

REPRESENTATIVES

From the 1st April 2004, the Nationality and Immigration and Asylum Act 2002 required organisations providing immigration advice and services to employers, including making applications for Immigration Employment Documents, to be 'qualified' in accordance with Section 84 of the Immigration and Asylum Act 1999 (the 1999 Act) or have alternative legal authority to carry out this work. The body appointed by the Immigration and Asylum Act 1999 to regulate the representatives' activities is the Office of the Immigration Services Commissioner (OISC).

Representatives are required to tell us how they comply with Section 84 of the 1999 Act or what alternative legal authority they have to work in this area. A full list of categories detailing those permitted to provide immigration advice or services can be found in the following file:

OISC registration categories - hbk.doc

A list of OISC registered representatives can be found using this link.

What to do if?

- The representative has not provided full contact details for the employer
- It is not clear whether the representative is compliant with the 1999 Act.
- The representative is compliant with the 1999 Act.
- The representative is not compliant with the 1999 Act.
- There are concerns with regards to the fitness and competence of the representatives.
- The representative section of the application form is missing.

The representative has not provided full contact details for the employer
– In such cases, the caseworker should ask the representative to provide these. If the representative refuses to comply with this request, the application should be refused. Caseworkers should note that all refusal reasons should be included in the refusal letter and all letters should be tailored to the individual application.

It is not clear whether the representative is compliant with the 1999 Act
If the representative has not ticked any of the boxes on the representative declaration page, the caseworker should contact the representative by fax or e-mail in order to clarify their status. This should be recorded on the representative section on gLOBE.

The representative is compliant with the 1999 Act
The application should be caseworked as normal.

The representative is not compliant with the 1999 Act
Work Permits (UK) cannot ignore breaches of UK legislation, and this means that if a representative is not compliant with Section 84 of the 1999 Act and

does not have alternative legal authority to work in this area, we cannot continue to deal with them. The caseworker should notify the representative as outlined below and then continue to process the case, but all letters and the final decision should be sent to the UK employer.

There is a field on the drop-down list on the representative status section of the representative tab called 'Prohibited for Use' and this field should be ticked. When this field is ticked the representative will not be the default address for letters and permits, the default address will revert to the employer on the form. In this way the caseworker can produce a decision letter with the address of the employer inserted automatically by gLOBE instead of the prohibited representative's details.

The Representative screen must NOT be cleared.

Two letters should be issued to advise customers of the action Work Permits (UK) are taking, **L503** should be sent to the employer and **L504** should be sent to the representative. These letters explain that we are not satisfied that the representative is permitted to give immigration services and advice, and that Work Permits (UK) will only deal with the employer. These are extra letters to the ones normally produced on approval/refusal. They should be produced locally on the team and sent out as soon as the issue is identified – this may be at the close of the case or while still considering the application.

When a non-compliant representative is identified the caseworker must **ensure** that the team manager is aware of this.

There are concerns with regards to the fitness and competence of the representatives.

If there are concerns regarding the fitness and competence of a representative the caseworker must **ensure** that the team manager is aware of this.

The representative section of the application form is missing.

Caseworkers should seek written clarification from the employer as to whether or not a representative was used to make this application. Comments should be noted on gLOBE.