SCHEDULE 10

The text of immigration legislation as extended to the Isle of Man

Article 11

PART 2

The Immigration Act 1988

"**2 Restriction on exercise of right of abode in cases of polygamy**

(1) This section applies to any woman who—

(a) has the right of abode in the Isle of Man under section 2(1)(b) of the principal Act as, or as having been, the wife of a man ("the husband")—

(i) to whom she is or was polygamously married; and

(ii) who is or was such a citizen of the United Kingdom and Colonies, Commonwealth citizen or British subject as is mentioned in section 2(2)(a) or (b) of that Act as in force immediately before the commencement of the British Nationality Act 1981; and

(b) has not before the coming into force of this section and since her marriage to the husband been in the Isle of Man.

(2) A woman to whom this section applies shall not be entitled to enter the Isle of Man in the exercise of the right of abode mentioned in subsection (1)(a) above or to be granted a certificate of entitlement in respect of that right if there is another woman living (whether or not one to whom this section applies) who is the wife or widow of the husband and who—

(a) is, or at any time since her marriage to the husband has been, in the Isle of Man; or

(b) has been granted a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) above or an entry clearance to enter the Isle of Man as the wife of the husband.

(3) So long as a woman is precluded by subsection (2) above from entering the Isle of Man in the exercise of her right of abode or being granted a certificate of entitlement in respect of that right the principal Act shall apply to her as it applies to a person not having a right of abode.

(4) Subsection (2) above shall not preclude a woman from re-entering the Isle of Man if since her marriage to the husband she has at any time previously been in the Isle of Man and there was at that time no such other woman living as is mentioned in that subsection.

(5) Where a woman claims that this section does not apply to her because she had been in the Isle of Man before the coming into force of this section and since her marriage to the husband it shall be for her to prove that fact.

(6) For the purposes of this section a marriage may be polygamous although at its inception neither party has any spouse additional to the other.

(7) For the purposes of subsections (1)(b), (2)(a), (4) and (5) above there shall be disregarded presence in the Isle of Man as a visitor or an illegal entrant and presence in circumstances in which a person is deemed by section 11(1) of the principal Act not to have entered the Isle of Man.

(8) In subsection (2)(b) above the reference to a certificate of entitlement includes a reference to a certificate treated as such a certificate by virtue of section 39(8) of the British Nationality Act 1981.

(9) No application by a woman for a certificate of entitlement in respect of such a right of abode as is mentioned in subsection (1)(a) above or for an entry clearance shall be granted if another application for such a certificate or clearance is pending and that application is made by a woman as the wife or widow of the same husband.

(10) For the purposes of subsection (9) above an application shall be regarded as pending so long as it has not been finally determined.

(11) This section does not apply to a woman who has made an application for a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) before the 27th November 1991.

7 Persons exercising Community rights and nationals of member States

(1) A person shall not under the principal Act require leave to enter or remain in the Isle of Man where he is entitled to enter or remain in the United Kingdom by virtue of an enforceable Community right or of any provision made under section 2B of the European Communities (Isle of Man) Act 1973 (an Act of Tynwald).

(2) The Council of Ministers may by order give leave to enter the Isle of Man for a limited period to any class of persons who are nationals of member States but who are not entitled to enter the Isle of Man as mentioned in subsection (1) above; and any such order may give leave subject to such conditions as may be imposed by the order.

(3) References in the principal Act to limited leave shall include references to leave given by an order under subsection (2) above and a person having leave by virtue of such an order shall be treated as having been given that leave by a notice given to him by an immigration officer within the period specified in paragraph 6(1) of Schedule 2 to that Act.

11 Expenses and receipts

(1) There shall be paid out of money provided by Tynwald any expenses incurred by the Governor in consequence of this Act.

(2) Any sums received by the Governor by virtue of this Act shall be paid into the General Revenue of the Isle of Man.

12 Short title and interpretation

(1) This Act may be cited as the Immigration Act 1988.

(2) In this Act "the principal Act" means the Immigration Act 1971 and any expression which is also used in that Act has the same meaning as in that Act."