



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART V

#### IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

##### *The general prohibition*

#### **84 Provision of immigration services.**

(1) No person may provide immigration advice or immigration services unless he is a qualified person.

[<sup>F1</sup>(2) A person is a qualified person if he is—

- (a) a registered person,
- (b) authorised by a designated professional body to practise as a member of the profession whose members the body regulates,

[<sup>F2</sup>(ba) a person authorised to provide immigration advice or immigration services by a designated qualifying regulator,]

[<sup>F3</sup>(c) .....

(d) [<sup>F4</sup>... or

(e) acting on behalf of, and under the supervision of, a person within any of paragraphs (a) to [<sup>F5</sup>(ba)] (whether or not under a contract of employment).]

[<sup>F1</sup>(3) Subsection (2)(a) and (e) are subject to—

[<sup>F6</sup>(a)] any limitation on the effect of a person's registration imposed under paragraph 2(2) of Schedule 6.]

[<sup>F7</sup>(b) paragraph 4B(5) of that Schedule (effect of suspension of registration).]

[<sup>F8</sup>(3A) A person's entitlement to provide immigration advice or immigration services by virtue of subsection (2)(ba)—

- (a) is subject to any limitation on that person's authorisation imposed by the regulatory arrangements of the designated qualifying regulator in question, and

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- (b) does not extend to the provision of such advice or services by the person other than in England and Wales (regardless of whether the persons to whom they are provided are in England and Wales or elsewhere).

(3B) In subsection (3A) “regulatory arrangements” has the same meaning as in the Legal Services Act 2007 (see section 21 of that Act).]

(4) Subsection (1) does not apply to a person who—

- <sup>F9</sup>(a) .....  
<sup>F10</sup>(b) .....  
<sup>F11</sup>(c) .....  
(d) <sup>F12</sup>... falls within a category of person specified in an order made by the Secretary of State for the purposes of this subsection.

<sup>F13</sup>(5) .....

(6) Subsection (1) does not apply to a person—

- (a) holding an office under the Crown, when acting in that capacity;  
(b) employed by, or for the purposes of, a government department, when acting in that capacity;  
(c) acting under the control of a government department; or  
(d) otherwise exercising functions on behalf of the Crown.

<sup>F14</sup>(7) .....

#### Textual Amendments

- F1** S. 84(2)(3) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), **ss. 37(1)**, 48(3); S.I. 2004/2523, art. 2, Sch.
- F2** S. 84(2)(ba) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 18 para. 12(2)(a)** (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)
- F3** S. 84(2)(c) omitted (31.12.2020) by virtue of [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **11(6)(a)** (with Sch. 2 para. 3); 2020 c. 1, Sch. 5 para. 1(1)
- F4** S. 84(2)(d) omitted (31.12.2020) by virtue of [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **11(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in s. 84(2)(e) substituted (31.12.2020) by [The Immigration, Nationality and Asylum \(EU Exit\) Regulations 2019 \(S.I. 2019/745\)](#), regs. 1(2), **11(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in s. 84(3) inserted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 7 para. 5(1)(a)**; S.I. 2014/2771, art. 5(c)
- F7** S. 84(3)(b) inserted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 7 para. 5(1)(b)**; S.I. 2014/2771, art. 5(c)
- F8** S. 84(3A)(3B) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 18 para. 12(3)** (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)
- F9** S. 84(4)(a) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 7 para. 2(1)(a)**; S.I. 2014/2771, art. 5(c)
- F10** S. 84(4)(b) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 7 para. 2(1)(a)**; S.I. 2014/2771, art. 5(c)
- F11** S. 84(4)(c) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 7 para. 2(1)(a)**; S.I. 2014/2771, art. 5(c)
- F12** Word in s. 84(4)(d) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 7 para. 2(1)(b)**; S.I. 2014/2771, art. 5(c)
- F13** S. 84(5) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 7 para. 2(2)(a)**; S.I. 2014/2771, art. 5(c)

