
STATUTORY INSTRUMENTS

2001 No. 1393

IMMIGRATION

**The Immigration and Asylum Act 1999 (Part V Exemption:
Eligible Voluntary Bodies and Relevant Employers) Order 2001**

<i>Made</i>	- - - -	<i>5th April 2001</i>
<i>Laid before Parliament</i>		<i>9th April 2001</i>
<i>Coming into force</i>	- -	<i>30th April 2001</i>

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⁽¹⁾, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Immigration and Asylum Act 1999 (Part V Exemption: Eligible Voluntary Bodies and Relevant Employers) Order 2001 and shall come into force on 30th April 2001 and shall continue in force until the end of January 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 Immigration and Asylum Act 1999;

“eligible voluntary body” means an organisation or body (other than a public or local authority) whose activities are carried on otherwise than for profit and which, prior to the 30th April 2001, has provided the Legal Services Commission with written notification of its firm intention to apply for the Community Legal Service Quality Mark;

“work permit” has the same meaning as in the Immigration Act 1971⁽²⁾;

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

(1) 1999 c. 33.
(2) 1971 c. 77.

Exemption of eligible voluntary bodies

3. Section 84(1) of the Act (provision of immigration services) shall not apply to a person employed by an eligible voluntary body when acting in that capacity, or to a person providing immigration advice or immigration services without payment on behalf of that body.

Exemption of relevant employers

4.—(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
5th April 2001

Barbara Roche
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order temporarily exempts two categories of person 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. These are:

- (i) employees of and volunteers working on behalf of voluntary bodies which have written to the Legal Services Commission before 30th April 2001 to register their firm intention to apply for the Community Legal Service Quality Mark; and
- (ii) 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 is time-limited to 31st January 2002.