

SCHEDULE 10

The text of immigration legislation as extended to the Isle of Man
Article 7

PART 1

The Immigration Act 1971

“PART 1 – Regulation of entry into and stay in the Isle of Man

1 General principles

(1) All those who are in this Act expressed to have the right of abode in the Isle of Man shall be free to live in, and to come and go into and from, the Isle of Man without let or hindrance except such as may be required under and in accordance with this Act to enable their right to be established or as may be otherwise lawfully imposed on any person.

(2) Those not having that right may live, work and settle in the Isle of Man by permission and subject to such regulation and control of their entry into, stay in and departure from the Isle of Man as is imposed by this Act; and indefinite leave to enter or remain in the Isle of Man shall, by virtue of this provision be treated as having been given under this Act to those in the Isle of Man at its coming into force, if they are then settled there (and not exempt under this Act from the provisions relating to leave to enter or remain).

(3) Arrival in and departure from the Isle of Man on a local journey from or to the United Kingdom, the Channel Islands or the Republic of Ireland shall not be subject to control under this Act, nor shall a person require leave to enter the Isle of Man 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 Isle of Man and those places, or such of them as are not so excluded, are collectively referred to as “the common travel area”.

(4) The rules laid down by the Council of Ministers as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the Isle of Man of persons not having the right of abode shall include provision for admitting (in such cases and subject to such restrictions as may be provided by the rules, and subject or not to conditions as to length of stay or otherwise) persons coming for the purpose of taking employment, or for purposes of study, or as visitors, or as dependants of persons lawfully in or entering the Isle of Man.

2 Statement of right of abode in the Isle of Man

(1) A person is under this Act to have the right of abode in the Isle of Man if—

(a) he is a British citizen; or

(b) he is a Commonwealth citizen who—

(i) immediately before the extension of section 39(2) of the British Nationality Act 1981 to the Isle of Man was a Commonwealth citizen having the right of abode in the Isle of Man by virtue of section 2(1)(d) or section 2(2) of this Act as then in force in the Isle of Man; and

(ii) has not ceased to be a Commonwealth citizen in the meanwhile.

(2) In relation to Commonwealth citizens who have the right of abode in the Isle of Man by virtue of subsection (1)(b) above, this Act, except this section and section 5(2), shall apply

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as if they were British citizens; and in this Act (except as aforesaid) “British citizen” shall be construed accordingly.

2A Deprivation of right of abode

(1) The Governor may by order remove from a specified person a right of abode in the Isle of Man which he has under section 2(1)(b).

(2) The Governor may make an order under subsection (1) in respect of a person only if the Governor thinks that it would be conducive to the public good for the person to be excluded or removed from the Isle of Man.

(3) An order under subsection (1) may be revoked by order of the Governor.

(4) While an order under subsection (1) has effect in relation to a person—

(a) section 2(2) shall not apply to him, and

(b) any certificate of entitlement granted to him shall have no effect.

3 General provisions for regulation and control

(1) Except as otherwise provided by or under this Act, where a person is not a British citizen—

(a) he shall not enter the Isle of Man unless given leave to do so in accordance the provisions of, or made under, with this Act;

(b) he may be given leave to enter the Isle of Man (or, when already there, leave to remain in the Isle of Man) either for a limited or for an indefinite period;

(c) if he is given limited leave to enter or remain in the Isle of Man, it may be given subject to all or any of the following conditions, namely—

(i) a condition restricting his employment or occupation in the Isle of Man;

(ii) a condition requiring him to maintain and accommodate himself, and any dependants of his, without recourse to public funds; and

(iii) a condition requiring him to register with the police.

(2) The Council of Ministers shall from time to time (and as soon as may be) lay before Tynwald statements of the rules, or of any changes in the rules, laid down by it as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the Isle of Man of persons required by this Act to have leave to enter, including any rules as to the period for which leave is to be given and the conditions to be attached in different circumstances; and section 1(4) above shall not be taken to require uniform provision to be made by the rules as regards admission of persons for a purpose or in a capacity specified in section 1(4) (and in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).

If a statement laid before Tynwald under this subsection is disapproved by resolution passed at the sitting before which it is so laid or at the next following sitting of Tynwald then the Council of Ministers shall make changes or further changes in the rules as appear to it to be required in the circumstances and the statement of those changes shall be laid before Tynwald as soon as practicable after the said resolution was passed.

(3) In the case of a limited leave to enter or remain in the Isle of Man—

(a) a person’s leave may be varied, whether by restricting, enlarging or removing the limit on its duration, or by adding, varying or revoking conditions, but if the limit on its duration is removed, any conditions attached to the leave shall cease to apply; and

- (b) the limitation on and any conditions attached to a person's leave (whether imposed originally or on a variation) shall, if not superseded, apply also to any subsequent leave he may obtain after an absence from the Isle of Man within the period limited for the duration of the earlier leave.

(4) A person's leave to enter or remain in the Isle of Man shall lapse on his going to a country or territory outside the common travel area (whether or not he lands there), unless within the period for which he had leave he returns to the Isle of Man in circumstances in which he is not required to obtain leave to enter; but, if he does so return, his previous leave (and any limitation on it or conditions attached to it) shall continue to apply.

(5) A person who is not a British citizen is liable to deportation from the Isle of Man if—

- (a) the Governor deems his deportation to be conducive to the public good; or
- (b) another person to whose family he belongs is or has been ordered to be deported.

(6) Without prejudice to the operation of subsection (5) above, a person who is not a British citizen shall also be liable to deportation from the Isle of Man if, after he has attained the age of seventeen, he is convicted of an offence for which he is punishable with custody and on his conviction is recommended for deportation by a court empowered by this Act to do so.

(7) Any Order in Council made by Her Majesty under this subsection as it has effect in the United Kingdom shall have effect in the Isle of Man.

(8) When any question arises under this Act whether or not a person is a British citizen, or is entitled to any exemption under this Act, it shall lie on the person asserting it to prove that he is.

(9) A person seeking to enter the Isle of Man and claiming to have the right of abode there shall prove it by means of—

- (a) a United Kingdom passport describing him as a British citizen,
- (b) a United Kingdom passport describing him as a British subject with the right of abode in the United Kingdom,
- (c) an ID card issued under the Identity Cards Act 2006 describing him as a British citizen,
- (d) an ID card issued under that Act describing him as a British subject with the right of abode in the United Kingdom, or
- (e) a certificate of entitlement.

3A Further provision as to leave to enter

(1) The Governor may by order make further provision with respect to the giving, refusing or varying of leave to enter the Isle of Man.

(2) An order under subsection (1) may, in particular, provide for—

- (a) leave to be given or refused before the person concerned arrives in the Isle of Man;
- (b) the form or manner in which leave may be given, refused or varied;
- (c) the imposition of conditions;
- (d) a person's leave to enter not to lapse on his leaving the common travel area.

(3) The Governor may by order provide that, in such circumstances as may be prescribed—

- (a) an entry visa, or
- (b) such other form of entry clearance as may be prescribed,

is to have effect as leave to enter the Isle of Man.

(4) An order under subsection (3) may, in particular—

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- (a) provide for a clearance to have effect as leave to enter—
 - (i) on a prescribed number of occasions during the period for which the clearance has effect;
 - (ii) on an unlimited number of occasions during that period;
 - (iii) subject to prescribed conditions; and
 - (b) provide for a clearance which has the effect referred to in paragraph (a)(i) or (ii) to be varied by the Governor or an immigration officer so that it ceases to have that effect.
- (5) Only conditions of a kind that could be imposed on leave to enter given under section 3 may be prescribed.
- (6) In subsections (3), (4) and (5) “prescribed” means prescribed in an order made under subsection (3).
- (7) The Governor may, in such circumstances as may be prescribed in an order made by him, give or refuse leave to enter the Isle of Man.
- (8) An order under subsection (7) may provide that, in such circumstances as may be prescribed by the order, paragraphs 2, 4, 6, 7, 8, 9 and 21 of Part 1 of Schedule 2 to this Act are to be read, in relation to the exercise by the Governor of functions which he has as a result of the order, as if references to an immigration officer included references to the Governor.
- (9) Subsection (8) is not to be read as affecting any power conferred by subsection (10).
- (10) An order under this section may—
 - (a) contain such incidental, supplemental, consequential and transitional provision as the Governor considers appropriate; and
 - (b) make different provision for different cases; and
 - (c) make provision with respect to leave given before such an order comes into force.
- (11) This Act and any provision made under it has effect subject to any order made under this section.

3B Further provision as to leave to remain

- (1) The Governor may by order make provision as to further provision with respect to the giving, refusing or varying of leave to remain in the Isle of Man.
- (2) An order under subsection (1) may, in particular, provide for—
 - (a) the form or manner in which leave may be given, refused or varied;
 - (b) the imposition of conditions;
 - (c) a person’s leave to remain in the Isle of Man not to lapse on his leaving the common travel area.
- (3) An order under this section may—
 - (a) contain such incidental, supplemental, consequential and transitional provision as the Governor considers appropriate; and
 - (b) make different provision for different cases; and
 - (c) make provision with respect to leave given before such an order comes into force.
- (4) This Act and any provision made under it has effect subject to any order made under this section.

3C Continuation of leave pending variation decision

- (1) This section applies if—
 - (a) a person who has limited leave to enter or remain in the Isle of Man applies to the Governor for variation of the leave,
 - (b) the application for variation is made before the leave expires, and
 - (c) the leave expires without the application for variation having been decided.
- (2) The leave is extended by virtue of this section during any period when—
 - (a) the application for variation is neither decided nor withdrawn,
 - (b) an appeal under section 82(1) of the Nationality, Asylum and Immigration Act 2002 could be brought, while the appellant is in the Isle of Man against the decision on the application for variation (ignoring any possibility of an appeal out of time with permission), or
 - (c) an appeal under that section against that decision, brought while the appellant is in the Isle of Man, is pending (within the meaning of section 104 of that Act).
- (3) Leave extended by virtue of this section shall lapse if the applicant leaves the Isle of Man.
- (4) A person may not make an application for variation of his leave to enter or remain in the Isle of Man while that leave is extended by virtue of this section.
- (5) But subsection (4) does not prevent the variation of the application mentioned in subsection (1)(a).
- (6) The Governor may make regulations determining when an application is decided for the purposes of this section; and the regulations—
 - (a) may make provision by reference to receipt of a notice,
 - (b) may provide for a notice to be treated as having been received in specified circumstances,
 - (c) may make different provision for different purposes or circumstances.

3D Continuation of leave following revocation

- (1) This section applies if a person's leave to enter or remain in the Isle of Man—
 - (a) is varied with the result that he has no leave to enter or remain in the Isle of Man, or
 - (b) is revoked.
- (2) The person's leave is extended by virtue of this section during any period when—
 - (a) an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 could be brought, while the person is in the Isle of Man, against the variation or revocation (ignoring any possibility of an appeal out of time with permission), or
 - (b) an appeal under that section against the variation or revocation, brought while the appellant is in the Isle of Man, is pending (within the meaning of section 104 of that Act).
- (3) A person's leave as extended by virtue of this section shall lapse if he leaves the Isle of Man.
- (4) A person may not make an application for variation of his leave to enter or remain in the Isle of Man while that leave is extended by virtue of this section.

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4 Administration of control

(1) The following powers under this Act shall be exercised as hereinafter provided, that is to say—

- (a) the power to give or refuse leave to enter the Isle of Man shall be exercised by immigration officers,
- (b) the power to give leave to remain in the Isle of Man, and the power under section 3(3)(a) to vary any leave as regards duration, shall be exercised by the Governor, and
- (c) the power under section 3(3)(a) to vary any leave otherwise than as regards duration shall be exercised by the Council of Ministers,

and unless otherwise allowed by or under this Act, those powers should be exercised by notice in writing given to the person affected, except that the powers under section 3(3)(a) may be exercised generally in respect of any class of persons by order.

(2) The provisions of Schedule 2 to this Act shall have effect with respect to—

- (a) the appointment and powers of immigration officers and medical inspectors for purposes of this Act;
- (b) the examination of persons arriving in or leaving the Isle of Man by ship or aircraft, and the special powers exercisable in the case of those who arrive as, or with a view to becoming, members of the crews of ships and aircraft; and
- (c) the exercise by immigration officers of their powers in relation to entry into the Isle of Man, and the removal from the Isle of Man of persons refused leave to enter or entering or remaining unlawfully; and
- (d) the detention of persons pending examination or pending removal from the Isle of Man;

and for other purposes supplementary to the foregoing provisions of this Act.

(3) The Governor may by regulations make provision as to the effect of a condition under this Act requiring a person to register with the police; and the regulations may include provision—

- (a) as to the officers of police by whom registers are to be maintained, and as to the form and content of the registers;
- (b) as to the place and manner in which anyone is to register and as to the documents and information to be furnished by him, whether on registration or on any change of circumstances;
- (c) as to the issue of certificates of registration and as to the payment of fees for certificates of registration;

and the regulations may require anyone who is for the time being subject to such a condition to produce a certificate of registration to such persons and in such circumstances as may be prescribed by the regulations.

(4) The Governor may by order make such provision as appears to him to be expedient in connection with this Act for records to be made and kept of persons staying at hotels and other premises where lodging or sleeping accommodation is provided, and for persons (whether British citizens or not) who stay at any such premises to supply the necessary information.

5 Procedure for, and further provisions as to, deportation

(1) Where a person is under section 3(5) or (6) above liable to deportation, then subject to the following provisions of this Act the Governor may make a deportation order against him, that is to say an order requiring him to leave and prohibiting him from entering the Isle of Man;

and a deportation order against a person shall invalidate any leave to enter or remain in the Isle of Man given him before the order is made or while it is in force.

