



CABINET OFFICE

**Crown and External Relations
Passport, Immigration and Nationality Services**

Annual Report

1 April 2017 – 31 March 2018

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STATEMENT OF THE LAW**

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1) INTRODUCTION

This report provides information concerning the passport, immigration and nationality services provided by the Passport, Immigration and Nationality office of the Crown and External Relations Division of the Cabinet Office¹.

It includes information on immigration into the Isle of Man of migrants from outside the United Kingdom (UK) and the European Economic Area (EEA); persons seeking to be naturalised as British Citizens in the Isle of Man; and information on the provision of British passports.

Terminology

Foreign Nationals

A foreign national is someone who is not a British citizen or an EEA National;

EEA Nationals

An EEA national is defined in regulation 3(1) of the Immigration (European Area) Regulations 2009 as "a national of an EEA State, and shown in Appendix A;

"EEA State" means (a) a member State, other than the United Kingdom; (b) Norway, Iceland or Liechtenstein; or (c) Switzerland;"

Non Visa National

A non-visa national may apply for a visit visa, but is not required to unless they are: (a) visiting the UK to marry or to form a civil partnership, or to give notice of this; or (b) seeking to visit the UK for more than 6 months;

Visa national

A list of Visa Nationals – and exceptions – can be found at Appendix 2 of Appendix V of the Isle of Man immigration rules. All those appearing on that list are 'visa nationals' and must apply for a visa in advance of travel to the Isle of Man as a visitor, or for any other purpose for less than six months.

2) DEMOGRAPHIC CONTEXT

The 2016 census shows that the number of people resident on the Island who were born outside of the British Isles has risen steadily from 6.2% of the population in 2006 to 7.5% at the 2011 interim census and then to 8.5% (7082 people) of the population in 2016. Many of these individuals will however have been resident in the Isle of Man or the UK for many years and will either have been granted or be eligible for British Citizenship. The 2016 census showed that 1982 people resident on the Isle of Man were born outside the European Union. This is 2.4% of the population.

¹ The Isle of Man Passport, Immigration and Nationality office is an office within the Cabinet Office of the Isle of Man Government. The Cabinet Office is a Department of Isle of Man Government.

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3) IMMIGRATION

The Immigration Act 1971 was first extended to the Isle of Man by Order in Council in 1972 with the agreement of the Isle of Man Government. On 12 March 2008, [The Immigration \(Isle of Man\) Order 2008](#) (as amended) was made. The 2008 Order extended certain provisions of the UK immigration and related legislation to the Isle of Man, with modifications as necessary. In the Isle of Man the majority of powers under the 2008 Order are exercised by Her Majesty's Lieutenant Governor in the Isle of Man.

The functions of the Lieutenant Governor are delegated to immigration officers who are part of the Crown and External Relations Directorate of the Cabinet Office, to deliver. Some powers however rest with the Council of Ministers.

The Council of Ministers in the Isle of Man makes the immigration rules under the 2008 Order, which are broadly similar to the UK immigration rules. The limitations are that discretion can only be exercised within the constraints of the rules and that it will be ultra vires for Council to incorporate any provision into the rules which would be contrary to the provisions of the immigration primary legislation or any other binding provision.

The immigration office processes visa applications from people seeking to come to the Isle of Man from countries outside of the European Economic Area (EEA), or those who wish to vary their leave to remain in the Island.

The Immigration Rules can be found on the Isle of Man Government's website www.gov.im/immigration

Established by the 1971 UK Immigration Act, the Isle of Man, the UK, Channel Islands (Jersey & Guernsey) and the Republic of Ireland form the Common Travel Area (CTA). This allows free movement of persons to travel within the CTA without any immigration controls and so consequently no borders. A person examined at the CTA border for the purpose of immigration control does not require leave to enter any other part it, as shown in Appendix B.

Immigration Figures

The table below summarises the total number of immigration applications received.

Category	2013/14	2014/15	2015/16	2016/17	2017/18
Entry Clearance	513	497	586	721	598
In Country	214	223	229	248	263
Indefinite Leave to Remain	89	123	41	60	24
Total	816	843	856	1029	885

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Entry Clearance

Entry Clearance is applied for in advance of travel to the Isle of Man and must be obtained by visa nationals for visits and by all foreign nationals for a period longer than six months. As a British Crown Dependency (CD), the Isle of Man is entitled to, and uses the services of the Visa Application Centres/British Embassies around the world. One of these services is to handle visa applications for those people seeking to come to the Isle of Man.

