
Changes to legislation: Immigration Act 2014, Cross Heading: Complaints and investigations is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Complaints and investigations

- 7 (1) For section 89(2) (powers of Tribunal on hearing charge against registered person) substitute—
- “(2) Subsections (2A) and (2B) apply if the person charged was, at the time to which the charge relates, a registered person or a person acting on behalf of a registered person.
- (2A) If the registered person mentioned in subsection (2) is still registered, the First-tier Tribunal may direct the Commissioner—
- (a) to record the charge and the First-tier Tribunal's decision on it for consideration in connection with that person's next application for continued registration;
- (b) to cancel that person's registration.
- (2B) If the registered person mentioned in subsection (2) is no longer registered, the First-tier Tribunal may direct the Commissioner to record the charge and the First-tier Tribunal's decision on it for consideration in connection with any application by that person for registration.”
- (2) In paragraph 5(3) of Schedule 5 (complaints which may be investigated by Commissioner)—
- (a) before paragraph (a) insert—
- “(za) the competence or fitness to provide immigration advice or immigration services of a person who, at the time to which the complaint relates, was a registered person,”;
- (b) in paragraph (a) for “a person” substitute “ any other person ”;
- (c) after paragraph (a) insert—
- “(aa) the competence or fitness of a person who, at the time to which the complaint relates, was acting on behalf of a registered person,”;
- (d) in paragraph (b) for the first “a person” substitute “ any other person ”;
- (e) in paragraph (d) for “a person to whom they apply” substitute “ a person who, at the time to which the complaint relates, was a registered person or a person acting on behalf of a registered person ”.
- (3) For paragraph 9(1)(a) of that Schedule (Commissioner's powers on determining a complaint) substitute—
- “(a) if the person to whom the complaint relates was at the time to which the complaint relates—
- (i) a registered person, or

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(ii) a person acting on behalf of a registered person, record the complaint and the decision on it to be considered in connection with the next relevant application;”.

(4) After paragraph 9(1) insert—

“(1A) In sub-paragraph (1)(a) “relevant application” means—

- (a) if the registered person referred to in that sub-paragraph is still registered, an application by that person for continued registration, and
- (b) otherwise, an application by that person for registration.”

(5) For paragraph 9(4) substitute—

“(4) Relevant person” means—

- (a) a person who, at the time to which the charge relates, was providing immigration advice or immigration services and was—
 - (i) a registered person, or
 - (ii) a person acting on behalf of a registered person;
- (b) a person providing immigration advice or immigration services who is—
 - (i) a person to whom section 84(4)(d) applies, or
 - (ii) a person employed by, or working under the supervision of, such a person.”

Commencement Information

II Sch. 7 para. 7 in force at 17.11.2014 by S.I. 2014/2771, art. 5(c)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2014/2771 by [S.I. 2015/371 art. 78](#)
- specified provision(s) savings for earlier commencing SI 2014/2771 by [S.I. 2014/2928 art. 2](#) (Amendment already reflected in Appended Commentary in EXTOES for 2014 SI2771.)

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. 21(4A) inserted by [S.I. 2019/745 reg. 21\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 27(7) inserted by [S.I. 2019/745 reg. 21\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(2)(3) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- s. 70A(6A) inserted by [S.I. 2019/745 reg. 21\(7\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 21(7) omitted immediately before IP completion day by virtue of S.I. 2020/1309, regs. 1(2)(a), 48)
- Sch. 3 para. 8A inserted by [2016 c. 19 Sch. 12 para. 16](#)