(2) A deportation order against a person may at any time be revoked by a further order of the Governor, and shall cease to have effect if he becomes a British citizen.

(3) A deportation order shall not be made against a person as belonging to the family of another person if more than eight weeks have elapsed since the other person left the Isle of Man after the making of the deportation order against him; and a deportation order made against a person on that ground shall cease to have effect if he ceases to belong to the family of the other person, or if the deportation order made against the other person ceases to have effect.

(4) For purposes of deportation the following shall be those who are regarded as belonging to another person's family—

(a) where that other person is a man, his wife and his or her children under the age of eighteen; and

(b) where that other person is a woman, her husband and her or his children under the age of eighteen;

and for purposes of this subsection an adopted child, whether legally adopted or not, may be treated as the child of the adopter and, if legally adopted, shall be regarded as the child only of the adopter; an illegitimate child (subject to the foregoing rule as to adoptions) shall be regarded as the child of the mother; and "wife" includes each of two or more wives.

(5) The provisions of Schedule 3 to this Act shall have effect with respect to the removal from the Isle of Man of persons against whom deportation orders are in force and with respect to the detention or control of persons in connection with deportation.

(6) Where a person is liable to deportation under section 3(5) or (6) above but, without a deportation order being made against him, leaves the Isle of Man to live permanently abroad, the Governor may make payments of such amounts as he may determine to meet that person's expenses in so leaving the Isle of Man, including travelling expenses for members of his family or household.

6 Recommendations by court for deportation

(1) Where under section 3(6) above a person convicted of an offence is liable to deportation on the recommendation of a court, he may be recommended for deportation by any court having power to sentence him for the offence unless the court commits him to be sentenced or further dealt with for that offence by another court.

(2) A court shall not recommend a person for deportation unless he has been given not less than seven days notice in writing stating that a person is not liable to deportation if he is a British citizen, describing the persons who are British citizens and stating (so far as material) the effect of section 3(8) above and section 7 below; but the powers of adjournment conferred by section 9 of the Summary Jurisdiction Act 1989 (an Act of Tynwald) shall include power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under this subsection or, if a notice was so given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.

(3) For purposes of section 3(6) above—

(a) a person shall be deemed to have attained the age of seventeen at the time of his conviction if, on consideration of any available evidence, he appears to have done so to the court making or considering a recommendation for deportation; and

(b) the question whether an offence is one for which a person is punishable with custody shall be determined without regard to any enactment restricting the custody of young offenders or persons who have not previously been sentenced to custody;

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and for purposes of deportation a person who on being charged with an offence is found to have committed it shall, notwithstanding any enactment to the contrary and notwithstanding that the court does not proceed to conviction, be regarded as a person convicted of the offence, and references to conviction shall be construed accordingly.

(4) Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to custody, a recommendation for deportation may be made in respect of an offender who is sentenced to custody for life.

(5) Where a court recommends or purports to recommend a person for deportation, the validity of the recommendation shall not be called in question except on an appeal against the recommendation or against the conviction on which it is made; but the recommendation shall be treated as a sentence for the purpose of any enactment providing an appeal against sentence.

(6) A deportation order shall not be made on the recommendation of a court so long as an appeal or further appeal is pending against the recommendation or against the conviction on which it was made; and for this purpose an appeal or further appeal shall be treated as pending (where one is competent but has not been brought) until the expiration of the time for bringing that appeal.

7 Exemption from deportation for certain existing residents

(1) Notwithstanding anything in section 3(5) or (6) above but subject to the provisions of this section, a Commonwealth citizen or citizen of the Republic of Ireland who was such a citizen at the coming into force of this Act and was then ordinarily resident in the Isle of Man—

- (b) shall not be liable to deportation under section 3(5) if at the time of the Governor's decision he had for the last five years been ordinarily resident in the United Kingdom and Islands; and
- (c) shall not on conviction of an offence be recommended for deportation under section 3(6) if at the time of the conviction he had for the last five years been ordinarily resident in the United Kingdom and Islands.

(2) A person who has at any time become ordinarily resident in the United Kingdom or in any of the Islands shall not be treated for the purposes of this section as having ceased to be so by reason only of his having remained there in breach of the immigration laws.

(3) The "last five years" before the material time under subsection (1)(b) or (c) above is to be taken as a period amounting in total to five years exclusive of any time during which the person claiming exemption under this section was undergoing custody or detention by virtue of a sentence passed for an offence on a conviction in the United Kingdom and Islands, and the period for which he was imprisoned or detained by virtue of the sentence amounted to six months or more.

(4) For purposes of subsection (3) above—

- (a) "sentence" includes any order made on conviction of an offence; and
- (b) two or more sentences for consecutive (or partly consecutive) terms shall be treated as a single sentence; and
- (c) a person shall be deemed to be detained by virtue of a sentence—
 - (i) at any time when he is liable to custody or detention by virtue of the sentence, but is unlawfully at large; and
 - (ii) (unless the sentence is passed after the material time) during any period of custody by which under any relevant enactment the term to be served under the sentence is reduced.

In paragraph (c)(ii) above “relevant enactment” means section 6 of the Custody Act 1995 (an Act of Tynwald) and any similar enactment which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom and Islands.

(5) Nothing in this section shall be taken to exclude the operation of section 3(8) above in relation to an exemption under this section.

8 Exceptions for seamen, aircrews and other special cases

(1) Where a person arrives at a place in the Isle of Man as a member of the crew of a ship or aircraft under an engagement requiring him to leave on that ship as a member of the crew, or to leave within seven days on that or another aircraft as a member of its crew, then unless either—

- (a) there is in force a deportation order made against him; or
- (b) he has at any time been refused leave to enter the Isle of Man and has not since then been given leave to enter or remain in the Isle of Man; or
- (c) an immigration officer requires him to submit to examination in accordance with Schedule 2 to this Act;

he may without leave enter the Isle of Man at that place and remain until the departure of the ship or aircraft on which he is required by his engagement to leave.

(2) The Governor may by order exempt any person or class of persons, either unconditionally or subject to such conditions as may be imposed by or under the order, from all or any of the provisions of this Act relating to those who are not British citizens.

Section 166(4) of the Immigration and Asylum Act 1999 (Tynwald procedure) does not apply to an order under this subsection, except one made with respect to a class of persons.

(3) Subject to subsection (3A) below, the provisions of this Act relating to those who are not British citizens shall not apply to any person so long as he is a member of a mission (within the meaning of the Diplomatic Privileges Act 1964), a person who is a member of the family and forms part of the household of such a member, or a person otherwise entitled within the United Kingdom to the like immunity from jurisdiction as is conferred by that Act on a diplomatic agent.

(3A) For the purposes of subsection (3), a member of a mission other than a diplomatic agent (as defined by the 1964 Act) is not to count as a member of a mission unless—

- (a) he was resident outside the Isle of Man, and was not in the Isle of Man, when he was offered a post as such a member; and
- (b) he has not ceased to be such a member after having taken up the post.

(4) The provisions of this Act relating to those who are not British citizens, other than the provisions relating to deportation, shall also not apply to any person so long as either—

- (a) he is subject, as a member of the home forces, to service law; or
- (b) being a member of a Commonwealth force or of a force raised under the law of any colony, protectorate or protected state, is undergoing or about to undergo training in the Isle of Man with any body, contingent or detachment of the home forces; or
- (c) he is serving or posted for service in the Isle of Man as a member of a visiting force or of any force raised as aforesaid or as a member of an international headquarters or defence organisation designated for the time being by an Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964.

(5) Where a person having a limited leave to enter or remain in the Isle of Man becomes entitled to an exemption under this section, that leave shall continue to apply after he ceases to be entitled to the exemption, unless it has by then expired; and a person is not to be regarded for purposes of this Act as having been settled in the Isle of Man at any time when he was

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entitled under the former immigration laws to any exemption corresponding to any of those afforded by subsection (3) or (4)(b) or (c) above or by any order under subsection (2) above.

(5A) An order under subsection (2) above may, as regards any person or class of persons to whom it applies, provide for that person or class to be in specified circumstances regarded (notwithstanding the order) as settled in the Isle of Man for the purposes of section 1(1) of the British Nationality Act 1981.

(6) In this section “the home forces” means any of Her Majesty’s forces other than a Commonwealth force or a force raised under the law of any associated state, colony, protectorate or protected state; “Commonwealth force” means a force of any country to which provisions of the Visiting Forces Act 1952 apply without an Order in Council under section 1 of the Act; and “visiting force” means a body, contingent or detachment of the forces of a country to which any of those provisions apply, being a body, contingent or detachment for the time being present in the Isle of Man on the invitation of Her Majesty’s Government in the United Kingdom.

8A Persons ceasing to be exempt

(1) A person is exempt for the purposes of this section if he is exempt from provisions of this Act as a result of section 8(2) or (3).

(2) If a person who is exempt—

(a) ceases to be exempt, and

(b) requires leave to enter or remain in the Isle of Man as a result,

he is to be treated as if he had been given leave to remain in the Isle of Man for a period of 90 days beginning on the day on which he ceased to be exempt.

(3) If—

(a) a person who is exempt ceases to be exempt, and

(b) there is in force in respect of him leave for him to enter or remain in the Isle of Man which expires before the end of the period mentioned in subsection (2),

his leave is to be treated as expiring at the end of that period.

8B Persons excluded from the Isle of Man under international obligations

(1) An excluded person must be refused—

(a) leave to enter the Isle of Man;

(b) leave to remain in the Isle of Man.

(2) A person’s leave to enter or remain in the Isle of Man is cancelled on his becoming an excluded person.

(3) A person’s exemption from the provisions of this Act as a result of section 8(1), (2) or (3) ceases on his becoming an excluded person.

(4) “Excluded person” means a person—

(a) named by or under, or

(b) of a description specified in,

a designated instrument.

(5) The Council of Ministers may by order designate an instrument if it is a resolution of the Security Council of the United Nations or an instrument made by the Council of the European Union and it—

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- (a) requires that a person is not to be admitted to the Isle of Man (however that requirement is expressed); or
 - (b) recommends that a person should not be admitted to the Isle of Man (however that recommendation is expressed).
- (6) Subsections (1) to (3) are subject to such exceptions (if any) as may specified in the order designating the instrument in question.

9 Further provisions as to common travel area

(1) The provisions of Schedule 4 to this Act shall have effect for the purpose of taking account in the Isle of Man of the operation in the United Kingdom or any of the Channel Islands of the immigration laws there.

(2) Persons who lawfully enter the Isle of Man on a local journey from a place in the common travel area after having either—

- (a) entered the United Kingdom, any of the Channel Islands or the Republic of Ireland on coming from a place outside the common travel area; or
- (b) left the Isle of Man while having a limited leave to enter or remain which has since expired;

if they are not British citizens (and are not to be regarded under Schedule 4 to this Act as having leave to enter the Isle of Man), shall be subject in the Isle of Man to such restrictions on the period for which they may remain, and such conditions restricting their employment or occupation or requiring them to register with the police or both, as may be imposed by an order of the Governor and may be applicable to them.

(3) Any provision of this Act applying to a limited leave or to conditions attached to a limited leave shall, unless otherwise provided, have effect in relation to a person subject to any restriction or condition by virtue of an order under subsection (2) above as if the provisions of the order applicable to him were terms on which he had been given leave under this Act to enter the Isle of Man.

(4) Section 1(3) above shall not be taken to affect the operation of a deportation order; and, subject to Schedule 4 to this Act, a person who is not a British citizen may not by virtue of section 1(3) enter the Isle of Man without leave on a local journey from a place in the common travel area if either—

- (a) he is on arrival in the Isle of Man given written notice by an immigration officer stating that, the Governor having issued directions for him not to be given entry to the Isle of Man on the ground that his exclusion is conducive to the public good as being in the interests of national security, he is accordingly refused leave to enter the Isle of Man; or
- (b) he has at any time been refused leave to enter the Isle of Man and has not since then been given leave to enter or remain in the Isle of Man.

11 Construction of references to entry, and other phrases relating to travel

(1) A person arriving in the Isle of Man by ship or aircraft shall for purposes of this Act be deemed not to enter the Isle of Man unless and until he disembarks, and on disembarkation at a port shall further be deemed not to enter the Isle of Man so long as he remains in such area (if any) at the port as may be approved for this purpose by an immigration officer; and a person who has not otherwise entered the Isle of Man shall be deemed not to do so as long as he is detained, or temporarily admitted or released while liable to detention, under the powers conferred by Schedule 2 to this Act or section 62 of the Nationality, Immigration and Asylum Act 2002.

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(2) In this Act “disembark” means disembark from a ship or aircraft, and “embark” means embark in a ship or aircraft; and, except in subsection (1) above—

- (a) references to disembarking in the Isle of Man do not apply to disembarking after a local journey from a place in the Isle of Man or elsewhere in the common travel area; and
- (b) references to embarking in the Isle of Man do not apply to embarking for a local journey to a place in the Isle of Man or elsewhere in the common travel area.

(3) Except in so far as the context otherwise requires, references in this Act to arriving in the Isle of Man by ship shall extend to arrival by any floating structure, and “disembark” shall be construed accordingly; but the provisions of this Act specially relating to members of the crew of a ship shall not by virtue of this provision apply in relation to any floating structure not being a ship.

