

Representatives

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Introduction

Applicants may choose to appoint a representative to submit an application on their behalf. All representatives will be expected to sign the representative declaration section of the HSMP1 application form to confirm that they will conform to the requirements set out in the declaration. There are different rules for representatives depending on whether they are in the UK or overseas.

Representatives based in the UK

UK representatives acting on behalf of the applicant who are offering advice and services provided in connection with an Immigration Employment Document (IED) application must be registered with the Office of Immigration Services Commissioner (OISC), unless they are exempt from this requirement. This is a requirement of Section 84 of the Immigration and Asylum Act 1999.

Applicants cannot appoint individuals who are not OISC registered. For example an applicant cannot appoint their brother to process their application. A representative registered with the OISC will normally provide their OISC registration details on their letter headed stationary. If it is not clear whether the representative is OISC registered then this can be checked either by accessing the OISC database on Knowledge Base using this [link](#) or by contacting the representative.

Certain representatives are exempt from registration such as representatives who are regulated by a designated legal professional body as defined by the Immigration and Asylum Act 1999, (such as the Law Society), or those working under the supervision of such a person. A representative who is covered by the Law Society will normally provide their Law Society registration details on their letter headed stationary. If it is not clear whether the Law Society regulates the representative in question, then this can be checked either by accessing the Law Society website (see below) or by contacting the representative. If the caseworker is unsure whether a representative is exempt they should request supporting evidence to demonstrate this.

Members of a designated legal professional body who are not regulated by the body for immigration purposes (for example some registered overseas lawyers or non-practising barristers) should ensure that they abide by the OISC codes of practice. They should seek registration with the OISC if they wish to continue to provide immigration advice or services.

If the applicant has appointed a UK-based representative who is not registered with the OISC, and therefore not permitted to provide advice and immigration services, then the caseworker must contact the representative and the applicant, informing them of the requirements of the Act. All further correspondence should be sent directly to the applicant.

Contact details for the OISC:

OISC
5th Floor
Counting House
53 Tooley Street
London SE1 2QN

Tel: 0207 211 1500
Fax: 0207 211 1553
E-mail: info@oisc.gov.uk
Website: www.oisc.gov.uk

Contact details for the Law Society:

The Law Society
113 Chancery Lane
London WC2A 1PL

Tel: 0207 242 1222
Fax: 0207 831 0344
E-mail: info.services@lawsociety.org.uk
Website: www.lawsociety.org.uk

Representatives based overseas

The OISC regulations do not apply to representatives from overseas. Therefore an applicant can appoint an overseas representative of his/her choice. The HSMP team can deal with this representative without the need for registration with the OISC on the condition that the representative's declaration page of the HSMP1 application form has been completed and signed.

What if the representative's declaration page has not been signed?

If the representative is either overseas, or is an OISC registered UK representative, the caseworker should contact the representative and request a completed and signed declaration page.

If this is not provided within the normal b/f timescales, the application should be considered. However, the decision letter and all original documents must be returned to the applicant's home address as specified on page 1 of the HSMP1 application form.

What if the applicant wants to change representatives?

If the applicant wishes to change representative then they must confirm the change in writing and the new representative must provide a signed and completed representative declaration page before we can deal with them.

What if an applicant does not wish to be represented any more?

If an applicant wishes to dispense with the services of a previously appointed representative, they should submit a declaration to that effect to the HSMP team in writing. Urgent requests may be accepted by email or fax but this should be followed by an original signed letter confirming the request. Where this is the case, an action, entitled 'Urgent – representative dismissed' should be added to the application record. No further details of the application should be discussed with or provided to the representative, other than that the applicant has notified the HSMP team that they no longer wish to be represented.