

# **Immigration Advice Service:**

## **Terms of Advice Service**

### **Overview**

The Immigration Advice Service at Bath Spa University provides free, confidential, impartial and non-judgemental advice to our customers, acting in their best interests of those who use the service, prioritising their interests, subject to regulatory and legal requirements.

This service is accessible to all Bath Spa University students, applicants and graduates (up to two years) and University Staff subject to immigration control.

### **Our commitment**

We will always act in the best interests of our service users, subject to regulatory and legal restrictions. We will treat you fairly and without prejudice or bias. We will provide detailed and accurate advice to the best of our abilities in a format that is accessible to you and which complies with regulatory requirements. We aim to be a friendly and approachable service, and to make you feel welcome when you seek advice from us.

We are unable to take any action on your behalf that is illegal, deceptive or contravenes immigration rules, or to recommend that you take any such action. We are also employed by Bath Spa University which holds a Student Sponsor License and a Skilled Worker Licence. We may not, therefore, be able to assist you where doing so would risk that license, but we will make this very clear to you if it is the case and advise you of any alternative options.

### **Our role**

While we make every effort to provide accurate and detailed advice, your immigration status, applications and compliance are your responsibility.

The scope of our role extends to providing advice on your immigration status and communications with the Home Office. These communications may include immigration policy questions or questions regarding the progress of an application. We will also assist with certain documentation processing including scanning documents and uploading these to a visa application.

The University is not responsible for making decisions regarding your immigration status.

### **Regulation and our advisers**

Our immigration advice is regulated by the Office of the Immigration Services Commissioner (OISC).

Our advisers are all trained in student immigration and related immigration categories.

We are constantly updating our knowledge through relevant publications, internal and external training, specialist networks, and direct dialogue with the Home Office. We are members of the UK Council for International Student Affairs (UKCISA) and the Association of International Student Advisers (AISA).

Advisers in the Immigration Advice Service are the only University staff legally allowed to give immigration advice. We are authorised to provide immigration advice to Bath Spa University students and staff only.

### **Quality of Advice**

Immigration Advisers are responsible for checking the accuracy of the advice they give and referencing sources of information on case records, even if this is a conversation with another colleague. Resources are available to all advisers to help them find the relevant information.

Supervision may take place in one to one sessions, group/peer sessions, casework checking, or sitting in with individual advisers.

### **Continuing Professional Development**

The Immigration Advice Service can only operate consistently and to the service standard desired with regular and consistent external training and access to full resources. The team are members of UKCISA, AISA and ICN, who offer training on immigration and advisory practices. Under codes of practise defined by OISC, advisers must only operate within their levels of competence and the University is responsible for ensuring that Advice staff undergo regular training.

### **Confidentiality and Records Management**

The Immigration Advice is committed to maintaining student confidentiality and has taken steps to ensure that service users' information is accessible only to those authorised to have access to such information and is used only for appropriate purposes.

Those that use our service are advised that we define confidentiality as a "circle of confidentiality" within which team members may discuss details about your case, in an appropriate environment, to ensure informed advice is given and to assist with staff training and development.

Information we receive from or about you will not normally be disclosed to others outside our team, however there are some circumstances where your information may be disclosed outside of the team, such as:

- if it is necessary to discuss your situation with colleagues in the Immigration Compliance Team or other relevant university staff to help resolve your query;

- when you have given your explicit consent to disclose information to an external agency or representative;

Rarely, occasions may arise where confidentiality cannot be kept. Given that any breach of confidentiality may damage the reputation of our services cases of this sort must be treated with exceptional care and diligence.

Breaching confidentiality may only be applied in the following circumstances:

- Where disclosure of information is required by law and/or institutional sponsorship responsibilities under the Points Based Immigration System.
- Where legal obligation, such as responding to a subpoena or under statutory acts of law, require disclosure of confidential information for example in circumstances covered by the Prevention of Terrorism Acts.
- Where staff have reasonable grounds for believing that the individual will cause serious harm to others, including children, or themselves or have harm caused to them.

### **Conflict of Interest**

Where advice is sought regarding a matter that has direct implications on the rights, entitlements or obligations of another student or staff member of Bath Spa, advisers will offer impartial advice but will not undertake casework on behalf of the student, unless it is established that all potential affected individuals consent to the action being taken. Advisers should declare the potential for a conflict of interest and to ensure that they get the best possible help and advice to their problem, they might wish to be signposted to another advice organisation.

If an Adviser is in any doubt about whether an enquiry has the potential to cause a conflict of interest, this should be discussed with management. The Advisers and Management reserve the right to withdraw service if they feel that a conflict of interest will impede the best interests of the student/ applicant and the University.

### **Referrals to other services**

In some limited circumstances, The Immigration Advice Service may not be able to assist, for example, where the service is not being used appropriately. This relates to a situation where the details of the casefile may be deemed outside the scope of the advisers ability to take action or advise appropriately under OISC competency framework levels. Where the advice that you require is beyond our ability or you decide not to use our service, we will refer you to an appropriate service if we are able to. This will be done impartially and with no gain for the adviser or the University and with no negative effect on your status at the University, provided we are able to continue to comply with the terms of our Sponsor License.

In exceptional circumstances, the staff will restrict an individual's use of our services. This could be for a variety of reasons:

- More time is needed for the case than advisers are able to give.
- The individual has posed a real or perceived threat to the safety of staff or other students.
- The individual has persisted in using discriminatory language or behaviour contrary to our Equal Opportunities Policy.
- The individual seeking advice is not eligible to receive it.
- The individual is aggressive or abusive to staff and/or other students.

### **Concerns or complaints**

We endeavour to provide you with a respectful, professional and confidential service. However should you have any concerns about the advice you have received, please in the first instance address this with your adviser so that matters can be addressed quickly and informally. If you are not able to resolve your concerns with the adviser, you may wish to raise a formal complaint using the Bath Spa University Complaints Procedure.

If you are not satisfied with the outcome of the complaints procedure above or you do not wish to complain to the University directly, you have the right to [make a complaint](#) directly to OISC at any time.