(4) For purposes of this Act “common travel area” has the meaning given by section 1(3), and a journey is, in relation to the common travel area, a local journey if but only if it begins and ends in the common travel area and is not made by a ship or aircraft which—

- (a) in the case of a journey to a place in the Isle of Man, began its voyage from, or has during its voyage called at, a place not in the common travel area; or
- (b) in the case of a journey from a place in the Isle of Man, is due to end its voyage in, or call in the course of its voyage at, a place not in the common travel area.

(5) A person who enters the Isle of Man lawfully by virtue of section 8(1) above, and seeks to remain beyond the time limited by section 8(1), shall be treated for purposes of this Act as seeking to enter the Isle of Man.

PART 3 - Criminal Proceedings

24 Illegal entry and similar offences

(1) A person who is not a British citizen shall be guilty of an offence punishable on summary conviction with a fine of not more than level 5 on the standard scale or with custody for not more than six months, or with both, in any of the following cases—

- (a) if contrary to this Act he knowingly enters the Isle of Man in breach of a deportation order or without leave;
- (b) if, having only a limited leave to enter or remain in the Isle of Man, he knowingly either—
 - (i) remains beyond the time limited by the leave; or
 - (ii) fails to observe a condition of the leave;
- (c) if, having lawfully entered the Isle of Man without leave by virtue of section 8(1) above, he remains without leave beyond the time allowed by section 8(1);
- (d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under Schedule 2 to this Act to report to, or to attend, or submit to a test or examination, as required by, a director of public health or deputy director of public health;
- (e) if, without reasonable excuse, he fails to observe any restriction imposed on him under Schedule 2 or 3 to this Act as to residence, as to his employment or occupation or as to reporting to the police or to an immigration officer;
- (f) if he disembarks in the Isle of Man from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Act with a view to his removal from the Isle of Man;

(g) if he embarks in contravention of a restriction imposed by or under an Order in Council under section 3(7) of this Act as it has effect in the United Kingdom.

(1A) A person commits an offence under subsection (1)(b)(i) above on the day when he first knows that the time limited by his leave has expired and continues to commit it throughout any period during which he is in the Isle of Man thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.

(3) The extended time limit for prosecutions which is provided for by section 28 below shall apply to offences under subsection (1)(a) and (c) above.

(4) In proceedings for an offence against subsection (1)(a) above of entering the Isle of Man without leave—

- (a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;
- (b) proof that a person had leave to enter the Isle of Man shall lie on the defence if, but only if, he is shown to have entered within six months before the date when the proceedings were commenced.

24A Deception

(1) A person who is not a British citizen is guilty of an offence if, by means which include deception by him—

- (a) he obtains or seeks to obtain leave to enter or remain in the Isle of Man; or
- (b) he secures or seeks to secure the avoidance, postponement or revocation of enforcement action against him.

(2) “Enforcement action”, in relation to a person, means—

- (a) the giving of directions for his removal from the Isle of Man (“directions”) under Schedule 2 to this Act or section 10 of the Immigration and Asylum Act 1999;
- (b) the making of a deportation order against him under section 5 of this Act; or
- (c) his removal from the Isle of Man in consequence of directions or a deportation order.

(3) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to custody for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both; or
- (b) on conviction on information, to custody for a term not exceeding two years or to a fine, or to both.

25 Assisting unlawful immigration to member State

(1) A person commits an offence if he—

- (a) does an act which facilitates the commission of a breach of immigration law by an individual who is not a citizen of the European Union,
- (b) knows or has reasonable cause for believing that the act facilitates the commission of a breach of immigration law by the individual, and
- (c) knows or has reasonable cause for believing that the individual is not a citizen of the European Union.

(2) In subsection (1) “immigration law” means a law which has effect in a member State and which controls, in respect of some or all persons who are not nationals of the State, entitlement to—

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- (a) enter the State,
 - (b) transit across the State, or
 - (c) be in the State.
- (3) A document issued by the government of a member State certifying a matter of law in that State—
- (a) shall be admissible in proceedings for an offence under this section, and
 - (b) shall be conclusive as to the matter certified.
- (4) Subsection (1) applies to anything done—
- (a) in the Isle of Man,
 - (b) outside the Isle of Man by an individual to whom subsection (5) applies, or
 - (c) outside the Isle of Man by a body incorporated under the law of the Isle of Man.
- (5) This subsection applies to—
- (a) a British citizen,
 - (b) a British overseas territories citizen,
 - (c) a British National (Overseas),
 - (d) a British Overseas citizen,
 - (e) a person who is a British subject under the British Nationality Act 1981, and
 - (f) a British protected person within the meaning of that Act.
- (6) A person guilty of an offence under this section shall be liable—
- (a) on conviction on information, to custody for a term not exceeding 14 years, to a fine or to both, or
 - (b) on summary conviction, to custody for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (7) In this section—
- (a) a reference to a member State includes a reference to a State on a list prescribed for the purposes of this section as it has effect in the United Kingdom by order of the Secretary of State (to be known as the “Section 25 List of Schengen Acquis States”), and
 - (b) a reference to a citizen of the European Union includes a reference to a person who is a national of a State on that list.

25A Helping asylum-seeker to enter Isle of Man

- (1) A person commits an offence if—
- (a) he knowingly and for gain facilitates the arrival in the Isle of Man of an individual, and
 - (b) he knows or has reasonable cause to believe that the individual is an asylum-seeker.
- (2) In this section “asylum-seeker” means a person who intends to claim that to remove him from or require him to leave the Isle of Man would be contrary to the United Kingdom’s obligations under—
- (a) the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention, or
 - (b) the Human Rights Convention (as defined in section 167(1) of the Immigration and Asylum Act 1999).

(3) Subsection (1) does not apply to anything done by a person acting on behalf of an organisation which—

- (a) aims to assist asylum-seekers, and
- (b) does not charge for its services.

(4) Subsections (4) to (6) of section 25 apply for the purpose of the offence in subsection (1) of this section as they apply for the purpose of the offence in subsection (1) of that section.

25B Assisting entry to Isle of Man in breach of deportation or exclusion order

(1) A person commits an offence if he—

- (a) does an act which facilitates a breach of a deportation order in force against an individual who is a citizen of the European Union, and
- (b) knows or has reasonable cause for believing that the act facilitates a breach of the deportation order.

(2) Subsection (3) applies where the Governor personally directs that the exclusion from the Isle of Man of an individual who is a citizen of the European Union is conducive to the public good.

(3) A person commits an offence if he—

- (a) does an act which assists the individual to arrive in, enter or remain in the Isle of Man,
- (b) knows or has reasonable cause for believing that the act assists the individual to arrive in, enter or remain in the Isle of Man, and
- (c) knows or has reasonable cause for believing that the Governor has personally directed that the individual's exclusion from the Isle of Man is conducive to the public good.

(4) Subsections (4) to (6) of section 25 apply for the purpose of an offence under this section as they apply for the purpose of an offence under that section.

25C Forfeiture of vehicle, ship or aircraft

(1) This section applies where a person is convicted on information of an offence under section 25, 25A or 25B.

(2) The court may order the forfeiture of a vehicle used or intended to be used in connection with the offence if the convicted person—

- (a) owned the vehicle at the time the offence was committed,
- (b) was at that time a director, secretary or manager of a company which owned the vehicle,
- (c) was at that time in possession of the vehicle under a hire-purchase agreement,
- (d) was at that time a director, secretary or manager of a company which was in possession of the vehicle under a hire-purchase agreement, or
- (e) was driving the vehicle in the course of the commission of the offence.

(3) The court may order the forfeiture of a ship or aircraft used or intended to be used in connection with the offence if the convicted person—

- (a) owned the ship or aircraft at the time the offence was committed,
- (b) was at that time a director, secretary or manager of a company which owned the ship or aircraft,
- (c) was at that time in possession of the ship or aircraft under a hire-purchase agreement,

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- (d) was at that time a director, secretary or manager of a company which was in possession of the ship or aircraft under a hire-purchase agreement,
 - (e) was at that time a charterer of the ship or aircraft, or
 - (f) committed the offence while acting as captain of the ship or aircraft.
- (4) But in a case to which subsection (3)(a) or (b) does not apply, forfeiture may be ordered only—
- (a) in the case of a ship, if subsection (5) or (6) applies;
 - (b) in the case of an aircraft, if subsection (5) or (7) applies.
- (5) This subsection applies where—
- (a) in the course of the commission of the offence, the ship or aircraft carried more than 20 illegal entrants, and
 - (b) a person who, at the time the offence was committed, owned the ship or aircraft or was a director, secretary or manager of a company which owned it, knew or ought to have known of the intention to use it in the course of the commission of an offence under section 25, 25A or 25B.
- (6) This subsection applies where a ship's gross tonnage is less than 500 tons.
- (7) This subsection applies where the maximum weight at which an aircraft (which is not a hovercraft) may take off in accordance with its certificate of airworthiness is less than 5,700 kilogrammes.
- (8) Where a person who claims to have an interest in a vehicle, ship or aircraft applies to a court to make representations on the question of forfeiture, the court may not make an order under this section in respect of the ship, aircraft or vehicle unless the person has been given an opportunity to make representations.
- (9) In the case of an offence under section 25, the reference in subsection (5)(a) to an illegal entrant shall be taken to include a reference to—
- (a) an individual who seeks to enter a member State in breach of immigration law (for which purpose "member State" and "immigration law" have the meanings given by section 25(2) and (7)), and
 - (b) an individual who is a passenger for the purpose of section 145 of the Nationality, Immigration and Asylum Act 2002 (traffic in prostitution) or section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation).
- (10) In the case of an offence under section 25A, the reference in subsection (5)(a) to an illegal entrant shall be taken to include a reference to—
- (a) an asylum-seeker (within the meaning of that section), and
 - (b) an individual who is a passenger for the purpose of section 145 of the Nationality, Immigration and Asylum Act 2002 (traffic in prostitution) or section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation).
- (11) In the case of an offence under section 25B, the reference in subsection (5)(a) to an illegal entrant shall be taken to include a reference to an individual who is a passenger for the purpose of section 145 of the Nationality, Immigration and Asylum Act 2002 (traffic in prostitution) or section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (trafficking people for exploitation).

25D Detention of ship, aircraft or vehicle

(1) If a person has been arrested for an offence under section 25, 25A or 25B, a senior officer or a constable may detain a relevant ship, aircraft or vehicle—

- (a) until a decision is taken as to whether or not to charge the arrested person with that offence; or
- (b) if the arrested person has been charged—
 - (i) until he is acquitted, the charge against him is dismissed or the proceedings are discontinued; or
 - (ii) if he has been convicted, until the court decides whether or not to order forfeiture of the ship, aircraft or vehicle.

(2) A ship, aircraft or vehicle is a relevant ship, aircraft or vehicle, in relation to an arrested person, if it is one which the officer or constable concerned has reasonable grounds for believing could, on conviction of the arrested person for the offence for which he was arrested, be the subject of an order for forfeiture made under section 25C.

(3) A person (other than the arrested person) may apply to the court for the release of a ship, aircraft or vehicle on the grounds that—

- (a) he owns the ship, aircraft or vehicle,
- (b) he was, immediately before the detention of the ship, aircraft or vehicle, in possession of it under a hire-purchase agreement, or
- (c) he is a charterer of the ship or aircraft.

(4) The court to which an application is made under subsection (3) may, on such security or surety being tendered as it considers satisfactory, release the ship, aircraft or vehicle on condition that it is made available to the court if—

- (a) the arrested person is convicted; and
- (b) an order for its forfeiture is made under section 25C.

(6) “Court” means—

- (a) if the arrested person has not been charged, or if he has been charged but proceedings for the offence have not begun to be heard, a court of summary jurisdiction;
- (b) if he has been charged and proceedings for the offence are being heard, the court hearing the proceedings.

(8) “Senior officer” means an immigration officer not below the rank of chief immigration officer.

26 General offences in connection with administration of Act

(1) A person shall be guilty of an offence punishable on summary conviction with a fine of not more than level 5 on the standard scale or with custody for not more than six months, or with both, in any of the following cases—

- (a) if, without reasonable excuse, he refuses or fails to submit to examination under Schedule 2 to this Act;
- (b) if, without reasonable excuse, he refuses or fails to furnish or produce any information in his possession, or any documents in his possession or control, which he is on an examination under that Schedule required to furnish or produce;
- (c) if on any such examination or otherwise he makes or causes to be made to an immigration officer or other person lawfully acting in the execution of a relevant

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enactment a return, statement or representation which he knows to be false or does not believe to be true;

- (d) if, without lawful authority, he alters any certificate of entitlement, entry clearance, work permit or other document issued or made under or for the purposes of this Act, or uses for the purposes of this Act, or has in his possession for such use, any passport, certificate of entitlement, entry clearance, work permit or other document which he knows or has reasonable cause to believe to be false;
- (e) if, without reasonable excuse, he fails to complete and produce a landing or embarkation card in accordance with any order under Schedule 2 to this Act;
- (f) if, without reasonable excuse, he fails to comply with any requirement or regulations under section 4(3) or of an order under section 4(4) above;
- (g) if, without reasonable excuse, he obstructs an immigration officer or other person lawfully acting in the execution of this Act.

(2) The extended time limit for prosecutions which is provided for by section 28 below shall apply to offences under subsection (1)(c) and (d) above.

(3) “Relevant enactment” means—

- (a) this Act;
- (b) the Immigration Act 1988;
- (d) the Immigration and Asylum Act 1999 (apart from Part 6); or
- (e) the Nationality, Immigration and Asylum Act 2002 (apart from Part 5).

26A Registration card

(1) In this section “registration card” means a document which—

- (a) carries information about a person (whether or not wholly or partly electronically), and
- (b) is issued by the Secretary of State under this Act as it has effect in the United Kingdom to the person wholly or partly in connection with a claim for asylum (whether or not made by that person).

