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## Briefing Note

### Immigration Advice – OISC Registration

Generally, it is illegal for businesses to give advice on immigration issues unless the person giving the advice is considered to be qualified.

Qualified advisers include solicitors and those regulated by the Office of the Immigration Services Commissioner (OISC). "Immigration issues" include citizenship of the European Union, and admission to or residence in Member States under European Community law.

Labour providers, who only give advice about the Worker Registration Scheme, such as on how or when a worker should apply, or help a worker to complete the WRS application form, do not need to be regulated by the OISC.

The ALP were however informed by the OISC that the Border and Immigration Agency (now UK Border Agency – UKBA) website was "categorically wrong" and that "completing a WRS form on someone's behalf or even giving them the form to complete does require registration". The website was changed without consultation with the immediate effect of criminalising labour providers.

Following strong representations by the Association, common sense prevailed and the Home office have once again assumed the previous position. This is confirmed on the UKBA website

<http://www.ukba.homeoffice.gov.uk/workingintheuk/eea/wrs/employmentagencies/>

If however a labour provider is advising workers or their dependants on their right to live in the United Kingdom this advice relates to their worker status and the agency must register with the OISC at [www.oisc.gov.uk/](http://www.oisc.gov.uk/) or 0845 000 0046.