



IMMIGRATION ACT 1971

IMMIGRATION (VARIATION OF LEAVE) ORDER 1997

Coming into operation

1st April 1997

In exercise of the powers conferred on the Lieutenant Governor by section 4(1) of the Immigration Act 1971 (an Act of Parliament)(a), as that Act has effect in the Isle of Man, and of all other enabling powers, the following Order is hereby made:-

Citation and commencement

1. This Order may be cited as the Immigration (Variation of Leave) Order 1997 and shall come into operation on the 1st April 1997.

Variation of limited leave to enter or remain in the Isle of Man

2. (1) Where a person has leave to enter or remain in the Isle of Man for a limited period and applies to the Lieutenant Governor before the expiry of that period for such limited leave to be varied, then, except in a case falling within paragraph (2), the duration of his leave shall, by virtue of this Order, be extended until the expiration of the twenty-eighth day after either the date of the decision on the application or, if the application is withdrawn, the date of the withdrawal

(a)P.1971 c.77; s.4(1) extended to Isle of Man by SI 1991/2630

of the application.

- (2) Paragraph (1) above shall not apply -
 - (a) in a case in which the date of the decision is earlier than 28 days before the expiration of the period of limited leave;
 - (b) in a case in which the period of limited leave had expired before the coming into operation of this Order;
 - (c) in a case in which the application is made at a time when, by virtue of the previous operation of this Order, an extension of the applicant's period of leave is taking effect and he has no other concurrent period of leave; or
 - (d) in a case in which the duration of a person's limited leave to enter or remain has been curtailed by the Lieutenant Governor under section 7(1) of the Asylum and Immigration Appeals Act 1993(b).
- (3) For the purposes of this Article the date of the decision shall -
 - (a) where notice of the decision is sent by post, be deemed to be the day on which such notice is sent;
 - (b) in any other case, be deemed to be the day on which notice of the decision is served.

3. Where -

- (a) the duration of a person's limited leave to enter or remain in the Isle of Man has been extended by the operation of article 2(1); and
- (b) the duration of that leave has been curtailed by the Lieutenant Governor under section 7(1) of the Asylum and Immigration Appeals Act 1993,

the extension shall not have effect beyond the date to which the leave is curtailed.

(b) P.1993 c.23; s.7 extended to Isle of Man by SI 1997/275

MADE

21st. February 1997

A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a surname that appears to be 'Gunn'. The signature is written over a horizontal line.

Lieutenant Governor

EXPLANATORY NOTE

(This note is not part of the order)

This Order secures (by providing for the necessary extension in appropriate cases) that where a person applies to the Lieutenant Governor for a variation of his current limited leave under the Immigration Act 1971 to enter or remain in the Isle of Man, the leave shall not expire earlier than 28 days after the date of the Lieutenant Governor's decision on the application.

Article 2(2)(c) excludes cases where the application is made while an extension by virtue of the Order is taking effect in consequence of a previous application.

