliance with the Code" is confusing and requires further clarity. For example, in paragraph 6 it states: "An adviser may breach a Principle without breaching any of the listed Codes if they live up to the letter of the Codes but not the spirit of that Principle. Advisers must not only follow what is written in the Principle but must also adhere to its intention."

Paragraph 7 of the same section goes on to say the following:

"Failure to meet a Code requirement will in most cases result in the Principle being found to be in breach. An adviser may, however, in exceptional circumstances breach a Code without breaching the Principle"

The exact obligations placed on organisations and advisers should be made as transparent as possible in order to avoid an unintentional lack of compliance.

It is also unclear as to how the proposed Guidance (as yet unseen), interacts with the Principles and Codes (assuming the Guidance doesn't reflect the existing Guidance Notes). The usage of the terminology 'guidance' in the proposed Code appears to relate more to a compliance function than the current relationship between the Code of Standards and its Guidance. In the latter, the current Guidance appears to act as a 'guide' to the Code of Standards, whereas in the former the Guidance appears to have taken on more of a compliance function.

Generally speaking, guidance is helpful, informative and expands on the understanding of a point. In the section 'Compliance with the Code', paragraph 9 states the following:

"If a regulated organisation or adviser fails to follow a Guidance Note, then the Commissioner may consider that they have acted in breach of the Principle or accompanying Codes, although whether a failure to follow the guidance would amount to a breach of a Code provision would depend on the circumstances. [This is reflected from the current Code of Standards]. The OISC will not require

regulated organisations to seek permission for a departure from the guidance, but organisations will need to be prepared to explain why a departure was appropriate and prove that the Principle was still adhered to when work is being reviewed at premises audit or through a complaint investigation. Where departures from the guidance are not found to be meeting the specified Code, organisations found in breach will, at a minimum, be required to adjust their processes. In essence organisations may find that following the guidance provides a simple method for ensuring compliance with the Principle, while departure from it has some risks. Organisations will need to determine for themselves if they believe they can manage such risks. This should be possible where the Principle is carefully considered, and actions and outcomes clearly documented”.

As outlined in paragraph 9 above, the Guidance’s interaction with the compliance of a Principle and/or a Code is unusual, in that it seems it interacts with (not guides) the application of a Principle and/or Code and contributes to a breach of compliance further than is currently. It could be argued that points that need to be complied with should be clearly stated in the Code.

M. El -Bahari - It's very good practice UK Immigration Law - I believe that the proposed approach on breach is a great proposal, as it allows individuals o use different approaches for different matters.

Julius Mutyambizi-Dewa and Durani Rapozo - Yes. My take is there should be a Compliance Lead within regulated organisations to act as the First Point within an organisation regarding compliance issues. That leaves the regulated with someone accountable for compliance and communicating with the OISC. Such a person should be the equivalent of a Director in the Organisational Structure so that they hold a position responsible enough to make key decisions within the organisation. This will enable compliance issues to have a live voice in the Boardroom of every regulated organisation.

Refugee & Migrant Network Sutton - Each adviser and organization needs to easily understand how to conduct their work in the best interest of their client. Although flexibility is welcome, but the fact that despite adhering to codes, principle can be breached creates uncertainty and confusion.

Publish the response anonymously - I think it is right to acknowledge that a principle may be breached without breaching any codes (people are notoriously imaginative!) I also think it is right to acknowledge a code may be breached without breaching the over-arching principle, and that this should not be punished. It is worth acknowledging

	<p>that this may be both exceptional (i.e. a one-off occurrence) and commonplace (i.e. something which happens in a large number of cases) depending on the context in which an organisation works. Efficiency will demand a different approach to each. However, if it could be a commonplace scenario, as in the example given of a detained client, then that may point to a flaw in the wording of the underlying code.</p> <p>Tamil Welfare Association (Newham) UK - No</p>
<p>3. Do you have any comments on the introductory statements in the Code of Standards at Annex A? If yes, please set them out.</p>	<p>Rainbow Migration - No comment</p> <p>BID – No comment.</p> <p>1 Step Ahead Immigration Services - What is meant by "touting"? how does "touting" differ from usual business marketing practice and live up to the principles of UK competition law?</p> <p>- Doesn't proposed new codes 4.4 and 4.5 cover the issue of touting that may be legitimately sought to avoid? Thus making code 3.3 redundant/confusing?</p> <p>MYG Limited - No they are clear and to the point</p> <p>Advocate Law Chambers - The Code should meet the OISC regulatory objectives of promoting good practices to immigration advisers, set standards for immigration advice and services and make sure those standards are upheld.</p> <p>Jackie Otunnu Wacha - Paragraph "A3" should also state the penalties for breaches of the Code.</p> <p>Paragraph "A4" - Should set the "highest standards" and there is no mention of "professionalism."</p> <p>Dynamic Immigration Law Consultants - No. The codes when adhered to will make an adviser to be better in practice.</p> <p>de Prey Consulting – No comment</p> <p>International Visa & Relocation Services - They are quite clear.</p> <p>UK Pakistan Welfare Society - yes, see the general comments on the overall document including potential impacts. Below are the general comments:</p> <p>I on behalf of UK Pakistan Welfare Society , welcome on the proposal amendments to the code of standards from all stakeholders who may be interested The amendments that have been made related to the 2016 version of the code of standards ; - Codes;-</p>

	<p>7, 17, 18, 19, 24, 26, 33, 42, 43, 45, 54, 69, 82. have been moved from the codes to guidance.</p> <p>Removal Codes;- 9, 16, 7, 51, 59, 60, 72</p> <p>While providing additional flexibility in some areas, where introducing higher levels of responsibility around professional conduct is needed to protect the good reputation of those who operate as OISC Advisers.</p> <p>ILA Visa Ltd - No</p> <p>PAFRAS – No comment.</p> <p>Z Law Immigration - No comment</p> <p>BWARC - N/A</p> <p>N & N Consultancy Ltd – No comment</p> <p>Augusto Scerranto - Yes I have one important comment to make. In the introductory statement of the Code of Standard, the OISC states that the Code should be read alongside the 2021 Guidance on Competence. However, in the referred 2021 Guidance, the OISC establishes a competence assessment as a requirement for being registered as a new adviser and for raising the advisory capacity of an already registered adviser. The setting up of an entry examination into the profession of immigration lawyer/immigration adviser needs to be authorised expressly by the Parliament through an amendment of the Immigration and Asylum Act 1999, Alternatively, where the 1999 Act has sufficient scope, the competence assessment needs to be set up by a specific regulation under Schedule 5 (1) of the 1999 Act concerning expressly the necessity or/and the opportunity of a compulsory examination. Prior to the enactment of that specific regulation the OISC needs to consult the interested parties expressly on the matter of the examination, pursuant to Schedule 5(2) of the 1999 ACT. This legal process and legal requirement cannot be bypassed by trying to legitimate or/elevate the content of the 2021 Guidance of Competence and the examination established therein by making an indirect reference to the exam.</p> <p>Dr. J N Thakerar – No comment</p> <p>UKCIS – No.</p> <p>M. El -Bahari - It's a very good principles and should be practiced by all advisers.</p> <p>UK Immigration Law - No, I do not have any comments.</p> <p>Julius Mutyambizi-Dewa and Durani Rapozo - None</p>
--	--

	<p>Refugee & Migrant Network Sutton - Clarification is needed how to interpret -adhere to the Principles at all times' especially to understand 'at all times'</p> <p>Non exhaustive list of Codes - an adviser does require to know a complete list in order to make sure that they are not at risk of being misinterpreted.</p> <p>Adhering to intention - spirit of the Principle - how does an adviser apply 'intention' spirit' to their everyday work Guidance Notes - it would be helpful to include them in the consultation documents in order for advisers and organization to comment on</p> <p>How will the new code reflect changes in immigration laws and practices - would it be updated to reflect the changes?</p> <p>Publish the response anonymously – No</p> <p>Newham Community Renewal Project - '8. Each Principle is underpinned by specific Codes which should be met to demonstrate overall compliance with the Principle. The Codes listed under each Principle are not exhaustive and an adviser may breach a Principle without breaching any of the listed Codes if they live up to the letter of the Codes, but not the spirit of that Principle.' - 'spirit of that Principle'</p> <p>- Too open and arbitrary, since the catalogue of codes in not exhaustive - overall non-compliance with the principle shouldn't be possible to establish without a breach of any of the codes (or at least one) applicable to the corresponding principle.</p> <p>It might raise question of accountability-what else could constitute the spirit of the principle, if not the codes.</p> <p>There is also a scope for the abuse of power, unless the 'spirit' of each principle is clearly defined.</p> <p>II.</p> <p>'The OISC is responsible for:</p> <p>Regulating immigration advisers in accordance with the Commissioner's Code of Standards;', page 3</p> <p>According to the above mission statement, a spirit of the Principle is not the aspects that falls to be regulated, and the advisors could only be held accountable for not promoting or upholding good practice in the immigration advice sector.</p>
--	---