(2) In subsection (1) “claim for asylum” has the meaning given by section 18 of the Nationality, Immigration and Asylum Act 2002, as that Act has effect in the United Kingdom.

(3) A person commits an offence if he—

- (a) makes a false registration card,
- (b) alters a registration card with intent to deceive or to enable another to deceive,
- (c) has a false or altered registration card in his possession without reasonable excuse,
- (d) uses or attempts to use a false registration card for a purpose for which a registration card is issued,
- (e) uses or attempts to use an altered registration card with intent to deceive,
- (f) makes an article designed to be used in making a false registration card,
- (g) makes an article designed to be used in altering a registration card with intent to deceive or to enable another to deceive, or
- (h) has an article within paragraph (f) or (g) in his possession without reasonable excuse.

(4) In subsection (3) “false registration card” means a document which is designed to appear to be a registration card.

(5) A person who is guilty of an offence under subsection (3)(a), (b), (d), (e), (f) or (g) shall be liable—

- (a) on conviction on information, to custody for a term not exceeding ten years, to a fine or to both, or
- (b) on summary conviction, to custody for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(6) A person who is guilty of an offence under subsection (3)(c) or (h) shall be liable—

- (a) on conviction on information, to custody for a term not exceeding two years, to a fine or to both, or
- (b) on summary conviction, to custody for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

(7) The Secretary of State may by order—

- (a) amend the definition of “registration card” in subsection (1);
- (b) make consequential amendment of this section.

(7A) An order made by the Secretary of State under subsection (7) shall have effect in the Isle of Man as it has effect in the United Kingdom.

26B Possession of immigration stamp

(1) A person commits an offence if he has an immigration stamp in his possession without reasonable excuse.

(2) A person commits an offence if he has a replica immigration stamp in his possession without reasonable excuse.

(3) In this section—

- (a) “immigration stamp” means a device which is designed for the purpose of stamping documents in the exercise of an immigration function,
- (b) “replica immigration stamp” means a device which is designed for the purpose of stamping a document so that it appears to have been stamped in the exercise of an immigration function, and
- (c) “immigration function” means a function of an immigration officer or the Governor under the Immigration Acts.

(4) A person who is guilty of an offence under this section shall be liable—

- (a) on conviction on information, to custody for a term not exceeding two years, to a fine or to both, or
- (b) on summary conviction, to custody for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.

27 Offences by persons connected with ships or aircraft or with ports

27 A person shall be guilty of an offence punishable on summary conviction with a fine of not more than level 5 on the standard scale or with custody for not more than six months, or with both, in any of the following cases—

- (a) if, being the captain of a ship or aircraft—
 - (i) he knowingly permits a person to disembark in the Isle of Man when required under Schedule 2 or 3 to this Act to prevent it, or fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take

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- in connection with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew; or
- (ii) he fails, without reasonable excuse, to comply with any directions given him under Schedule 2 or 3 or under the Immigration and Asylum Act 1999 with respect to the removal of a person from the Isle of Man;
- (b) if, as owner or agent of a ship or aircraft—
- (i) he arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2 to this Act; or
 - (ii) he fails, without reasonable excuse, to take any steps required by an order under Schedule 2 for the supply to passengers of landing or embarkation cards; or
 - (iii) he fails, without reasonable excuse, to make arrangements for or in connection with the removal of a person from the Isle of Man when required to do so by directions given under Schedule 2 or 3 to this Act or under the Immigration and Asylum Act 1999; or
 - (iv) he fails, without reasonable excuse, to comply with the requirements of paragraph 27B or 27C of Schedule 2;
- (c) if, as owner or agent of a ship or aircraft or as a person concerned in the management of a port, he fails, without reasonable excuse, to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.

28 Proceedings

(1) Where the offence is one to which, under section 24 or 26 above, an extended time limit for prosecution is to apply, then a complaint relating to the offence may be tried by a court of summary jurisdiction—

- (a) if it is made within six months after the commission of the offence, or
- (b) if it is made—
 - (i) within three years after the commission of the offence, and
 - (ii) not more than two months after the date certified by the chief constable to be the date on which evidence sufficient to justify proceedings came to the notice of a constable.

(3) For the purposes of the trial of a person for an offence under this Part of this Act, the offence shall be deemed to have been committed either at the place at which it actually was committed or at any place at which he may be.

(4) Any powers exercisable under this Act in the case of any person may be exercised notwithstanding that proceedings for an offence under this Part of this Act have been taken against him.

28A Arrest without warrant

- (1) A constable or immigration officer may arrest without warrant a person—
- (a) who has committed or attempted to commit an offence under section 24 or 24A; or
 - (b) whom he has reasonable grounds for suspecting has committed or attempted to commit such an offence.
- (2) But subsection (1) does not apply in relation to an offence under section 24(1)(d).

- (3) An immigration officer may arrest without warrant a person—
- (a) who has committed an offence under section 25, 25A or 25B; or
 - (b) whom he has reasonable grounds for suspecting has committed that offence.
- (5) An immigration officer may arrest without warrant a person (“the suspect”) who, or whom he has reasonable grounds for suspecting—
- (a) has committed or attempted to commit an offence under section 26(1)(g); or
 - (b) is committing or attempting to commit that offence.
- (6) The power conferred by subsection (5) is exercisable only if either the first or the second condition is satisfied.
- (7) The first condition is that it appears to the officer that service of a summons is impracticable or inappropriate because—
- (a) he does not know, and cannot readily discover, the suspect’s name;
 - (b) he has reasonable grounds for doubting whether a name given by the suspect as his name is his real name;
 - (c) the suspect has failed to give him a satisfactory address for service; or
 - (d) he has reasonable grounds for doubting whether an address given by the suspect is a satisfactory address for service.
- (8) The second condition is that the officer has reasonable grounds for believing that arrest is necessary to prevent the suspect—
- (a) causing physical injury to himself or another person;
 - (b) suffering physical injury; or
 - (c) causing loss of or damage to property.
- (9) For the purposes of subsection (7), an address is a satisfactory address for service if it appears to the officer—
- (a) that the suspect will be at that address for a sufficiently long period for it to be possible to serve him with a summons; or
 - (b) that some other person specified by the suspect will accept service of a summons for the suspect at that address.
- (9A) A constable or immigration officer may arrest without warrant a person—
- (a) who has committed an offence under section 26A or 26B; or
 - (b) whom he has reasonable grounds for suspecting has committed an offence under section 26A or 26B.
- (10) In relation to the exercise of the powers conferred by subsections (3)(b) and (5), it is immaterial that no offence has been committed.

28AA Arrest with warrant

- (1) This section applies if on an application by an immigration officer a justice of the peace is satisfied that there are reasonable grounds for suspecting that a person has committed an offence under—
- (a) section 24(1)(d), or
 - (b) section 8 of the Asylum and Immigration Act 1996 (employment: offence).
- (2) The justice of the peace may grant a warrant authorising any immigration officer to arrest the person.

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28B Search and arrest by warrant

(1) Subsection (2) applies if a justice of the peace is, by written information on oath, satisfied that there are reasonable grounds for suspecting that a person (“the suspect”) who is liable to be arrested for a relevant offence is to be found on any premises.

(2) The justice may grant a warrant authorising any immigration officer or constable to enter, if need be by force, the premises named in the warrant for the purpose of searching for and arresting the suspect.

(5) “Relevant offence” means an offence under section 24(1)(a), (b), (c), (d), (e) or (f), 24A, 26A or 26B.

28C Search and arrest without warrant

(1) An immigration officer may enter and search any premises for the purpose of arresting a person for an offence under section 25, 25A or 25B.

(2) The power may be exercised—

- (a) only to the extent that it is reasonably required for that purpose; and
- (b) only if the officer has reasonable grounds for believing that the person whom he is seeking is on the premises.

(3) In relation to premises consisting of two or more separate dwellings, the power is limited to entering and searching—

- (a) any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any such other dwelling; and
- (b) any such dwelling in which the officer has reasonable grounds for believing that the person whom he is seeking may be.

(4) The power may be exercised only if the officer produces identification showing that he is an immigration officer (whether or not he is asked to do so).

28CA Business premises: entry to arrest

(1) A constable or immigration officer may enter and search any business premises for the purpose of arresting a person—

- (a) for an offence under section 24,
- (b) for an offence under section 24A, or
- (c) under paragraph 17 of Schedule 2.

(2) The power under subsection (1) may be exercised only—

- (a) to the extent that it is reasonably required for a purpose specified in subsection (1),
- (b) if the constable or immigration officer has reasonable grounds for believing that the person whom he is seeking is on the premises,
- (c) with the authority of the Governor (in the case of an immigration officer) or the Chief Constable or Deputy Chief Constable (in the case of a constable), and
- (d) if the constable or immigration officer produces identification showing his status.

(3) Authority for the purposes of subsection (2)(c)—

- (a) may be given on behalf of the Governor only by a civil servant of the rank of at least Senior Executive Officer, and
- (b) shall expire at the end of the period of seven days beginning with the day on which it is given.

- (4) Subsection (2)(d) applies—
 - (a) whether or not a constable or immigration officer is asked to produce identification, but
 - (b) only where premises are occupied.
- (5) Subsection (6) applies where a constable or immigration officer—
 - (a) enters premises in reliance on this section, and
 - (b) detains a person on the premises.

28D Entry and search of premises

(1) If, on an application made by an immigration officer, a justice of the peace is satisfied that there are reasonable grounds for believing that—

- (a) a relevant offence has been committed,
- (b) there is material on premises specified in the application which is likely to be of substantial value (whether by itself or together with other material) to the investigation of the offence,
- (c) the material is likely to be relevant evidence,
- (d) the material does not consist of or include items subject to legal privilege, excluded material or special procedure material, and
- (e) any of the conditions specified in subsection (2) applies,

he may issue a warrant authorising an immigration officer to enter and search the premises.

(2) The conditions are that—

- (a) it is not practicable to communicate with any person entitled to grant entry to the premises;
- (b) it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the evidence;
- (c) entry to the premises will not be granted unless a warrant is produced;
- (d) the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry to them.

(3) An immigration officer may seize and retain anything for which a search has been authorised under subsection (1).

(4) “Relevant offence” means an offence under section 24(1)(a), (b), (c), (d), (e) or (f), 24A, 25, 25A, 25B, 26A or 26B.

(5) Expressions which are given a meaning by the Police Powers and Procedures Act 1998 (an Act of Tynwald) have the same meaning when used in this section.

28E Entry and search of premises following arrest

(1) This section applies if a person is arrested for an offence under this Part at a place other than a police station.

(2) An immigration officer may enter and search any premises—

- (a) in which the person was when arrested, or
- (b) in which he was immediately before he was arrested,

for evidence relating to the offence for which the arrest was made (“relevant evidence”).

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- (3) The power may be exercised—
 - (a) only if the officer has reasonable grounds for believing that there is relevant evidence on the premises; and
 - (b) only to the extent that it is reasonably required for the purpose of discovering relevant evidence.
- (4) In relation to premises consisting of two or more separate dwellings, the power is limited to entering and searching—
 - (a) any dwelling in which the arrest took place or in which the arrested person was immediately before his arrest; and
 - (b) any parts of the premises which the occupier of any such dwelling uses in common with the occupiers of any other dwellings comprised in the premises.
- (5) An officer searching premises under subsection (2) may seize and retain anything he finds which he has reasonable grounds for believing is relevant evidence.
- (6) Subsection (5) does not apply to items which the officer has reasonable grounds for believing are items subject to legal privilege.

28F Entry and search of premises following arrest under section 25, 25A or 25B

- (1) An immigration officer may enter and search any premises occupied or controlled by a person arrested for an offence under section 25, 25A, 25B.
- (2) The power may be exercised—
 - (a) only if the officer has reasonable grounds for suspecting that there is relevant evidence on the premises;
 - (b) only to the extent that it is reasonably required for the purpose of discovering relevant evidence; and
 - (c) subject to subsection (3), only if a senior officer has authorised it in writing.
- (3) The power may be exercised—
 - (a) before taking the arrested person to a place where he is to be detained; and
 - (b) without obtaining an authorisation under subsection (2)(c),if the presence of that person at a place other than one where he is to be detained is necessary for the effective investigation of the offence.
- (4) An officer who has relied on subsection (3) must inform a senior officer as soon as is practicable.
- (5) The officer authorising a search, or who is informed of one under subsection (4), must make a record in writing of—
 - (a) the grounds for the search; and
 - (b) the nature of the evidence that was sought.
- (6) An officer searching premises under this section may seize and retain anything he finds which he has reasonable grounds for suspecting is relevant evidence.
- (7) “Relevant evidence” means evidence, other than items subject to legal privilege, that relates to the offence in question.
- (8) “Senior officer” means an immigration officer not below the rank of chief immigration officer.

