

Statutory Document No. 2019/0146



Immigration Act 1971

IMMIGRATION (EUROPEAN ECONOMIC AREA NATIONALS) (EU EXIT) ORDER 2019

Laid before Tynwald: 9 April 2019
Coming into Operation in accordance with article 2

The Cabinet Office makes the following Order under sections 3A(1), (2), (7) and (10) and 3B(1), (2) and (3) of the Immigration Act 1971.

PART 1

1 Title

This Order is the Immigration (European Economic Area Nationals) (EU Exit) Order 2019.

2 Commencement

- (1) Part 1 of This Order comes into operation when the Immigration (European Economic Area) Regulations 2019¹ are revoked.
- (2) Part 2 of this Order comes into operation on 30 March 2019.

3 Interpretation

“**the 1971 Act**” means the Immigration Act 1971 (of Parliament);

“**EEA national**” means a national of an EEA state;

“**immigration officer**” and “**the Minister**” has the same meaning as in the Immigration Acts².

4 Grant of leave to EEA and Swiss nationals

- (1) A person to whom this article applies has leave to enter the Isle of Man.
- (2) This article applies to a person who-

¹ S.D. 2019/0132

² See section 61 of the UK Borders Act 2007 (c. 30) as extended to the Isle of Man by the Immigration (Isle of Man) (Amendment) Order 2019 S.I. 2019/562

- (a) is an EEA national or a national of Switzerland;
- (b) requires leave to enter the Isle of Man or would require leave to enter if that person were not arriving on a local journey from within the common travel area;
- (c) is travelling on a valid national identity card or a valid passport issued by an EEA state or Switzerland;
- (d) does not otherwise have leave to enter the Isle of Man;
- (e) does not have an entry clearance complying with the requirements of section 5 of the Immigration (Leave to Enter and Remain) Order 2019³ (requirements);
- (f) is not a person to whom article 5 of this Order applies;
- (g) either-
 - (i) arrives at a port in the Isle of Man and presents the document mentioned in sub-paragraph (c) to an immigration officer;
 - (ii) arrives in the Isle of Man on a local journey from the Republic of Ireland; or
 - (iii) otherwise arrives in the Isle of Man and either presents the document mentioned in sub-paragraph (c) to an immigration officer or disembarks in accordance with arrangements approved by an immigration officer pursuant to paragraph 27(1)(a) of Schedule 2 to the 1971 Act; and
- (h) does not apply for leave to enter the Isle of Man as a visitor within the meaning of the immigration rules⁴.

5 Persons who may not obtain leave under article 4

- (1) This article applies to a person described in any of paragraphs (2) to (7).
- (2) This paragraph applies to a person who is subject to a deportation order made under section 5 of the 1971 Act (procedure for, and further provisions as to, deportation)⁵ or a decision to make a deportation order under that section.
- (3) This paragraph applies to a person who is an excluded person for the purposes of section 8B of the 1971 Act (persons excluded from the Isle of Man under certain instruments)⁶.

³ S.D. 2019/0147

⁴ Laid before Tynwald on 17 May 2005 S.D. 62/05

⁵ Section 5 was amended by: paragraph 2 of Schedule 4 to the British Nationality Act 1981 (c.61); paragraph 2 of Schedule 2 to the Asylum and Immigration Act 1996 (c.49); paragraph 2 of the Schedule to the Immigration Act 1988 (c.14) and by paragraph 2 of the Schedule to the Immigration (Isle of Man) (Amendment) Order 2011 (S.I. 2011/1408)

⁶ Section 8B was inserted by section 8 of the Immigration and Asylum Act 1999 (c.13).

- (4) This paragraph applies to a person who is subject to an exclusion order made under regulation 24(5) of the Immigration (European Economic Area) Regulations 2019 (exclusion and removal from the Isle of Man).
- (5) This paragraph applies to a person who is subject to a removal decision made under regulation 24(6) of the Immigration (European Economic Area) Regulations 2019 (exclusion and removal from the Isle of Man).
- (6) This paragraph applies to a person in respect of whom directions have been given by the Minister for that person not to be given entry to the Isle of Man on the ground that the person's exclusion is conducive to the public good.
- (7) This paragraph applies to a person in respect of whom a removal direction has been given in accordance with section 10 of the Immigration and Asylum Act 1999.

6 Nature of leave granted by virtue of article 4

- (1) A person who has leave to enter by virtue of article 4 is to be treated for the purposes of the Immigration Acts and the immigration rules-
 - (a) as if that person had been given the leave by notice in accordance with section 4 of the 1971 Act (administration of control)⁷; and
 - (b) as if the leave had been given before that person's arrival in the Isle of Man.

7 Duration and condition of leave

- (1) Leave by virtue of article 4 is given for a period of three months.

PART 2

8 Grant of leave by virtue of Appendix EU to the immigration rules

The Minister may give or refuse leave to enter the Isle of Man to any person who seeks leave to enter the Isle of Man by virtue of Appendix EU to the immigration rules⁸.

⁷ Section 4(1) was amended by paragraph 43 and 45 of Schedule 14 to the Immigration and Asylum Act 1999 (c.33). Section 4(4) was amended by paragraph 2 to the British Nationality Act 1981 (c. 61).

⁸ Appendix EU was laid before Tynwald on 9 April 2019

MADE 26TH MARCH 2019

HOWARD QUAYLE
Minister for the Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in connection with nationals of the European Economic Area and Swiss national, together with their family members, following the withdrawal of the United Kingdom from the European Union.

Part 1 enables an EEA national or national of Switzerland who meets the conditions set out in article 4 to obtain leave to enter the Isle of Man. These conditions enable an individual who has appropriate documentation and is not excluded under article 5 to obtain leave by passing through a manned control point, contacting an immigration officer (where for example they arrived by a general aviation or general maritime route) or arriving on a local journey from Ireland. Where the conditions in article 4 are met such a person will automatically be given leave to enter for three months. Where such leave is given, no notice of leave is given to the person. A person given leave under article 4 may be examined by an immigration officer in the usual way to see whether there are grounds for cancelling leave.

Part 2 provides that the Minister may give or refuse leave to enter to a person outside the Isle of Man who seeks leave to enter the Isle of Man by virtue of Appendix EU to the immigration rules.