	<p>This should be a rebuttable as sometimes practice precludes updating client e.g. about the progress, since there is none (in most cases for over 9 months), but if the requirement was to provide status update regularly, this would be reasonable, as it covers progress and as well as the lack of it</p> <p>V.</p> <p>Annex A</p> <p>Para.7</p> <p>Very unusual example because client's authority to act on their behalf cannot be implied, there is little benefit in starting to prepare any representations, if signed letter of authority is not on file, because no representations will be considered without it, rendering 'proceeding' impossible.</p> <p>Very often following submission the HO writes immediate email requesting for the letter of authority.</p> <p>Very important-make the management aware.</p> <p>Tamil Welfare Association (Newham) UK – No comments</p>
<p>4. Do you think the sector is ready for this kind of principle-based approach? What are the possible impacts on the sector?</p>	<p>Rainbow Migration - The immigration sector is under immense pressure. With the constant changes in immigration laws and policies, currently immigration advisors are not ready for major changes. If OISC is planning a change then it needs to ensure that the change does not bring further complication or put administrative burden on the sector but rather the focus should be to simplify and relax rules and regulations placed on immigration advisors. The principle-based approach seems to bring some form of flexibility but there are a few principles such as Principle 1, 5.5 or 3.8 which are very board hence confusing to adhere to.</p> <p>BID - Yes, since ethical considerations that apply to the current codes and rules, essentially underpin the principles and supporting codes.</p> <p>1 Step Ahead Immigration Services - Yes, like any sector innovation, productivity and growth are important, therefore flexibility is required as well as understanding of the many pressures advisers and advice-seekers alike face in what can be a very hostile and cynical environment to work in.</p> <p>MYG Limited - As long as the OISC regularly audit organisations to confirm they are following the principles of the codes accurately, correctly and regulatory action is followed up appropriately by the OISC then I agree this is the natural way forward in regulating organisations & advisers.</p>

Advocate Law Chambers - The sector is ready for a principles based approach. The approach provides flexibility for the sector and advisers in dealing with unique client groups or business models, recognising single approach may not be fit for purpose in a diverse sector serving a diverse range of clients. Jackie

Otunnu Wacha - The sector is ready but it will take time to adapt because it is used to applying a more prescriptive approach of Do's and Don'ts and it will have to approach the rules in a slightly different way by applying the principle first and then the code. It will also need to develop in each organisation - how each organisation works to ensure that each decision which may provide flexibility for the unique client's circumstances and its business model, nevertheless does not breach the Principle. Ultimately, "what's in the best interest of the client" 'within the law' may change standards that we currently apply across the board to take into account each variation as above. With giving organisations a degree of flexibility - how do we maintain high standards and consistency within the entire advice sector?

Dynamic Immigration Law Consultants - Yes I think the immigration sector is ready for this approach as the advisers would be able to compete with other advisers regulated by other professional bodies such Solicitors Regulated Authority. It will bring healthy competition between Solicitors and the OISC advisers in the sector. It would also enable the society to have confidence in the advisers supervised by OISC. A lot of times, some people believed that any advice offered by a Solicitor is superior to the one offered by OISC advisers when in actual fact it is not so.

de Prey Consulting - Yes, I do think the sector is ready. For advisors, the lighter touch will mean a smoother operation vs spending time on bureaucracy for the sake of it, e.g. no longer having to wait for approval to change to fees scales. It also treats us as responsible adults. For OISC it sounds like it will mean you can put your resources into what matters, rather than bureaucracy for the sake of it.

International Visa & Relocation Services - I think the majority of organisations will welcome the approach, which indicates a greater deal of individual responsibility for acting with integrity. There will be some outliers, inevitably.

UK Pakistan Welfare Society - Yes

ILA Visa Ltd - Yes. As we deal with client from all over the world with diversities, different culture background and different languages, principle-based approach will provide us with more flexibilities than previous approach. As the principle-based approach is new to us advisers, we will need to take time to get familiar with all the codes and

principles in our practice. As every organisation is different, there won't be one pair of shoes fit all. Some codes and principles won't be applicable to some organisations. The principle based approach is giving the flexibility to the organisations while the previous codes don't.

PAFRAS – No comment

Z Law Immigration - Yes as it will deliver the most effective and reliable advice and assistance to the service users.

BWARC - Yes it is obvious that the Commissioner is ready for the principle based approach and organisations should well be prepared to support the mechanism as it is for the best interests of clients and as well as for organisations to act honestly and professionally. The OISC has done a great job and we pray organisations find it well to do the right thing.

N & N Consultancy Ltd - I think the new rules will be easily absorbed by the sector. Moreover the sector has been waiting for a more secure approach for the advisors as well.

Augusto Scerranto – No comment.

Dr. J N Thakerar – No comment.

UKCIS - More flexible timeframes may lead to an unintentional lack of compliance as the level of certainty/prescription has gone (as seen in Codes 2.7, 2.8, 4.2, 4.3, 5.1, 8.7, 9.5, 9.6 and 9.7). In addition, where those timescales relate to clients, it should be considered whether the removal of timescales is actually also in favour of the client as opposed to advisers/organisations only.

In addition, some of the Principles are quite vague and open-ended. E.g., Principle 1 (Uphold the Law). This concept appears to be vast, especially as 'upholding' isn't defined, and 'law' is also wide reaching. It is not clear what exactly this Principle is asking of immigration advisers, and consideration should be had as to whether this should be contextualised to the confines of providing immigration law and services. As it stands, this concept/Principle could be interpreted as placing a far greater burden/moral code on advisers that extends beyond their normal working roles.

M. El -Bahari - I think it will make the sector more reliable and trusted.

UK Immigration Law - Yes, as stated previously the new approach allows different avenues to approach different matters however still staying in line with the Code of Standards.

	<p>Julius Mutyambizi-Dewa and Durani Rapozo - It is a positive step in my view. However, the OISC should still try to ensure that professionals are complying to the rules and regulations.</p> <p>Refugee & Migrant Network Sutton - I think the advisers and the immigration sector regulated by the OISC needs clarity, and simplicity. It seems that having the Principles and the Codes requires to adhere to as if two sets of rules - one that applies to principles and one that applies to codes. Additionally, there are Guidance Notes that has to be followed as if there were the rules themselves. It is very confusing. It will require more resources especially for charity organizations to make sure that all the Codes, Principles and Guidance Notes require are adhered to.</p> <p>Publish the response anonymously - Not sure.</p> <p>Tamil Welfare Association (Newham) UK - Yes. We think the main impacts would be better quality of service</p>
<p>5. Do you support the removal of the requirements or obligations that exist within the 2016 version of the Code of Standards (as set out in paragraph 12 of the consultation document)?</p>	<p>Rainbow Migration - , because it takes the administrative burden off the immigration advisors and organisations which allows them to invest this time in better quality of advice and ability to assist more people in need of immigration advice. It also gives organisation the confidence that they are trusted by OISC and can make their own judgements and decisions specially when it comes supervision and business plans.</p> <p>BID - We think that the proposed principles and codes essentially replicate the existing codes e.g. the removal of the requirement of a business plan is replaced and put into effect by the need for good governance and not to place the OISC's reputation into disrepute.</p> <p>1 Step Ahead Immigration Services - Yes to: - removal of the requirement to submit full details of supervision arrangements when seeking approval to supervise, as currently required under Code 9 allows flexibility, greater productivity and growth. Especially for ambitious advisers to have more control over their own professional development.</p> <p>Accepted that Codes 7, 17, 18, 19, 24, 26, 33, 42, 43, 45, 50, 54, 69, 82 have been moved from the Codes to guidance. Though in respect to codes 7, this should be retained within the code to provide advice seekers reassurance that the adviser they are to engage with has the proper authorisation to provide authorised immigration advice. Overall, accepted as previous codes appeared to lack commercial and operational awareness.</p> <p>MYG Limited - Yes, as remote working a now part of the norm within business working practices is makes sense for</p>

those old principles and obligations to be updated in line with more modern business practises.

Advocate Law Chambers - Supports the removal of requirements or obligations as they believe sufficient guidance "can exists or created related to the aspects of old Code, that will replace the need for regulated organisation to have prescriptive Codes allowing them more flexibility." The new Code also removes "some of the requirements" to seek permission from the Commissioner prior to making changes.

Jackie Otunnu Wacha - 12(b) supervision arrangements - the relevant organisation must nevertheless ensure that the person/s they are seeking to supervise have the integrity to work as OISC advisers and should still supply all the basic information required by the Commissioner to register that person. As OISC advisers must have valid leave to remain for a minimum of 18 months, post grad students who have 2 year work visa's find it difficult to train (minimum 6 months) and then sit the exam.

I support the rest, however 'reasonably' or 'promptly' need to be defined as within certain parameter (is 14 days/3 months reasonable?)

