

OISC Level 1

What you can and can't do

1 Who is this briefing for?

- 1.1 This briefing is for NfP agencies that have been granted exemption by the OISC to provide immigration advice at level 1.

2 Why another briefing?

- 2.1 We understand that growing numbers of clients are approaching Level 1 agencies and asking them to do work that is beyond their competence.
- 2.2 This is partly a result of the recent changes to the LSC immigration contract and the requirement for those working under it to be accredited. A number of specialist suppliers have closed and those that have remained open are turning clients away if their Legal Help extension or CLR applications are refused.
- 2.3 If they are unable to locate an adviser exempted to do work at Levels 2 or 3 and the situation is urgent, Level 1 agencies can face a dilemma about whether to help these clients themselves.
- 2.4 This briefing is to remind agencies that it is against the law to do work for which they are not exempted. Despite the temptation to help clients in need, help given in these circumstances may put the agency at risk of prosecution.

Example

Mr A is an asylum seeker. He comes to your office for help with completion of a SEF form. He speaks limited English. He has 5 days to return the form to the Home Office or his claim for asylum will be refused. He has approached a number of private practice solicitors but has been unable to find anyone taking on new immigration cases. He begs for your help.

Mr A requires an urgent referral to Level 2 as this work is not permitted at Level 1.

- 2.5 It is also possible that, despite good intentions, an agency will damage the client's case if it takes on work it is not competent to do. The example below is based on a real case provided by OISC.

Example

A not for profit adviser was granted exemption at Level 1. His application and assessment had demonstrated he was not competent at Levels 2 or 3. The adviser carried out work above his authorised level including submitting appeals.

The work was of a low standard generally. In some cases the adviser had used legal wording that was incorrect and had damaged potentially strong cases as a result. He had also submitted appeals that were without merit thereby wasting clients' time and falsely raising their expectations.

3 What can you do?

Referral

- 3.1 When a client requires work to be done that is not permitted at Level 1, you must refer to a Level 2 or 3 adviser. In order to find an appropriate adviser, you can use the OISC's adviser finder page on its website: <http://www.oisc.org.uk/adviser-finder/00-adviser-finder.asp>. This lists all agencies regulated by OISC. To find other advisers, including solicitors, you can use the Community Legal Service Direct directory: <http://www.clsdirect.org.uk/directory/directorySearch?lang=en>.

Training

- 3.2 Alternatively, you could consider becoming exempted at Level 2. If you think you would like to do this, you should speak to your OISC caseworker about what you would have to do to qualify. It may be that with a bit of extra training you will be ready to make an application at Level 2.
- 3.3 The OISC is running free training for NfP agencies throughout the summer and many of the courses cover Level 2 work. You can find the training programme on the OISC's website at: <http://www.oisc.org.uk/training/00-start-training.asp>.

4 Where to get further help

- 4.1 To check what work you can do if you have been granted exemption at Level 1, you should refer to the OISC's updated Guidance on Competence which can be found on the OISC website at: http://www.oisc.org.uk/publications/pdfs/policy-documents/Guidance_on_competence_May_2005.pdf.

Useful addresses

Network contacts

Management Helpline

DIAL UK

St Catherine's Hospital
Tickhill Road, Balby
Doncaster DN4 8QN
Tel: 01302 310123

Development Team Consultancy Line

advice^{uk} London Region

12th Floor
New London Bridge House
25 London Bridge Street
London SE1 9ST
Tel: 020 7407 6622

Citizens Advice

Myddleton House
115-123 Pentonville Road
London N1 9LZ
Bureau Management Consultancy Line
Tel: 0845 120 2035
CLS Consultancy Line
Tel: 020 7833 7046/7134 or 01873 810101

James Kenrick

Youth Access

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Alderbrook Road
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Tel: 020 8772 9900

Phil Jew and Chilli Reid

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Astral House
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Office of Immigration Services Commissioner (OISC)

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The Office of the Information Commissioner

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