
STATUTORY INSTRUMENTS

2008 No. 680

The Immigration (Isle of Man) Order 2008

Citation and commencement

- 1.—(1) This Order may be cited as the Immigration (Isle of Man) Order 2008.
- (2) This Order shall come into force—
- (a) on 13th March 2008, for the purpose of enabling rules, regulations and orders to be made under any enactment which extends to the Isle of Man by virtue of this Order;
 - (b) on 1st May 2008, for all other purposes.

Interpretation

2. In this Order—
- “the 1971 Act” means the Immigration Act 1971(1);
 - “the 1981 Act” means the British Nationality Act 1981(2);
 - “the 1988 Act” means the Immigration Act 1988(3);
 - “the 1996 Act” means the Asylum and Immigration Act 1996(4);
 - “the 1999 Act” means the Immigration and Asylum Act 1999(5);
 - “the 2002 Act” means the Nationality, Immigration and Asylum Act 2002(6);
 - “the 2004 Act” means the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(7);
 - “the 2006 Act” means the Immigration, Asylum and Nationality Act 2006(8).

Revocation of existing Orders

3. The following Orders are revoked—
- (a) the Immigration (Isle of Man) Order 1991(9), and
 - (b) the Immigration (Isle of Man) Order 1997(10).

Transitional provisions

4. The transitional provisions in Schedule 2 shall have effect.

(1) 1971 c.77.
(2) 1981 c.61.
(3) 1988 c.14.
(4) 1996 c.49.
(5) 1999 c.33.
(6) 2002 c.41.
(7) 2004 c.19.
(8) 2006 c.13.
(9) S.I. 1991/2630, which was amended by S.I. 1997/275 and S.I. 2005/617.
(10) S.I. 1997/275.

General modifications

5. Unless the context otherwise requires, in any enactment which extends to the Isle of Man by virtue of this Order—

- (a) any reference to—
 - (i) an enactment which extends to the Isle of Man (whether by virtue of this Order or otherwise), or
 - (ii) a provision of any such enactment,
 shall be construed as a reference to that enactment or provision as it has effect in the Isle of Man;
- (b) any expression which is not defined in that enactment but is defined in the Interpretation Act 1976 (an Act of Tynwald)(**11**) shall have the meaning assigned to it by that Act;
- (c) any reference to a named Department (including the Treasury) is to the Department of the Isle of Man Government so named.

Extension of the Immigration Act 1971 to the Isle of Man

6.—(1) The following provisions of the 1971 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 3.

- (2) The provisions are—
 - (a) Part 1 (regulations of entry and stay);
 - (b) Part 3 (criminal proceedings);
 - (c) Part 4 (supplementary provisions), except for sections 29 (contributions to expenses), 30 (return of mental patients), 34 (repeal, transitional and temporary provision), 35 (commencement and interim provisions) and 36 (power to extend to Islands).

7. For ease of reference, the provisions of the 1971 Act as modified and extended to the Isle of Man are set out in Part 1 of Schedule 10.

Extension of the British Nationality Act 1981 to the Isle of Man

8.—(1) The following provisions of the 1981 Act shall extend to the Isle of Man.

- (2) The provisions are—
 - (a) subsections (1), (2) and (4) of section 39 (amendment of Immigration Act 1971);
 - (b) subsection (6) of section 39 in so far as necessary for the purposes of the next subparagraph;
 - (c) the following paragraphs of Schedule 4 (amendments of Immigration Act 1971)—
 - (i) paragraph 1;
 - (ii) paragraph 2, except in so far as it relates to the following provisions of the 1971 Act—
 - (aa) subsections (5) and (7) of section 3 (general provisions for regulation and control);
 - (bb) subsection (2) of section 14 (appeals against conditions);
 - (cc) subsection (1) of section 29 (contributions towards expenses);
 - (dd) paragraph 3(1) of Schedule 4 (integration of immigration laws);

(11) 1976 c.20 (Isle of Man).

- (iii) paragraph 3 in so far as it relates to the following provisions of the 1971 Act—
 - (aa) subsection (1)(d) of section 26 (general offences in connection with administration of Act);
 - (bb) paragraph 19(2) of Schedule 2 (administrative provisions as to control and entry);
- (iv) paragraph 5;
- (v) paragraph 7.