Dynamic Immigration Law Consultants - Not in totality. For instance in my opinion, Code 72 should still be maintained, the reason being that some clients approach advisers through the words of mouth from their friends or families and not what they see on internet. Not all the clients are literate enough to visit organisations' website to check whether the certificate is there or not but if they see it physically during their visits to the office, it boosts their confidence level.

de Prey Consulting - Very much so.

International Visa & Relocation Services - Yes, while maintaining overall responsibility for organisations to maintain high professional standards.

UK Pakistan Welfare Society - Yes

ILA Visa Ltd - Yes

PAFRAS – No comment.

Z Law Immigration – Yes

BWARC – No comment.

N & N Consultancy Ltd - Yes. But I think new rules could be more suitable with the nature/spirit of the immigration. Easy, more flexible and processed quickly.

	<p>Augusto Scerranto – No comment</p> <p>Dr. J N Thakerar – No comment</p> <p>UKCIS - The removal of the current requirement in Code 16 (for organisations to have a written equality and diversity policy) in favour of the new Principle 7 (to treat everyone fairly and without prejudice), arguably does not offer enough of a safeguard in this area due to its broad scope.</p> <p>As per the answer to question 4 above, the replacement of prescriptive codes in favour of more flexible timeframes, may lead to an unintentional lack of compliance as the level of certainty/prescription has gone.</p> <p>M. El -Bahari – No comment.</p> <p>UK Immigration Law - I support the removal of the requirements.</p> <p>Julius Mutyambizi-Dewa and Durani Rapozo - Yes. the prescriptive parts were confusing and it is good that some have been relocated to Guidance.</p> <p>Refugee & Migrant Network Sutton - If the Equality and Diversity Policy requirement is removed how the OISC will monitor compliance with the Principle 7 - to treat everyone fairly and without prejudice if the organization does not have a policy and clear guidelines.</p> <p>Removal of the details of supervision arrangements - how the OISC proposes the organization to inform of the supervision arrangements. Prescriptive time frames - removal is welcome to an extent that my judgement of prompt and reasonable is accepted by the OISC regulator.</p> <p>Publish the response anonymously - Very happy to be rid of business plans! It's quite an arbitrary requirement for the voluntary sector and has caused at least one charity a great deal of unnecessary expense, to my knowledge.</p> <p>Unsure of the difference between the Old Code 9 and the new Code 2.4. Is it just that a supervision plan will no longer be required? I would support more flexible supervision arrangements. My experience is that a detailed advance plan is not always suited to the reality when supervision commences.</p> <p>I think the 'three working days' timescale for file transfer is still here in Code 6.9, although the other contexts are no longer mentioned.</p> <p>Old Code 10 is gone (see below) but not mentioned here...</p>
--	---

	<p>Newham Community Renewal Programme - Paragraph 12 Q5 page 8- I support removal of these codes wholeheartedly, the costs are usually regulated by the market and pricing is also a marketing strategy, therefore it is unlikely that fees will ever become uncompetitive. Every business should have full autonomy to devise their fees scale in line with salary expectations of the most experienced and qualified staff, desired profit margin, development objectives, running costs and reinvestments. Financial transparency is already monitored by the HMRC.</p> <p>Tamil Welfare Association (Newham) UK - Yes. we support the removal of requirements or obligations that exist within the 2016 version of the code of Standards.</p>
<p>6. Do you support the addition of the new requirements to the new Code of Standards (as set out in paragraph 13 of the consultation document)?</p>	<p>Rainbow Migration - No, Principle 3, Code 3.8 and code 4.3, are vague and broad which can lead to confusion for several reasons. Lead to confusion for several reasons. Firstly, it is in our opinion that the best interests of the client should be taking into consideration and put before public trust and confidence in the OISC regulatory scheme. The code of conduct for barristers and solicitors takes the same approach. It is important there is consistency in this field and OISC advisors are not treated differently with further responsibility placed on them in comparison to barristers and solicitors.</p> <p>Secondly, the term “uphold public interest and confidence” is extremely vague and there are no examples provided as to what duty this code will place on advisors or to what extent. A definition of public interest is necessary in this context. Ensuring that the revised/new Codes are written in clear and accessible language, makes it easier for both service providers and clients to understand their rights and responsibilities. Providing practical examples or case studies to illustrate the application of the standards, can aid service providers in compliance.</p> <p>BID - Yes indeed, the need for organisations to ensure ethical standards are maintained should remain paramount.</p> <p>1 Step Ahead Immigration Services - The expansion of responsibilities under Code 4.3 to report any serious misconduct within their organisation to the relevant authority in addition to the OISC needs more definition within the new guidance as described within my answer to question of of this consultation which for quick reference was:</p> <p>4.2 Promptly report to the Commissioner any indication of serious misconduct of which you become aware within your organisation” Very difficult for advisers in large firms to do this due to hierarchy issues and potentially puts advisers at risk of being unemployable should they report their superiors to the OISC, which may lead to reputation issues as the industry can be very connected.</p>

Essentially, safeguards for whistleblowers need to be in place to avoid unintended and bad consequences for those who wish to report a concern. 4.3 of code has similar issue.

A procedure, protective of the adviser reporting concern(s) that their welfare will be protected when reporting such concerns or misconduct, especially if not full facts of a concern or allegation of misconduct were known by adviser reporting which may cause them serious professional embarrassment and lead to victimisation, which again can be very hard to prove.

MYG Limited - Yes Advocate Law Chambers - The inclusion of Code 3.8 in Principle 3 will make OISC more "transparent in the public eye. Another addition under Code 4.3, to report any serious misconduct within their organisation to relevant authority in addition to OISC."

Advocate Law Chambers - The inclusion of Code 3.8 in Principle 3 will make OISC more "transparent in the public eye. Another addition under Code 4.3, to report any serious misconduct within their organisation to relevant authority in addition to OISC."

Jackie Otunnu Wacha – I support the requirements in paragraph 13; however, 'not bring the OISC into disrepute' needs more definition - by behaving? (criminal acts, standards of behaviour, dishonesty etc?)

I assume the relevant authority would be the local authority or the police as appropriate.

Dynamic Immigration Law Consultants - Yes.

de Prey Consulting - Very much so - again, a principles-based approach outlining expected levels of professionalism is perfect.

International Visa & Relocation Services - Yes

UK Pakistan Welfare Society - Yes

ILA Visa Ltd - Yes

PAFRAS – No comment.

Z Law Immigration - Yes

BWARC - Yes! As it is obligatory on organisations serving the public to act with trust and integrity as the OISC has brought the Codes of Standards to the knowledge of Service Providers Regulated by the OISC, we support the addition set out in paragraph 13 of the Consultation Document to be added to the new Code of Standards.

	<p>N & N Consultancy Ltd - Yes</p> <p>Augusto Scerranto – The concept of "bringing the OISC into disrepute" should not include any challenge, action, appeal or judicial review brought by a prospective immigration adviser or/and an already registered adviser against any OISC 's decision/guidance, rules and/or regulations.</p> <p>Dr. J N Thakerar – No comment.</p> <p>UKCIS - · The requirement for advisers to maintain “high standards of professional and personal conduct”, “ensure public trust and confidence in the OISC regulatory scheme”, and to not “bring the OISC into disrepute”, require further guidance/elaboration as this is not clear from the Codes under Principle 3. Maybe further guidance on this can be provided in the accompanying Guidance. The same applies for the new addition of Code 3.8.</p> <p>In relation to the expansion of Code 4.3, maybe greater clarity can be provided on which actions would constitute ‘serious misconduct’. Although there is current Guidance on what constitutes ‘serious misconduct’, is this to be expanded in potential new Guidance in light of the additional duty to report this to the relevant authority Maybe further information on this could be provided in the new accompanying Guidance.</p> <p>M. El-Bahari - Yes UK Immigration Law –</p> <p>Yes I support the new requirements to the new Code of Standards.</p> <p>Julius Mutyambizi-Dewa and Durani Rapozo - Yes. We support this.</p> <p>Refugee & Migrant Network Sutton - Each organization is best equipped and competent to deal with the practices and adhering to their principles of conduct.</p> <p>Publish the response anonymously - I think it would be more appropriate to rephrase the last bit of principle 3 to "...and not bring the regulatory scheme into disrepute."</p> <p>Code 3.8 looks good. See below for comments on Code 4.3.</p> <p>Newham Community Renewal Programme – Paragraph 13 Q6 page 9-No</p> <p>Re: a) the requirement of not bringing the OISC into disrepute is not necessary, as the OISC is not the only regulatory body for immigration services, whereas the profession in general can be brought into disrepute.</p>
--	---

Unless all regulatory bodies have the same requirement and the circumstances of potential disrepute are clearly defined, termination of registration based only on disrepute and not also on incompetence or lack of fitness to practice might leave the OISC open to litigation, if findings about disrepute can damage the character of the person to the extent and they would find it difficult to register with an alternative regulatory body that does not stipulate such requirement.

The remit of any punitive measure should be limited to not upholding good practice.