Applicants who wish to come to the Isle of Man must complete their visa application online via the UK Visas & Immigration online service. Applications for the Isle of Man are processed by the Visa Application Centre/British Embassy and are referred to the Isle of Man immigration office for consideration against the Isle of Man immigration rules.

Having made the decision to grant or refuse the visa, the Isle of Man immigration office sends its decision to the Visa Application Centre/British Embassy for relaying to the applicant and issuance of the visa. The Isle of Man immigration office will liaise with either the Visa Application Centre/British Embassy, the applicant and/or the applicants sponsor with any queries.

The table below shows the number and visa types of entry clearance granted by the Isle of Man immigration office. The number of refused entry clearance applications is shown as a total for the year in question. These figures do not include people who have entry clearance issued by the UK or a CD and who may be in the Island.

Entry Clearance	2013/1	2014/1	2015/1	2016/1	2017/1
Business Visitors	70	52	85	94	50
General & Family Visitors	272	283	331	437	362
Dependant of settled person	5	6	11	5	39
Spouses/Partner	6	14	15	14	
Tier 1 visas	1	5	3	3	7
Tier 2 visas	57	54	47	98	81
Tier 4 Student visas	10	9	10	9	9
Tier 5 Youth Mobility	0	0	0	0	0
Tier 5 Temporary workers	1	0	2	3	5
Points Based System Dependants	16	20	28	24	42
Tier 1 or Tier 2 Child	23	15	22	18	
EEA Family Member			4	9	3
Others	52	39	28	7	0
Total	513	497	586	721	598
Refusal Notices Issued	61	28	45	17	29

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In-Country leave

A person who is in the Isle of Man and wishes to extend their leave in the Isle of Man, or vary their conditions of stay would make an application to the Isle of Man immigration office.

The table below sets out the number of applications processed by the Isle of Man immigration office under the category which an applicant applied.

In Country Applications	2013/14	2014/15	2015/16	2016/17	2017/18
Tier 1 (Investor)	0	1	2	0	1
Tier 1 (Entrepreneur)	0	0	1	0	0
Tier 1 (General)	2	1	0	0	
Tier 1 (Post Study Work)	1	0	0	0	0
Tier 1 (Exceptional Talent)			0	0	0
Tier 2	68	88	60	65	89
Tier 4	0	1	2	3	2
Tier 5	0	0	1	0	0
Spouse/Partner of Tier 1 or Tier 2	34	36	28	38	40
Child of T1 or T2 visa holder	50	41	46	55	52
Spouse/Partner of a settled person	20	11	26	27	46
Dependant of a settled person	3	5	8		
EEA Family Member - Permit & Permanent Residence	13	5	16	54	33
No Time Limit	12	11	11	6	0
Overseas Domestic Worker	2	1	0	0	0
Others	9	22	28	0	0
Total	214	223	229	248	263

Indefinite Leave to Remain

Indefinite leave to remain (ILR) means a person is free from immigration control and restrictions.

The table below provides details of the number of applications for Indefinite Leave to Remain considered by the immigration office over the past five years.

	2013/14	2014/15	2015/16	2016/17	2017/18
ILR	89	123	41	60	24

General Aviation

Border Force UK defines General Aviation (GA) as any aircraft not operating to a specific and published schedule and not making a military flight. GA aircraft vary greatly in type from micro-lights and single propeller aeroplanes flown by private pilots for leisure purposes to business aviation jets flown on a commercial basis. They can arrive at a variety of sites from farmers' fields, private airstrips and helipads to large airports where scheduled flights also arrive.

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An operator or pilot of a GA aircraft is required to report international or Channel Islands (Jersey & Guernsey) journeys to or from the UK, **unless** they are travelling directly from the UK to a destination in the European Union (EU). Sections 35 and 64 of the Customs and Excise Management Act 1979 relate.

The table below sets out the number of GARs processed by the Isle of Man immigration office for the reporting period.

	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18
Received	205	345	552	271	257	286	279	288	205	138	178	230
Actioned	8	19	29	6	8	8	1	2	4	7	4	9

Leave to Enter

"Leave to Enter" relates to controls which exist at ports and airports for all passengers who:

- Need to show they have Right of Abode;
- Are a returning resident;
- Are a non-visa national seeking leave to enter for less than six months or;
- Have the correct entry clearance.

