



Guidance on completing Bail 409 forms on behalf of clients

Schedule 10 of the Immigration Act 2016 gives the Secretary of State the power to provide accommodation to enable a person to meet immigration bail conditions where there are exceptional circumstances. Applications are made on form Bail 409. Further details can be found in [Accommodation under Schedule 10 to the Immigration Act 2016](#).

The form was updated in June 2024 to include the following question:

“If you are not subject to a residence condition, are you requesting your immigration bail conditions to be varied to impose a residence condition?”

A request to vary conditions attached to bail is a 'relevant matter' under Section 82 of the Immigration and Asylum Act 1999, and therefore only registered advisers can undertake certain tasks connected with this work.

Only regulated advisers can use their knowledge of a particular individual's circumstances to advise them on how they should answer questions **relating to bail conditions** as this constitutes immigration advice. Similarly, only regulated advisers can submit an application to vary bail conditions on a person's behalf, as this constitutes immigration services.

Level 1 advisers authorised in the category of Asylum and Protection can provide advice on questions about bail conditions in the form and can submit applications.

Unregulated advisers can provide assistance to applicants completing and submitting forms themselves and can provide generic information about matters relating to immigration bail, and advice about all other questions within the form.

Where bail conditions are already in place, no application to vary the bail conditions is necessary. In these circumstances, unregulated advisers can assist with the completion of the form and can submit the form on behalf of the individual.

Further information about providing assistance without regulation including the limitations of this work, can be found in the [IAA's immigration assistance guidance note](#).