

Status: Point in time view as at 01/04/2003.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Determination of complaints is up to date with all changes known to be in force on or before 21 July 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)

SCHEDULES

SCHEDULE 5

THE IMMIGRATION SERVICES COMMISSIONER

PART I

REGULATORY FUNCTIONS

Determination of complaints

- 8 (1) On determining a complaint under the complaints scheme, the Commissioner must give his decision in a written statement.
- (2) The statement must include the Commissioner's reasons for his decision.
- (3) A copy of the statement must be given by the Commissioner to—
- (a) the person who made the complaint; and
 - (b) the person who is the subject of the complaint.
- 9 (1) On determining a complaint under the complaints scheme, the Commissioner may—
- (a) if the person to whom the complaint relates is a registered person or a person employed by, or working under the supervision of, a registered person, record the complaint and the decision on it for consideration when that registered person next applies for his registration to be continued;
 - (b) if the person to whom the complaint relates is a registered person or a person employed by, or working under the supervision of, a registered person and the Commissioner considers the matter sufficiently serious to require immediate action, require that registered person to apply for continued registration without delay;
 - (c) if the person to whom the complaint relates falls within paragraph (c), (d), (e) or (f) of section 84(2), refer the complaint and his decision on it to the relevant regulatory body;
 - (d) if the person to whom the complaint relates is certified by the Commissioner as exempt under section 84(4)(a) or is employed by, or working under the supervision of, such a person, consider whether to withdraw that person's exemption;
 - (e) lay before the Tribunal a disciplinary charge against a relevant person.
- (2) Sub-paragraph (3) applies if—
- (a) the Tribunal is considering a disciplinary charge against a relevant person; and
 - (b) the Commissioner asks it to exercise its powers under that sub-paragraph.
- (3) The Tribunal may give directions (which are to have effect while it is dealing with the charge)—

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- (a) imposing such restrictions in connection with the provision—
 - (i) by the relevant person, or
 - (ii) by any person employed by him or working under his supervision, of immigration advice or immigration services as the directions may specify; or
 - (b) prohibiting him, or any person employed by him or working under his supervision, from providing immigration advice or immigration services.
- (4) “Relevant person” means a person providing immigration advice or immigration services who is—
- (a) a registered person;
 - (b) a person employed by, or working under the supervision of, a registered person;
 - (c) a member or employee of a body which is a registered person;
 - (d) a person working under the supervision of a member or employee of such a body;
 - (e) a person certified by the Commissioner as exempt under section 84(4)(a);
 - (f) a person to whom section 84(4)(d) applies; or
 - (g) a person employed by, or working under the supervision of, a person to whom paragraph (e) or (f) applies.

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