The immigration office provides Border Control duties at the Isle of Man Harbours for visiting cruise ships and the Isle of Man Airport for over 55 flights arriving from outside the CTA. Whilst the majority of air passengers are returning holiday makers, these flights carry passengers who are required to be examined by an immigration officer. The majority of cruise ship passengers are non EEA nationals who do require entry clearance. The vast majority of cruise ships visiting the Isle of Man originate from within the CTA.

Immigration Compliance

If it is known that someone is breaking immigration laws - for example, by being in the Isle of Man illegally or by employing an illegal immigrant. Information can be sent to the immigration office by email at immigration@gov.im. The immigration office treat all personal information as confidential.

Immigration Compliance Terminology

Illegal Migrants

An illegal migrant is defined as a person unlawfully entering the country or seeking to enter by means of deception, already in the country without valid leave, or is seeking to enter in breach of a deportation order. The powers to remove illegal migrants back to their country are found in paragraph 9 of schedule 2 to the Immigration Act 1971 as extended to the Isle of Man; these powers enable an immigration officer to issue any authorised directions for removal.

Removal

Part 4 of the Immigration (Isle of Man) Order 2008 allows for the removal of certain persons who are unlawfully in the Isle of Man. Administrative removals or 'removals', refers to a process which involves the enforced removal of foreign nationals who have either entered the country illegally or deceptively, stayed in the country longer than their visa permitted, or otherwise violated the

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conditions of their leave to remain in the Isle of Man. Where an individual is removed from the Isle of Man, they may apply to return to the Isle of Man subject to any time limits which may be in place at the time of applying that restrict them.

Curtailment

A person's leave to remain in the country may be curtailed if they cease to meet the requirements of the rules under which their leave to enter or remain was granted.

Refused Leave to Enter

If a foreign national attempts to enter the country at the border and is subject to immigration controls and they fail to satisfy the immigration requirements, they may be refused leave to enter and sent back to the country from where they came.

Voluntary Departure

An individual maybe located in the country illegally; the person will be assessed and given the option to leave the country voluntarily. There must be documentary evidence of onward travel by way of flight tickets and valid travel documents. The cost of this departure will be met by the individual who may be escorted to the airport for onward travel to their home country.

Deportation

Deportation is a specific term that applies to the enforced removal of foreign nationals and their children even if they hold a valid visa, whose removal from the Isle of Man is deemed 'conducive to the public good' by the Lieutenant Governor because they have breached Isle of Man immigration rules, whether because they are here illegally or because they are 'over stayers'.

They will be prohibited from re-entering the Isle of Man for the duration of the deportation order; and any leave to enter or remain in the Isle of Man given before the order was made, is invalidated. Deportation can also be recommended by a court in connection with a conviction of a criminal offence that carries a prison term. A deportation order may not be made while it is still open to the person to appeal against the relevant conviction, sentence or recommendation, or while an appeal is pending.

A deportation order requires the individual to leave the Isle of Man and is exercised so as to secure the person's return to the country of which he is a national, or which has most recently provided him with a travel document, unless he can show that another country will receive him. Deportation is a serious matter and any person subject to a deportation order will find their ability to obtain a visa in the future severely affected.

The table below provides details of the number of compliance functions carried out by the immigration office.

Category	2013/14	2014/15	2015/16	2016/17	2017/18
Illegal Immigrant	3	0	0	2	1
S10 Offenders	2	0	0	0	0
Curtailment	1	3	1	2	18
Refused Leave to Enter	0	0	0	0	0
Deportation	0	0	0	0	0
Voluntary Departure	5	0	0	2	1

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Immigration Appeals

When an applicant disagrees with the decision of the immigration office, there may be a right of appeal. This can be an appeal against a refusal of entry clearance from outside the country, or appeals in-country. The table below provides details of the number of immigration appeals received over the last five years and the resultant outcome.

Appeals	2013/14	2014/15	2015/16	2016/17	2017/18
Submitted	2	2	7	4	9
Appeals Allowed	0	1	2	1	1
Appeals Dismissed	2	1	0	0	4
Overtured at Review	-	-	5	2	4
Appeal Withdrawn	0	0	0	1	0

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4) Points Based System

The Points Based System (PBS); Tiers 1 and 4 were introduced in the Isle of Man in December 2009 and Tiers 2 and 5 were introduced in July 2010. The PBS applies to 'foreign nationals or non-EEA nationals' wishing to come, or who are already here and hold a PBS visa.

The PBS framework was designed to create structured decision making based on points. Points are awarded for attributes differently depending on the Tier for which the individual was applying. The system balances objectivity against the need to be robust against abuse. This is achievable by the applicant claiming points for certain factors such as qualifications, salary, and providing evidence to support the points claimed.