Further, if a regulated advisor would make a public statement, e.g. that the OISC is not fit for purpose, as a public body also bound to uphold freedom of speech, the OISC should not react in any way, especially not by inviting comments from such person or issuing public statements, if no prior formal complaint has been received by the OISC. As a democratic organisation it is sufficient to have a procedure for advisors to express dissatisfaction with operational standards.

Any damage caused to clients can still be subjected to litigation and criminal proceedings.

'Over policing' should be avoided, given that financial institutions have recently appeared politically motivated. It would be a very bad PR for the regulator, if similar light is shed on the exercise of its duties.

Re: b)

'to report any serious misconduct within their organisation to the relevant authority in addition to the OISC'

Again, over policing. The OISC should not be able to bring punitive action over not reporting to organisations with investigative powers over breach of the law.

Since 'relevant authority' might also mean the Home Office, this will be open to judicial review, as caseworkers would not be able to prepare representations before the duty to report their superior kicks in, rendering requirement of acting in the client's interest impossible to comply with.

It is a divisive measure with direct risk not only to employment, but also career progression of the front-line employees.

Lack of clarification about what constitutes serious misconduct for this purpose might prompt advisors to become whistle-blowers in circumstances not requiring any intervention.

	Tamil Welfare Association (Newham) UK - Yes. we support the addition of the new requirements to the new Code of standards.
<p>7. What guidance or other support might regulated advisers or organisations find helpful in supporting them with understanding and complying with the new Code of Standards?</p>	<p>Rainbow Migration - Providing illustrative examples of situation would benefit the advisors to understand the new codes. Furthermore, a simplified process of contacting OISC in case of confusion or lack of understanding of the codes should be provided for the advisors. For example, when there is an ethics issue for solicitors or barristers they can contact their regulators and generally it is simply done by making a call even with the option of being anonymous to clarify or double check any concerns or issues raised during the course of their practice. This does not seem to be the case with OISC or at least we are aware that the process is not simple. In order to assist advisors, avoid confusion and provide clarity, we recommend an ethics team available at OISC to approach when required.</p> <p>BID - The guidance should make it clear that where advisors are in doubt they can refer to the OISC for further clarification.</p> <p>1 Step Ahead Immigration Services - A separation of codes between what is expected of regulated advisers and what is expected of organisations, for example, code 4.2 makes more sense from an organisation perspective than a regulated adviser who is more likely to be lower down a large organisations hierarchy of decision-making.</p> <p>MYG Limited - Online workshops & attended workshops to go through the new "Code of Standards". Provide Youtube content video's of previous workshops we can watch in our own time. This would be a helpful resource we can return to for refreshing our understanding of the current guidance.</p> <p>Advocate Law Chambers - A repeat of what is the consultation document about Guidance Notes.</p> <p>Jackie Otunnu Wacha - Perhaps an on-line course/test on the Code of Standards to be undertaken by all new advisers.</p> <p>Dynamic Immigration Law Consultants - Constant and consistent online workshops and seminars.</p> <p>de Prey Consulting - The time I did find a 'tick box' list very helpful was when I was setting up my business (many years ago!). You may still have such a thing as part of the OISC application process, I'm not sure, but, if not, I did find that the specific documents required to show specific information really helped me to get my initial paperwork in order to begin a new business, having not run my own business before.</p>

International Visa & Relocation Services - Over a period of time it would be useful to see how organisations of different sizes (and with different levels of authorisation) are interpreting and implementing the requirements - eg case studies

UK Pakistan Welfare Society - The document should be read along side the 2021 Guidance on competence ,pdf (Publishing service .gov.uk)which describes the skills and knowledge advisers need to provide good quality advice services at OISC levels- 1,2 and 3

ILA Visa Ltd - I found Part 4 about new code of standards is quite useful.

PAFRAS – No comment.

Z Law Immigration - Advisers should be updated with the relevant immigration rules and principle of changes in association with legal publications and other legal service providers and the regulatory bodies.

BWARC - Where an adviser finds it difficult to understand how to use the codes of standards, or the principle based approach to run effective service for service users, the adviser should contact the managers of his/her firm or contact the OISC for clarification. Where the OISC audits organisations and finds out that some regulated organisations are not acting in line with the new codes of standards, the OISC should please run workshops on the areas of need identified for training.

N & N Consultancy Ltd - Online education might be useful which will be organized by the OISC.

Augusto Scerranto – No comment

Dr. J N Thakerar – No comment

UKCIS - Detailed supporting guidance that assists in the understanding and application of the Code, rather than as a compliance tool.

Information sessions/events.

M. El- Bahari - Regular supervision and ongoing training and keeping up to date with changes.

UK Immigration Law - The OISC guidance will be helpful as this provides information relevant to the above.

Julius Mutyambizi-Dewa and Durani Rapozo - As mentioned above I think the role of a Compliance Officer in every organisation may help in ensuring the Codes and Regulation are at the very centre of each organisation's day

	<p>to day activities and are being managed at the highest level of the organisation.</p> <p>Refugee & Migrant Network Sutton - Regular updates, practical workshops.</p> <p>Tamil Welfare Association (Newham) UK - Yes. we agreed.</p>
--	---

Principle 1 Codes 1.1 to 1.3	Response/comments
Rainbow Immigration	<p>This principle is rather vague, broad and very different to the code of conduct for solicitors and barristers.</p> <p>Barristers are required by their code to, “observe your duty to the court in the administration of justice” and “act with honesty, and with integrity”. Solicitors are required to maintain trust and act fairly and “not mislead or attempt to mislead your clients, the court or others.”</p> <p>Placing the burden of such heavy duty on OISC adviser to do with something so general as upholding “the law” seems to go far beyond what is expected from a professional legal advisor. The duty should be similar to some extent with the core principles laid in the code of conduct placed on barristers and solicitors. It is puzzling to advisors as to why such heavy and complex burden is place on them as OISC advisors whereas on the other hand solicitors and barrister are immune from it, specially if they are giving the same advice in immigration matters.</p> <p>Furthermore, recklessly allow clients..... to be mislead, this code needs further clarity as recklessly only while they are conducting the case or when upholding the law at all times? If so, this may put advisors in difficult position as they would need to be on alert at all times and not just in the course of their employment.</p>
BID	Good
1 Step Ahead Immigration Services	Define what is meant by abuse of the process and how 1.3 differs from 1.2 and 1.1.
MYG Limited	Fully agree with.
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	<p>Reword perhaps?</p> <p>Not knowingly or recklessly mislead or allow clients, the Commissioner, the Home Office, the courts and/or third-party agencies to be misled.</p>
Dynamic Immigration Law Consultants	These should be very mandatory for all advisers as they are also agents of law
de Prey Consulting	Agreed, no other comments
International Visa & Relocation Services	I agree

UK Pakistan Welfare Society	Organisations and advisers must act in accordance with UK Law.
ILA Visa Ltd	No problem
PAFRAS	<p>PAFRAS - "Uphold the law." -- is the principle here that an adviser defend the law or merely follow it? Both are definitions of 'uphold' in the Cambridge Dictionary. The distinction is an important one as these two different interpretations of the principle have widely different implications for advisers operating in the real world.</p> <p>Code 1.2 begs the question, 'misled by whom'? Should an adviser really be duty bound to police the behavior of non-clients?</p> <p>Additionally, what does "recklessly mislead" mean and how do I square that with my duty of confidentiality? Say for example I must cease to act because a client does not wish me to disclose a material fact in an application. I know that the client must apply and will therefore have to do so on their own or instruct someone else and, very possibly, not disclose the fact to said person and by extension the Home Office. Under Code 1.2 am I obliged to write to the Home Office to disclose the fact? Would I be recklessly allow by ex-client to mislead the Home Office if I failed to do so? **How** is this compatible with the duty of confidentiality or with my duty to act in my client's best interests?</p> <p>More broadly, the forward to the consultation frames it as "setting out the core standards that must be met in order to maintain a professional, fully competent sector which provides an excellent service to the end user – in our case, the advice seeker." but this first principle of the Code is not focused on their end user but on an advisers responsibilities to the state.</p>
Z Law Immigration	Agreed
BWARC	Perfect
N & N International Consultancy Ltd	No comment
Augusto Scerranto	No comment
Dr. J N Thakerar	No comment
UKCIS	No comment
BSB	No comment
M. El- Bahari	Agree
UK Immigration Law	<p>It is imperative that any work comments is in accordance with the UK Law.</p> <p>Any cases which are not in accordance within the UK Law, should be dealt with accordingly.</p>
Julius Mutyambizi-Dewa and Durani Rapozo	I agree with the above
Refugee and Migrant Network Sutton	Does upholding the law requires a proactive duty of some kind? Can this be explained more clearly so that an adviser is sure if upholding the law requires them to monitor and report on behaviour of others?

