



Statutory Document No. 178/08

NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002

**IMMIGRATION (CERTIFICATE OF ENTITLEMENT TO RIGHT OF
ABODE IN THE ISLE OF MAN) REGULATIONS 2008**

Laid before Tynwald

15th April 2008

Coming into operation

1st May 2008

In exercise of the powers conferred on the Governor by section 10(1) of the Nationality, Immigration and Asylum Act 2002 (an Act of Parliament)¹, as it has effect in the Isle of Man², the following Regulations are hereby made:—

1. Citation and commencement

These Regulations may be cited as the Immigration (Certificate of Entitlement to Right of Abode in the Isle of Man) Regulations 2008 and shall come into operation on the 1st May 2008.

2. Interpretation

In these Regulations —

"the 1971 Act" means the Immigration Act 1971 (an Act of Parliament)³,

"the 1981 Act" means the British Nationality Act 1981 (an Act of Parliament)⁴,

"the 2002 Act" means the Nationality, Immigration and Asylum Act 2002 (an Act of Parliament)⁵;

"certificate of entitlement" means a certificate, issued in accordance with these Regulations, that a person has the right of abode in the Isle of Man; and

"passport" includes a document which relates to a national of a country other than the United Kingdom and which is designed to serve the same purpose as a passport;

¹ 2002 c.41

² SI 2008/680

³ 1971 c. 77

⁴ 1981 c. 61

⁵ 2002 c.41

Price £1.20

any reference to an Act of Parliament, or a provision of an Act of Parliament, which extends to the Isle of Man is to that Act or provision as it has effect in the Isle of Man.

3. Authority to whom an application must be made

An application for a certificate of entitlement must be made to the Governor.

4. Form of application

An application for a certificate of entitlement must be accompanied by—

- (a) the applicant's passport or travel document;
- (b) two photographs of the applicant taken no more than 6 months prior to making the application; and
- (c) the additional documents which are specified in the right-hand column of the Schedule in respect of an application of a description specified in the corresponding entry in the left-hand column.

5. Validity of passport

A passport produced by or on behalf of a person is valid for the purposes of regulation 4 if it—

- (a) relates to the person by whom or on whose behalf it is produced;
- (b) has not been altered otherwise than by or with the permission of the authority who issued it; and
- (c) was not obtained by deception.

6. Issue of certificate of entitlement

A certificate of entitlement shall only be issued where the Governor is satisfied that the applicant —

- (a) has a right of abode in the Isle of Man under section 2(1) of the 1971 Act;
- (b) is not a person who holds:
 - (i) a United Kingdom passport describing him as a British citizen,
 - (ii) a United Kingdom passport describing him as a British subject with the right of abode in the United Kingdom or the Isle of Man,
 - (iii) an ID card issued under the Identity Cards Act 2006 (an Act of Parliament)⁶ describing him as a British citizen, or
 - (iv) an ID card issued under that Act describing him as a British subject with the right of abode in the United Kingdom;
- (c) is not a person whose exercise of his right of abode is restricted under section 2 of the Immigration Act 1988 (an Act of Parliament)⁷ (restrictions on exercise of right of abode in cases of polygamy); and

⁶ 2006 c. 15

⁷ 1988 c. 14

- (d) is not a person who is deprived of his right of abode by an order under section 2A of the 1971 Act.

7. Means of issuing certificate of entitlement

A certificate of entitlement shall be issued by means of being affixed to the passport or travel document of the applicant.

8. Expiry and revocation of certificate of entitlement

A certificate of entitlement shall cease to have effect on the expiry of the passport or travel document to which it is affixed.

9. Revocation of certificate of entitlement

A certificate of entitlement may be revoked by the Governor, an immigration officer, a consular officer or a person responsible for the grant or refusal of entry clearance, where the person who revokes the certificate is satisfied that the person in possession of the certificate (whether or not this is the person to whom the certificate was issued)—

- (a) does not have the right of abode in the Isle of Man under section 2(1) of the 1971 Act;
- (b) is the holder of:
 - (i) a United Kingdom passport describing him as a British citizen,
 - (ii) a United Kingdom passport describing him as a British subject with the right of abode in the United Kingdom or the Isle of Man,
 - (iii) an ID card issued under the Identity Cards Act 2006 (an Act of Parliament) describing him as a British citizen, or
 - (iv) an ID card issued under that Act describing him as a British subject with the right of abode in the United Kingdom;
- (c) is a person whose exercise of his right of abode is restricted under section 2 of the Immigration Act 1988 (an Act of Parliament); or
- (d) is a person who is deprived of his right of abode by an order under section 2A of the 1971 Act.

10. Saving

The effect of a certificate described in section 10(6) of the 2002 Act is that it will cease to have effect on the expiry of the passport or travel document to which it is affixed.

