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Welcome to the 2018 summer edition of the OISCNews



In the Spring 2018 newsletter I talked about how the OISC has chosen to concentrate on consumers and some of the work we were doing with the regulated sector to improve standards of customer service. As well as protecting consumers through our work ensuring the fitness and competence of registered advisers, over the last few years we have also placed an increasing emphasis on tackling those who provide immigration and advice illegally, working with the Home Office and independently.

In this way we ensure that those individuals and organisations who take advantage of consumers of immigration advice are prevented from doing so and, where required, are prosecuted to prevent them from doing so in the future and to send the message out that this is a serious matter with severe consequences for those who break the law.

Those that provide immigration advice illegally also give a bad name to those who work hard to achieve registration with the OISC and run a thoroughly professional business.

The team responsible for this work at the OISC is our Intelligence and Investigations Team. They have recently been responsible for two highly successful multi-agency operations, involving months of investigatory work, a nine week court case and the imprisonment of an individual who has crossed paths with our investigators previously and will hopefully learn his lesson this time.

Elsewhere in the newsletter we have an update on the Consumer Satisfaction webinar and the OISC programme of workshops for the coming business year; a major announcement from the Home Office relating to the rights of EU citizens post EU exit and changes to Tier 2 visa scheme.

I hope you enjoy the newsletter and I look forward to having the chance to talk to you all again in the autumn.

STOP PRESS

I am pleased to announce that the OISC Annual Report and Accounts 2017-2018 has been laid before Parliament and can be found on our website [here](#)



July 2018

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and voluntary
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Support for the Community and Voluntary Sector

In October 2017 the OISC launched a new section on our website dedicated to community and voluntary sector advice providers (announced in our Winter 2017 newsletter). To support this initiative we have a dedicated team which responds to emails received at our VSS@OISC.GOV.UK e-mail address.

The team aims to provide guidance to community and voluntary groups which are considering registration and those within the scheme who may be considering new projects or initiatives and would like to discuss these with the OISC at an early point.

After some years of stagnation, the OISC has been delighted to see an increase in the number of advisers and organisations gaining registration from the community and voluntary sector. Two main areas of work have included working with a number of Universities who would like law students to be able to provide immigration advice and services to the local community through OISC regulated Law Clinics.

The second area being work with Refugee Action's Good Partnership and Practice team which has been providing training and support to community and voluntary organisations seeking OISC registration.

The group is currently turning its attention to the needs of community voluntary organisations who will be seeking to support EU migrants as the UK prepares to depart the EU. The group intends to publish some clear guidance in the coming weeks about what advice and assistance can be given to EU Citizens seeking settled status that will not require regulation and what support can only be provided by an OISC registered firm.

A constant issue for community and voluntary organisations providing immigration advice and services is the training of staff and volunteers. The OISC has been informed by HJT Training Ltd that community and voluntary organisations may access up to 17 modules of their Mastering Immigration Law subscription service for free. This service provides up to date information for practitioners, with hyperlinks to Home Office policy and significant legal authority and includes multiple choice questions to test knowledge and explanatory videos.

Organisations wishing to find out more information should contact enquiries@hjt-training.co.uk and put 'MIL' in the e-mail title.



Changes to Tier 2 Visa Quota—NHS

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In June Sajid Javid, Home Secretary, laid a statement of changes to the Immigration Rules that would exempt doctors and nurses from the limit on visas for skilled non-EU workers. A press release, issued jointly by the Home Secretary and the Health Secretary said: “There will be no restriction on the numbers of doctors and nurses who can be employed through the Tier 2 visa route.” The changes have been brought about by amending paragraph 77D of Appendix A of the Immigration Rules.

In the last six months the Tier 2 quota has been over-subscribed, meaning that employees are unable to secure a visa for the overseas workers they have recruited. This change took place from 6 July 2018.

Other changes brought in at the same time include:

A new settlement route for Turkish ECAA business persons, workers and their family members.

A new form of leave for people transferred to the UK under the Dubs amendment, who do not qualify for international protection.

A new provisions in the Tier 1 (Exceptional Talent) category Afghan nationals who worked with UK armed forces in Afghanistan, and subsequently relocated to the UK with their families, will be able to apply for permanent residence. These applications will be free of charge.

A summary of the changes can be found here: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-06-15/HCWS768/>



July 2018

“This document sets out how EU citizens resident in the UK, and their families, will be able to apply for settled status to continue living here permanently”

Rights of EU Citizens Post EU Exit

On 21 June 2018 the Home Office published the document ‘EU Settlement Scheme: Statement of Intent’, a copy of which can be found here: <https://www.gov.uk/government/publications/eu-settlement-scheme-statement-of-intent>

This document sets out how EU citizens resident in the UK, and their families, will be able to apply for settled status to continue living here permanently. The Home Secretary has said that the Government’s position will be to grant rather than refuse applications for settled status.