Extension of the Criminal Justice Act 1982 to the Isle of Man

9. — Section 64 (person recommended by courts for deportation) of, and Schedule 10 (amendment of Schedule 3 to the 1971 Act) to, the Criminal Justice Act 1982⁽¹²⁾ shall extend to the Isle of Man.

Extension of the Immigration Act 1988 to the Isle of Man

10.—(1) The following provisions of the 1988 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 4.

- (2) The provisions are—
 - (a) section 2 (restrictions on exercise of right of abode in cases of polygamy);
 - (b) subsection (3) of section 3 (proof of right of abode) in so far as it amends subsection (2) of section 2 (statement of right of abode) of the 1971 Act;
 - (c) subsections (1) and (2) of section 6 (amendment to section 24 of the 1971 Act);
 - (d) section 7 (persons exercising Community rights and nationals of member States);
 - (e) section 10 (minor amendments) in so far as necessary for the purposes of the next subparagraph;
 - (f) the following paragraphs of the Schedule (minor amendments)—
 - (i) paragraphs 1 and 2;
 - (ii) paragraph 5;
 - (iii) paragraph 7(1);
 - (iv) paragraph 8(1) and (2);
 - (v) paragraph 9(1) and (2);
 - (vi) paragraph 10(1), (2) and (3);
 - (g) section 11 (expenses and receipts); and
 - (h) section 12 (short title and interpretation).

11. For ease of reference, the provisions of the 1988 Act as modified and extended to the Isle of Man (except for provisions which amend or repeal other enactments) are set out in Part 2 of Schedule 10.

Extension of the Asylum and Immigration Act 1996 to the Isle of Man

12.—(1) The following provisions of the 1996 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 5.

⁽¹²⁾ 1982 c.48. Section 37 (the standard scale of fines for summary offences) of the Criminal Justice Act 1982 (c.48), as amended by section 17(1) of the Criminal Justice Act 1991 (c.53), was extended to the Isle of Man with modifications by S.I. 1992/2670.

- (2) The provisions are—
- (a) section 6 (increased penalties);
 - (b) section 8 (restrictions on employment);
 - (c) section 8A (code of practice);
 - (d) subsection (1) of section 12 (other amendments and repeals) in so far as necessary for the purposes of the next subparagraph;
 - (e) the following paragraphs of Schedule 2 (amendments of the 1971 Act and the Immigration Act 1988)—
 - (i) paragraph 1(1);
 - (ii) paragraph 2;
 - (iii) paragraph 4(1);
 - (iv) paragraphs 5 and 6;
 - (v) paragraphs 8 to 13;
 - (f) section 13 (short title and interpretation).

13. For ease of reference, the provisions of the 1996 Act as modified and extended to the Isle of Man (except for provisions which amend or repeal other enactments) are set out in Part 3 of Schedule 10.

Extension of the Immigration and Asylum Act 1999 to the Isle of Man

14.—(1) The following provisions of the 1999 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 6.

- (2) The provisions are—
- (a) in Part 1 (immigration: general)—
 - (i) sections 1 to 3 (leave to enter, or remain in, the United Kingdom);
 - (ii) sections 6 to 8 (exemption from immigration control);
 - (iii) section 10 (removal of certain persons unlawfully in the United Kingdom);
 - (iv) section 13 (proof of identity of persons to be removed or deported);
 - (v) section 14 (escorts for persons removed under directions);
 - (vi) sections 16 and 17 (provision of financial security);
 - (vii) sections 18 and 19 (information);
 - (viii) section 22 (restrictions on employment: code of practice);
 - (ix) section 24 (duty to report suspicious marriages.);
 - (x) sections 25 and 26 (immigration control: facilities and charges);
 - (xi) section 28 (offences: deception);
 - (xii) section 30 (offences: false statements, etc);
 - (b) in Part 2 (carriers' liability)—
 - (i) sections 32 to 37 and Schedule 1 (sale of transporters);
 - (ii) subsection (2) of section 38 (assisting illegal entry and harbouring);
 - (iii) sections 40 to 40B (passengers without proper documents);
 - (iv) section 43 (interpretation of Part 2);
 - (c) in Part 3 (bail), section 54 (extension of right to apply for bail in deportation cases);

