



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART V

IMMIGRATION ADVISERS AND IMMIGRATION SERVICE PROVIDERS

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

89 Disciplinary charge upheld by the [^{F1}First-tier Tribunal].

- (1) This section applies if the [^{F2}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”).
- ^{F3}(2) [^{F4}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.]
- ^{F5}(4)
- (5) If the person charged is found to have charged unreasonable fees for immigration advice or immigration services, the [^{F2}First-tier Tribunal] may direct him to repay to the clients concerned such portion of those fees as it may determine.

Changes to legislation: Immigration and Asylum Act 1999, Section 89 is up to date with all changes known to be in force on or before 22 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

- (6) The [^{F2}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 [^{F2}First-tier Tribunal] under subsection (5) (or under subsection (6)) may be enforced by the clients concerned (or by the Commissioner)—
- (a) as if it were an order of a county court [^{F6}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 [^{F2}First-tier Tribunal] may direct that the person charged or any person [^{F7}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 [^{F2}First-tier Tribunal] considers appropriate;
 - (b) suspended from providing immigration advice or immigration services for such period as the [^{F2}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 [^{F2}First-tier Tribunal] under subsection (8).]

Textual Amendments

- F1** 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](#))
- F2** 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](#))
- F3** 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.](#)
- F4** 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)
- F5** 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)
- F6** 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)
- F7** 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)

Changes to legislation:

Immigration and Asylum Act 1999, Section 89 is up to date with all changes known to be in force on or before 22 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.

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