

News release

SRA opens consultation on providing immigration services

12 March 2020

We have launched a public consultation on our rules governing where solicitors are allowed to work while offering immigration services.

Under our current rules, immigration services can only be provided to members of the public by solicitors, RELs and RFLs (overseas lawyers) working within regulated law firms, or some non-commercial organisations, regulated by the Office of the Immigration Services Commissioner (OISC).

In November 2019, we introduced our new Standards and Regulations, which removed some of the restrictions on the ways in which solicitors may provide services to the public.

Restrictions were maintained for particular types of services, such as reserved activities and financial services. It was proposed restrictions should also be in place for immigration services. However, these were not brought into force, with transitional provisions maintaining the pre-existing restrictions.

We have worked with OISC and have proposed amending those provisions. The new rules would allow solicitors, RELs and RFLs to continue to provide immigration services to the public through regulated law firms and non-commercial OISC regulated firms.

Solicitors, RELs and RFLs could provide such services through fee-charging organisations regulated by the OISC only if they are individually registered with OISC as immigration advisers, or are otherwise qualified persons under the Immigration and Asylum Act 1999 (other than as solicitors, RELs or RFLs). Anyone wishing to offer immigration services from such organisations continues to be required to be regulated by and registered directly with the OISC and comply with the OISC Code, as will any individuals they supervise.

Paul Philip, SRA Chief Executive, said: "Immigration is a complex area of law which deals often with vulnerable people, so it's important that there is clarity about the regulation of those delivering immigration services.

"Our proposals achieve this by making a clear distinction between when the SRA is responsible for regulating a service provider, and those who work for them, and when it is OISC."

Solicitors working in-house may provide immigration services directly to their employer.

Consultation on the new rules will run for six weeks until April 22.

View the consultation [<https://www.sra.org.uk/sra/consultations/consultation-listing/delivering-immigration-advice-services/?s=o>]