SCHEDULE

ADDITIONAL DOCUMENTS WHICH MUST ACCOMPANY AN APPLICATION FOR A
CERTIFICATE OF ENTITLEMENT

<i>Basis of application</i>	<i>Documents</i>
Applicant was registered or naturalised as a British citizen on or after 1st January 1983	Applicant's registration or naturalisation certificate
Applicant was born in the Isle of Man before 1st January 1983	Applicant's full birth certificate, showing parents' details
Applicant was registered or naturalised as a citizen of the United Kingdom and Colonies in the Isle of Man before 1st January 1983	Applicant's registration or naturalisation certificate
Applicant is a Commonwealth (not British) citizen born before 1st January 1983 to a parent who was born in the Isle of Man	(i) Applicant's full birth certificate showing parents' details; and (ii) Parent's full Isle of Man birth certificate
Applicant is a female Commonwealth citizen who was married before 1st January 1983 to a man with right of abode in the Isle of Man.	(i) Applicant's marriage certificate; and (ii) Evidence of applicant's husband's right of abode, e.g. passport or Isle of Man birth certificate
Applicant was born in the United Kingdom or the Falkland Islands on or after 1st January 1983, or in another qualifying British overseas territory on or after 21st May 2002	(i) Applicant's full birth certificate showing parents' details; (ii) Evidence of either parent's British citizenship or settled status at time of applicant's birth, e.g. a passport describing the relevant parent as a British citizen or indicating that he or she then had indefinite leave to remain; and (iii) Parents' marriage certificate (if claiming through father)
Applicant was born outside the United Kingdom and the Falkland Islands on or after 1st January 1983, or outside the United Kingdom and any qualifying British overseas territory on or after 21st May 2002, to a parent born in the United Kingdom or the Falkland Islands (or, on/after 21 May 2002, any qualifying British overseas territory) or to a parent registered or naturalised in the United Kingdom prior to the applicant's birth	(i) Applicant's full birth certificate showing parents' details; (ii) Parents' marriage certificate (if claiming through father); and (iii) Parents' full birth certificate, registration or naturalisation certificate
Applicant was born outside the United Kingdom and the Falkland Islands on or after 1st January 1983, or outside the United Kingdom and any qualifying British overseas territory on or after 21 May 2002, to a parent who, at the time of the birth, was a British citizen in service to which section 2(1)(b) of the British Nationality Act 1981 applies	(i) Applicant's full birth certificate; (ii) Parents' marriage certificate (if claiming through father); and (iii) Evidence of parent's relevant employment at the time of the birth, e.g. a letter from the employer

<i>Basis of application</i>	<i>Documents</i>
Applicant was adopted in the United Kingdom, a qualifying British overseas territory, or otherwise under the terms of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption ⁸	(i) Applicant's adoption certificate; and (ii) Evidence of adoptive parents' citizenship and, if a Convention adoption, of their place of habitual residence at the time of the adoption, e.g. in respect of citizenship, a passport, and in respect of habitual residence at the time of the Convention adoption, the adoption certificate
Applicant was a citizen of the United Kingdom and Colonies and was ordinarily resident in the Isle of Man for a continuous period of 5 years before 1st January 1983 and was settled in the Isle of Man at the end of that period	(i) Evidence of citizenship of the United Kingdom and Colonies, e.g. a passport or certificate of naturalisation or registration; and (ii) Evidence of settlement and 5 years' ordinary residence in the Isle of Man before 1983, e.g., passport, P60s, details of National Insurance contributions, DHSS claims, employers' letters
Applicant was a citizen of the United Kingdom and Colonies and had a parent who was born, adopted, registered or naturalised in the Isle of Man prior to the applicant's birth/adoption	(i) Applicant's full birth certificate or adoption certificate; (ii) Parents' marriage certificate (if claiming through father); and (iii) Parent's full birth certificate, adoption, registration or naturalisation certificate
Applicant was a citizen of the United Kingdom and Colonies and had a grandparent born, adopted, registered or naturalised in the Isle of Man before the applicant's parent's birth/adoption	(i) Parents' marriage certificate (if claiming through father); (ii) Parents' full birth certificate or adoption certificate; (iii) Applicant's full birth certificate or adoption certificate; (iv) Grandparents' marriage certificate (if claiming through grandfather); and (v) Grandparent's full birth certificate, adoption, registration or naturalisation certificate

⁸ 1993, Cm 2691

MADE 19th March 2008



Lieutenant Governor

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the procedure under which a person can apply for and obtain a certificate of entitlement to right of abode in the Isle of Man. An application for a certificate is to be made to the Governor (regulation 3) and accompanied by certain documents (regulation 4). Regulation 5 defines what is required for a passport to be valid for the purposes of an application. Regulations 6 and 7 provide when and how a certificate will be issued. Regulations 8 and 9 provide for the expiry and revocation of a certificate. Regulation 10 provides a saving for certificates issued before the Regulations came into force.