



# Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

## 2004 CHAPTER 19

### *Immigration services*

#### **37 Provision of immigration services**

(1) For section 84(2) and (3) of the Immigration and Asylum Act 1999 (c. 33) (person qualified to provide immigration services) substitute—

“(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,
- (c) the equivalent in an EEA State of—
  - (i) a registered person, or
  - (ii) a person within paragraph (b),
- (d) a person permitted, by virtue of exemption from a prohibition, to provide in an EEA State advice or services equivalent to immigration advice or services, or
- (e) acting on behalf of, and under the supervision of, a person within any of paragraphs (a) to (d) (whether or not under a contract of employment).

(3) Subsection (2)(a) and (e) are subject to any limitation on the effect of a person’s registration imposed under paragraph 2(2) of Schedule 6.”

(2) In section 85(1) of that Act (registration by the Commissioner) omit “and (b)”.

(3) In section 89 of that Act (disciplinary charge upheld by Immigration Services Tribunal)—

- (a) for subsections (2) and (3) substitute—

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*Status: This is the original version (as it was originally enacted).*

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- “(2) If the person charged is a registered person or acts on behalf of a registered person, the Tribunal may—
- (a) direct the Commissioner to record the charge and the Tribunal’s decision for consideration in connection with the registered person’s next application for continued registration;
  - (b) direct the registered person to apply for continued registration as soon as is reasonably practicable.”; and
- (b) in subsection (8) for “employed by him or working” substitute “acting on his behalf or”.
- (4) In section 90(4) of that Act (orders by disciplinary bodies) for “works under the supervision of” substitute “is acting on behalf of”.
- (5) In Schedule 5 to that Act (Immigration Services Commissioner)—
- (a) for paragraph 1(1)(b) substitute—
    - “(b) those acting on behalf of registered persons.”;
  - (b) for paragraph 1(3)(b) substitute—
    - “(b) any person acting on behalf of that person.”;
  - (c) for paragraph 3(3)(b) substitute—
    - “(b) a person who is acting on behalf of a person who is within paragraph (a).”;
  - (d) for paragraph 4(1)(b) substitute—
    - “(b) persons acting on behalf of persons who are within paragraph (a).”;
  - (e) in paragraph 5(3)(b) for “employed by, or working under the supervision of,” substitute “acting on behalf of”;
  - (f) for paragraph 5(3)(e) substitute—
    - “(e) an alleged breach of a rule of a relevant regulatory body.”;
  - (g) for paragraph 6(3)(c) substitute—
    - “(c) in any other case, refer the matter to any relevant regulatory body.”;
  - (h) in paragraphs 9(1)(a) and (b) for “or a person employed by, or working under the supervision of,” substitute “or is acting on behalf of”;
  - (i) for paragraph 9(1)(c) substitute—
    - “(c) refer the complaint and his decision on it to a relevant regulatory body.”;
  - (j) for paragraphs 9(3)(a) and (b) substitute—
    - (a) imposing restrictions on the provision of immigration advice or immigration services by the relevant person or by a person acting on his behalf or under his supervision;
    - (b) prohibiting the provision of immigration advice or immigration services by the relevant person or a person acting on his behalf or under his supervision.”; and
  - (k) for paragraphs 9(4)(b) to (d) substitute—
    - “(b) a person acting on behalf of a registered person.”;
- (6) In Schedule 6 to that Act (registration)—
- (a) in paragraph 1(1) omit “or (b)”, and

(b) in paragraph 3(7)(a) for “section 89(3)(b)” substitute “section 89(2)(b)”.