Publish the response anonymously	<p>We would like to refer you to the analysis of barrister Colin Yeo in respect to this principle and the following principles - please see: https://freemovement.org.uk/oisc-consulting-on-new-code-of-standards-for-regulated-immigration-advisers/. We have drawn from this analysis in order to highlight some particular concerns here and below.</p> <p>This principle is extremely broad and vague.</p> <p>We understand that there is no direct equivalent to 'uphold the law' within the regulatory framework for solicitors/barristers - we understand that barristers are required by their code to, for example, "observe your duty to the court in the administration of justice" and "act with honesty, and with integrity". Solicitors are told they must maintain trust and act fairly and "not mislead or attempt to mislead your clients, the court or others."</p> <p>We question why this principle is necessary, if we have Principle 4 ("Behave with honesty and integrity").</p>
Publish the response anonymously	On reflection, "uphold the law" is too broad a statement and takes on a slightly sinister ambiguity in the current political context, which includes strong anti-migrant sentiments expressed by senior government ministers and legislation passed which arguably could breach international law.
Newham Community Renewal Programme	No comment
Tamil Welfare Association (Newham) UK	We strongly agree with principal 1

Principle 2, Codes 2.1 to 2.9	Response/Comments
Rainbow Immigration	No comment
BID	Good
1 Step Ahead Immigration Services	<p>Define significant change(s).</p> <p>Within the approval letter it states business address or changes in personnel. Are there any other "significant changes" to add that could be defined within a definitions section of the new code?</p>
MYG Limited	Agree with in full.
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	<p>I agree with this except:</p> <p>2.3 and 2.4 merged and clearer - one says you can't, the other says you can with permission. addition of 'under approved supervision'</p> <p>2.7 significant changes to personal circumstances - 'relevant to the provision of advice services' or ' that may affect their ability to perform their jobs as OISC advisers'</p>

Dynamic Immigration Law Consultants	No comment
de Prey Consulting	Agreed, no other comments
International Visa & Relocation Services	I agree.
UK Pakistan Welfare Society	Advisers and Organisations must comply with your legal and regulatory requirements to the OISC acting openly, promptly and co-operatively.
ILA Visa Ltd	No problem
PAFRAS	<p>2.7 "Notify the Commissioner in writing ... of any significant changes to the personal circumstances of regulated advisers"</p> <p>It is very unclear to me what this means and how it might be applied in practice. As Code 2.8 covers criminal and civil proceedings against an adviser this Code can be assumed to relate to other matters. What they are and how they might be understood *at the time of the change* (and not merely retrospectively) to have been significant is extremely opaque, at least to me.</p>
Z Law Immigration	Agreed
BWARC	Reasonable
N & N International Consultancy Ltd	No comment
Augusto Scerranto	No comment
Dr. J N Thakerar	No comment
UKCIS	No comment
BSB	No comment
M. El- Bahari	No comment
UK Immigration Law	Correct
Julius Mutyambizi-Dewa and Durani Rapozo	This is fine by me except that 2.7 needs to be elaborated as to what comprises "Significant Change". An example will be opening of a new office, will that be a significant change?
Refugee and Migrant Network Sutton	No comment
Publish the response anonymously	<p>Code 2.1 implies an outright ban on OISC advisers working in any capacity for unregistered organisations! It should be rephrased "Only provide immigration advice and immigration services on behalf of the specific..."</p> <p>Codes 2.3 and 2.4 appear contradictory and could be combined as follows: "Not operate above your authorised Level or in Categories for which you are not authorised without the written authorisation of the Commissioner." Any further details can be made out in guidance.</p> <p>Would the reference to civil proceedings in Code 2.8 embrace divorce proceedings? I think there may be a large range of civil proceedings that the OISC has no legitimate interest in! Maybe a reference to 'relevant civil</p>

	proceedings' with some examples in the accompanying guidance.
Newham Community Renewal Programme	<p>Principle 2. Comply with your legal and regulatory requirements to the OISC acting openly, promptly and co-operatively Codes - You must:</p> <p>2.2 Ensure that no unauthorised person(s) provide(s) immigration advice and/or immigration services on your behalf.</p> <p>In organisations where caseworkers do not enter contracts with clients/external organisations personally, it is impossible to ascertain that contracting organisations would not take unauthorised actions.</p> <p>Organisations, as well as individual advisors, should be informed what they can do to maintain, as well as protect, their registration in a situation when the organisation they work for enters into agreement with another organisation. It would largely apply to the voluntary sector.</p> <p>There should be provision within the contract that contracting organisations would be solely responsible for actions outside the remit of such agreements (e.g. the support workers from partnering charities often feel empowered to intervene in the open case and it isn't possible to instruct each one individually to prevent this, so the relevant clause in the partnership agreement should protect the caseworker's registration, since the control over third parties actions is very limited, or non-existent)</p> <p>It should be defined what steps the caseworker should take in order to 'ensure'. A formal email to superiors responsible for governing partnerships should discharge this duty, as often superiors are not accredited themselves and are not bearing any professional or personal risk, but their actions can jeopardise livelihood of authorised caseworkers</p> <p>'2.7' - What would constitute the significant changes, and significant changes to the personal circumstances, as only circumstances affecting fitness to practice should be relevant, this needs to be clarified</p>
Tamil Welfare Association (Newham) UK	We strongly agree and follow the Principle 2 to company with our legal and regulatory requirements to the OISC acting openly, promptly and co-operatively.
Principle 3, Codes 3.1 to 3.8	Response/Comments
Rainbow Immigration	Code 3.8 under this principle 3, needs further elaboration because it states" uphold public trust". Advisors might find this confusing as to the extent of responsibilities they have to uphold public trust at all

	times. This code is closely related to the Principle 4 which is to Behave with honesty and integrity. Therefore, advisors will struggle to understand the need for this code.
BID	<p>With regards to point 3.5 'Not make publicly, orally or in writing, promotional statements about your success rates.'. Please be aware that NGOs often rely on reporting upon the 'success rates' of their work as these are matters their funders seek to understand. Reports on outcomes are therefore often referred to in annual reports and is a means by which NGOs are held to account for their work that they do.</p> <p>Therefore, by 'promotional statements' this code would seem to emphasise the need not to embellish outcomes so as to attract further business. The target group for this code would therefore seem to be the fee-charging sector?</p>
1 Step Ahead Immigration Services	Need to define what is touting and how this differs to marketing techniques such as leaflets, social media, website etc expected in generally normal business practice and networking.
MYG Limited	Fully Agree
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	3.3 'not tout for business' - however, I presume this does not include just stating on your website for example, that this is a service you offer. More guidance?
Dynamic Immigration Law Consultants	Regarding code 3.5, will the OISC throw more light on the best way for advisers to answer clients when ask about the success rate.
de Prey Consulting	<p>3.3 It would be useful to elaborate on your meaning behind 'tout' so it is not misunderstood as a ban on advertising (e.g. running a google ads campaign to direct people to your website, which can be particularly important to build an initial client base when setting up a new business)</p> <p>3.5 It would be useful to clarify that it is only in a promotional setting this is not allowed ie. clarity that it is (presumably) OK for success rates to be given if asked by a specific client?</p>
International Visa & Relocation Services	<p>I think 3.3 would benefit from some additional detail, particularly around the definition of 'tout for business'.</p> <p>Is a website potentially in breach of this code? Ditto google ads, other online or physical marketing?</p> <p>Is a case study of a successful application potentially in breach of 3.5?</p>
UK Pakistan Welfare Society	The introduction within principle 3 and code 38 of requirement that regulated advisers or organisations not bring the OISC into disrepute

ILA Visa Ltd	No problem
PAFRAS	Agreed
Z Law Immigration	Agreed
BWARC	Reasonable
N & N International Consultancy Ltd	No comment
Augusto Scerranto	No comment
Dr. J N Thakerar	No comment
UKCIS	No comment
M. El- Bahari	No comment
UK Immigration Law	Yes
Julius Mutyambizi-Dewa and Durani Rapozo	This is fine in my view
Refugee and Migrant Network Sutton	Sequencing of the Principles 3, 4, 5, 6 ,7 should be more prominent and they should start as Principles 1,2,3 etc to show what is most important - client who seeks advice and the adviser who is acting with honesty and integrity and in the best interest of the client.
Publish the response anonymously	<p>We find this ordering concerning - that this principle is numbered ahead of Principle 4 'Behave with honesty and integrity.', or Principle 6 'Act in the best interest of your client' suggests/encourages a concerning order of prioritisation.</p> <p>We understand that OISC is ultimately responsible for its own reputation and are not clear how much responsibility an organisation can take for OISC's organisational reputation.</p>
Publish the response anonymously	<p>I would suggest changing the last bit to "...and do not bring the regulatory scheme into disrepute."</p> <p>Re: Code 3.5 - in the voluntary sector, success rates (or statistics from which these may be derived) might conceivably feature in research, project evaluations, funding bids and reporting to funders. For example, it may be important for the evaluation of a pilot to cite an improved rate of success, so that the principles of the pilot can be adopted elsewhere.</p> <p>It may be helpful for the accompanying guidance to unpick the harm the OISC sees that arises from publishing success rates, so as to distinguish this from legitimate research, evaluation and reporting.</p>
Newham Community Renewal Programme	No comment
Tamil Welfare Association (Newham) UK	We maintain high standards of professional and personal conduct according to OISC standards.

