STATUTORY INSTRUMENTS

2009 No. 506

IMMIGRATION

The Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009

Made - - - -	*6th March 2009*
Laid before Parliament	*9th March 2009*
Coming into force - -	*31st March 2009*

The Secretary of State, in exercise of the powers conferred by sections 84(4)(d) and 166 of the Immigration and Asylum Act 1999(**a**), hereby makes the following Order:

Citation and Commencement

1. This Order may be cited as the Immigration and Asylum Act 1999 (Part V Exemption: Licensed Sponsors Tiers 2 and 4) Order 2009 and shall come into force on 31 March 2009.

Interpretation

2. In this Order—

"the Act" means the Immigration and Asylum Act 1999;

"immediate family" means a Tier 2 or Tier 4 migrant's spouse, civil partner, unmarried partner, same sex partner, dependant child under 18 or parent of a Tier 4 (Child) Student;

"immigration advice" and "immigration services" have the same meanings as in section 82 of the Act;

"immigration rules" means rules made under section 3(2) of the Immigration Act 1971(**b**);

"licensed sponsor" means a person who has been granted a sponsor licence;

"Points-based system" means the Points-based system under Part 6A of the immigration rules;

"sponsor licence" means a licence granted by the Secretary of State to a person who, by virtue of such a grant, is licensed as a Sponsor under Tiers 2, 4 or 5 of the Points-based System;

"Tier 2 migrant" means a migrant who (i) makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 2" of the immigration rules' Points-based system or (ii) has been granted leave under the relevant paragraphs of the immigration rules;

"Tier 4 migrant" means a migrant who (i) makes an application of a kind identified in the immigration rules as requiring to be considered under "Tier 4" of the immigration rules' Points-based system or (ii) has been granted leave under the relevant paragraphs of the immigration rules;

(**a**) 1999 c. 33.
(**b**) 1971 c. 77.

Exemption of licensed sponsors

3.—(1) Subject to paragraphs (2) and (3) and for the purposes of section 84(4)(d) of the Act the following persons shall be specified, namely persons who are licensed sponsors of Tier 2 and Tier 4 migrants and who provide immigration advice or immigration services free of charge to those migrants or their immediate family.

(2) The immigration advice or services given must be restricted to matters relating to the migrant's application under Tier 2 or Tier 4 of the Points-based system or to an application for entry clearance, leave to enter or leave to remain made by that person's immediate family and which is dependent on the migrant's application under Tier 2 or Tier 4 of the Points-based system.

(3) For the purposes of paragraph (1), the person providing the immigration advice or immigration services must be the licensed sponsor.

Home Office
6th March 2009

Phil Woolas
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order exempts licensed sponsors of Tier 2 and Tier 4 migrants under the Points-based system from the prohibition imposed under section 84(1) of the Immigration and Asylum Act 1999 and the related criminal offence of providing immigration advice or immigration services in breach of section 84. Immigration advice or services given in relation to matters not related to the migrant's application under the Points-based system or to the immediate family member's dependent application will still be regulated by the 1999 Act, a breach of which may result in prosecution for a criminal offence under that Act.

Licensed sponsors have to comply with the Office of the Immigration Services Commission's Code of Standards.

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