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**F14** S. 84(7) omitted (17.11.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 7 para. 2(2)(a)**; S.I. 2014/2771, art. 5(c)

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**Modifications etc. (not altering text)**

- C1** S. 84(1) excluded (temp. from 30.4.2001 to the end of January 2002) by S.I. 2001/1393, **arts. 1, 3, 4**  
S. 84(1) excluded (30.4.2001) by S.I. 2001/1403, **arts. 2-4, Schs. 1-3**  
S. 84(1) excluded (temp. from 1.2.2002 to 31.12.2002) by The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2002 (S.I. 2002/9), **arts. 1, 3**  
S. 84(1) excluded (temp. from 1.1.2003 to 31.12.2003) by The Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2002 (S.I. 2002/3025), **arts. 1, 3**
- C2** S. 84(4)(d) extended (1.1.2004) by Immigration and Asylum Act 1999 (Part V Exemption; Relevant Employers) Order 2003 (S.I. 2003/3214), **arts. 1, 3**

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**Commencement Information**

- II** S. 84 wholly in force at 30.4.2001; s. 84 not in force at Royal Assent see s. 170(4); s. 84(5)(7) wholly in force and s. 84(2)(a)(b)(4)(a)(d) in force for certain purposes at 30.10.2000 by S.I. 2000/1985, **art. 2, Sch.** (with transitional provisions in **art. 3**); s. 84 in force so far as not already in force at 30.4.2001 by S.I. 2001/1394, **art. 2, Sch.**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by 2023 c. 37 s. 10(6)
- s. 40(1)-(1C) substituted for s. 40(1) by 2022 c. 36 s. 76(2)
- s. 40(4A)(4B) inserted by 2022 c. 36 s. 76(5)
- s. 72(10) repealed by 2004 c. 19 Sch. 4
- s. 94(2A)-(2C) inserted by 2016 c. 19 Sch. 11 para. 3(3)
- s. 94(2D) inserted by 2016 c. 19 Sch. 11 para. 7(4)
- s. 94(3)(3A) substituted for s. 94(3) by 2002 c. 41 s. 44(4) (This amendment is repealed (prosp.) by 2016 c. 19, Sch. 11 para. 41)
- s. 94(3A)-(3D) inserted by 2016 c. 19 Sch. 11 para. 3(5)
- s. 95A inserted by 2016 c. 19 Sch. 11 para. 9
- s. 96(1A) inserted by 2016 c. 19 Sch. 11 para. 10(3)
- s. 97(3A)(b)(iv) inserted by 2022 c. 36 s. 13(2)(c)(ii)
- s. 97(8)(9) inserted by 2016 c. 19 Sch. 11 para. 11(4)
- s. 98A inserted by 2016 c. 19 Sch. 11 para. 13
- s. 98A(5) inserted by 2022 c. 36 s. 13(4)
- s. 103(4)(a) words substituted by 2004 c. 19 s. 10(4)(b)
- s. 103(5)(b) word substituted by S.I. 2008/2833 Sch. 3 para. 183(ii)
- s. 103A(1) words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) heading words substituted by 2004 c. 19 s. 10(5)
- s. 103A(1) words substituted by S.I. 2008/2833 Sch. 3 para. 184
- s. 125(2)(ba) inserted by 2016 c. 19 Sch. 11 para. 22(3)(b)
- s. 146(2)(za) inserted by 2016 c. 19 s. 44(9)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by 2016 c. 19 Sch. 11 para. 24(2)
- s. 166(5A)(5B) inserted by 2016 c. 19 Sch. 11 para. 24(3)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by 2016 c. 19 Sch. 11 para. 24(4)
- Sch. 2 para. 21 modified by 2002 c. 41 s. 23(2)(a)
- Sch. 3 para. 2(5) modified by 2002 c. 41 s. 23(2)(b)