Principle 4, Codes 4.1 to 4.7	Response/comments
Rainbow Immigration	With regards to Code 4.3 which states: Promptly report any serious misconduct of which you become aware to the relevant authority, whilst it is crucial for advisors to

	<p>be honest and work with integrity the term relevant authority in this context is vague and need clarification as to whether by authority OISC is referring to governmental authorities such as Home Office or police. If this is the case, then this is contrary to the principle of confidentiality. It would not be appropriate for advisors to report misconduct of their clients to authorities. This needs further clarification, and the word authority needs to be replaced or examples should be provided to illustrate what is required from the advisors when it comes to reporting of serious misconduct. This code can also lead to breach of confidentiality as advisors under this code will have to report on their clients to the authorities. Advisors should not have to report clients for misleading the Courts, Home Office or police, if that is what his code purposes.</p>
BID	<p>We have one proposed amendment to the draft codes and rules and refer you to proposed code 4.7 which presently addresses the duty to: 'Inform your client(s) of the availability of Legal Aid and free legal advice where appropriate.' This is an important rule and our concern is to ensure that advisors inform clients that legal aid may include payments for disbursements e.g. for a psychological report relating to a child. We all too often find that clients are paying for deportation appeals in relation to Article 8 claims based on their family life and their claim it would be 'unduly harsh' on a child for a parent to be deported. However these claims are sometimes made without the relevant and necessary evidence being submitted, consequently leading to the Home Office or the courts refusing the cases. This also includes cases where some clients inform us that they or their families could only just manage to find funds to pay the advisor, but they could not afford to pay for the additional evidence.</p>
1 Step Ahead Immigration Services	<p>See previous responses to 4.2.</p> <p>Doesn't proposed new codes 4.4 and 4.5 cover the issue of touting that may be legitimately sought to avoid? Thus making code 3.3 redundant/confusing?</p>
MYG Limited	Fully Agree
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	I agree with all the provisions of Principle 4 - in the guidance it should also be clear what people can be prosecuted for - including the taking of bribes
Dynamic Immigration Law Consultants	No comment
de Prey Consulting	Agreed, no other comments
International Visa & Relocation Services	The principle here is very clear and has been established for a long time but in other areas of business (including for some general law firms) there are provisions for organisations to reward 'business introducers'.

	There is a difference between offering inducements to individuals or organisations in order to acquire cases which would not otherwise be deemed appropriate (for reasons of capability or reputation etc) and acknowledging that certain individuals or organisations have been helpful in directing clients to you in circumstances where you are capable of delivering an excellent service but the client would not otherwise have been aware of your existence / capability.
UK Pakistan Welfare Society	An expansion of responsibility under code 4.3 to report any serious misconduct within their organisation to the relevant authority in addition to the OISC.
ILA Visa Ltd	No problem
PAFRAS	No comment
Z Law Immigration	Agreed
BWARC	Reasonable
N & N International Consultancy Ltd	3.3 needs to be detailed
Augusto Scerranto	No comment
Dr. J N Thakerar	No comment
UKCIS	No comment
BSB	No comment
M. El- Bahari	No comment
UK Immigration Law	A professional working in any field must work with complete integrity and honesty.
Julius Mutyambizi-Dewa and Durani Rapozo	This is fair for us as an organisation.
Publish the response anonymously	Code 4.3 requires more explanation to distinguish it from Code 4.2. Does this concern other regulated advisers (e.g. solicitors) over whom OISC has very limited jurisdiction? Or does it concern criminal matters which should be reported to the police? Or both? Or is there something else?
Newham Community Renewal Programme	No comment
Tamil Welfare Association (Newham) UK	We strongly agree with all the points in the Principle 4, we behave with honesty and integrity with each one of our client's matters. We make our clients aware of the availability of Legal Aid and free legal advice wherever its applicable.

Principle 5, Codes 5.1 to 5.5	Response/comments
Rainbow Immigration	We are concerned with Code 5.5 for the reasons noted below. Maintaining confidentiality is clearly important at all times for all advisors, however, for a barrister or solicitor the confidentiality also means not to report on their clients when they face a conflict but rather cease to act. In circumstances where for example an advisor believes that the client is being deceptive or not telling the truth, when such information comes to light the best practice is

	<p>to cease to act but there is no further obligation placed on lawyers to report on their clients to the authorities. But Code 5.5, seems to indicate that where client's confidentiality clashes with law or the code, then the advisor must report or is no longer bound by the confidentiality rules. This is very different to the duties placed on lawyers in general and we don't believe that it is practical, fair or necessary for an advisor to report or breach confidentiality and trust of their clients if they are in conflict with rule of law. Albeit, there are certain situation such as, when advisors think client is suicidal or in any way in danger or risk to public then it is fair to say that the confidentiality rule no longer applies. OISC needs to clarify this and provide further examples for such situations to ascertain the exact duty placed on advisors under this code. For example, Solicitor's code of conduct 6.3 states: "You keep the affairs of current and former clients confidential unless disclosure is required or permitted by law or the client consents". This code is directly more toward the best interest of the client and information can be disclosed only if it is permitted by law rather than in conflict with the law or code as notes in code 5.5. of the OSIC codes.</p>
BID	Good
1 Step Ahead Immigration Services	Good.
MYG Limited	Fully agree.
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	I agree with all the provisions of Principle 5 'fit' and 'competence' to be defined in the Guidance Notes.
Dynamic Immigration Law Consultants	No comment
de Prey Consulting	5.4 - I'm unclear what this covers that is different from 5.2 and 5.3 combined?
International Visa & Relocation Services	I agree
UK Pakistan Welfare Society	Organisations and advisers can demonstrate compliance and direction and are instructive to the regulated as to what the Commissioner expects in order for a code obligation to be fulfilled
ILA Visa Ltd	Regarding 5.3, it is not very clear what type of CPD requirements. Like us, we do lot of updated self learning via home office website, including up to date statement of changes and caseworker manual online. Of course, we have signed up membership with immigration training company, when there are appropriate training courses we need, we will pay and get the training.
PAFRAS	5.4 It is either unclear to me what this Code means or what it adds to the Code above and beyond what is elsewhere stated. Honesty and integrity is cover under Principle 4 and competence, training, and professional development under Codes 5.1, 5.2, and 5.3. What

	<p>precisely does "fit to provide immigration advice and/or services" mean therefore?</p> <p>5.5 As an organisation we inform all of our clients that we will maintain their confidentiality except where required to breach it by law, for purposes of regulation (i.e., OISC audits), with a client's consent, or where we have concerns that the client might harm themselves or (an) other(s). As written,</p> <p>Code 5.5 appears to preclude the harm criteria for breach confidentiality except where failure to do so might not be in accordance with the law. This would only include a fraction of possible cases. It would be helpful to have very clear guidance from the OISC as to what its view are on breach of confidentiality on the basis of risk of harm.</p>
Z Law Immigration	Agreed
BWARC	Perfect
N & N International Consultancy Ltd	No comment
Augusto Scerranto	No comment
Dr. J N Thakerar	No comment
UKCIS	No comment
BSB	No comment
M. El- Bahari	No comment
UK Immigration Law	Clear advice is always important as it provides a clear and direct rapport with the client
Julius Mutyambizi-Dewa and Durani Rapozo	This is okay in our view
Publish the response anonymously	Re Code 5.5 ('Maintain confidentiality in respect of your client's affairs except where to do so would conflict with the law or the Code or where your client explicitly authorises you to disclose confidential information') - Colin Yeo notes: 'It looks like a far broader duty to report deception. Barristers, for example, must not themselves recklessly mislead but their code doesn't require them to police the behaviour of others in the same way; it merely requires them to withdraw from a case. It looks like if an OISC adviser becomes aware that any person in space or time is acting deceptively towards the specifically cited authorities then the OISC adviser must report that to the relevant authority.'
Publish the response anonymously	Re: Code 5.5, the words "...or the Code..." play into the concerns expressed above in relation to the first principle. Are there circumstances in which the law would not require a breach of confidentiality, but the Code would? If so, what legitimate purpose would the Code serve in requiring such a breach?
Newham Community Renewal Programme	No comment
Tamil Welfare Association (Newham) UK	We undertake regular trainings and developments to provide competent and suitable advices.

