



# 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.
- (2) A person is a qualified person if—
  - (a) he is registered with the Commissioner or is employed by, or works under the supervision of, such a person;
  - (b) he is a member or employee of a body which is a registered person, or works under the supervision of such a member or employee;
  - (c) he is authorised by a designated professional body to practise as a member of the profession whose members are regulated by that body, or works under the supervision of such a person;
  - (d) he is registered with, or authorised by, a person in another EEA State responsible for regulating the provision in that EEA State of advice or services corresponding to immigration advice or immigration services or would be required to be so registered or authorised were he not exempt from such a requirement;
  - (e) he is authorised by a body regulating the legal profession, or any branch of it, in another EEA State to practise as a member of that profession or branch; or
  - (f) he is employed by a person who falls within paragraph (d) or (e) or works under the supervision of such a person or of an employee of such a person.
- (3) If a registered person's registration has limited effect (by virtue of paragraph 2(2) of Schedule 6), neither paragraph (a) nor (b) of subsection (2) authorises the provision of advice or services falling outside the scope of that registration.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Subsection (1) does not apply to a person who—
- (a) is certified by the Commissioner as exempt (“an exempt person”);
  - (b) is employed by an exempt person;
  - (c) works under the supervision of an exempt person or an employee of an exempt person; or
  - (d) who falls within a category of person specified in an order made by the Secretary of State for the purposes of this subsection.
- (5) A certificate under subsection (4)(a) may relate only to a specified description of immigration advice or immigration services.
- (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.
- (7) An exemption given under subsection (4) may be withdrawn by the Commissioner.