

Statutory Document No. 2020/0578



Immigration Act 1971

IMMIGRATION (CONTROL OF ENTRY THROUGH REPUBLIC OF IRELAND) (AMENDMENT) (NO.2) ORDER 2020

Laid before Tynwald: 19 January 2021
Coming into Operation: in accordance with article 2

The Minister for the Cabinet Office makes the following Order under section 9(2) and (6) of the Immigration Act 1971¹ (of Parliament) as that Act has effect in the Island².

1 Title

This Order is the Immigration (Control of Entry through Republic of Ireland) (Amendment) (No.2) Order 2020.

2 Commencement

This Order comes into operation on IP completion day³ except article 3(5) which comes into force immediately before IP completion day.

3 Amendment of the Immigration (Control of Entry Through Republic of Ireland) Order 2016

(1) The Immigration (Control of Entry through Republic of Ireland) Order 2016⁴ is amended as follows.

(2) In article 3 (interpretation)⁵, at the appropriate places insert —

“exempt work activity” means an activity listed in Appendix Visitor: Permitted Activities to the immigration rules except PA 1, PA 2, and PA 16.1 to 18;

“occupation or employment” includes, in particular, the following activities in the Isle of Man (whether paid or unpaid) —

¹ 1971 c.77.

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

³ IP completion day is defined in Schedule 1 to the Interpretation Act 2015.

⁴ SD 49/2016 (as amended by SD 2019/0248 and SD 2020/0573).

⁵ Article 3 is amended by SD 2020/0573 and comes into operation on IP completion day.

- (a) undertaking employment;
- (b) doing any work for an organisation or business;
- (c) establishing or running a business as a self-employed person;
- (d) undertaking a work placement or internship;
- (e) undertaking any direct selling to the public;
- (f) fulfilling a contract to provide goods or services;

“permitted paid engagement” means an activity listed in paragraph V 12.3 of Appendix V: Visitor to the immigration rules;


“permitted payment” means a payment of a type listed in V 4.6(a) to (e) of Appendix V: Visitor to the immigration rules, save that the words in V 4.6(e) “where the requirements of V 12.1 to V 12.3 are met” do not apply to payments permitted by this Order;”⁶.

- (3) In article 4 (persons excluded from section 1(3) of the Act)—
- (a) omit the “or” at the end of paragraph (1)(b)(iii); and
 - (b) after paragraph (1)(b)(vi) insert—
 - ⁶(vii) he or she is a person who has at any time been refused admission to the Isle of Man under regulation 24(1), (3) or (4) of the Immigration (European Economic Area) Regulations 2019⁶, and has not since then been granted admission to, or leave to enter or remain in, the Isle of Man; or
 - (viii) he or she is a person in respect of whom the Minister has made a removal decision under regulation 24(6)(a) or 24(6)(c) of the Immigration (European Economic Area) Regulations 2019, and has not since then been granted admission to or leave to enter or remain in, the Isle of Man.⁷
- (4) In article 6 (restrictions and conditions on entry through Ireland)⁷ —
- (a) in paragraph (1), in the opening words for, “paragraph (2) and (2A)” substitute ⁶paragraph (2), (2A) and (2B)⁷
 - (b) after paragraph (2A) insert —
 - ⁶(2B) This article does not apply to any person to whom article 6A applies.⁷
 - (c) in paragraph (4) —
 - (i) in sub-paragraph (a), for “3” substitute ⁶6⁷;

⁶ SD 2019/0132.

⁷ Article 6 has been prospectively amended by regulation 2 of SD 2019/0248 which comes into force at the same time as this SD.

- (ii) for sub-paragraph (b) substitute —
 - 6A(b) he or she must not engage in any occupation or employment except an exempt work activity, for which he or she may receive a permitted payment. 6A;
- (d) for paragraph (6)(b) substitute —
 - 6A(b) the person must not engage in any occupation or employment except an exempt work activity, for which the person may receive a permitted payment. 6A;
- (e) in paragraph (8) —
 - (i) in sub-paragraph (a) for “7 days” substitute 6A 2 months 6A;
 - (ii) for sub-paragraph (b) substitute —
 - 6A(b) the person must not engage in any occupation or employment except an exempt work activity, for which the person may receive a permitted payment. 6A.
- (5) After article 6 inset —
 - 6A Persons arriving with the intention of undertaking permitted paid engagement**
 - (1) Subject to paragraph (2), this article applies to any person who does not have the right of abode in the Isle of Man under section 2 of the Act and is not an Irish citizen, and who —
 - (a) enters the Isle of Man on a local journey from the Republic of Ireland after having entered the Republic of Ireland —
 - (i) on coming from a place outside the common travel area; or
 - (ii) after leaving the Isle of Man whilst having limited leave to enter or remain there which has since expired; and
 - (b) at the time of the person’s entry to the Isle of Man, intends, and has a previously arranged invitation, to undertake a permitted paid engagement in the Isle of Man.
 - (2) This article does not apply to any person who arrives in the Isle of Man with leave to enter or remain in the Isle of Man which is in force but which was given to the person before his or her arrival, or who requires leave to enter the Isle of Man by virtue of article 4 or section 9(4) of the Act.
 - (3) Subject to paragraph (5), a person to whom this article applies is subject to the restrictions and conditions in paragraph (4).

- (4) The restrictions and conditions referred to in this paragraph are –
- (a) the period for which the person may remain in the Isle of Man is not more than one month from the date on which the person entered the Isle of Man;
 - (b) the person must not engage in any occupation or employment except an exempt work activity or a the permitted paid engagement referred to in paragraph (1)(b); and
 - (c) where the person is undertaking an exempt work activity or permitted paid engagement, the person may receive a permitted payment.
- (5) If a person to whom this article has applied at any time, leaves the Isle of Man but does not leave the common travel area, on the person's subsequent entry to the Isle of Man the restrictions and conditions in paragraph (6) apply to them.
- (6) The restrictions and the conditions referred to in this paragraph are –
- (a) the period for which the person may remain in the Isle of Man is not more than 7 days from the date on which the person entered the Isle of Man;
 - (b) the person must not engage in any occupation or employment except an exempt work activity or any permitted paid engagement; and
 - (c) where the person is undertaking an exempt work activity or permitted paid engagement, the person may receive a permitted payment. .

MADE 16 DECEMBER 2020

HOWARD QUAYLE
Minister for the Cabinet Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Immigration (Control of Entry through Republic of Ireland) Order 2016 (“the 2016 Order”).

Regulation 3(3) amends article 4 of the 2016 Order to add further categories of individuals who are not entitled to benefit from the common travel area principles set out in section 1(3) of the Immigration Act 1971.

Regulation 3(4) amends article 6 of the 2016 Order to extend the period of statutory permission to be in the Isle of Man without leave under the Order from 3 months to 6, and to amend the occupation and employment-related activities that a person is permitted to undertake during that period.

Regulation 3(5) inserts new article 6A which sets out the conditions and restrictions for a person who enters the Isle of Man from Ireland with the intention of undertaking a permitted paid engagement.