

News story: Bogus Croydon immigration advisers convicted of fraud

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

Swaye Binns, 39, of Croxted Road, Dulwich was the founder and CEO of the company which offered immigration advice and services. His twin brother Sheldon Binns, 39, of Cannon Street Road, Bow was a director in the company for a period when the company was incorporated in July 2014. Swaye Binns' partner, Tara Robinson, 33, also of Croxted Road, Dulwich was employed as a manager responsible for the day to day running of the business. Donald Hill, 37, of Uckfield Road, Mitcham, a long time friend of Swaye Binns, was brought into the company as director responsible for managing company finance.

The company was based in Croydon and advertised legal services, according to its Companies House profile. In fact this company was providing unregulated immigration advice and services to unsuspecting clients who were seeking to obtain Leave to remain in the UK. The services offered were tailored to appeal to citizens of Commonwealth countries, promoting a niche area of immigration law relating to the Right of Abode. In particular, this service was directed at the Caribbean community. The company promoted their services on television and radio, in community newspapers and at public events in London and Birmingham. Clients nationwide who were experiencing difficulties with their immigration status responded seeking help.

Each client was charged £2000 for immigration advice and Home Office applications were submitted on their behalf claiming a Right of Abode. In meetings held at their Croydon office clients were falsely told that their unique position as Commonwealth citizens provided an automatic Right of Abode in the UK based on their heritage. However, unknown to these clients, Swaye Binns himself was an illegal overstayer and the subject of a deportation order resulting from a conviction in 2003 which resulted in a term of imprisonment.

Complaints started coming in to the OISC in August 2014 when disgruntled clients had their applications refused by the Home Office, later discovering that the company was unauthorised to provide these services as they were not regulated. Commonwealth Evaluators initially claimed to be authorised by the OISC, the statutory regulatory body for immigration advisers in the UK. This was not true. The company later declared that it was operating under the supervision of the Solicitors Regulation Authority, but this was also found to be fraudulent.

In a desperate attempt to continue trading, Tara Robinson made an application for registration as an approved immigration adviser with the OISC in early

2015. However the application was found to contain false information, claiming that the company was not advising clients at that time. 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 from them to prosecute the company. Many of these clients attended court and gave evidence as to how they had been deceived into parting with their life savings only to find that their immigration problems were made far worse. Many have lost vital documents which has caused further issues as Commonwealth Evaluators refused to return them until their fees were settled in full.

Commonwealth Evaluators Ltd. were sentenced yesterday (19 July 2018) at Croydon Crown Court. Swaye Binns, the company CEO, 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.

Swaye Binns was disqualified from holding any directorship for 5 years and a Criminal Behaviour Order banning him from working in the field of immigration indefinitely. Donald Hill was also disqualified from holding any directorship for 1 year. In addition, Donald Hill was ordered to pay compensation in the sum of £1000. Sheldon Binns and Tara Robinson were each ordered to pay compensation in the sum of £700. There was no order for costs.

Commonwealth Evaluators Ltd. was fined a notional £100 and will be struck off from the Companies Register on 19 August 2018. At the conclusion of his prison sentence the current deportation order against Swaye Binns will be activated.

Sentencing, Her Honour Judge Smaller said:

“You have been convicted on the clearest evidence of fraud. Commonwealth Evaluators was a professional looking company with an impressive looking website. That is not a compliment. It outlines the sophisticated nature of the fraud. I have no doubt that clients of the company were under the impression that they were receiving the services of lawyers. 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.”

About Swaye Binns, the Judge said “ You styled yourself as a successful businessman with an income to match, helping yourself to money from the company bank accounts. You talked of aiming to be head of an international organisation and specialists in the field. You have nothing more than an aspirational understanding of running a company and a complete disregard for keeping within the law. Your dishonesty is a self-aggrandising fantasy. You are arrogant, grandiose, self-interested, blinkered and greedy. When

challenged about your behaviour you have reacted with further dishonesty. Whether you thought you were helping anyone I am unsure but you were really interested in the money. I am satisfied that you are dishonest through and through. This is serious offending over a sustained period of time with a high impact on vulnerable victims."

Speaking about the case, the OISC Deputy Commissioner, Dr Ian Leigh, said:

"The OISC is here to ensure that people seeking immigration advice are treated fairly by qualified people they can trust. In the largest case ever prosecuted by the OISC, Commonwealth Evaluators were exposed operating outside the law, preying upon vulnerable clients within their own community without regard for their protection or the consequences. I am delighted with the outcome of this case, and I hope it sends a clear message to anyone considering providing unregulated immigration advice and services."