

Statutory Document No. 2020/0408



Immigration Act 1971

IMMIGRATION (VARIATION OF LEAVE) (NO.2) (AMENDMENT) (NO.4) ORDER 2020

Laid before Tynwald: 20 October 2020

Coming into Operation: in accordance with article 2

The Minister for the Cabinet Office makes the following Order under section 3B, 3(3)(a) and 4(1) of the Immigration Act 1971 (of Parliament)¹ as that Act has effect in the Island².

1 Title

This Order is the Immigration (Variation of Leave) (No.2) (Amendment) (No.4) Order 2020.

2 Commencement

This Order comes into operation immediately after it is made.

3 Amendment of the Immigration (Variation of Leave) (No.2) Order 2020

(1) The Immigration (Variation of Leave) (No.2) Order 2020³ is amended as follows.

(2) For article 10, substitute—

10 Discretion to apply further relief

(1) This article applies to any person who is not otherwise provided for by this Order and to whom paragraph (2) or (3) applies.

(2) This paragraph applies to a person who at any time during the application period holds or has held valid leave to enter or remain under the Immigration Rules (except where that leave has been curtailed or revoked) and who, as a direct result of the circumstances brought about by the

¹ 1971 c.77.

² See the Immigration (Isle of Man) Order 2020 (SI 2008/680) as amended.

³ SD. 2020/0255 as amended by SD 2020/0306, 2020/0346 and 2020/0371.

Proclamation of Emergency dated 16 March 2020, has been affected in such a way that—

- (a) the person's visa conditions of leave under the Immigration Rules would otherwise be contravened; or
 - (b) there would otherwise be grounds for curtailment of the person's leave under the Immigration Rules.
- (3) This paragraph applies to a person who is in the Isle of Man with valid leave and who provides evidence to the Minister that travel to their country of residence has been rendered impossible or impractical due to restrictions on travel imposed as a direct result of the COVID-19 pandemic.
- (4) Where this article applies, the Minister may exercise power under section 4 of the 1971 Act to vary or enlarge the person's leave or to vary or revoke the conditions pertaining to such leave pursuant to section 3(3)(a) of the 1971 Act.

MADE AT 18:28 ON 7 AUGUST 2020

HOWARD QUAYLE
Minister for the Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Variation of Leave) (No.2) Order 2020 in order to substitute article 10 of that Order. The substituted article 10 will now additionally permit the Minister to vary a person's leave (whether by extending its duration or changing the conditions attached to that person's leave), where that person's leave is due to expire, but they are unable return to their country of residence as a result of travel restrictions which have been imposed as a result of the COVID-19 pandemic (see newly inserted paragraph (3) of the substituted article).