Principle 6, Codes 6.1 to 6.91	Response/comments
Rainbow Immigration	No comment
BID	Good
1 Step Ahead Immigration Services	Overall good. Further advice/guidance on code 6.6 would be helpful for sole advisers. For example, if they have a close network/relationship with another firm/adviser(s), how contingency plans could be put in place/operate with consent from OISC to safeguard advice seekers.
MYG Limited	Agree in full
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	I agree with all the provisions under Principle 6
Dynamic Immigration Law Consultants	No comment
de Prey Consulting	Agreed
International Visa & Relocation Services	Agree with most of this. For 6.8, some clients have been unsettled by 'closure letters' since they think this is the end of the professional relationship and may no longer communicate with us - and so it is not always appropriate to formalise this.
UK Pakistan Welfare Society	Advisers and Organisations must act in the best interest of your client, deal with clients professionally and ensure they receive a good quality of service
ILA Visa Ltd	Regarding 6.5, as we dealt with clients with diversities, and different languages, we use different APP to communicate with clients in their with their own comfortable language, such as WeChat, WhatsApp and so on. It will be difficult sometimes keep everything in writing. We sometimes use voice messages or video calls or telephone calls to inform clients about progress. It will cause lots of more unnecessary work to put in the writing again if we have informed clients the progress via phone, WeChat or whatsapp vocally.
PAFRAS	There a without doubts circumstances under which Code 6.1 may come into conflict with Code 1.2 which appears to place a wide ranging requirement on Advisers to inform the Home Office whenever they believe it may otherwise be misled.
Z Law Immigration	Agreed
BWARC	Reasonable
N & N International Consultancy Ltd	No comment
Augusto Scerranto	No comment
Dr. J N Thakerar	No comment
UKCIS	No comment
BSB	No comment
M. El- Bahari	No comment
UK Immigration Law	All work taken on is always in the best interest of the client. Clients are provided with clear and honest advice from the outset.

	Clients should be dealt with professionally ensuring that their matter is taken care of in the utmost manner
Julius Mutyambizi-Dewa and Durani Rapozo	That's okay for us
Refugee and Migrant Network Sutton	No comment
Publish the response anonymously	<p>I would like to see this as the first principle. As #6, with 5 principles and 23 codes coming before, it begins to feel like an afterthought, or at least, much lower down in any hierarchy of importance.</p> <p>We have lost the old Code 10; "Organisations and advisers must not take advantage of a client's or a prospective client's vulnerability. " Is that intentional? I think, in the immigration context, it's particularly important - The exploitation of vulnerability is the reason why complaints about immigration advice are rare while poor practice persists. Re:</p> <p>Code 6.4 - It has already been conceded that this Code may be breached in circumstances where the overarching principle will not - i.e. in circumstances where access to a client may be severely restricted when work may need to be undertaken urgently. Given this is a potentially very common example, is it worth introducing a qualifier such as 'where it is reasonable to do so'?</p> <p>This could be a significant issue for charities working with homeless clients. This client group can be difficult to get hold of and engage with and individuals may not always be in a position where they can meaningfully confirm in writing or digitally something that was previously agreed only orally. In such cases, you have to be ready to do as much as you can when the opportunity presents itself, without worrying about whether something breaches a code but not a principle.</p>
Newham Community Renewal Programme	<p>6.6 Have arrangements in place to ensure that, should you be temporarily unable to work, the client's case can continue to be progressed.</p> <p>Would the illness of a sole trader/practitioner of two weeks or more require a partnership agreement with another firm? Circumstances requiring contingency plans should be defined, as they can impact continuing registration.</p> <p>6.9. .. All documents relating to the client's case and the client's file must be transferred as soon as possible and, in any event, no later than three working days of the request being made.</p> <p>This precludes annual leave of a sole trader/practitioner for longer than 2 days.</p>

	<p>In organisations with only one caseworker, someone else must be tasked with transfer of the files Change of representative often requires applications for extension of time to allow new representative to build up their representations.</p> <p>The Home Office always exceeds 20 days deadline to discharge clients' data. Should public bodies be always excused when exceeding deadlines and private companies always held accountable for not complying with them?</p> <p>In my opinion the deadlines about data discharge should be the same for all organisations, or if the distinction must be maintained for some reason, at least it should be 14 days, if there is no deadline on the case, and 5-7, if there is.</p>
Tamil Welfare Association (Newham) UK	<p>We always work with our clients to find out the needs of their and carryout the works accordingly.</p> <p>We think it is extremely important to act in our client's best interest and provide them with the best quality of service.</p>

Principle 7, Codes 7.1 to 7.3	Response/comments
Rainbow Immigration	No comment
BID	No comment
1 Step Ahead Immigration Services	Good. No comments to make.
MYG Limited	Agree in full
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	<p>7.3 'due respect' will have to be defined. equal access/equal opportunity?</p> <p>7.1 Treat everyone fairly, respectfully, equally and with dignity ensuring you provide equal access to your services</p>
Dynamic Immigration Law Consultants	No comment
de Prey Consulting	Agreed, no other comments
International Visa & Relocation Services	Agree, including in 'informal' phone calls and emails to clients for 7.3
UK Pakistan Welfare Society	Removal of the requirement under code 16 to have a written equality and diversity policy the board requirement to treat every one fairly and without prejudice remains in principle 7.
ILA Visa Ltd	No problem
PAFRAS	No comment
Z Law Immigration	Agreed

BWARC	Reasonable
N & N International Consultancy Ltd	No comment
Augusto Scerranto	No comment
Dr. J N Thakerar	No comment
UKCIS	No comment
BSB	No comment
M. El- Bahari	No comment
UK Immigration Law	Everyone should be treated fairly. Each client of the organisation should be provided with equal opportunities and should not be prejudiced in any way.
Julius Mutyambizi-Dewa and Durani Rapozo	That's fine with us
Refugee and Migrant Network Sutton	No comment.
Publish the response anonymously	No comment (save in relation to the loss of the Old Code 10 - maybe it belongs here?).
Newham Community Renewal Programme	No comment.
Tamil Welfare Association (Newham) UK	We strongly agree with Principle 7. As a public service organisation we think it is very important to treat everyone fairly, with dignity and without prejudice.

Principle 8, Codes 8.1 to 8.7	Response/Comments
Rainbow Immigration	No comment.
BID	Good
1 Step Ahead Immigration Services	Good. No comments to make
MYG Limited	Fully agree
Advocate Law Chambers	No comment
Jackie Otunnu Wacha	Notify the Commissioner of any data breach?
Dynamic Immigration Law Consultants	No comment
de Prey Consulting	No comment.
International Visa & Relocation Services	I agree
UK Pakistan Welfare Society	An initial assessment of the consultation's proposals has indicated that it is likely to have an impact on regulated advisers and therefore, an impact assessment will be produced
ILA Visa Ltd	I don't quite understand what 8.1 and 8.5 mean
PAFRAS	No comment
Z Law Immigration	Agreed
BWARC	Reasonable
N & N International Consultancy Ltd	No comment
Augusto Scerranto	No comment

Dr. J N Thakerar	No comment
UKCIS	No comment
BSB	No comment
M. El- Bahari	No comment
UK Immigration Law	It is imperative that clients documents are stored securely and detained by the organisation for a relevant period
Julius Mutyambizi-Dewa and Durani Rapozo	This is all perfect with us
Refugee and Migrant Network Sutton	No comment
Publish the response anonymously	In Code 8.1, I would suggest replacing "business" with "service."
Tamil Welfare Association (Newham) UK	Yes, we manage our organisations records according to the Principle 8.

Principle 9, Codes 9.1 to 9.7	Response/Comments
Rainbow Immigration	No comment
BID	Good
1 Step Ahead Immigration Service	Good. Good. No comments to make
MYG Limited	Agree in full
Advocate Law Chambers	No comment.
Jackie Otunnu Wacha	I work for a charity which doesn't charge, however, we were made aware by one of our service users of solicitors that withheld client documents until they had been paid - this included BRP's - potentially very serious given the time constraints- which subsequently delayed their settlement 'with-holding documents
Dynamic Immigration Law Consultants	No comment
de Prey Consulting	9.2 Could 'if requested' or be added to the end of this line? I receive all my payments in a format that automatically confirms to the client that payment has been received - BACS (shows in their account), Worldpay who provide a receipt, Paypal who provide a receipt. There are times when it therefore seems unnecessary to clog up a client's inbox with a further confirmation of something they already have proof of.
International Visa & Relocation Services	I understand that there is still some difficulty with a number of banks allowing client accounts (9.4) As a minimum, clear and accurate records should be kept and sufficient funds held available (in reserve) to cover potential liabilities
UK Pakistan Welfare Society	Advisers and Organisations must charge fairly and transparently, dealing appropriately with client money.
ILA Visa Ltd	Regarding 9.4, as most banks in UK don't have formal recognition of OISC or they don't have official agreements of opening client accounts with OISC

	regulated organisations, client accounts opening are very difficult tasks for most regulated organisations. If OISC sort out the issues with UK Banks, it will be very helpful for immigration advisers comply with the codes and principles.
N & N Consultancy Ltd	9.4 needs more clarification
Julius Mutyambizi-Dewa and Durani Rapozo	This is fine with us with the exception of 9.4 some banks are not agreeing to Client Accounts for OISC registered entities. Understandably they are doing it for money laundering which we agree that this needs clamping down
Publish the response anonymously	I don't understand what Code 9.3 is asking for - but then I'm from a non-fee charging organisation!
Tamil Welfare Association (Newham) UK	Strongly agree with each points in Principle 9.

