



IMMIGRATION (CONTROL OF ENTRY THROUGH REPUBLIC OF IRELAND) ORDER 2016

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Statutory Document No. 49/2016



Immigration Act 1971

IMMIGRATION (CONTROL OF ENTRY THROUGH REPUBLIC OF IRELAND) ORDER 2016

Laid before Tynwald: 15 March 2016
Coming into Operation: In accordance with Article 2

The Governor 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) Order 2016.

2 Commencement

This Order comes into operation on the day after it is signed.

3 Interpretation

“**1988 Act**” means the Immigration Act 1988³ (of Parliament) as that Act has effect in the Island⁴;

“**2008 Order**” means the Immigration (Isle of Man) Order 2008 (an Order in Council)⁵;

“**Act**” means the Immigration Act 1971 (of Parliament) as that Act has effect in the Island;

“**EEA national**” means a national of an EEA State who is not also a British Citizen;

“**EEA State**” means, —

(a) a member State of the European Union (other than the United Kingdom);

¹ 1971 c.77.

² see Immigration (Isle of Man) Order 2008 (SI 2008/680) (as amended).

³ 1988 c. 14.

⁴ see SI 2008/680 (as amended).

⁵ SI 2008/680 (as amended).

(b) Norway, Iceland, Liechtenstein and Switzerland;

“**visa national**” means a person, including a stateless person, who in accordance with the Isle of Man Immigration Rules⁶ is required on entry into the Isle of Man to produce a passport or other document of identity endorsed with a visa for his or her entry into the Isle of Man.

4 Immigration control in respect of certain persons travelling through the Republic of Ireland

(1) This Article applies to —

- (a) any person (other than a citizen of the Republic of Ireland) who arrives in the Isle of Man on an aircraft which began its flight in that Republic if he or she entered that Republic in the course of a journey to the Isle of Man which began outside the common travel area and was not given leave to land in that Republic in accordance with the law in force there;
- (b) any person (other than a person to whom sub-paragraph (a) refers) who arrives in the Isle of Man on a local journey from the Republic of Ireland if he or she satisfies any of the following conditions, that is to say —
 - (i) he or she is a visa national who has no valid visa for his or her entry into the Isle of Man, save for a visa national to whom Article 5 applies,
 - (ii) he or she entered that Republic unlawfully from a place outside the common travel area,
 - (iii) he or she entered that Republic from a place in the United Kingdom or Islands (that is to say, the Channel Islands and the Isle of Man) after entering there unlawfully, or, if he or she had a limited leave to enter or remain there, after the expiry of the leave, provided that in either case he or she has not subsequently been given leave to enter or remain in the United Kingdom or any of the Islands,
 - (iv) he or she is a person in respect of whom directions have been given by the Lieutenant Governor for that person not to be given entry to the Isle of Man on the ground that his or her exclusion is conducive to the public good, or
 - (v) he or she is a person who has been prohibited from entering the United Kingdom by an order made by the Secretary of State under any provision made under section 2(2) of the European Communities Act 1972⁷ (of Parliament).

⁶ SD 62/05.

⁷ 1972 c.68.

- (2) In relation only to persons to whom this Article applies, the Republic of Ireland shall be excluded from section 1(3) of the Act (provisions relating to persons travelling on local journeys in the common travel area).

5 Recognition of certain 90 day visit visas issued by the Republic of Ireland

This Article applies to a visa national who is a citizen of a country specified in the Schedule who —

- (a) has applied to the Republic of Ireland authorities for a visa to travel to the Republic;
- (b) has made the application mentioned in paragraph (a) to the Republic of Ireland authorities based in the country listed in the Schedule where the visa national is a citizen;
- (c) has been granted a visa to travel to the Republic of Ireland by the Republic of Ireland authorities for the purpose of a stay of a period of 90 days or fewer, as a result of the application mentioned in paragraph (a), which is endorsed with the letters “BIVS”;
- (d) has since been given permission by the Republic of Ireland authorities, endorsed on his or her passport, to land or be in the Republic of Ireland pursuant to the visa mentioned in paragraph (c); and
- (e) is in possession of both the valid Irish visa mentioned in paragraph (c) and the valid endorsement from the Republic of Ireland authorities conferring permission to land or to be in the Republic of Ireland mentioned in paragraph (d), at the time when he or she enters the Isle of Man on a local journey from the Republic of Ireland.