28FA Search for personnel records: warrant unnecessary

- (1) This section applies where—
 - (a) a person has been arrested for an offence under section 24(1) or 24A(1),
 - (b) a person has been arrested under paragraph 17 of Schedule 2,
 - (c) a constable or immigration officer reasonably believes that a person is liable to arrest for an offence under section 24(1) or 24A(1), or
 - (d) a constable or immigration officer reasonably believes that a person is liable to arrest under paragraph 17 of Schedule 2.
- (2) A constable or immigration officer may search business premises where the arrest was made or where the person liable to arrest is if the constable or immigration officer reasonably believes—
 - (a) that a person has committed an immigration employment offence in relation to the person arrested or liable to arrest, and
 - (b) that employee records, other than items subject to legal privilege, will be found on the premises and will be of substantial value (whether on their own or together with other material) in the investigation of the immigration employment offence.
- (3) A constable or officer searching premises under subsection (2) may seize and retain employee records, other than items subject to legal privilege, which he reasonably suspects will be of substantial value (whether on their own or together with other material) in the investigation of an immigration employment offence
- (4) The power under subsection (2) may be exercised only—
 - (a) to the extent that it is reasonably required for the purpose of discovering employee records other than items subject to legal privilege,
 - (b) if the constable or immigration officer produces identification showing his status, and
 - (c) if the constable or immigration officer reasonably believes that at least one of the conditions in subsection (5) applies.
- (5) Those conditions are—
 - (a) that it is not practicable to communicate with a person entitled to grant access to the records,
 - (b) that permission to search has been refused,
 - (c) that permission to search would be refused if requested, and
 - (d) that the purpose of a search may be frustrated or seriously prejudiced if it is not carried out in reliance on subsection (2).
- (6) Subsection (4)(b) applies—
 - (a) whether or not a constable or immigration officer is asked to produce identification, but
 - (b) only where premises are occupied.
- (7) In this section “immigration employment offence” means an offence under section 8 of the Asylum and Immigration Act 1996 (employment).

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28FB Search for personnel records: with warrant

(1) This section applies where on an application made by an immigration officer in respect of business premises a justice of the peace is satisfied that there are reasonable grounds for believing—

- (a) that an employer has provided inaccurate or incomplete information under section 134 of the Nationality, Immigration and Asylum Act 2002 (compulsory disclosure by employer),
- (b) that employee records, other than items subject to legal privilege, will be found on the premises and will enable deduction of some or all of the information which the employer was required to provide, and
- (c) that at least one of the conditions in subsection (2) is satisfied.

(2) Those conditions are—

- (a) that it is not practicable to communicate with a person entitled to grant access to the premises,
- (b) that it is not practicable to communicate with a person entitled to grant access to the records,
- (c) that entry to the premises or access to the records will not be granted unless a warrant is produced, and
- (d) that the purpose of a search may be frustrated or seriously prejudiced unless an immigration officer arriving at the premises can secure immediate entry.

(3) The justice of the peace may issue a warrant authorising an immigration officer to enter and search the premises.

(4) Subsection (7)(a) of section 28D shall have effect for the purposes of this section as it has effect for the purposes of that section.

(5) An immigration officer searching premises under a warrant issued under this section may seize and retain employee records, other than items subject to legal privilege, which he reasonably suspects will be of substantial value (whether on their own or together with other material) in the investigation of an offence under section 137 of the Nationality, Immigration and Asylum Act 2002 (disclosure of information: offences) in respect of a requirement under section 134 of that Act.

28G Searching arrested persons

(1) This section applies if a person is arrested for an offence under this Part at a place other than a police station.

(2) An immigration officer may search the arrested person if he has reasonable grounds for believing that the arrested person may present a danger to himself or others.

(3) The officer may search the arrested person for—

- (a) anything which he might use to assist his escape from lawful custody; or
- (b) anything which might be evidence relating to the offence for which he has been arrested.

(4) The power conferred by subsection (3) may be exercised—

- (a) only if the officer has reasonable grounds for believing that the arrested person may have concealed on him anything of a kind mentioned in that subsection; and
- (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.

(5) A power conferred by this section to search a person is not to be read as authorising an officer to require a person to remove any of his clothing in public other than an outer coat, jacket or glove; but it does authorise the search of a person's mouth.

(6) An officer searching a person under subsection (2) may seize and retain anything he finds, if he has reasonable grounds for believing that that person might use it to cause physical injury to himself or to another person.

(7) An officer searching a person under subsection (3) may seize and retain anything he finds, if he has reasonable grounds for believing—

- (a) that that person might use it to assist his escape from lawful custody; or
- (b) that it is evidence which relates to the offence in question.

(8) Subsection (7)(b) does not apply to an item subject to legal privilege.

28H Searching persons in police custody

(1) This section applies if a person—

- (a) has been arrested for an offence under this Part; and
- (b) is in custody at a police station or in police detention at a place other than a police station.

(2) An immigration officer may, at any time, search the arrested person in order to see whether he has with him anything—

- (a) which he might use to—
 - (i) cause physical injury to himself or others;
 - (ii) damage property;
 - (iii) interfere with evidence; or
 - (iv) assist his escape; or
- (b) which the officer has reasonable grounds for believing is evidence relating to the offence in question.

(3) The power may be exercised only to the extent that the custody officer concerned considers it to be necessary for the purpose of discovering anything of a kind mentioned in subsection (2).

(4) An officer searching a person under this section may seize anything he finds, if he has reasonable grounds for believing that—

- (a) that person might use it for one or more of the purposes mentioned in subsection (2)(a); or
- (b) it is evidence relating to the offence in question.

(5) Anything seized under subsection (4)(a) may be retained by the police.

(6) Anything seized under subsection (4)(b) may be retained by an immigration officer.

(7) The person from whom something is seized must be told the reason for the seizure unless he is—

- (a) violent or appears likely to become violent; or
- (b) incapable of understanding what is said to him.

(8) An intimate search may not be conducted under this section.

(9) The person carrying out a search under this section must be of the same sex as the person searched.

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(10) “Custody officer” has the same meaning as in the Police Powers and Procedures Act 1998 (an Act of Tynwald).

(11) “Intimate search” has the meaning given by section 69 of that Act of Tynwald.

(12) “Police detention” has the meaning given by section 81(2) of that Act.

28I Seized material: access and copying

(1) If a person showing himself—

(a) to be the occupier of the premises on which seized material was seized, or

(b) to have had custody or control of the material immediately before it was seized,

asks the immigration officer who seized the material for a record of what he seized, the officer must provide the record to that person within a reasonable time.

(2) If a relevant person asks an immigration officer for permission to be granted access to seized material, the officer must arrange for him to have access to the material under the supervision—

(a) in the case of seized material within subsection (8)(a), of an immigration officer;

(b) in the case of seized material within subsection (8)(b), of a constable.

(3) An immigration officer may photograph or copy, or have photographed or copied, seized material.

(4) If a relevant person asks an immigration officer for a photograph or copy of seized material, the officer must arrange for—

(a) that person to have access to the material for the purpose of photographing or copying it under the supervision—

(i) in the case of seized material within subsection (8)(a), of an immigration officer;

(ii) in the case of seized material within subsection (8)(b), of a constable; or

(b) the material to be photographed or copied.

(5) A photograph or copy made under subsection (4)(b) must be supplied within a reasonable time.

(6) There is no duty under this section to arrange for access to, or the supply of a photograph or copy of, any material if there are reasonable grounds for believing that to do so would prejudice—

(a) the exercise of any functions in connection with which the material was seized; or

(b) an investigation which is being conducted under this Act, or any criminal proceedings which may be brought as a result.

(7) “Relevant person” means—

(a) a person who had custody or control of seized material immediately before it was seized, or

(b) someone acting on behalf of such a person.

(8) “Seized material” means anything—

(a) seized and retained by an immigration officer, or

(b) seized by an immigration officer and retained by the police,

under this Part.

28J Search warrants: safeguards

- (1) The entry or search of premises under a warrant is unlawful unless it complies with this section and section 28K.
- (2) If an immigration officer applies for a warrant, he must—
 - (a) state the ground on which he makes the application and the provision of this Act under which the warrant would be issued;
 - (b) specify the premises which it is desired to enter and search; and
 - (c) identify, so far as is practicable, the persons or articles to be sought.
- (3) An application for a warrant is to be supported by a complaint in writing and substantiated on oath
- (5) The officer must answer on oath any question that the justice of the peace hearing the application asks him.
- (6) A warrant shall authorise an entry on one occasion only.
- (7) A warrant must specify—
 - (a) the name of the person applying for it;
 - (b) the date on which it is issued;
 - (c) the premises to be searched; and
 - (d) the provision of this Act under which it is issued.
- (8) A warrant must identify, so far as is practicable, the persons or articles to be sought.
- (9) Two copies of a warrant must be made.
- (10) The copies must be clearly certified as copies.
- (11) “Warrant” means a warrant to enter and search premises issued to an immigration officer under this Part or under paragraph 17(2) of Schedule 2.

28K Execution of warrants

- (1) A warrant may be executed by any immigration officer.
- (2) A warrant may authorise persons to accompany the officer executing it.
- (3) Entry and search under a warrant must be—
 - (a) within one month from the date of its issue; and
 - (b) at a reasonable hour, unless it appears to the officer executing it that the purpose of a search might be frustrated.
- (4) If the occupier of premises which are to be entered and searched is present at the time when an immigration officer seeks to execute a warrant, the officer must—
 - (a) identify himself to the occupier and produce identification showing that he is an immigration officer;
 - (b) show the occupier the warrant; and
 - (c) supply him with a copy of it.
- (5) If—
 - (a) the occupier is not present, but
 - (b) some other person who appears to the officer to be in charge of the premises is present,

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subsection (4) has effect as if each reference to the occupier were a reference to that other person.

(6) If there is no person present who appears to the officer to be in charge of the premises, the officer must leave a copy of the warrant in a prominent place on the premises.

(7) A search under a warrant may only be a search to the extent required for the purpose for which the warrant was issued.

(8) An officer executing a warrant must make an endorsement on it stating—

(a) whether the persons or articles sought were found; and

(b) whether any articles, other than articles which were sought, were seized.

(9) A warrant which has been executed, or has not been executed within the time authorised for its execution, must be returned to the Chief Registrar.

(10) A warrant returned under subsection (9) must be retained for 12 months by the Chief Registrar

(13) If during that 12 month period the occupier of the premises to which it relates asks to inspect it, he must be allowed to do so.

(14) “Warrant” means a warrant to enter and search premises issued to an immigration officer under this Part or under paragraph 17(2) of Schedule 2.

28L Interpretation of Part 3

(1) In this Part, “premises” and “items subject to legal privilege” have the same meaning as in the Police Powers and Procedures Act 1998 (an Act of Tynwald).

(2) In this Part “business premises” means premises (or any part of premises) not used as a dwelling.

(3) In this Part “employee records” means records which show an employee’s—

(a) name,

(b) date of birth,

(c) address,

(d) length of service,

(e) rate of pay, or

(f) nationality or citizenship.

(4) The Governor may by order amend section 28CA(3)(a) to reflect a change in nomenclature.

PART 4 – Supplementary

31 Expenses

31 There shall be defrayed out of moneys provided by Tynwald any expenses incurred by the Governor under or by virtue of this Act—

(a) by way of administrative expenses; or

(b) in connection with the removal of any person from the Isle of Man under Schedule 2 or 3 to this Act or the departure with him of his dependants, or his or their maintenance pending departure;

31A Procedural requirements as to applications

(1) If a form is prescribed for a particular kind of application under this Act, any application of that kind must be made in the prescribed form.

(2) If procedural or other steps are prescribed in relation to a particular kind of application under this Act, those steps must be taken in respect of any application of that kind.

(3) “Prescribed” means prescribed in regulations made by the Governor.

(3A) Regulations under this section may provide that a failure to comply with a specified requirement of the regulations—

- (a) invalidates an application,
- (b) does not invalidate an application, or
- (c) invalidates an application in specified circumstances (which may be described wholly or partly by reference to action by the applicant, the Governor, an immigration officer or another person).

(4) Regulations under this section may prescribe for the purpose of subsection (1) a form specified in regulations made under this section as it has effect in the United Kingdom, subject to such modifications as may be prescribed.

32 General provisions as to orders, etc

(1) Any power conferred by Part 1 of this Act to make an order (other than a deportation order) or to give any directions includes power to revoke or vary the order or directions.

(2) Any document purporting to be an order, notice or direction made or given by the Governor for the purposes of the Immigration Acts and to be signed by him or on his behalf, and any document purporting to be a certificate of the Governor so given and to be signed by him or on his behalf, shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by him.

(3) Prima facie evidence of any such order, notice, direction or certificate as aforesaid may, in any legal proceedings or other proceedings under the Immigration Acts, be given by the production of a document bearing a certificate purporting to be signed by or on behalf of the Governor and stating that the document is a true copy of the order, notice, direction or certificate.

(4) Where an order under section 8(2) above applies to persons specified in a schedule to the order, or any directions of the Governor given for the purposes of the Immigration Acts apply to persons specified in a schedule to the directions, prima facie evidence of the provisions of the order or directions other than the schedule and of any entry contained in the schedule may, in any legal proceedings or other proceedings under the Immigration Acts, be given by the production of a document purporting to be signed by or on behalf of the Governor and stating that the document is a true copy of the said provisions and of the relevant entry.