General comments on the overall document including potential impacts	Response/comments
Rainbow Immigration	<p>We have two major observations that we would like OISC to take into account. Firstly, as outlined above, Principle 1 is too board, confusing and very different to the code of conduct placed on solicitors and barrister. This does not mean that OSIC principles should be the same as the lawyers but there needs to be certain degree of similarity and consistency between the rules/codes as they are ultimately all legal professional advisors and have the same responsibilities towards their clients. All advisors need to be treated and should have the same privileges. The overarching standards that OISC wish to deliver with these changes are beneficial to the advisor but the extent of responsibility of upholding the law at all times can be problematic for advisors. We believe that the wording needs to be amended to a more specific term. Furthermore Code 4 which states that: "Conduct yourself with honesty and integrity in all your dealings" is sufficient in terms of placing responsibility on advisors to uphold their integrity and act with honesty at all times. Therefore, we believe there is no need to extend the burden of responsibility on advisors as far as upholding the law at all times.</p> <p>Our second observation is about reporting to authorities when in conflict with law and codes. The general approach as stated above by most lawyers is to cease to act for the client if there is a conflict. There is no responsibility or burden on lawyers to report on their clients in order to uphold rule of law which will also mean breaching confidentiality rules. Finally, we think that there is not enough emphasis on the importance of a client-centred approach in the Codes and Principles. Ensuring that service providers prioritise the best interests of their clients at all times is crucial in all cases</p>

	<p>but particularly in immigration matters. This is because advisors will come across several vulnerable immigration clients and their utmost priority should be to act in the best interest of the client to achieve a positive outcome.</p>
<p>1 Step Ahead Immigration</p>	<p>Codes need to ensure they are in accordance with all UK law as per 1.1, including UK competition law so as not to impeded the business development of an immigration service and its reputation.</p> <p>1 Step Ahead Immigration - Codes need to ensure they are in accordance with all UK law as per 1.1, including UK competition law so as not to impeded the business development of an immigration service and its reputation.</p> <p>Codes also need to safeguard advisers working in larger firms from exploitation as well as recognise the significant amount of time, study, and expenses an adviser may incur to ensure that they are giving advice to a good standard.</p> <p>Codes also need to safeguard advisers working in larger firms from exploitation as well as recognise the significant amount of time, study, and expenses an adviser may incur to ensure that they are giving advice to a good standard.</p> <p>The codes, in the essence of spirit, need to appreciate the vulnerabilities an adviser may encounter if met with an advice seeker, or someone who pretends to be an advice seeker who is simply out to cause trouble for ulterior motives. An example of this, though not OISC regulated, is the case of Jacqueline McKenzie unjustifiably targeted by hostile journalists. All advisers need to have such protections and assurances from the OISC and to be defended if such issues arise without the use of new codes 3.8 or overall principle 3 being used against advisers who may find themselves in difficult positions beyond their own control.</p>
<p>Jackie Otunnu</p>	<p>I think it is time for change and an update. I'm not sure what the digital impact will be and how long it will take organisations to ensure they are complying, and they have to clearly understand the spirit of the Principle as well as the Code; and then where is flexibility be able to make a balanced judgment on what is best for their clients.</p> <p>I think the sector is ready for the Principle approach, but breaches must also be made clear otherwise there may be different standards applied across the UK and it may be more difficult to maintain high uniform standards. Bigger organizations will find it easier to comply, smaller ones with less funding and more staffing challenges may struggle initially.</p>

	Overall – I agree with the changes.
Dynamic Immigration Law Consultants	It is a laudable document which when adhered to will make all the advisers to be able to give credible advice to clients. It will attract more potential advisers to be registered with the OISC especially those that are unable to secure training contracts with Solicitors' firms.
de Prey Consulting	Very good and thank you for working on this for us!
International Visas & Relocation	Happy with the general principles and tenor of the document.
UK Pakistan Welfare Society	<p>I on behalf of UK Pakistan Welfare Society , welcome on the proposal amendments to the code of standards from all stakeholders who may be interested.</p> <p>The amendments that have been made related to the 2016 version of the code of standards :- Codes;- 7,17,18,19,24,26,33,42,43,45,54,69,82. have been moved from the codes to guidance.</p> <p>Removal Codes;- 9,16,7,51,59,60,72</p> <p>While providing additional flexibility in some areas, where introducing higher levels of responsibility around professional conduct is needed to protect the good reputation of those who operate as OISC Advisers.</p>
PAFRAS	<p>Overall the emphasis of the Code is in my view is skewed too far in favour of the state and against the individual.</p> <p>Clearly advisers *must* have a duty to follow and obey the law and to not mislead, deceive, or knowingly allow themselves to be involved in misleading or deceiving the authorities (including the Home Office and courts, etc.). However, it feels to me that the Code goes quite a lot further than this and requires advisers to put the interests of the state above those of the individual and police the actions of individuals even when they do not (or do not any longer) act for them This does not appear to me to be the correct balance.</p>
Z Law Immigration	Updated code of conduct will help improving the service standard and will help achieve the customer reliability as with higher standard.
UK Immigration Law	I believe moving forward the new principles put forward will have a positive outcome.
Julius Mutyambizi-Dewa and Durani Rapozo	These are meaningful changes except for the areas we have highlighted.
BSB	<p>The BSB welcomes the opportunity to provide feedback on the proposed revisions to the OISC Code of Standards. We support the OISC's planned introduction of overarching Principles, with Codes which underpin each Principle.</p> <p>In reviewing the proposals, we have considered the position of unregistered barristers (i.e. barristers without a practising certificate, who may have been called to the</p>

	<p>Bar but not competed pupillage) who may be acting as immigration advisers under the regulation of the OISC. In such cases, these unregistered barristers may be subject to the BSB's rules in addition to the OISC's. As such, we would welcome a discussion about whether there may be any inconsistencies between the two sets of rules. For example, we are aware of the possibility of conflict between potential disclosure duties on OISC advisers and organisations and the general duty of client confidentiality required by the BSB's Core Duties.</p> <p>In relation to the proposed duty not to bring the OISC into disrepute, we note that it is typically acceptable for regulated professionals to offer public feedback on their regulator. In the BSB's rules, we have a Core Duty not to behave in a way which is likely to diminish the trust and confidence which the public places in the profession. We therefore believe that public confidence in the regulated profession may be a better test than the reputation of the regulator.</p> <p>As the final version of the updated OISC Code of Standards is prepared, it may be useful to consider how best to ensure synergy in our regulatory approaches, particularly in relation to the professional principles and Core Duties to which barristers are required to adhere. We would be happy to meet with you to discuss.</p>
Dr. J N Thakerar	<p>The documents read well. I have two comments to make:</p> <ol style="list-style-type: none"> 1. The principle-based approach generally works well when the sector has basic academic entry qualifications for members to qualify for authorization to practice e.g., Pharmacy, Law, Engineering, etc. If implemented this will ensure that all Immigration advisors begin on the same page and will be able to apply principles broadly within a given range. 2. The Consultation is focused on Client care and welfare but is silent on advisors' dealings with other professionals in practice e.g., barristers, interpreters, expert witnesses, Home Office, MPs, etc.
Newham Community Renewal Programme	<p>I.</p> <p>'8. Each Principle is underpinned by specific Codes which should be met to demonstrate overall compliance with the Principle. The Codes listed under each Principle are not exhaustive and an adviser may breach a Principle without breaching any of the listed Codes if they live up to the letter of the Codes, but not the spirit of that Principle.' - 'spirit of that Principle'</p> <p>- Too open and arbitrary, since the catalogue of codes in not exhaustive - overall non-compliance with the principle shouldn't be possible to establish without a</p>

	<p>breach of any of the codes (or at least one) applicable to the corresponding principle.</p> <p>It might raise question of accountability-what else could constitute the spirit of the principle, if not the codes.</p> <p>There is also a scope for the abuse of power, unless the 'spirit' of each principle is clearly defined.</p> <p>II.</p> <p>'The OISC is responsible for:</p> <p>Regulating immigration advisers in accordance with the Commissioner's Code of Standards;', page 3</p> <p>According to the above mission statement, a spirit of the Principle is not the aspects that falls to be regulated, and the advisors could only be held accountable for not promoting or upholding good practice in the immigration advice sector.</p> <p>This should be a rebuttable as sometimes practice precludes updating client e.g. about the progress, since there is none (in most cases for over 9 months), but if the requirement was to provide status update regularly, this would be reasonable, as it covers progress and as well as the lack of it</p> <p>V.</p> <p>Annex A</p> <p>Para.7</p> <p>Very unusual example because client's authority to act on their behalf cannot be implied, there is little benefit in starting to prepare any representations, if signed letter of authority is not on file, because no representations will be considered without it, rendering 'proceeding' impossible.</p> <p>Very often following submission the HO writes immediate email requesting for the letter of authority.</p> <p>Very important-make the management aware.</p>
Tamil Welfare Association (Newham) UK	We think the main impact would be the quality of the service provided.