6 Restrictions and conditions

- (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 EEA national, or a person who is entitled to enter or remain in the Isle of Man by virtue of section 7 of the 1988 Act, and who enters the Isle of Man on a local journey from the Republic of Ireland after having entered that Republic —
- (a) on coming from a place outside the common travel area; or
 - (b) after leaving the Isle of Man whilst having a limited leave to enter or remain there which has since expired.
- (2) This Article shall 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 that 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) A person to whom this Article applies by virtue only of paragraph (1)(a) shall, unless that person is a visa national without a valid visa for entry to the Isle of Man and who is a visa national to whom Article 5 applies, be subject to the restriction and condition set out in paragraph (4).
- (4) The restriction and condition referred to in paragraph (3) are that —
 - (a) the period for which the person may remain in the Isle of Man shall not be more than 3 months from the date on which he or she first entered the Isle of Man; and
 - (b) the person shall not engage in any occupation for reward or in any employment.
- (5) In relation to a person who is a visa national without a valid visa for entry to the Isle of Man and who is also a visa national to whom Article 5 applies, the restriction and condition set out in paragraph (6) shall apply instead of the provisions contained in paragraph (4).
- (6) The restriction and condition referred to in paragraph (5) are that —
 - (a) the period for which the visa national may remain in the Isle of Man ends on the date of the expiry of the permission to land or to be in the Republic of Ireland mentioned in Article 5(d); and
 - (b) the person shall not engage in any occupation for reward or in any employment.
- (7) A person to whom this Article applies by virtue of paragraph (1)(b) (whether or not he or she is also a person to whom this Article applies by virtue of paragraph (1)(a)) shall be subject to the restriction and condition set out in paragraph (8).
- (8) The restriction and condition referred to in paragraph (7) are that —
 - (a) the period for which the person may remain in the Isle of Man shall not be more than 7 days from the date on which he or she first entered the Isle of Man; and
 - (b) the person shall not engage in any occupation for reward or in any employment.
- (9) The restriction and condition set out in paragraphs (4), (6) and (8) shall cease to apply to a person if that person becomes entitled to enter or remain in the United Kingdom by virtue of section 7 of the 1988 Act.

7 Revocation

The following are revoked —

- (a) The Immigration (Control of Entry through Republic of Ireland) (Isle of Man) Order 1972⁸;
- (b) The Immigration (Control of Entry through Republic of Ireland) (Isle of Man) (Amendment) Order 1979⁹;
- (c) The Immigration (Control of Entry through Republic of Ireland) (Isle of Man) (Amendment) Order 1981¹⁰;
- (d) The Immigration (Control of Entry through Republic of Ireland) (Isle of Man) (Amendment) Order 1982¹¹;
- (e) The Immigration (Control of Entry through Republic of Ireland) (Isle of Man) (Amendment) Order 1986¹²; and
- (f) The Immigration (Control of Entry through Republic of Ireland) (Isle of Man) (Amendment) Order 1988¹³.

MADE

ADAM WOOD
Lieutenant Governor

⁸ GC 0108/1972

⁹ GC 0247/1979

¹⁰ GC 0029/1981

¹¹ GC 0289/1982

¹² GC 0053/1986

¹³ GC 0123/1988

SCHEDULE

(Article 5)

SPECIFIED COUNTRIES

The countries specified for the purposes of Article 5 are —

India

People's Republic of China

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order revokes and replaces the Immigration (Control of Entry through Republic of Ireland) Order 1972 (as amended). This Order consolidates previous amendments to the Order, removes obsolete references and introduces new provisions relating to the recognition of certain visit visas issued by the Republic of Ireland as part of the “British Irish Visa Scheme” described below.

This Order excludes from the operation of section 1(3) of the Immigration Act 1971¹⁴ (which exempts from control passengers travelling on local journeys within the common travel area, that is to say the area comprising the United Kingdom, Isle of Man, Channel Islands and Republic of Ireland) certain persons who enter the Isle of Man through the Republic of Ireland (Article 4). The main classes of person are those who merely passed through the Republic of Ireland, persons requiring visas, persons who entered the Republic of Ireland unlawfully, persons who are subject to directions given by the Lieutenant-Governor for their exclusion from the Isle of Man on the ground that such exclusion is conducive to the public good and persons who have been prohibited by order made by the Secretary of State from entering the United Kingdom under section 2(2) of the European Communities Act 1972 (of Parliament).

As part of the “British Irish Visa Scheme”, Article 5 and the Schedule, ensure that where a visa national who is a citizen of India or the People’s Republic of China applies to the Republic of Ireland for a visa, is granted a visa for a 90 day visit endorsed with the letters “BIVS” and is then granted permission to land or to be in the Republic by the Irish authorities, the person is able to travel to the Isle of Man on a local journey pursuant to section 1(3) of the Immigration Act 1971 provided the person has with him or her the Irish visa and the endorsement showing that he or she has permission to land or be in the Republic at the time when he or she enters the Isle of Man and even though he or she does not have a visa to enter the Isle of Man. Article 6 also provides that such a person is able to remain in the Isle of Man until the expiry date of the permission to land or be in the Republic which is endorsed on the person’s passport but is not able to take any occupation for reward or any employment.

The Order also imposes restrictions on persons who do not have a right of abode in the Isle of Man and who are not EEA nationals and who are not exercising EU rights (other than those excluded from the operation of section 1(3)) and who enter the Isle of Man on a local journey from the Republic of Ireland after having entered that Republic after coming from a place outside the common travel area or after leaving the Isle of Man while having a limited leave to enter or remain there which has since expired (Article 6)). These restrictions impose a limit on the period of their stay in the Isle of Man and a prohibition on taking up employment or any occupation for reward.

¹⁴ 1971 c.77 (see SI 2008/680) (as amended).