33 Interpretation

(1) For purposes of this Act, except in so far as the context otherwise requires—

“aircraft” includes hovercraft, “airport” includes hoverport and “port” includes airport;

“captain” means master (of a ship) or commander (of an aircraft);

“certificate of entitlement” means a certificate under section 10 of the Nationality, Immigration and Asylum Act 2002 that a person has the right of abode in the United Kingdom;

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“constable” means any officer or member of the Isle of Man Constabulary, and “chief constable” shall be construed accordingly;

“Convention adoption” has the same meaning as in the Adoption Act 1984 (an Act of Tynwald);

“Council of Ministers” means the Council of Ministers of the Isle of Man;

“crew”, in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft, including the captain, and “member of the crew” shall be construed accordingly;

“entrant” means a person entering or seeking to enter the Isle of Man and “illegal entrant” means a person—

(a) unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, or

(b) entering or seeking to enter by means which include deception by another person, and includes also a person who has entered as mentioned in paragraph (a) or (b) above;

“entry clearance” means a visa, entry certificate or other document which, in accordance with the immigration rules, is to be taken as evidence or the requisite evidence of a person’s eligibility, though not a British citizen, for entry into the United Kingdom (but does not include a work permit);

“immigration laws” means this Act and any law for purposes similar to this Act which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom and Islands;

“immigration rules” means the rules for the time being laid down as mentioned in section 3(2) above;

“the Islands” means the Channel Islands and the Isle of Man, and “the United Kingdom and Islands” means the United Kingdom and the Islands taken together;

“legally adopted” means adopted in pursuance of an order made by any court in the United Kingdom and the Islands, under a Convention adoption or by any adoption specified as an overseas adoption by order of the Governor under section 58(2) of the Adoption Act 1984 (an Act of Tynwald);

“limited leave” and “indefinite leave” mean respectively leave under this Act to enter or remain in the United Kingdom which is, and one which is not, limited as to duration;

“prison officer” means an officer of an institution (within the meaning of the Custody Act 1995 (an Act of Tynwald));

“settled” shall be construed in accordance with subsection (2A) below;

“ship” includes every description of vessel used in navigation;

“United Kingdom passport” means a current passport issued by the Government of the United Kingdom, or by the Lieutenant-Governor of any of the Islands or by the Government of any territory which is for the time being a British overseas territory within the meaning of the British Nationality Act 1981;

“work permit” means a permit indicating, in accordance with the immigration rules, that a person named in it is eligible, though not a British citizen, for entry into the United Kingdom for the purpose of taking employment.

(1A) A reference to being an owner of a vehicle, ship or aircraft includes a reference to being any of a number of persons who jointly own it.

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(2) It is hereby declared that, except as otherwise provided in this Act, a person is not to be treated for the purposes of any provision of this Act as ordinarily resident in the United Kingdom or in any of the Islands at a time when he is there in breach of the immigration laws.

(2A) Subject to section 8(5) above, references to a person being settled in the Isle of Man are references to his being ordinarily resident there without being subject under the immigration laws to any restriction on the period for which he may remain.

(3) The ports of entry for purposes of this Act, and the ports of exit for purposes of any Order in Council under section 3(7) above, shall be such ports as may from time to time be designated for the purpose by order of the Governor.

(4) For the purposes of this Act, the question of whether an appeal is pending shall be determined in accordance with section 104 of the Nationality, Immigration and Asylum Act 2002 (pending appeals).

(5) This Act shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of Her prerogative.

37 Short title and extent

(1) This Act may be cited as the Immigration Act 1971.

SCHEDULE 2 – Administrative provisions as to control on entry, etc.

PART 1 – General provisions

Immigration officers and medical inspectors

(1) Immigration officers for the purposes of this Act shall be appointed by the Governor.

(2) Medical inspectors for the purposes of this Act may be appointed by the Department of Health and Social Security in pursuance of arrangements made between that Department and the Governor, and shall be fully qualified medical practitioners.

(3) In the exercise of their functions under this Act, immigration officers shall act in accordance with such directions as may be given them—

(a) by the Governor, as respects the entry of persons into the Isle of Man and the period for which such persons may remain;

(b) by the Council of Ministers, as respects any other matters,

and medical officers shall act in accordance with such instructions as may be given them by the Department of Health and Social Security.

(4) An immigration officer or medical inspector may board any ship or aircraft for the purpose of exercising his functions under this Act.

(5) An immigration officer, for the purpose of satisfying himself whether there are persons he may wish to examine under paragraph 2 below, may search any ship or aircraft and anything on board it, or any vehicle taken off a ship or aircraft in which it has been brought to the Isle of Man.

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Examination by immigration officers, and medical examination

(1) An immigration officer may examine any persons who have arrived in the Isle of Man by ship or aircraft (including transit passengers, members of the crew and others not seeking to enter the Isle of Man) for the purpose of determining—

- (a) whether any of them is or is not a British citizen; and
- (b) whether, if he is not, he may or may not enter the Isle of Man without leave; and
- (c) whether, if he may not—
 - (i) he has been given leave which is still in force,
 - (ii) he should be given leave and for what period or on what conditions (if any), or
 - (iii) he should be refused leave.

(2) Any such person, if he is seeking to enter the Isle of Man, may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.

(3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

Examination of persons who arrive with continuing leave

(1) This paragraph applies to a person who has arrived in the Isle of Man with leave to enter which is in force but which was given to him before his arrival.

- (2) He may be examined by an immigration officer for the purpose of establishing—
- (a) whether there has been such a change in the circumstances of his case, since that leave was given, that it should be cancelled;
 - (b) whether that leave was obtained as a result of false information given by him or his failure to disclose material facts; or
 - (c) whether there are medical grounds on which that leave should be cancelled.

(2A) Where the person's leave to enter derives, by virtue of section 3A(3), from an entry clearance, he may also be examined by an immigration officer for the purpose of establishing whether the leave should be cancelled on the grounds that the person's purpose in arriving in the Isle of Man is different from the purpose specified in the entry clearance.

(3) He may also be examined by an immigration officer for the purpose of determining whether it would be conducive to the public good for that leave to be cancelled.

(4) He may also be examined by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.

(5) A person examined under this paragraph may be required by the officer or inspector to submit to further examination.

- (6) A requirement under sub-paragraph (5) does not prevent a person who arrives—
- (a) as a transit passenger,
 - (b) as a member of the crew of a ship or aircraft, or
 - (c) for the purpose of joining a ship or aircraft as a member of the crew,
- from leaving by his intended ship or aircraft.

(7) An immigration officer examining a person under this paragraph may by notice suspend his leave to enter until the examination is completed.

(8) An immigration officer may, on the completion of any examination of a person under this paragraph, cancel his leave to enter.

(9) Cancellation of a person's leave under sub-paragraph (8) is to be treated for the purposes of this Act and Part 5 of the Nationality, Immigration and Asylum Act 2002 (immigration appeals) as if he had been refused leave to enter at a time when he had a current entry clearance.

(10) A requirement imposed under sub-paragraph (5) and a notice given under sub-paragraph (7) must be in writing.

(1) An immigration officer may examine any person who is embarking or seeking to embark in the Isle of Man for the purpose of determining whether he is a British citizen and, if he is not a British citizen, for the purpose of establishing—

- (a) his identity;
- (b) whether he entered the Isle of Man lawfully;
- (c) whether he has complied with any conditions of leave to enter or remain in the Isle of Man;
- (d) whether his return to the Isle of Man is prohibited or restricted.

(1A) An immigration officer who examines a person under sub-paragraph (1) may require him, by notice in writing, to submit to further examination for a purpose specified in that sub-paragraph.

(2) So long as any Order in Council is in force under section 3(7) of this Act, an immigration officer may examine any person who is embarking or seeking to embark in the Isle of Man for the purpose of determining—

- (a) whether any of the provisions of the Order apply to him; and
- (b) whether, if so, any power conferred by the Order should be exercised in relation to him and in what way.

Information and documents

(1) It shall be the duty of any person examined under paragraph 2, 2A or 3 above to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.

(2) A person on his examination under paragraph 2, 2A or 3 above by an immigration officer shall, if so required by the immigration officer—

- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship; and
- (b) declare whether or not he is carrying or conveying, or has carried or conveyed, documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In paragraph (b), “relevant description” means any description appearing to the immigration officer to be relevant for the purposes of the examination.

(3) Where under sub-paragraph (2)(b) above a person has been required to declare whether or not he is carrying or conveying, or has carried or conveyed, documents of any description—

- (a) he and any baggage or vehicle belonging to him or under his control; and
- (b) any ship, aircraft or vehicle in which he arrived in the Isle of Man,

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may be searched with a view to ascertaining whether he is doing or, as the case may be, has done so by the immigration officer or a person acting under the directions of that officer:

Provided that no woman or girl shall be searched except by a woman.

(4) Where a passport or other document is produced or found in accordance with this paragraph an immigration officer may examine it and detain it—

- (a) for the purpose of examining it, for a period not exceeding 7 days;
- (b) for any purpose, until the person to whom the document relates is given leave to enter the Isle of Man or is about to depart or be removed following refusal of leave or until it is decided that the person does not require leave to enter;
- (c) after a time described in paragraph (b), while the immigration officer thinks that the document may be required in connection with proceedings in respect of an appeal under the Immigration Acts or in respect of an offence.

(5) For the purpose of ascertaining that a passport or other document produced or found in accordance with this paragraph relates to a person examined under paragraph 2, 2A or 3 above, the person carrying out the examination may require the person being examined to provide information (whether or not by submitting to a process by means of which information is obtained or recorded) about his external physical characteristics (which may include, in particular, fingerprints or features of the iris or any other part of the eye).

(1) The Governor may by order make provision for requiring passengers disembarking or embarking in the Isle of Man, or any class of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the Governor may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to those passengers.

Notice of leave to enter or of refusal of leave

(1) Subject to sub-paragraph (3) below, where a person examined by an immigration officer under paragraph 2 above is to be given a limited leave to enter the Isle of Man or is to be refused leave, the notice giving or refusing leave shall be given not later than twenty-four hours after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing leave is not given him before the end of those twenty-four hours, he shall (if not a British citizen) be deemed to have been given leave to enter the Isle of Man for a period of six months subject to a condition prohibiting his taking employment and the immigration officer shall as soon as may be give him written notice of that leave.

(2) Where on a person's examination under paragraph 2 above he is given notice of leave to enter the Isle of Man, then at any time before the end of twenty-four hours from the conclusion of the examination he may be given a further notice in writing by an immigration officer cancelling the earlier notice and refusing him leave to enter.

(3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the Isle of Man, that notice may at any time be cancelled by notice in writing given him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph, and the immigration officer does not at the same time give him indefinite or limited leave to enter or require him to submit to further examination, he shall be deemed to have been given leave to enter for a period of six months subject to a condition prohibiting his taking employment and the immigration officer shall as soon as may be give him written notice of that leave.

(4) Where an entrant is a member of a party in charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph shall be duly given if delivered to the person in charge of the party.

Power to require medical examination after entry

(1) This paragraph applies if an immigration officer examining a person under paragraph 2 decides—

- (a) that he may be given leave to enter the Isle of Man; but
- (b) that a further medical test or examination may be required in the interests of public health.

(2) This paragraph also applies if an immigration officer examining a person under paragraph 2A decides—

- (a) that his leave to enter the Isle of Man should not be cancelled; but
- (b) that a further medical test or examination may be required in the interests of public health.

(3) The immigration officer may give the person concerned notice in writing requiring him—

- (a) to report his arrival to such medical officer as may be specified in the notice; and
- (b) to attend at such place and time and submit to such test or examination (if any), as that medical officer may require.

(4) In reaching a decision under paragraph (b) of sub-paragraph (1) or (2), the immigration officer must act on the advice of—

- (a) a medical inspector; or
- (b) if no medical inspector is available, a fully qualified medical practitioner.

(5) In this paragraph “medical officer” means—

- (a) the director of public health or a deputy director of public health, or
- (b) such other person, being a fully registered person within the meaning of the Medical Act 1985 (an Act of Tynwald), as is appointed for the purposes of this paragraph by the Department of Health and Social Security.

Removal of persons refused leave to enter and illegal entrants

(1) Where a person arriving in the Isle of Man is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) below—

- (a) give the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the Isle of Man in that ship or aircraft; or
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the Isle of Man in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
- (c) give those owners or agents directions requiring them to make arrangements for his removal from the Isle of Man in any ship or aircraft specified or indicated in the direction to a country or territory so specified being either—
 - (i) a country of which he is a national or citizen; or

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- (ii) a country or territory in which he has obtained a passport or other document of identity; or
- (iii) a country or territory in which he embarked for the Isle of Man; or
- (iv) a country or territory to which there is reason to believe that he will be admitted.

(2) No directions shall be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the Isle of Man (ignoring any period during which an appeal by him under the Immigration Acts is pending) except that directions may be given under sub-paragraph (1)(b) or (c) after the end of that period if the immigration officer has within that period given written notice to the owners or agents in question of his intention to give directions to them in respect of that person.

(1) Where an illegal entrant is not given leave to enter or remain in Isle of Man, an immigration officer may give any such directions in respect of him as in a case within paragraph 8 above are authorised by paragraph 8(1).

(2) Any leave to enter the Isle of Man which is obtained by deception shall be disregarded for the purposes of this paragraph.

(1) Where it appears to the Governor either—

- (a) that directions might be given in respect of a person under paragraph 8 or 9 above, but that it is not practicable for them to be given or that, if given, they would be ineffective; or
- (b) that directions might have been given in respect of a person under paragraph 8 above but that the requirements of paragraph 8(2) have not been complied with;

then the Governor may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1)(c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Governor to any country or territory to which he could be removed under sub-paragraph (1).

(3) The costs of complying with any directions given under this paragraph shall be defrayed by the Governor.

10A. Where directions are given in respect of a person under any of paragraphs 8 to 10 above, directions to the same effect may be given under that paragraph in respect of a member of the person's family.

11. A person in respect of whom directions are given under any of paragraphs 8 to 10 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Seamen and aircrews

(1) If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer is satisfied that he has come to the Isle of Man for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of any leave he gives that person to enter the Isle of Man by requiring him to leave the Isle of Man in a ship or aircraft specified or indicated by the notice giving leave.

