



## IMMIGRATION (EUROPEAN ECONOMIC AREA)(AMENDMENT) REGULATIONS 2012

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Statutory Document No. 0151/12



*European Communities (Isle of Man) Act 1973*

*Nationality, Immigration and Asylum Act 2002*

## IMMIGRATION (EUROPEAN ECONOMIC AREA)(AMENDMENT) REGULATIONS 2012

*Laid before Tynwald:* 17 April 2012

*Coming into Operation:* 1 April 2012

These Regulations are made by the Governor and the Council of Ministers.

The Governor makes the following Regulations under section 109 of the Nationality, Immigration and Asylum Act 2002 (of Parliament)<sup>1</sup> as it has effect in the Isle of Man<sup>2</sup>.

The Council of Ministers makes the following Regulations under section 2B of the European Communities (Isle of Man) Act 1973 (of Tynwald)<sup>3</sup>.

### 1 Title

These Regulations are the Immigration (European Economic Area)(Amendment) Regulations 2012.

### 2 Commencement

These Regulations come into operation on 1 April 2012.

### 3 Amendment of the Immigration (European Economic Area) Regulations 2009

(1) The Immigration (European Economic Area) Regulations 2009<sup>4</sup> are amended as follows.

<sup>1</sup> 2002 c.41

<sup>2</sup> See the Immigration (Isle of Man) Order 2008 (SI 2008/680). References in these Regulations to a provision of an Act extended to the Isle of Man by SI 2008/680 are to those Acts as they have effect in the Isle of Man by virtue of that SI. For the full history of the relevant amendments made in the United Kingdom prior to the legislation being extended to the Isle of Man see Schedules 3 to 9 of SI 2008/680.

<sup>3</sup> 1973 c.14. Section 2B (previously s2A, renumbered by section 1 of the European Communities (Amendment) Act 1991 (of Tynwald) was inserted by section 3 of the European Communities (Amendment) Act 1988 (of Tynwald).

<sup>4</sup> SD 635/09



- (2) Regulation 3 (general interpretation) is amended as follows —
- (a) the definition of “**document certifying permanent residence**” is revoked;
  - (b) for the definition of “**civil partnership**” substitute —  
““**civil partner**” does not include a party to a civil partnership of convenience.”;
  - (c) after the definition of “**exclusion order**” insert —  
“**holder**”, for a provision about a residence document, means the person about whom the document was issued.”;
  - (d) after the definition of “**relevant EEA national**” insert —  
““**residence document**” means a document issued under Part 3 that has not ceased to have effect under regulation 17C.”.
- (3) For Part 3 substitute —

## **PART 3— RESIDENCE DOCUMENTATION**

### **16A Extended right of residence document**

- (1) This section applies to a family member of a qualified person if the family member has a right to reside in the Isle of Man under regulation 15.
- (2) The family member may apply to the Governor for a document certifying the right of residence.
- (3) If —
  - (a) the Governor is given proof of the right of residence; and
  - (b) the Governor does not consider a ground under section 19(1) exists to refuse to issue the document,the Governor must issue the document as soon as possible.

### **17 Permanent Residence Document**

- (1) This section applies to a person if the person has a right to reside in the Isle of Man permanently under regulation 16.
- (2) The person may apply to the Governor for a document certifying the right of permanent residence.
- (3) Subsection (4) applies if —
  - (a) the Governor is given proof of the right of residence; and
  - (b) the Governor does not consider a ground under section 19(1) exists to refuse to issue the document.



- (4) The Governor must issue the document —
  - (a) as soon as possible if the person is an EEA national; or
  - (b) within 6 months in any other case.

#### 17A Form and giving of residence document

- (1) A residence document may take any form, and may be given to its holder in any way, the Governor considers appropriate.
- (2) Without limiting paragraph (1), a residence document may take the form of, and be given to its holder by, a stamp in the holder's passport.

#### 17B Residence document issued free

- A residence document must be issued free of charge.

#### 17C Duration of residence document

- (1) A residence document ceases to have effect if —
  - (a) its holder ceases to have a right to reside in the Isle of Man under regulation 15 or 16;
  - (b) it was issued under regulation 16A and its holder becomes entitled to reside in the Isle of Man permanently under regulation 16; or
  - (c) it is revoked under regulation 19(1) or (2).
- (2) To avoid doubt, paragraph 1(a) applies even if the holder still has a right to reside in the Isle of Man under regulation 14. ~~22~~.

### 4 Consequential amendments


- (1) Regulation 19 (refusal and revocation of residence document) is amended as follows —
  - (a) in paragraphs (1) and (2), for “document certifying permanent residence” substitute ~~23~~ residence document ~~22~~;
  - (b) for paragraph (3) substitute —
    - ~~23~~(3) The Governor may revoke a residence document if it ceases to have effect under regulation 17C(1)(a) or (b). ~~22~~.
- (2) In regulation 27(2)(a) (out of country appeals) and in Schedule 2 (effect on other legislation), paragraph 4(2) for “document certifying permanent residence” substitute ~~23~~ residence document ~~22~~;
- (3) In regulation 2(b) of the Immigration (Notices) Regulations 2008<sup>5</sup>

<sup>5</sup> SD 181/08

for “document certifying permanent residence” substitute ~~“a”~~ residence document~~“a”~~;

- (4) In paragraph 4 of Part 1 of the Schedule (descriptions of documents for the purposes of article 4(2)(a) of the Order) to the Immigration (Restrictions on Employment) Order 2008<sup>6</sup> for “document certifying permanent residence” substitute ~~“a”~~ residence document~~“a”~~ wherever it appears.

MADE 28<sup>th</sup> MARCH 2012



ADAM WOOD  
*Governor*



W GREENHOW  
*Chief Secretary*

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<sup>6</sup> SD186/08

*EXPLANATORY NOTE*

*(This note is not part of the Regulations)*

These Regulations amend the Immigration (European Economic Area) Regulations 2009 to insert new provisions for the conditions under which a person qualifies for the issue of a residence document and the form of giving and duration of a residence document.