The Points Based System framework covers:-

Tier 1 (Entrepreneur) Migrants - This route is for those who wish to establish, join or take over one or more businesses in the Isle of Man. (Investor) Migrants - This route is for high net worth individuals making a substantial financial investment to the Isle of Man. (Graduate Entrepreneur) Migrants - This route is for MBA and other Isle of Man graduates who have been identified by Higher Education Institutions as having developed genuine and credible business ideas and entrepreneurial skills to extend their stay in the Isle of Man after graduation to establish one or more businesses in the Isle of Man. (Exceptional Talent) - This route is for exceptionally talented individuals, already internationally recognised at the highest level as world leaders in their particular field, or who have already demonstrated exceptional promise and are likely to become world leaders in their particular area, who wish to work in the Isle of Man.

Tier 2 (*changed to Worker route 06 April 2018*) (Intra-Company Transfer) Migrants - This route enables multinational employers to transfer their existing employees from outside the EEA to their Isle of Man branch for training purposes or to fill a specific vacancy that cannot be filled by an Isle of Man Worker, British citizen or other EEA national. (General) Migrants, (Minister of Religion) Migrants and (Sportsperson) Migrants - This route enables Isle of Man employers to recruit workers from outside the EEA to fill a particular vacancy that cannot be filled by an Isle of Man Worker, British citizen or other EEA national.

Tier 4 (General) Migrant - This route is for migrants aged 16 or over who wish to study in the Isle of Man. (Child) Migrant - This route is for children at least 4 years old and under the age of 18 who wish to be educated in the Isle of Man. There are foreign national students who attend the Isle of Man College or King William's College.

Tier 5 (Youth Mobility Scheme) Temporary Migrants - This route is for sponsored young people from participating countries and territories who wish to live and work temporarily in the Isle of Man. (Temporary Worker) Migrants - This route is for certain types of temporary worker whose entry helps to satisfy cultural, charitable, religious or international objectives, including volunteering and job shadowing.

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5) NATIONALITY

For an application to succeed applicants must show that they satisfy a number of requirements as set out in British Nationality Act 1981. The Isle of Man (and the Channel Islands) forms part of the UK under the British Nationality Act 1981. A person's claim to British nationality can be determined by applying the definitions and requirements of the British Nationality Act 1981 and related legislation to the facts of their date and place of birth and descent.

British citizenship is one of the six different forms of British nationality. Some of these were defined in the British Nationality Act 1981, which came into force on 1 January 1983.

The types of nationality are:

- British citizenship;
- British overseas citizenship;
- British overseas territories citizenship;
- British national (overseas);
- British protected person; and
- British subject.

Citizenship Ceremonies

Where an application is successful, the applicant will be invited to attend a citizenship ceremony, where applicants together will either swear or affirm an oath of allegiance to Her Majesty the Queen and pledge loyalty to the UK. Making the Oath or Affirmation and Pledge at a citizenship ceremony is a legal requirement and signifies the point at which an applicant becomes a British Citizen.

Nationality Statistics

The table below provides details of the numbers of naturalisation and registration applications received over the last five years.

Month	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
April	21	2	1	16	4
May	13	5	2	19	13
June	19	1	0	7	4
July	13	13	0	6	7
August	29	4	0	2	4
September	44	8	0	7	4
October	53	19	0	3	10
November	8	6	38	5	10
December	2	5	30	6	3
January	1	4	8	10	7
February	4	5	13	4	15
March	8	13	16	14	9
Total	215	85	108	99	90

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6) PASSPORTS

The first UK passport was issued in 1915 when the British Nationality and Status of Aliens Act came into force. After the First World War, the 32-page blue British passport came into use - and with it, the modern British passport service. In 1988 the blue United Kingdom passports were phased out and new burgundy passports were introduced. The burgundy passport recognised the UK was a Member State of the European Community (EC) - but they were still UK passports, not 'European'. They were also machine-readable. Information on a strip within the passport could be read electronically and validity checked on the spot. This aided faster progress through border controls.

The power to issue Isle of Man variant British passports is derived from the Royal Prerogative. On the Isle of Man this is formally exercised by the Lieutenant Governor on behalf of the Crown. The Isle of Man is an issuing authority for British passports and complies with Her Majesty's Passport Office issuance policy for British passports with some local variation.

