



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Interpretation

82 Interpretation of Part V

(1) In this Part—

“claim for asylum” means a claim that it would be contrary to the United Kingdom’s obligations under—

- (a) the Refugee Convention, or
- (b) Article 3 of the Human Rights Convention,

for the claimant to be removed from, or required to leave, the United Kingdom;

“the Commissioner” means the Immigration Services Commissioner;

“the complaints scheme” means the scheme established under paragraph 5(1) of Schedule 5;

“designated judge” has the same meaning as in section 119(1) of the Courts and Legal Services Act 1990;

“designated professional body” has the meaning given by section 86;

“immigration advice” means advice which—

- (a) relates to a particular individual;
- (b) is given in connection with one or more relevant matters;
- (c) is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and
- (d) is not given in connection with representing an individual before a court in criminal proceedings or matters ancillary to criminal proceedings;

Status: This is the original version (as it was originally enacted).

“immigration services” means the making of representations on behalf of a particular individual—

- (a) in civil proceedings before a court, tribunal or adjudicator in the United Kingdom, or
- (b) in correspondence with a Minister of the Crown or government department,

in connection with one or more relevant matters;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“qualified person” means a person who is qualified for the purposes of section 84;

“registered person” means a person who is registered with the Commissioner under section 85;

“relevant matters” means any of the following—

- (a) a claim for asylum;
- (b) an application for, or for the variation of, entry clearance or leave to enter or remain in the United Kingdom;
- (c) unlawful entry into the United Kingdom;
- (d) nationality and citizenship under the law of the United Kingdom;
- (e) citizenship of the European Union;
- (f) admission to Member States under Community law;
- (g) residence in a Member State in accordance with rights conferred by or under Community law;
- (h) removal or deportation from the United Kingdom;
- (i) an application for bail under the Immigration Acts or under the Special Immigration Appeals Commission Act 1997;
- (j) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (i); and

“the Tribunal” means the Immigration Services Tribunal.

(2) In this Part, references to the provision of immigration advice or immigration services are to the provision of such advice or services by a person—

- (a) in the United Kingdom (regardless of whether the persons to whom they are provided are in the United Kingdom or elsewhere); and
- (b) in the course of a business carried on (whether or not for profit) by him or by another person.