In order to be granted settled status, EU citizens need to have lived in the UK continuously for five years. Anyone with less than five years’ continuous residence will be granted pre-settled status with the opportunity to apply for settled status once they have reached the five year mark.

The process for applying will draw on information already held by the government, so that applicants will only have to provide information to prove their ID, whether they have criminal convictions and whether they live in the UK. Decisions will be provided very quickly, according to the Home Secretary, with most decisions expected in two weeks or less.

The cost for these applications will be £65 for adults and £32.50 for children. They will be free for EU nationals who already have residency or ILR.

The Home Office hopes to start the new trials of this system within a few weeks. The system is designed to be user friendly, the process for verifying identity and nationality can be done using an android Smartphone app or through secure post.

Clearly the Home Office feels that this is a process that will not require the input of OISC regulated advisers, but applicants could feel differently and may approach you for advice.

In preparation for this, you may want to make sure that your fee scale covers this advice, either by including advice on this category, or by making sure you have an entry in your fee scale for one off/hourly advice. If you amend your fee scale to include this new work, remember it must be approved by the OISC beforehand.

If you give one off advice to any client, you do not have to issue a client care letter or create a file as you would do with a returning client, but you should still keep a record of the person’s details and the advice you have given them and include them in any file list you provide to the Commissioner.



July 2018

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OISC Webinars

Our Consumer Satisfaction webinar has been on the OISC’s website since 1 April 2018 and can be found here: <https://www.gov.uk/government/collections/oisc-consumer-satisfaction-webinar>

The webinar has been viewed 158 times so far and to put that into perspective, the average attendance at an OISC workshop is approximately twenty five people. That is the equivalent of six workshops, or to put it another way, that is about half the number of people who have attended all of our workshops over the whole year.

Our webinars are not going to be copies of the OISC workshops, but will instead look to compliment them by dealing with areas that may not be suited to being addressed in the workshop format.

The next webinar we are working on, which will be completed before Christmas 2018, will focus on the things newly regulated advisers should know once they have received accreditation from the OISC. It will touch on a number of topics, such as audits and complaints, and should mean that those advisers who are new to the scheme will be more aware of what is required of them in these situations.

At the end of the Consumer Satisfaction webinar there is an evaluation form where you can suggest topics for future OISC webinars.



July 2018

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OISC Workshops

The OISC’s workshop programme has been in operation for many years now and continues to be in much demand.

Designed principally to create an opportunity for the OISC to provide information directly to registered advisers on meeting the requirements of the Code of Standards and advice on best practice, it also allows advisers, many of whom work as sole traders, to come together and to share experiences and build relationships.

Last year the OISC conducted 11 workshops with over 320 advisers attending. As discussed in the Spring newsletter, we have piloted a new workshop based around consumer satisfaction. The feedback from those that attended the workshop was very positive, so this year we have included it into regular rotation alongside our other workshops.

Regulated organisations have already been informed of the workshops being held in Birmingham on the 15 August, and there are three more days of workshops before the end of the year as follows:

26 & 27 September – London
18 October – Glasgow



Details of these workshops will be confirmed by email to primary contacts nearer the time, but Consumer Satisfaction will feature in both London and Glasgow.

If you have applied to attend in the past but have not yet been successful in getting a place, we would encourage you to let us know when you apply for a place in future so that we can try and accommodate you. Most of the workshops are oversubscribed so we might not be able to please everyone, but we will keep trying!

July 2018

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Action Against Illegal ‘Advisers’ Part I

Second prison sentence for unlawful immigration adviser

On Monday 5 March 2018, at Southwark Crown Court, Mr Kamran Malik, aged 51 years of St. Clair Road, London E13 pleaded guilty to four counts of providing unqualified immigration advice and services. The offences took place between 2 November 2014 and 7 March 2017.

Mr Malik is not regulated. Clients paid money to Mr Malik for immigration advice and services believing that he was legitimate. His criminality was exposed when a referral was made to the OISC by the Solicitors Regulation Authority.

Evidence was provided by a number of complainants and additional material was gathered during the execution of a search warrant at his business premises, KM Legal, Romford Road, Forest Gate E7.

Mr Malik was previously convicted of providing unqualified immigration advice and services as a result of an earlier OISC prosecution for which he received a total of 24 weeks’ imprisonment at Westminster Magistrates Court on 5 June 2014.

On Monday 25 June 2018 Mr. Malik appeared before His Honour Judge Robbins at Southwark Crown Court for sentencing.



Mr. Malik was sentenced to 12 months’ imprisonment on each count to run concurrently, made the subject of a Criminal Behaviour Order not to provide immigration advice or services for 10 years and ordered to pay £48,000 in prosecution costs and £16,700 in compensation to complainants.

In sentencing HH Judge Robbins said “the really aggravating factor is once again you are before the court for similar offences you were convicted of before.”

