



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

[^{F1}Appeals to the First-tier Tribunal]

Textual Amendments

F1 S. 87 crossheading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 34](#) (with Sch. 5)

87 **[^{F2}Appeals to the First-tier Tribunal.]**

^{F3}(1)

(2) Any person aggrieved by a relevant decision of the Commissioner may appeal to the [^{F4}First-tier Tribunal] against the decision.

(3) “Relevant decision” means a decision—

(a) to refuse an application for registration made under paragraph 1 of Schedule 6;

^{F5}(b)

(c) under paragraph 2(2) of that Schedule to register with limited effect;

(d) to refuse an application for continued registration made under paragraph 3 of that Schedule;

(e) to vary a registration on an application under paragraph 3 of that Schedule;

[^{F6}(ea) to vary a registration under paragraph 3A of that Schedule;] or

[^{F7}(eb) to cancel a registration under paragraph 4A(e) of that Schedule.]

^{F8}(f)

[^{F9}(3A) A relevant decision of the Commissioner is not to have effect while the period within which an appeal may be brought against the decision is running.

Changes to legislation: Immigration and Asylum Act 1999, Cross Heading: Appeals to the First-tier Tribunal is up to date with all changes known to be in force on or before 21 April 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

- (3B) In the case of an appeal under this section, Tribunal Procedure Rules may include provision permitting the First-tier Tribunal to direct that while the appeal is being dealt with—
- (a) no effect is to be given to the decision appealed against; or
 - (b) only such limited effect is to be given to it as may be specified in the direction.
- (3C) If provision is made in Tribunal Procedure Rules by virtue of subsection (3B), the rules must also include provision requiring the First-tier Tribunal to consider applications by the Commissioner for the cancellation or variation of directions given by virtue of that subsection.]
- [^{F10}(4) For [^{F11}further functions] of the First-tier Tribunal under this Part, see paragraph 9(1) (e) of Schedule 5 (disciplinary charges laid by the Commissioner) [^{F12} and paragraph 4B of Schedule 6 (suspension of registration by First-tier Tribunal)] .]
- ^{F13}(5)

Textual Amendments

- F2** S. 87 heading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 35\(a\)](#) (with Sch. 5)
- F3** S. 87(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. 35\(b\)](#) (with Sch. 5)
- F4** Words in s. 87(2) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 35\(c\)](#) (with Sch. 5)
- F5** S. 87(3)(b) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 2\(2\)\(c\)](#); [S.I. 2014/2771](#), art. 5(c)
- F6** S. 87(3)(ea) inserted (8.1.2003) by [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#), s. 140(3) (with s. 159); [S.I. 2002/2811](#), art. 2, Sch. (with art. 5)
- F7** S. 87(3)(eb) inserted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 4\(1\)](#); [S.I. 2014/2771](#), art. 5(c)
- F8** S. 87(3)(f) repealed (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), ss. 40, 48(3), [Sch. 4](#); [S.I. 2004/2523](#), art. 2, Sch.
- F9** S. 87(3A)-(3C) inserted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 35\(d\)](#) (with Sch. 5)
- F10** S. 87(4) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 35\(e\)](#) (with Sch. 5)
- F11** Words in s. 87(4) substituted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 5\(2\)\(a\)](#); [S.I. 2014/2771](#), art. 5(c)
- F12** Words in s. 87(4) inserted (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 5\(2\)\(b\)](#); [S.I. 2014/2771](#), art. 5(c)
- F13** S. 87(5) omitted (18.1.2010) by virtue of [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 35\(b\)](#) (with Sch. 5)

Commencement Information

- I1** S. 87 wholly in force at 30.10.2000; s. 87 not in force at Royal Assent see s. 170(4); s. 87(5) in force for certain purposes at 1.8.2000 and s. 87 in force at 30.10.2000 insofar as not already in force by [S.I. 2000/1985](#), art. 2, [Sch.](#) (with transitional provisions in art. 3)

88 Appeal upheld by the [^{F14}First-tier Tribunal].

- (1) This section applies if the [^{F15}First-tier Tribunal] allows an appeal under section 87.

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- (2) If the [^{F16}First-tier Tribunal] considers it appropriate, it may direct the Commissioner—
- (a) to register the applicant or to continue the applicant’s registration;
 - (b) to make or vary the applicant’s registration so as to have limited effect in any of the ways mentioned in paragraph 2(2) of Schedule 6;
 - ^{F17}(c)
 - (d) to quash a decision recorded under paragraph 9(1)(a) of Schedule 5 and the record of that decision.