- (d) in Part 7 (power to arrest, search and fingerprint), sections 128 to 146;
- (e) in Part 10 (miscellaneous and supplemental)—
 - (i) sections 165 to 168 (miscellaneous and supplemental);
 - (ii) subsection (1) of section 169 (minor and consequential amendments, etc) in so far as necessary for the purposes of the next sub-subparagraph;
 - (iii) the following paragraphs of Schedule 14 (consequential amendments)—
 - (aa) paragraphs 43 to 45;
 - (bb) paragraph 52;
 - (cc) paragraphs 54 to 65;
 - (dd) paragraphs 67 and 68;
 - (ee) paragraph 70;
 - (iv) subsection (3) of section 169 (repeals) in so far as necessary for the purposes of the next sub-subparagraph;
 - (v) Schedule 16 (repeals), in so far as it relates to provisions of the 1971 Act, the Immigration (Carriers' Liability) Act 1987⁽¹³⁾, the 1988 Act and the Asylum and Immigration Appeals Act 1993⁽¹⁴⁾ which extend to the Isle of Man;
 - (vi) section 170 (short title, commencement and extent).

15. For ease of reference, the provisions of the 1999 Act as modified and extended to the Isle of Man (except for provisions which amend or repeal other enactments) are set out in Part 4 of Schedule 10.

Extension of the Nationality, Immigration and Asylum Act 2002 to the Isle of Man

16.—(1) The following provisions of the 2002 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 7.

- (2) The provisions are—
 - (a) in Part 1 (nationality), section 10 (right of abode: certificate of entitlement);
 - (b) in Part 4 (detention and removal)—
 - (i) sections 62 (detention by Secretary of State) and 63 (control of entry to United Kingdom, &c.: use of force);
 - (ii) sections 72 to 76 (removal);
 - (iii) sections 78 (no removal while appeal pending) and 79 (deportation order: appeal);
 - (c) in Part 5 (immigration appeals)—
 - (i) sections 81 (adjudicators) and 82 (right of appeal: general);
 - (ii) sections 84 to 87 (appeal to adjudicator);
 - (iii) sections 88 to 92 (exceptions and limitations);
 - (iv) sections 94 to 99 (exceptions and limitations);
 - (v) section 103E (appeal from Tribunal sitting as panel);
 - (vi) sections 104 to 106 (procedure);
 - (vii) section 108 (forged document: proceedings in private);
 - (viii) section 109 (European Union and European Economic Area);

⁽¹³⁾ 1987 c.24.

⁽¹⁴⁾ 1993 c.24.

- (ix) sections 112 (regulations, &c.) and 113 (interpretation);
- (x) subsection (3) of section 114 (repeal) in so far as is necessary for the purposes of the next sub-subparagraph;
- (xi) the following paragraphs of Schedule 7 (consequential amendments)—
 - (aa) paragraphs 1 and 2;
 - (bb) paragraphs 4 and 5;
 - (cc) paragraph 6(a);
 - (dd) paragraphs 7 and 8;
- (d) in Part 6 (immigration procedure)—
 - (i) sections 118 to 121 (applications);
 - (ii) section 125 (carriers' liability) in so far as is necessary for the purposes of the next sub-subparagraph;
 - (iii) the following paragraphs of Schedule 8 (carriers' liability)—
 - (aa) paragraphs 1 to 11;
 - (bb) paragraph 13;
 - (cc) paragraphs 15 and 16(1) and (3);
 - (iv) sections 126 to 128 (provision of information by traveller);
 - (v) section 133 (disclosure of information: medical inspectors);
 - (vi) section 134 (disclosure of information: employer);
 - (vii) sections 136 to 139 (disclosure of information by private person);
- (e) in Part 7 (offences)—
 - (i) sections 143 and 144 (assisting unlawful immigration, &c);
 - (ii) sections 145 to 151 (substance);
 - (iii) sections 152 to 155 (procedure);
- (f) in Part 8 (general)—
 - (i) sections 159 (applied provision) and 160 (money);
 - (ii) section 161 (repeals) in so far as is necessary for the purposes of the next sub-subparagraph;
 - (iii) Schedule 9 (repeals), in so far as it relates to provisions of the 1971 Act which extend to the Isle of Man;
 - (iv) section 164 (short title).