(2) Where a person (not being a British citizen) arrives in the Isle of Man for the purpose of joining a ship or aircraft as a member of a crew and, having been given leave to enter as mentioned in sub-paragraph (1) above, remains beyond the time limited by that leave, or is

reasonably suspected by an immigration officer of intending to do so, an immigration officer may—

- (a) give the captain of that ship or aircraft directions requiring the captain to remove him from the Isle of Man in that ship or aircraft; or
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the Isle of Man in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
- (c) give those owners or agents directions requiring them to make arrangements for his removal from the Isle of Man in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country or territory in which he embarked for the Isle of Man; or
 - (iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the Isle of Man to join; or
 - (v) a country or territory to which there is reason to believe that he will be admitted.

(1) Where a person being a member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2 above, the immigration officer may limit the duration of any leave he gives that person to enter the Isle of Man—

- (a) in the manner authorised by paragraph 12(1) above; or
- (b) if that person is to be allowed to enter the Isle of Man in order to receive hospital treatment, by requiring him, on completion of that treatment, to leave the Isle of Man in accordance with arrangements to be made for his repatriation; or
- (c) by requiring him to leave the Isle of Man within a specified period in accordance with arrangements to be made for his repatriation.

(2) Where a person (not being a British citizen) arrives in the Isle of Man as a member of the crew of a ship or aircraft, and either—

- (A) having lawfully entered the Isle of Man without leave by virtue of section 8(1) of this Act, he remains without leave beyond the time allowed by section 8(1), or is reasonably suspected by an immigration officer of intending to do so; or
- (B) having been given leave limited as mentioned in sub-paragraph (1) above, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;

an immigration officer may—

- (a) give the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the Isle of Man in that ship or aircraft; or
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the Isle of Man, being a ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
- (c) give those owners or agents directions requiring them to make arrangements for his removal from the Isle of Man in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either—
 - (i) a country of which he is a national or citizen; or

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- (ii) a country or territory in which he has obtained a passport or other document of identity; or
- (iii) a country in which he embarked for the Isle of Man; or
- (iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the Isle of Man; or
- (v) a country or territory to which there is reason to believe that he will be admitted.

(1) Where it appears to the Governor that directions might be given in respect of a person under paragraph 12 or 13 above, but that it is not practicable for them to be given or that, if given, they would be ineffective, then the Governor may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).

(2) Where the Governor may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the Governor to any country or territory to which he could be removed under sub-paragraph (1).

(3) The costs of complying with any directions given under this paragraph shall be defrayed by the Governor.

15. A person in respect of whom directions are given under any of paragraphs 12 to 14 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Detention of persons liable to examination or removal

(1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

(1A) A person whose leave to enter has been suspended under paragraph 2A may be detained under the authority of an immigration officer pending—

- (a) completion of his examination under that paragraph; and
- (b) a decision on whether to cancel his leave to enter.

(1B) A person who has been required to submit to further examination under paragraph 3(1A) may be detained under the authority of an immigration officer, for a period not exceeding 12 hours, pending the completion of the examination.

(2) If there are reasonable grounds for suspecting that a person is someone in respect of whom directions may be given under any of paragraphs 8 to 10A or 12 to 14, that person may be detained under the authority of an immigration officer pending—

- (a) a decision whether or not to give such directions;
- (b) his removal in pursuance of such directions.

(3) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the Isle of Man any person who has arrived in the United Kingdom in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.

(4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the Isle of Man or before the directions for his removal have been

fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.

(1) A person liable to be detained under paragraph 16 above may be arrested without warrant by a constable or by an immigration officer.

(2) If—

(a) a justice of the peace is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises,

he may grant a warrant authorising any immigration officer or constable to enter, if need be by reasonable force, the premises named in the warrant for the purposes of searching for and arresting that person.

(1) Persons may be detained under paragraph 16 above in such places as the Governor may direct (when not detained in accordance with paragraph 16 on board a ship or aircraft).

(2) Where a person is detained under paragraph 16, any immigration officer, constable or prison officer, or any other person authorised by the Governor, may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

(2A) The power conferred by sub-paragraph (2) includes power to take fingerprints.

(3) Any person detained under paragraph 16 may be taken in the custody of a constable, or of any person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the Isle of Man, or where he is required to be for any other purpose connected with the operation of this Act.

(4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) above.

(1) Where a person is refused leave to enter the Isle of Man and directions are given in respect of him under paragraph 8 or 10 above, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived shall be liable to pay the Governor on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person for any period (not exceeding 14 days) after his arrival while he was detained or liable to be detained under paragraph 16 above.

(2) Sub-paragraph (1) above shall not apply to expenses in respect of a person who, when he arrived in the Isle of Man, held a certificate of entitlement or a current entry clearance or was the person named in a current work permit; and for this purpose a document purporting to be a certificate of entitlement, entry clearance or work permit is to be regarded as being one unless its falsity is reasonably apparent.

(3) If, before the directions for a person's removal under paragraph 8 or 10 above have been carried out, he is given leave to enter the Isle of Man, or if he is afterwards given that leave in consequence of the determination in his favour of an appeal under this Act (being an appeal against a refusal of leave to enter by virtue of which the directions were given), or it is determined on an appeal under this Act that he does not require leave to enter (being an appeal occasioned by such a refusal), no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

(4) The expenses to which subparagraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.

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(1) Subject to the provisions of this paragraph, in either of the following cases, that is to say—

- (a) where directions are given in respect of an illegal entrant under paragraph 9 or 10 above; and
- (b) where a person has lawfully entered the Isle of Man without leave by virtue of section 8(1) of this Act, but directions are given in respect of him under paragraph 13(2)(A) above or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived in the Isle of Man shall be liable to pay the Governor on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person for any period (not exceeding 14 days) after his arrival while he was detained or liable to be detained under paragraph 16 above.

(1A) Sub-paragraph (1) above shall not apply to expenses in respect of an illegal entrant if he obtained leave to enter by deception and the leave has not been cancelled under paragraph 6(2) above.

(2) If, before the directions for a person's removal from the Isle of Man have been carried out, he is given leave to remain in the Isle of Man, no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

(3) The expenses to which subparagraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.

Temporary admission or release of persons liable to detention

(1) A person liable to detention or detained under paragraph 16(1), (1A) or (2) above may, under the written authority of an immigration officer, be temporarily admitted to the Isle of Man without being detained or be released from detention; but this shall not prejudice a later exercise of the power to detain him.

(2) So long as a person is at large in the Isle of Man by virtue of this paragraph, he shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.

(2A) The provisions that may be included in restrictions as to residence imposed under sub-paragraph (2) include provisions of such a description as may be prescribed by regulations made by the Governor.

(2B) The regulations may, among other things, provide for the inclusion of provisions—

- (a) prohibiting residence in one or more particular areas;
- (b) requiring the person concerned to reside in specified accommodation and prohibiting him from being absent from that accommodation except in accordance with the restrictions imposed on him.

(2C) The regulations may provide that a particular description of provision may be imposed only for prescribed purposes.

(3) Sub-paragraph (4) below applies where a person who is at large in the Isle of Man by virtue of this paragraph is subject to a restriction as to reporting to an immigration officer with a view to the conclusion of his examination under paragraph 2 or 2A above.

(4) If the person fails at any time to comply with that restriction—

- (a) an immigration officer may direct that the person's examination shall be treated as concluded at that time; but

- (b) nothing in paragraph 6 above shall require the notice giving or refusing him leave to enter the Isle of Man to be given within twenty-four hours after that time.

(1) The following, namely—

- (a) a person detained under paragraph 16(1) above pending examination;

- (aa) a person detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter; and

- (b) a person detained under paragraph 16(2) above pending the giving of directions,

may be released on bail in accordance with this paragraph.

(1A) An immigration officer not below the rank of chief immigration officer or an adjudicator may release a person so detained on his entering into a recognizance conditioned for his appearance before an immigration officer at a time and place named in the recognizance or at such other time and place as may in the meantime be notified to him in writing by an immigration officer.

(1B) Sub-paragraph (1)(a) above shall not apply unless seven days have elapsed since the date of the person's arrival in the Isle of Man.

(2) The conditions of a recognizance taken under this paragraph may include conditions appearing to the immigration officer or adjudicator to be likely to result in the appearance of the person bailed at the required time and place; and any recognizance shall be with or without sureties as the officer or adjudicator may determine.

(3) In any case in which an immigration officer or adjudicator has power under this paragraph to release a person on bail, the officer or adjudicator may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view to its being taken subsequently by any such person as may be specified by the officer or adjudicator; and on the recognizance being so taken the person to be bailed shall be released.

(1) Where a recognizance entered into under paragraph 22 above appears to an adjudicator to be forfeited, the adjudicator may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the adjudicator thinks fit; and an order under this sub-paragraph shall specify a court of summary jurisdiction, and—

- (a) the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified; and

- (b) the adjudicator shall, as soon as practicable, give particulars of the recognizance to the Chief Registrar.

(3) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction shall, for the purposes of section 89 of the Summary Jurisdiction Act 1989 (an Act of Tynwald), be treated as being due under a recognizance forfeited by such a court.

(1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of paragraph 22 above—

- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance that he will appear at the time and place required or to break any other condition of it, or has reasonable grounds to suspect that that person is breaking or has broken any such other condition; or

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- (b) if, a recognizance with sureties having been taken, he is notified in writing by any sureties of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligation as a surety;

and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.

(2) A person arrested under this paragraph—

- (a) if not required by a condition on which he was released to appear before an immigration officer within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before an adjudicator or, if that is not practicable within those twenty-four hours, before a justice of the peace; and
- (b) if required by such a condition to appear within those twenty-four hours before an immigration officer, shall be brought before that officer.

(3) An adjudicator or justice of the peace before whom a person is brought by virtue of sub-paragraph (2)(a) above—

- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
 - (i) direct that he be detained under the authority of the person by whom he was arrested; or
 - (ii) release him, on his original recognizance or on a new recognizance, with or without sureties; and
- (b) if not of that opinion, shall release him on his original recognizance.

25. The power to make rules of procedure conferred by section 106 of the Nationality, Immigration and Asylum Act 2002 (appeals) shall include power to make rules with respect to applications to an adjudicator under paragraphs 22 to 24 above and matters arising out of such applications.

Entry and search of premises

(1) This paragraph applies if—

- (a) a person is arrested under this Schedule; or
- (b) a person who was arrested by a constable (other than under this Schedule) is detained by an immigration officer under this Schedule.

(2) An immigration officer may enter and search any premises—

- (a) occupied or controlled by the arrested person, or
- (b) in which that person was when he was arrested, or immediately before he was arrested,

for relevant documents.

(3) The power may be exercised—

- (a) only if the officer has reasonable grounds for believing that there are relevant documents on the premises;
- (b) only to the extent that it is reasonably required for the purpose of discovering relevant documents; and
- (c) subject to sub-paragraph (4), only if a senior officer has authorised its exercise in writing.

- (4) An immigration officer may conduct a search under sub-paragraph (2)—
- (a) before taking the arrested person to a place where he is to be detained; and
 - (b) without obtaining an authorisation under sub-paragraph (3)(c),
- if the presence of that person at a place other than one where he is to be detained is necessary to make an effective search for any relevant documents.
- (5) An officer who has conducted a search under sub-paragraph (4) must inform a senior officer as soon as is practicable.
- (6) The officer authorising a search, or who is informed of one under sub-paragraph (5), must make a record in writing of—
- (a) the grounds for the search; and
 - (b) the nature of the documents that were sought.
- (7) An officer searching premises under sub-paragraph (2)—
- (a) may seize and retain any documents he finds which he has reasonable grounds for believing are relevant documents; but
 - (b) may not retain any such document for longer than is necessary in view of the purpose for which the person was arrested.
- (8) But sub-paragraph (7)(a) does not apply to documents which the officer has reasonable grounds for believing are items subject to legal privilege.
- (9) “Relevant documents” means any documents which might—
- (a) establish the arrested person’s identity, nationality or citizenship; or
 - (b) indicate the place from which he has travelled to the Isle of Man or to which he is proposing to go.
- (10) “Senior officer” means an immigration officer not below the rank of chief immigration officer.

Searching persons arrested by immigration officers

- (1) This paragraph applies if a person is arrested under this Schedule.
- (2) An immigration officer may search the arrested person if he has reasonable grounds for believing that the arrested person may present a danger to himself or others.
- (3) The officer may search the arrested person for—
- (a) anything which he might use to assist his escape from lawful custody; or
 - (b) any document which might—
 - (i) establish his identity, nationality or citizenship; or
 - (ii) indicate the place from which he has travelled to the Isle of Man or to which he is proposing to go.
- (4) The power conferred by sub-paragraph (3) may be exercised—
- (a) only if the officer has reasonable grounds for believing that the arrested person may have concealed on him anything of a kind mentioned in that sub-paragraph; and
 - (b) only to the extent that it is reasonably required for the purpose of discovering any such thing.
- (5) A power conferred by this paragraph to search a person is not to be read as authorising an officer to require a person to remove any of his clothing in public other than an outer coat, jacket or glove; but it does authorise the search of a person’s mouth.

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(6) An officer searching a person under sub-paragraph (2) may seize and retain anything he finds, if he has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or to another person.

(7) An officer searching a person under sub-paragraph (3)(a) may seize and retain anything he finds, if he has reasonable grounds for believing that he might use it to assist his escape from lawful custody.

(8) An officer searching a person under sub-paragraph (3)(b) may seize and retain anything he finds, other than an item subject to legal privilege, if he has reasonable grounds for believing that it might be a document falling within that sub-paragraph.

