

2002 No. 9

IMMIGRATION

**The Immigration and Asylum Act 1999 (Part V Exemption:
Relevant Employers) Order 2002**

Made - - - - - *7th January 2002*

Laid before Parliament *8th January 2002*

Coming into force - - *1st February 2002*

The Secretary of State, in exercise of the powers conferred on him by sections 84(4)(d) and 166 of the Immigration and Asylum Act 1999(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration and Asylum Act 1999 (Part V Exemption: Relevant Employers) Order 2002 and shall come into force on 1st February 2002 and shall continue in force until the end of 31st December 2002, when it shall expire.

Interpretation

2. In this Order—

“the Act” means the Immigration and Asylum Act 1999;

“immigration advice” and “immigration services” have the same meanings as in section 82 of the Act;

“work permit” has the same meaning as in the Immigration Act 1971(b);

“immediate family” means a person’s spouse, and children below eighteen years of age.

Exemption of relevant employers

3.—(1) Subject to paragraph (2), section 84(1) of the Act (provision of immigration services) shall not apply to a person who provides immigration advice or immigration services free of charge to an employee or prospective employee who has been granted a work permit and where the immigration advice or immigration services are restricted to matters which concern that employee or that employee’s immediate family.

(2) For the purposes of paragraph (1), the person providing the immigration advice or immigration services must be the employer or prospective employer of the person receiving the advice or services, or an employee of that employer acting as such.

Home Office
7th January 2002

Jeff Rooker
Minister of State

(a) 1999 c. 33.
(b) 1971 c. 77.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order temporarily exempts relevant employers from the prohibition imposed under section 84(1) of the Act and the related criminal offence of providing immigration advice or immigration services in breach of section 84. The exemption applies to employers or their staff in cases where the advice or services are provided only to employees or prospective employees who have been granted valid work permits for that employment, and where the advice or services are provided in connection with that employee or their immediate family only.

This Order continues the temporary exemption created by S.I. 2001/1393 insofar as that Order related to relevant employers. This Order is time-limited to 31st December 2002.

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