



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

Interpretation

82 Interpretation of Part V.

(1) In this Part—

“claim for asylum” means a claim that it would be contrary to the United Kingdom’s obligations under—

- (a) the Refugee Convention, or
- (b) Article 3 of the Human Rights Convention,

for the claimant to be removed from, or required to leave, the United Kingdom;

“the Commissioner” means the Immigration Services Commissioner;

“the complaints scheme” means the scheme established under paragraph 5(1) of Schedule 5;

“designated judge” has the same meaning as in section 119(1) of the ^{M1}Courts and Legal Services Act 1990;

“designated professional body” has the meaning given by section 86;

[^{F1}“designated qualifying regulator” has the meaning given by section 86A;]

“immigration advice” means advice which—

- (a) relates to a particular individual;
- (b) is given in connection with one or more relevant matters;
- (c) is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and

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- (d) is not given in connection with representing an individual before a court in criminal proceedings or matters ancillary to criminal proceedings;
 “immigration services” means the making of representations on behalf of a particular individual—
- (a) in civil proceedings before a court, tribunal or adjudicator in the United Kingdom, or
 - (b) in correspondence with a Minister of the Crown or government department,

in connection with one or more relevant matters;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“qualified person” means a person who is qualified for the purposes of section 84;

“registered person” means a person who is registered with the Commissioner under section 85;

“relevant matters” means any of the following—

- (a) a claim for asylum;
 - (aa) [^{F2}an application for an ETA (within the meaning of section 11C of the Immigration Act 1971 (electronic travel authorisations));]
 - (b) an application for, or for the variation of, entry clearance or leave to enter or remain in the United Kingdom;
 - (ba) [^{F3} an application for an immigration employment document;]
 - (c) unlawful entry into the United Kingdom;
 - (d) nationality and citizenship under the law of the United Kingdom;
 - (e) ^{F4} ...
 - (f) ^{F4} ...
 - (g) ^{F4} ...
 - (h) removal or deportation from the United Kingdom;
 - (i) an application for bail under the Immigration Acts or under the ^{M3}Special Immigration Appeals Commission Act 1997;
 - (j) an appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (i); ^{F5} ...
- ^{F5} ...

(2) In this Part, references to the provision of immigration advice or immigration services are to the provision of such advice or services by a person—

- (a) in the United Kingdom (regardless of whether the persons to whom they are provided are in the United Kingdom or elsewhere); and
- (b) in the course of a business carried on (whether or not for profit) by him or by another person.

[^{F6}(3) In the definition of “relevant matters” in subsection (1) “immigration employment document” means—

- (a) a work permit (within the meaning of section 33(1) of the Immigration Act 1971 (interpretation)), and
- (b) any other document which relates to employment and is issued for a purpose of immigration rules or in connection with leave to enter or remain in the United Kingdom.]

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Textual Amendments

- F1** Words in s. 82(1) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), **Sch. 18 para. 10** (with [ss. 29, 192, 193](#)); [S.I. 2011/720](#), art. 2(c)
- F2** Words in s. 82(1) inserted (28.6.2022) by [Nationality and Borders Act 2022 \(c. 36\)](#), **ss. 75(5)**, 87(1); [S.I. 2022/590](#), regs. 1(2), 2, [Sch. 1 para. 26](#)
- F3** Words in s. 82(1) inserted (1.4.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 123(2)**, 162(1) (with s. 159); [S.I. 2003/754](#), art. 2(1), [Sch. 1](#) (with arts. 3, 4, [Sch. 2 para. 5](#)) (as amended (21.5.2003) by [S.I. 2003/1339](#), art. 3 and (19.11.2003) by [S.I. 2003/2993](#), art. 3)
- F4** Words in s. 82(1) omitted (31.12.2020) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **12(5)**
- F5** Definition and preceding word in s. 82(1) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), **Sch. 2 para. 33** (with [Sch. 5](#))
- F6** S. 82(3) added (1.4.2004) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), **ss. 123(3)**, 162(1) (with s. 159); [S.I. 2003/754](#), art. 2(1), **Sch. 1** (with arts. 3, 4, [Sch. 2 para. 5](#)) (as amended (21.5.2003) by [S.I. 2003/1339](#), **art. 3** and (19.11.2003) by [S.I. 2003/2993](#), **art. 3**)

Marginal Citations

- M1** 1990 c. 41.
- M2** 1975 c. 26.
- M3** 1997 c. 68.

Changes to legislation:

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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. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)