
STATUTORY INSTRUMENTS

2020 No. 1214

The Immigration (Isle of Man) (Amendment) Order 2020

Amendment of Schedule 6

8.—(1) Schedule 6 (which sets out the modifications subject to which the Immigration and Asylum Act 1999 applies to the Isle of Man) is amended as follows.

(2) For paragraph 1 substitute the following—

“**1.**—(1) Section 10 of the of the 1999 Act⁽¹⁾ is modified as follows.

(2) In the heading and wherever occurring, for “United Kingdom” substitute “Isle of Man”.

(3) For “Secretary of State” wherever occurring substitute “Minister”.

(4) In subsection (5), for the words from “an enforceable EU right” to the end, substitute—

“—

(a) a retained enforceable EU right;

(b) any provision made under section 2B of the European Communities (Isle of Man) Act 1973 (an Act of Tynwald) as that provision is modified from time to time; or

(c) any provision made under section 2(2) of the European Communities Act 1972 (of Parliament) as that provision is modified from time to time.”.

(5) After subsection (5), insert—

“(5A) In this section, “retained enforceable EU right” means a right that was created or arose by or under the EU Treaties before the coming into force of this subsection, and—

(a) forms part of retained EU law (within the meaning of the European Union and Trade Act 2019 (an Act of Tynwald)) by virtue of section 7 or 8 of that Act; or

(b) forms part of retained EU law (within the meaning of the European Union (Withdrawal) Act 2018 (of Parliament)) by virtue of section 3 or 4 of that Act,

as that right is modified from time to time.”.

(3) In paragraph 6, for sub-paragraph (6), substitute—

“(6) In subsection (5)(c), in sub-paragraphs (i) and (ii) for “United Kingdom” substitute “Isle of Man”.”.

(4) In paragraph 6, after sub-paragraph (6) insert—

“(7) In subsection (5) —

(a) in the definition of “relevant national”, in paragraph (b), omit “other than the United Kingdom”;

(b) omit the definition of “United Kingdom immigration law”.”.

(1) Section 10 was substituted by section 1 of the Immigration Act 2014 (c.22).

- (5) In paragraph 6A(2), in the text of the inserted section 24A—
- (a) for subsection (5), substitute—
- “(5) A civil partnership (whether or not it is void) is a “sham civil partnership” if—
- (a) either, or both, of the parties to the civil partnership is not a relevant national,
- (b) there is no genuine relationship between the parties to the civil partnership, and
- (c) either, or both, of the parties to the civil partnership enter into the civil partnership for one or more of these purposes—
- (i) avoiding the effect of one or more provisions of Isle of Man immigration law or the immigration rules;
- (ii) enabling a party to the civil partnership to obtain a right conferred by that law or those rules to reside in the Isle of Man.”; and
- (b) in subsection (5A)—
- (i) in the definition of “relevant national” in paragraph (b), omit “other than the United Kingdom”; and
- (ii) omit the definition of “United Kingdom immigration law”.