The Passport Service provides 3 types of service:

- Standard service of 20 working days for a 10 year validity passport
- 5 working day express service for a 10 year validity passport
- Emergency Travel Document valid only for 12 months

Passport Statistics

Month	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
April	1089	1032	546	801	796
May	1040	842	757	662	845
June	840	782	1318	965	793
July	916	1220	885	1057	873
August	604	801	868	521	878
September	544	661	651	584	626
October	511	598	555	419	573
November	437	472	343	458	484
December	324	435	390	338	376
January	881	772	737	568	550
February	818	971	914	601	763
March	1089	792	629	1016	1043
Total	9093	9378	8593	7990	8600

During the 2017 - 2018 reporting period 0 applications for a passport was refused.

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7) THE KNOWLEDGE OF LANGUAGE AND LIFE IN THE UK AND ISLANDS REQUIREMENT

Applicants applying for Indefinite Leave to Remain (ILR) or to be naturalised as a British citizen have to satisfy the knowledge of language and life in the UK and Islands requirement (KoLL), unless the individual is exempt. (Minors are ineligible for naturalisation; therefore no exemption applies). Specific details of these requirements and how to apply can be found on our website www.gov.im/immigration

8) APPENDICES

- A - The Common Travel Area
- B - European Union Nationals

EUROPEAN UNION NATIONALS

Although the Isle of Man is not a part of the European Union (EU) or European Economic Area (EEA) it does have certain obligations under section 7(1) of the Immigration Act 1988.

Broadly speaking the EEA unites the 28 EU and **3 EEA** member states into an internal market. Citizens of all 30 countries have a right of free movement throughout the EEA including the right of admission to live, study, work, invest and set up business, providing they, like British citizens, obtain the necessary work permits where required and are not excluded on grounds of public policy, public security or public health, (public policy prohibits EU and EEA nationals from becoming a burden on public funds).

Switzerland is not part of the EU/EEA but has since June 2002, enjoyed freedom of movement within the EEA as a concession. Swiss nationals are treated in the same way as EEA nationals for immigration purposes. Countries included are:

Austria	Greece	Norway
Belgium	Hungary	Poland
Bulgaria	Iceland	Portugal
Croatia	Ireland	Romania
Republic of Cyprus	Italy	Slovakia
Czech Republic	Latvia	Slovenia
Denmark	Liechtenstein	Spain
Estonia	Lithuania	Sweden
Finland	Luxembourg	United Kingdom (UK)
France	Malta	
Germany	Netherlands	

Article 299(6) (c) of the Treaty establishing the European Community ("the EC Treaty") provides that: *"this Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community signed on 22 January 1972."*

The Isle of Man's treatment of EU nationals is determined by Article 4 of Protocol 3 to the Treaty, which provides that the Island's authorities shall apply the same treatment to all natural and legal persons of the Community. This means that the Isle of Man Government must treat people from all the Member States in the same way. The Island cannot give more favourable or different treatment to people from certain EU countries such as perhaps the United Kingdom or Ireland.

EU nationals wishing to work in the Isle of Man

Any EU/EEA national must have a work permit (or valid exemption) under the Control of Employment Act (CEA). Provided that the Island treats all EU nationals (including people from the United Kingdom) in the same way it can restrict those persons from entering into employment on the Island, and restrict their access to benefits. It is for this reason that the Isle of Man operates its control of employment; the Island must though comply with international treaty obligations that it has accepted in relation to, amongst other things, human rights, prevention of discrimination and in relation to the treatment of refugees.

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EEA nationals exercising a Treaty right are not subject to immigration control and can, after 5 years in the Isle of Man, apply for a permanent residence document if they wish to; however the United Kingdom does not recognise time spent in the Isle of Man (or the Channel Islands) as counting towards settled status in the United Kingdom, because the Isle of Man is not in the EU.

Non EU nationals who are family members of EU nationals

Non EU nationals who are family members of EU nationals have the same rights as the EU national and are not subject to immigration control. Some may apply formally to enter the United Kingdom or Isle of Man as a family member of an EEA national, but if they don't follow this procedure and can prove they are a family member then the EU legislation overrides immigration legislation in this instance.

During this reporting period, in a referendum on 23 June 2016 the people of the United Kingdom and Gibraltar voted by a margin of 52% to 48% to leave the European Union. On 29 March 2017 British Prime Minister Theresa May triggered Article 50 which formally began the United Kingdom's withdrawal from the EU. This process is expected to be completed by March 2019.

COMMON TRAVEL AREA

The Immigration Act 1971, Section 1(3) refers to the Common Travel Area (CTA). The CTA consists of the United Kingdom, Republic of Ireland (ROI), the Channel Islands (Jersey & Guernsey) and the Isle of Man. A person accepted for entry at any point in the CTA does not normally require leave to enter any other part of it.

