



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

The general prohibition

84 Provision of immigration services.

(1) No person may provide immigration advice or immigration services unless he is a qualified person.

[^{F1}(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,
- [^{F2}(ba) a person authorised to provide immigration advice or immigration services by a designated qualifying regulator,]
- (c) the equivalent in an EEA State of—
 - (i) a registered person, or
 - (ii) a person within paragraph (b) [^{F3}or (ba)] ,
- (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).]

[^{F1}(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.]

[^{F4}(3A) A person's entitlement to provide immigration advice or immigration services by virtue of subsection (2)(ba)—

Status: Point in time view as at 10/06/2013. This version of this provision has been superseded.

Changes to legislation: Immigration and Asylum Act 1999, Section 84 is up to date with all changes known to be in force on or before 03 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)

- (a) is subject to any limitation on that person's authorisation imposed by the regulatory arrangements of the designated qualifying regulator in question, and
 - (b) does not extend to the provision of such advice or services by the person other than in England and Wales (regardless of whether the persons to whom they are provided are in England and Wales or elsewhere).
- (3B) In subsection (3A) “regulatory arrangements” has the same meaning as in the Legal Services Act 2007 (see section 21 of that Act).]
- (4) Subsection (1) does not apply to a person who—
- (a) is certified by the Commissioner as exempt (“an exempt person”);
 - (b) is employed by an exempt person;
 - (c) works under the supervision of an exempt person or an employee of an exempt person; or
 - (d) who falls within a category of person specified in an order made by the Secretary of State for the purposes of this subsection.
- (5) A certificate under subsection (4)(a) may relate only to a specified description of immigration advice or immigration services.
- (6) Subsection (1) does not apply to a person—
- (a) holding an office under the Crown, when acting in that capacity;
 - (b) employed by, or for the purposes of, a government department, when acting in that capacity;
 - (c) acting under the control of a government department; or
 - (d) otherwise exercising functions on behalf of the Crown.
- (7) An exemption given under subsection (4) may be withdrawn by the Commissioner.

Textual Amendments

- F1** S. 84(2)(3) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(1\), 48\(3\)](#); S.I. 2004/2523, art. 2, Sch.
- F2** S. 84(2)(ba) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 18 para. 12\(2\)\(a\)](#) (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)
- F3** Words in s. 84(2)(c)(ii) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 18 para. 12\(2\)\(b\)](#) (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)
- F4** S. 84(3A)(3B) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 18 para. 12\(3\)](#) (with ss. 29, 192, 193); S.I. 2011/720, art. 2(c)

Modifications etc. (not altering text)

- C1** S. 84(1) excluded (temp. from 30.4.2001 to the end of January 2002) by [S.I. 2001/1393, arts. 1, 3, 4](#)
 S. 84(1) excluded (30.4.2001) by [S.I. 2001/1403, arts. 2-4, Schs. 1-3](#)
 S. 84(1) excluded (temp. from 1.2.2002 to 31.12.2002) by [The Immigration and Asylum Act 1999 \(Part V Exemption: Relevant Employers\) Order 2002 \(S.I. 2002/9\), arts. 1, 3](#)
 S. 84(1) excluded (temp. from 1.1.2003 to 31.12.2003) by [The Immigration and Asylum Act 1999 \(Part V Exemption: Relevant Employers\) Order 2002 \(S.I. 2002/3025\), arts. 1, 3](#)
- C2** S. 84(4)(d) extended (1.1.2004) by [Immigration and Asylum Act 1999 \(Part V Exemption; Relevant Employers\) Order 2003 \(S.I. 2003/3214\), arts. 1, 3](#)

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Commencement Information

- II** S. 84 wholly in force at 30.4.2001; s. 84 not in force at Royal Assent see s. 170(4); s. 84(5)(7) wholly in force and s. 84(2)(a)(b)(4)(a)(d) in force for certain purposes at 30.10.2000 by [S.I. 2000/1985, art. 2, Sch.](#) (with transitional provisions in [art. 3](#)); s. 84 in force so far as not already in force at 30.4.2001 by [S.I. 2001/1394, art. 2, Sch.](#)

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