

2020 No. 1322

IMMIGRATION

**The Immigration (Isle of Man) (Amendment) (No. 2) Order
2020**

Made - - - - 11th November 2020

Coming into force in accordance with article 1(2)

At the Court at Windsor Castle, the 11th day of November 2020

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 36 of the Immigration Act 1971(a) is pleased, by and with the advice of Her Privy Council, to order as follows.

Citation and commencement

1.—(1) This Order may be cited as the Immigration (Isle of Man) (Amendment) (No. 2) Order 2020.

(2) This Order comes into force on such day or days as the Minister may by order appoint.

(3) Section 34 of the Legislation Act 2015(b) (an Act of Tynwald) (Tynwald procedure: laying only) applies to an order under paragraph (2).

Interpretation of this Order

2. In this Order, “the principal Order” means the Immigration (Isle of Man) Order 2008(c).

Amendment of Schedule 3 to the principal Order

3.—(1) Schedule 3 (which sets out the modifications subject to which the Immigration Act 1971 extends to the Isle of Man) to the principal Order is amended as follows.

(2) In paragraph 4 (which modifies section 3 of the Immigration Act 1971 in its extension to the Isle of Man), after sub-paragraph (4) insert—

“(4A) After subsection (5) insert—

“(5A) The Minister may not deem a relevant person's deportation to be conducive to the public good under subsection (5) if the person's deportation—

(a) 1971 c. 77.

(b) AT 10 of 2015.

(c) S.I. 2008/680 (as amended). Relevant amendments are made by S.I. 2011/1158, S.I. 2011/1408, S.I. 2015/1765, S.I. 2016/156, S.I. 2016/755, S.I. 2019/562 and S.I. 2020/1214.

- (a) would be in breach of the obligation of the United Kingdom under Article 20 of the withdrawal agreement, Article 19 of the EEA EFTA separation agreement, or Article 17 or 20(3) of the Swiss citizens’ rights agreement; or
- (b) would be in breach of those obligations if the provision in question mentioned in paragraph (a) applied in relation to the person.”.

(3) In paragraph 4, after sub-paragraph (5) insert—

“(5A) After subsection (6) insert—

“(6A) A court may not recommend under subsection (6) that a relevant person be deported if the offence for which the person was convicted consisted of or included conduct that took place before IP completion day.”.

(4) In paragraph 4, after sub-paragraph (6) insert—

“(7) After subsection (9) insert—

“(10) For the purposes of this section, a person is a “relevant person”—

- (a) if the person is in the Isle of Man (whether or not they have entered within the meaning of section 11(1)) having arrived with entry clearance granted by virtue of relevant entry clearance immigration rules;
- (b) if the person has leave to enter or remain in the Isle of Man granted by virtue of residence scheme immigration rules;
- (c) if the person may be granted leave to enter or remain in the United Kingdom as a person who has a right to enter the United Kingdom by virtue of—
 - (i) Article 32(1)(b) of the withdrawal agreement;
 - (ii) Article 31(1)(b) of the EEA EFTA separation agreement; or
 - (iii) Article 26a(1)(b) of the Swiss citizens’ rights agreement,
 whether or not the person has been granted such leave; or
- (d) if the person may enter the Isle of Man by virtue of regulations made under section 19 of the European Union and Trade Act 2019(a) (an Act of Tynwald).

(11) In subsection (10), references to having leave to enter or remain in the Isle of Man granted by virtue of residence scheme immigration rules includes references to having such leave granted by virtue of those rules before the Immigration (Isle of Man) (Amendment) (No. 2) Order 2020 came into force.

(12) In this section—

“EEA EFTA separation agreement”, “IP completion day”, “Swiss citizens’ rights agreement” and “withdrawal agreement” have the same meanings as in the European Union (Withdrawal Agreement) Act 2020(b) (see section 39(1) of that Act);

“relevant entry clearance immigration rules” means any immigration rules which are identified in the immigration rules as having effect in connection with the granting of entry clearance for the purposes of acquiring leave to enter or remain in the Isle of Man by virtue of residence scheme immigration rules;

“residence scheme immigration rules” means—

- (a) Appendix EU to the immigration rules except those rules, or changes to that Appendix, which are identified in the immigration rules as not having effect in connection with the residence scheme that operates in connection with the withdrawal of the United Kingdom from the EU; and

(a) AT 2 of 2019.
 (b) 2020 c. 1.

- (b) any other immigration rules which are identified in the immigration rules as having effect in connection with the withdrawal of the United Kingdom from the EU.””.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Isle of Man) Order 2008 (S.I. 2008/680). It makes amendments to Isle of Man immigration legislation which are equivalent to amendments to UK immigration legislation made by section 10 of the European Union (Withdrawal Agreement) Act 2020, thus maintaining the Isle of Man’s integrated approach to immigration policy with the United Kingdom.

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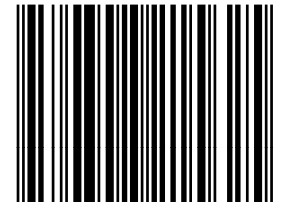
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.90

UK202011061018 11/2020 19585

<http://www.legislation.gov.uk/id/uksi/2020/1322>

ISBN 978-0-34-821562-5



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