17. For ease of reference, the provisions of the 2002 Act as modified and extended to the Isle of Man (except for provisions which amend or repeal other enactments) are set out in Part 5 of Schedule 10.

Extension of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 to the Isle of Man

18.—(1) The following provisions of the 2004 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 8.

- (2) The provisions are—
 - (a) section 1 (assisting unlawful immigration);

- (b) section 2 (entering without passport, etc);
- (c) section 4 (trafficking people for exploitation);
- (d) section 5 (section 4: supplemental);
- (e) section 6 (employment);
- (f) section 14 (immigration officer: power of arrest);
- (g) section 15 (fingerprinting);
- (h) section 16 (information about passengers);
- (i) section 17 (retention of documents);
- (j) section 18 (control of entry);
- (k) section 19 (procedure for marriage);
- (l) section 20 (procedure for marriage: supplemental);
- (m) section 25 (application for permission);
- (n) subsection (6) of section 26 (unification of appeal system);
- (o) subsection (7) of section 26 (unification of appeal system) in so far as is necessary for the purposes of the next subparagraph;
- (p) the following paragraphs of Schedule 2 (consequential amendments)—
 - (i) paragraph 16;
 - (ii) paragraph 21(a), (b), (c) and (o);
- (q) subsections (1) to (3) and (7) of section 27 (unfounded human rights or asylum claim);
- (r) section 28 (appeal from within United Kingdom);
- (s) section 29 (entry clearance);
- (t) section 30 (earlier right of appeal);
- (u) section 31 (seamen and aircrews: right of appeal);
- (v) section 34 (detention pending deportation);
- (w) section 35 (deportation or removal: co-operation);
- (x) section 36 (electronic monitoring);
- (y) section 42 (amount of fees);
- (z) section 45 (interpretation: immigration officer);
- (aa) section 47 (repeals) in so far as is necessary for the purposes of the next sub-subparagraph;
- (bb) Schedule 4 (repeals), in so far as it relates to provisions of the 1971 Act which extend to the Isle of Man;
- (cc) section 50 (short title).

19. For ease of reference, the provisions of the 2004 Act as modified and extended to the Isle of Man (except for provisions which amend or repeal other enactments) are set out in Part 6 of Schedule 10.

Extension of the Immigration, Asylum and Nationality Act 2006 to the Isle of Man

20.—(1) The following provisions of the 2006 Act shall extend to the Isle of Man subject to the modifications specified in Schedule 9.

- (2) The provisions are—
 - (a) section 2 (removal);

- (b) section 5 (failure to provide documents);
- (c) section 6 (refusal of leave to enter);
- (d) section 7 (deportation);
- (e) section 9 (abandonment of appeal);
- (f) section 11 (continuation of leave);
- (g) section 27 (documents produced or found);
- (h) section 28 (fingerprinting);
- (i) section 29 (attendance for fingerprinting);
- (j) section 30 (proof of right of abode);
- (k) section 42 (information: embarking passengers);
- (l) section 48 (removal: cancellation of leave);
- (m) section 50 (procedure);
- (n) section 51 (fees);
- (o) subsections (1) to (6) of section 52 (fees: supplemental);
- (p) subsection (7) of section 52 (fees: supplemental) in so far as is necessary for the purposes of the next paragraph;
- (q) the following paragraphs of Schedule 2 (fees: consequential amendments)—
 - (i) paragraph 4;
 - (ii) paragraph 6;
- (r) section 53 (arrest pending deportation);
- (s) section 54 (Refugee Convention: construction);
- (t) section 57 (deprivation of right of abode);
- (u) section 64 (citation).

21. For ease of reference, the provisions of the 2006 Act as modified and extended to the Isle of Man (except for provisions which amend or repeal other enactments) are set out in Part 7 of Schedule 10.

Judith Simpson
Clerk of the Privy Council