Speaking about the decision, Deputy Immigration Services Commissioner, Dr Ian Leigh, said, “The OISC is here to ensure that people seeking immigration advice are treated fairly by people they can trust. We have clear standards outlining what we expect in terms of the fitness and competence of regulated advisers. Mr Malik, once again, chose to operate outside of the law. I hope that the outcome of this case sends a clear message to others who may be considering providing immigration advice, either act lawfully or you will find yourself in court.”

July 2018

**“the OISC
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Action Against Illegal ‘Advisers’ Part 2

Bogus Croydon immigration adviser convicted of fraud

On Tuesday 26 June 2018 Commonwealth Evaluators Ltd and the leading members of the company were convicted on 12 counts comprising offences of fraud and the unlawful provision of immigration advice and services at Croydon Crown Court after a nine week trial brought by the OISC.

Swaye Binns, aged 39 from Dulwich, was the founder and CEO of the company which offered legal advice and immigration service targeting members of the community from Commonwealth countries. Working alongside him was his twin brother, Sheldon Binns, who was also a director in the company. Tara Robinson, 33, partner of Swaye Binns, was employed as a manager responsible for day-to-day running of the business. Donald Hill, 37, a long time friend of Swaye Binns, was a director and majority shareholder who managed company finances.

The company provided unregulated immigration advice and services to unsuspecting clients seeking to obtain leave to remain in the UK. The services offered were designed to appeal to citizens of Commonwealth countries, promoting a niche area of immigration law directed at the Caribbean community which was advertised online and in community newspapers and a local radio station. Clients from London, Birmingham and Liverpool responded to the claims.

However, unknown to these clients, Swaye Binns himself was an illegal overstayer and the subject of a deportation order resulting from a previous conviction back in 2003 which resulted in a term of imprisonment.

Complaints were received by the OISC in August 2014 when disgruntled clients had their applications refused by the Home Office, later discovering that the company were unauthorised to provide immigration advice in any capacity.

The company later declared that it was operating under the supervision of the Solicitors Regulation Authority, but this was found to be fraudulent. In a desperate attempt to continue trading, an application was made to the OISC in early 2015 to become regulated but the application was refused.

Working in collaboration with the Home Office, the OISC traced in excess of 260 clients who had been duped and gathered evidence to prosecute the company. Many of these clients attended court and gave evidence as to how they had been deceived into parting with life savings in order to improve their problematic immigration status, only to find that their situations were made markedly worse.

Commonwealth Evaluators Ltd. were sentenced on 19 July 2018 at Croydon Crown Court. Swaye Binns was sentenced to imprisonment totalling 4 years. Sheldon Binns was sentenced to 10 months imprisonment suspended for 14 months and 150 hours of unpaid work. Tara Robinson was sentenced to 20 months imprisonment suspended for 2 years and 280 hours of unpaid work. Donald Hill was sentenced to a Community Service Order of 100 hours.

Sentencing, Her Honour Judge Smaller said “Your company was not qualified from the outset and you knew that. It is clear that you portrayed yourselves as dedicated to serving your Jamaican community. In fact you caused a great disservice to those in your community and others besides. Immigration firms have to be regulated because they deal with the most vulnerable in society.”

The full press release can be found on the OISC website [here](#).

OISC General Information

Office of the
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July 2018

*“the Home
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profits of up to
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immigration
applications...”*

Call for Evidence: Home Office Fees

Our caseworkers often hear from advisers that one of the biggest problems for clients are the high application fees charged by the Home Office. You may have noticed that this issue has been getting some coverage in the national press, with both the BBC and the Guardian running articles on the subject.

The Guardian reports that the Home Office made profits of up to 800% on some immigration applications from families. The cost to the Home Office of processing a naturalisation application is £372.

In 2011, the fee for adult naturalisation was £700, while the registration fee for an adult has gone from £500 seven years ago to £1,206. The cost of a settlement visa for a dependent relative has risen from £585 in 2008-09 to £3,250 in 2017-18, an increase of 450%. Naturalisation for non-British overseas territory citizens costs £1,330, compared with £906 in 2014-15. Nationality registration for adults has gone up from £823 in 2014-15 to £1,206

David Bolt, The Independent Chief Inspector of Borders and Immigration, announced in June 2018 that work has begun on an inspection of Home Office charges relating to asylum, nationality and immigration which would look at whether the Home Office is providing services efficiently and effectively.

We now await the outcome of this inspection

REQUEST AN OISC SPEAKER FOR YOUR EVENT

Immigration advice organisations are invited to contact the OISC if they have an interest in receiving input or representation from the OISC at one of their future events.

Adviser organisations should email Sharon.harris@oisc.gov.uk in the first instance to register an interest. Advisers will subsequently be contacted to discuss possible options.



OISC News is published by the Office of the Immigration Services Commissioner.

For general queries telephone our helpline on 0345 000 0046

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