There are exceptions for certain persons entering through the Republic of Ireland, which is of course not covered by the provisions of the Immigration Act 1971, Schedule 4. Foreign nationals arriving from the Republic of Ireland are not examined by immigration officers at point of entry but are, by virtue of the Republic of Ireland Order, granted "deemed" leave to enter for a specified period, which varies according to their individual immigration status.

History of the Common Travel Area

The CTA emerged during the 1920s when special legislative provision for the Islands and the Republic of Ireland was made in the Aliens Order of 1919, 1920 and 1923. These Aliens Orders provided firstly, that the Isle of Man and subsequently the Channel Islands should not be deemed to be outside the UK. In 1923 the Irish Free State was established with no immigration controls for passengers travelling between it and the United Kingdom; and the Irish Free State was thus put on the same basis as the Islands in this respect. Further provisions were made in the Aliens Order of 1925 and 1931 to deal with specific problems which had arisen from the abuse of these control arrangements by aliens.

In 1939, with the outbreak of war and in view of Irish neutrality, the pressure of enemy missions in Dublin and the need to control the movement of Irish labour, controls were re-imposed between Eire and the UK, in accordance with Defence Regulation 18. At the same time Prevention of Violence legislation was introduced making it possible for the Home Secretary to impose Orders banning the entry of particular Irish citizens to the UK. The Orders made in 1939 continued in force after the lifting of immigration restrictions in 1953. In 1946, Eire abandoned the direct control over the entry of aliens from Northern Ireland and Great Britain, and in 1947 the UK abandoned controls on the movement of Irish labour. At the end of 1947 Defence Regulation 18 expired with the effect that control of passenger traffic between Great Britain and Northern Ireland and Ireland rested solely on the provisions of the Aliens Order 1920.

By 1948 pressure was growing within the UK for the abolition of all control on travel between the two countries. Negotiations were finally opened in 1952 on a United Kingdom initiative following the recommendation of the Home Affairs Committee that controls should be lifted. The Irish agreed to take part on the understanding that any new Agreement was concerned solely with immigration, not wider security issues. UK officials found Irish policy and practice to be sufficiently similar and the Irish were willing to accept the new conditions for the operation of the revised CTA. The new agreement was embodied in the 1952 Aliens Order and incorporated in the consolidated Aliens Order of 1953.

The Aliens Order 1946 exempted aliens travelling from the Channel Islands to the UK from control, but it was the Aliens Order 1953 which first made more detailed provision for the CTA as a whole, and introduced the use of that term. It was only in the Immigration Act 1971, that the CTA was put on a full statutory basis for the first time.

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Common Travel Area Today

The maintenance of the CTA is based on the willingness of the UK, and other constituents of the CTA to allow free movement between its territory and other parts of the CTA based on the knowledge that the other constituents maintain effective control over entry from outside that area under a law and practice broadly similar to that of the UK. Clause 1(3) states "arrival in and departure from the UK on a local journey from or to any of the Islands (that is to say, the Channel Islands and Isle of Man) or the Republic of Ireland shall not be subject to control under this Act, nor shall a person require leave to enter the UK on so arriving, except in so far as any of those places is for any purpose excluded from this subsection under the powers conferred by this Act; and in this Act the United Kingdom and those places, or such of them as are not so excluded, are collectively referred to as the common travel area". Clause 9(5) states " if it appears to the Secretary of State necessary so to do by reason of differences between the immigration laws of the United Kingdom and any of the Islands, he may by order exclude that islands from section 1(3) above for such purposes as may be specified in the order, and references in this Act to the Islands other than any reference in section 2 shall apply to an island so excluded so far only as may be provided by the order of the Secretary of State".

In the period around 2009, the free movement of Island residents within the CTA and the proposed introduction of the UK's E-Borders system was the subject of public and political scrutiny in the Isle of Man. In June 2010, the Council of Ministers produced the report, GD No 37/10, "The Constitutional Aspects of Reform of Immigration Control" in response to the First Report of the Standing Committee of Tynwald on Constitutional Matters for the Session 2009-2010.

The stated priority of the Council of Ministers from 2010 was to safeguard the freedom of movement of Island residents between the Isle of Man, Ireland and the United Kingdom and vice versa, and without being required to produce a passport on journeys within the CTA, and this was supported by the July 2010 Tynwald Resolution. This remains the stated policy of the Council of Ministers.