Textual Amendments

- F14** Words in s. 88 heading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 36](#) (with [Sch. 5](#))
- F15** Words in s. 88(1) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 36](#) (with [Sch. 5](#))
- F16** Words in s. 88(2) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(1), [Sch. 2 para. 36](#) (with [Sch. 5](#))
- F17** S. 88(2)(c) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 7 para. 2\(2\)\(d\)](#); [S.I. 2014/2771](#), art. 5(c)

89 Disciplinary charge upheld by the [^{F18}First-tier Tribunal].

- (1) This section applies if the [^{F19}First-tier Tribunal] upholds a disciplinary charge laid by the Commissioner under paragraph 9(1)(e) of Schedule 5 against a person (“the person charged”).
- ^{F20}(2) [^{F21}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.]
- ^{F22}(4)
- (5) If the person charged is found to have charged unreasonable fees for immigration advice or immigration services, the [^{F19}First-tier Tribunal] may direct him to repay to the clients concerned such portion of those fees as it may determine.
- (6) The [^{F19}First-tier Tribunal] may direct the person charged to pay a penalty to the Commissioner of such sum as it considers appropriate.
- (7) A direction given by the [^{F19}First-tier Tribunal] under subsection (5) (or under subsection (6)) may be enforced by the clients concerned (or by the Commissioner)—

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- (a) as if it were an order of a county court [^{F23}in Northern Ireland or the county court in England and Wales] ; or
 - (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (8) The [^{F19}First-tier Tribunal] may direct that the person charged or any person [^{F24}acting on his behalf or] under his supervision is to be—
- (a) subject to such restrictions on the provision of immigration advice or immigration services as the [^{F19}First-tier Tribunal] considers appropriate;
 - (b) suspended from providing immigration advice or immigration services for such period as the [^{F19}First-tier Tribunal] may determine; or
 - (c) prohibited from providing immigration advice or immigration services indefinitely.
- (9) The Commissioner must keep a record of the persons against whom there is in force a direction given by the [^{F19}First-tier Tribunal] under subsection (8).]

Textual Amendments

- F18** Words in s. 89 heading substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 37](#) (with [Sch. 5](#))
- F19** Words in s. 89(1)-(9) substituted (18.1.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), [art. 1\(1\)](#), [Sch. 2 para. 37](#) (with [Sch. 5](#))
- F20** S. 89(2) substituted for s. 89(2)(3) (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 37\(3\)\(a\)](#), 48(3); [S.I. 2004/2523](#), [art. 2](#), [Sch.](#)
- F21** S. 89(2)-(2B) substituted for s. 89(2) (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), [s. 75\(3\)](#), [Sch. 7 para. 7\(1\)](#); [S.I. 2014/2771](#), [art. 5\(c\)](#)
- F22** S. 89(4) omitted (17.11.2014) by virtue of [Immigration Act 2014 \(c. 22\)](#), [s. 75\(3\)](#), [Sch. 7 para. 2\(2\)\(e\)](#); [S.I. 2014/2771](#), [art. 5\(c\)](#)
- F23** Words in s. 89(7) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 90\(c\)](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))
- F24** Words in s. 89(8) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), [ss. 37\(3\)\(b\)](#), 48(3); [S.I. 2004/2523](#), [art. 2](#), [Sch.](#)

Modifications etc. (not altering text)

- C1** S. 89(2)-(2B) modified (17.11.2014) by [Immigration Act 2014 \(c. 22\)](#), [s. 75\(3\)](#), [Sch. 9 paras. 68, 69](#); [S.I. 2014/2771](#), [art. 5\(d\)](#)

90 Orders by disciplinary bodies.

- (1) A disciplinary body may make an order directing that a person subject to its jurisdiction is to be—
- (a) subject to such restrictions on the provision of immigration advice or immigration services as the body considers appropriate;
 - (b) suspended from providing immigration advice or immigration services for such period as the body may determine; or
 - (c) prohibited from providing immigration advice or immigration services indefinitely.
- (2) “Disciplinary body” means any body—

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- [^{F25}(a) appearing to the Secretary of State to be established for the purpose of hearing disciplinary charges against—
- (i) members of a designated professional body, or
 - (ii) persons regulated by designated qualifying regulators; and]
- (b) specified in an order made by the Secretary of State.
- (3) The Secretary of State must consult the designated professional body [^{F26}or designated qualifying regulator] concerned before making an order under subsection (2)(b).
- (4) For the purposes of this section, a person is subject to the jurisdiction of a disciplinary body if he is an authorised person or [^{F27}is acting on behalf of] an authorised person.
- (5) “Authorised person” means [^{F28}—
- (a) a person who is authorised by the designated professional body concerned to practise as a member of the profession whose members are regulated by that body [^{F29}, or
 - (b) a person who is authorised by the designated qualifying regulator concerned to provide immigration advice or immigration services.]

Textual Amendments

- F25** S. 90(2)(a) substituted (1.4.2011) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 18 para. 15\(2\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2011/720, art. 2\(c\)](#)
- F26** Words in s. 90(3) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 18 para. 15\(3\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2011/720, art. 2\(c\)](#)
- F27** Words in s. 90(4) substituted (1.10.2004) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 37\(4\), 48\(3\)](#); [S.I. 2004/2523, art. 2, Sch.](#)
- F28** Words in s. 90(5) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 18 para. 15\(4\)\(a\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2011/720, art. 2\(c\)](#)
- F29** Words in s. 90(5) inserted (1.4.2011) by [Legal Services Act 2007 \(c. 29\), s. 211\(2\), Sch. 18 para. 15\(4\)\(b\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2011/720, art. 2\(c\)](#)

Commencement Information

- I2** S. 90 wholly in force at 30.4.2001; s. 90 not in force at Royal Assent see s. 170(4); s. 90 in force for certain purposes at 1.8.2000 by [S.I. 2000/1985, art. 2, Sch.](#) (with transitional provisions in [art. 3](#)); S. 90 in force so far as not already in force at 30.4.2001 by [S.I. 2001/1394, art. 2, Sch.](#)

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\(2\)\(b\)](#)