(9) Nothing seized under sub-paragraph (6) or (7) may be retained when the person from whom it was seized—

- (a) is no longer in custody, or
- (b) is in the custody of a court but has been released on bail.

Searching persons in police custody

(1) This paragraph applies if a person—

- (a) has been arrested under this Schedule; and
- (b) is in custody at a police station.

(2) An immigration officer may, at any time, search the arrested person in order to ascertain whether he has with him—

- (a) anything which he might use to—
 - (i) cause physical injury to himself or others;
 - (ii) damage property;
 - (iii) interfere with evidence; or
 - (iv) assist his escape; or
- (b) any document which might—
 - (i) establish his identity, nationality or citizenship; or
 - (ii) indicate the place from which he has travelled to the Isle of Man or to which he is proposing to go.

(3) The power may be exercised only to the extent that the officer considers it to be necessary for the purpose of discovering anything of a kind mentioned in sub-paragraph (2).

(4) An officer searching a person under this paragraph may seize and retain anything he finds, if he has reasonable grounds for believing that—

- (a) that person might use it for one or more of the purposes mentioned in sub-paragraph (2)(a); or
- (b) it might be a document falling within sub-paragraph (2)(b).

(5) But the officer may not retain anything seized under sub-paragraph (2)(a)—

- (a) for longer than is necessary in view of the purpose for which the search was carried out; or
- (b) when the person from whom it was seized is no longer in custody or is in the custody of a court but has been released on bail.

(6) The person from whom something is seized must be told the reason for the seizure unless he is—

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- (a) violent or appears likely to become violent; or
 - (b) incapable of understanding what is said to him.
- (7) An intimate search may not be conducted under this paragraph.
- (8) The person carrying out a search under this paragraph must be of the same sex as the person searched.
- (9) “Intimate search” has the same meaning as in section 28H(11).

Access and copying

- (1) If a person showing himself—
- (a) to be the occupier of the premises on which seized material was seized, or
 - (b) to have had custody or control of the material immediately before it was seized,
- asks the immigration officer who seized the material for a record of what he seized, the officer must provide the record to that person within a reasonable time.
- (2) If a relevant person asks an immigration officer for permission to be granted access to seized material, the officer must arrange for that person to have access to the material under the supervision of an immigration officer.
- (3) An immigration officer may photograph or copy, or have photographed or copied, seized material.
- (4) If a relevant person asks an immigration officer for a photograph or copy of seized material, the officer must arrange for—
- (a) that person to have access to the material under the supervision of an immigration officer for the purpose of photographing or copying it; or
 - (b) the material to be photographed or copied.
- (5) A photograph or copy made under sub-paragraph (4)(b) must be supplied within a reasonable time.
- (6) There is no duty under this paragraph to arrange for access to, or the supply of a photograph or copy of, any material if there are reasonable grounds for believing that to do so would prejudice—
- (a) the exercise of any functions in connection with which the material was seized; or
 - (b) an investigation which is being conducted under this Act, or any criminal proceedings which may be brought as a result.
- (7) “Relevant person” means—
- (a) a person who had custody or control of seized material immediately before it was seized, or
 - (b) someone acting on behalf of such a person.
- (8) “Seized material” means anything which has been seized and retained under this Schedule.

25E. Section 28L applies for the purposes of this Schedule as it applies for the purposes of Part 3.

Supplementary duties of those connected with ships or aircraft or with ports

- (1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the Governor, arrange for the ship or aircraft to call at a port in

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the Isle of Man other than a port of entry for the purpose of disembarking passengers, if any of the passengers on board may not enter the Isle of Man without leave, or for the purpose of embarking passengers unless the owners or agents have reasonable cause to believe all of them to be British citizens.

(1A) Sub-paragraph (1) does not apply in such circumstances, if any, as Governor may by order prescribe.

(2) The Governor may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers in any port in the Isle of Man and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being designated for the embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, at the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The Governor may also from time to time give to any persons concerned with the management of a port in the Isle of Man written notice designating control areas in the port and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.

(1) The captain of a ship or aircraft arriving in the Isle of Man—

- (a) shall take such steps as may be necessary to secure that persons on board do not disembark there unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the Isle of Man without leave by virtue of section 8(1) of this Act; and
- (b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.

(2) The Governor may by order require, or enable an immigration officer to require, a responsible person in respect of a ship or aircraft to supply—

- (a) a passenger list showing the names and nationality or citizenship of passengers arriving or leaving on board the ship or aircraft;
- (b) particulars of members of the crew of the ship or aircraft.

(3) An order under sub-paragraph (2) may relate—

- (a) to all ships or aircraft arriving or expected to arrive in the United Kingdom;
- (b) to all ships or aircraft leaving or expected to leave the United Kingdom;
- (c) to ships or aircraft arriving or expected to arrive in the United Kingdom from or by way of a specified country;
- (d) to ships or aircraft leaving or expected to leave the United Kingdom to travel to or by way of a specified country;
- (e) to specified ships or specified aircraft.

(4) For the purposes of sub-paragraph (2) the following are responsible persons in respect of a ship or aircraft—

- (a) the owner or agent, and
- (b) the captain.

(5) An order under sub-paragraph (2)—

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- (a) may specify the time at which or period during which information is to be provided,
- (b) may specify the form and manner in which information is to be provided,

Passenger information

- (1) This paragraph applies to ships or aircraft—
 - (a) which have arrived, or are expected to arrive, in the Isle of Man; or
 - (b) which have left, or are expected to leave, the Isle of Man.
- (2) If an immigration officer asks the owner or agent (“the carrier”) of a ship or aircraft for passenger information, the carrier must provide that information to the officer.
- (3) The officer may ask for passenger information relating to—
 - (a) a particular ship or particular aircraft of the carrier;
 - (b) particular ships or aircraft (however described) of the carrier; or
 - (c) all of the carrier’s ships or aircraft.
- (4) The officer may ask for—
 - (a) all passenger information in relation to the ship or aircraft concerned; or
 - (b) particular passenger information in relation to that ship or aircraft.
- (5) A request under sub-paragraph (2)—
 - (a) must be in writing;
 - (b) must state the date on which it ceases to have effect; and
 - (c) continues in force until that date, unless withdrawn earlier by written notice by an immigration officer.
- (6) The date may not be later than six months after the request is made.
- (7) The fact that a request under sub-paragraph (2) has ceased to have effect as a result of sub-paragraph (5) does not prevent the request from being renewed.
- (8) The information must be provided—
 - (a) in such form and manner as the Governor may direct; and
 - (b) at such time as may be stated in the request.
- (9) “Passenger information” means such information relating to the passengers carried, or expected to be carried, by the ship or aircraft as may be specified.
- (10) “Specified” means specified in an order made by the Governor.

Notification of non-EEA arrivals

- (1) If a senior officer, or an immigration officer authorised by a senior officer, gives written notice to the owner or agent (“the carrier”) of a ship or aircraft, the carrier must inform a relevant officer of the expected arrival in the Isle of Man of any ship or aircraft—
 - (a) of which he is the owner or agent; and
 - (b) which he expects to carry a person who is not an EEA national.
- (2) The notice may relate to—
 - (a) a particular ship or particular aircraft of the carrier;
 - (b) particular ships or aircraft (however described) of the carrier; or

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- (c) all of the carrier's ships or aircraft.
- (3) The notice—
 - (a) must state the date on which it ceases to have effect; and
 - (b) continues in force until that date, unless withdrawn earlier by written notice given by a senior officer.
- (4) The date may not be later than six months after the notice is given.
- (5) The fact that a notice under sub-paragraph (1) has ceased to have effect as a result of sub-paragraph (3) does not prevent the notice from being renewed.
- (6) The information must be provided—
 - (a) in such form and manner as the notice may require; and
 - (b) before the ship or aircraft concerned departs for the Isle of Man.
- (7) If a ship or aircraft travelling to the Isle of Man stops at one or more places before arriving in the Isle of Man, it is to be treated as departing for the Isle of Man when it leaves the last of those places.
- (8) "Senior officer" means an immigration officer not below the rank of chief immigration officer.
- (9) "Relevant officer" means—
 - (a) the officer who gave the notice under sub-paragraph (1); or
 - (b) any immigration officer at the port at which the ship or aircraft concerned is expected to arrive.
- (10) "EEA national" means a national of a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as it has effect for the time being.

PART 2 – Effect of appeals

Grant of bail pending appeal

- (1) Where a person (in the following provisions of this Schedule referred to as "an appellant") has an appeal pending under Part 5 of the Nationality, Immigration and Asylum Act 2002 and is for the time being detained under Part 1 of this Schedule, he may be released on bail in accordance with this paragraph.
- (2) An immigration officer not below the rank of chief immigration officer or a police officer not below the rank of inspector may release an appellant on his entering into a recognizance conditioned for his appearance before an adjudicator at a time and place named in the recognizance.
- (3) An adjudicator may release an appellant on his entering into a recognizance conditioned for his appearance before an adjudicator at a time and place named in the recognizance.
- (5) The conditions of a recognizance taken under this paragraph may include conditions appearing to the person fixing the bail to be likely to result in the appearance of the appellant at the time and place named; and any recognizance shall be with or without sureties as that person may determine.
- (6) In any case in which an adjudicator has power or is required by this paragraph to release an appellant on bail, the adjudicator may, instead of taking the bail, fix the amount and conditions of the bail (including the amount in which any sureties are to be bound) with a view

to its being taken subsequently by any such person as may be specified by the adjudicator; and on the recognizance being so taken the appellant shall be released.

Restrictions on grant of bail

(1) An appellant shall not be released under paragraph 29 above without the consent of the Governor if directions for the removal of the appellant from the Isle of Man are for the time being in force, or the power to give such directions is for the time being exercisable.

(2) Notwithstanding paragraph 29(3) above, an adjudicator shall not be obliged to release an appellant unless the appellant enters into a proper recognizance, with sufficient and satisfactory sureties if required; and the adjudicator shall not be obliged to release an appellant if it appears to the adjudicator—

- (a) that the appellant, having on any previous occasion been released on bail (whether under paragraph 24 or under any other provision), has failed to comply with the conditions of any recognizance entered into by him on that occasion;
- (b) that the appellant is likely to commit an offence unless he is retained in detention;
- (c) that the release of the appellant is likely to cause danger to public health;
- (d) that the appellant is suffering from mental disorder and that his continued detention is necessary in his own interests or for the protection of any other person; or
- (e) that the appellant is under the age of seventeen, that arrangements ought to be made for his care in the event of his release and that no satisfactory arrangements for that purpose have been made.

Forfeiture of recognizances

(1) Where under paragraph 29 above a recognizance is entered into conditioned for the appearance of an appellant before an adjudicator, and it appears to the adjudicator, to be forfeited, the adjudicator may by order declare it to be forfeited and adjudge the persons bound thereby, whether as principal or sureties, or any of them, to pay the sum in which they are respectively bound or such part of it, if any, as the adjudicator thinks fit.

(2) An order under this paragraph shall, for the purposes of this sub-paragraph, specify a court of summary jurisdiction; and the recognizance shall be treated for the purposes of collection, enforcement and remission of the sum forfeited as having been forfeited by the court so specified.

(3) Where an adjudicator makes an order under this paragraph the adjudicator shall, as soon as practicable, give particulars of the recognizance to the Chief Registrar.

(4) Any sum the payment of which is enforceable by virtue of this paragraph by a court of summary jurisdiction shall, for the purposes of section 89 of the Summary Jurisdiction Act 1989 (an Act of Tynwald), be treated as being due under a recognizance forfeited by such a court.

Arrest of appellants released on bail

(1) An immigration officer or constable may arrest without warrant a person who has been released by virtue of this Part of this Schedule—

- (a) if he has reasonable grounds for believing that that person is likely to break the condition of his recognizance that he will appear at the time and place required or to

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break any other condition of it, or has reasonable ground to suspect that that person is breaking or has broken any such other condition; or

- (b) if, a recognizance with sureties having been taken, he is notified in writing by any surety of the surety's belief that that person is likely to break the first-mentioned condition, and of the surety's wish for that reason to be relieved of his obligations as a surety;

and paragraph 17(2) above shall apply for the arrest of a person under this paragraph as it applies for the arrest of a person under paragraph 17.

(2) A person arrested under this paragraph—

- (a) if not required by a condition on which he was released to appear before an adjudicator within twenty-four hours after the time of his arrest, shall as soon as practicable be brought before an adjudicator or, if that is not practicable within those twenty-four hours, before a justice of the peace; and
- (b) if required by such a condition to appear within those twenty-four hours before an adjudicator, shall be brought before that adjudicator.

(3) An adjudicator or justice of the peace before whom a person is brought by virtue of sub-paragraph (2)(a) above—

- (a) if of the opinion that that person has broken or is likely to break any condition on which he was released, may either—
 - (i) direct that he be detained under the authority of the person by whom he was arrested; or
 - (ii) release him on his original recognizance or on a new recognizance, with or without sureties; and
- (b) if not of that opinion, shall release him on his original recognizance.

Grant of bail pending removal

(1) Paragraph 22 above shall apply in relation to a person—

- (a) directions for whose removal from the Isle of Man are for the time being in force; and
- (b) who is for the time being detained under Part 1 of this Schedule,

as it applies in relation to a person detained under paragraph 16(1) above pending examination, detained under paragraph 16(1A) above pending completion of his examination or a decision on whether to cancel his leave to enter or detained under paragraph 16(2) above pending the giving of directions.

(2) Paragraphs 23 to 25 above shall apply as if any reference to paragraph 22 above included a reference to that paragraph as it applies by virtue of this paragraph.

SCHEDULE 3 – Supplementary provisions as to deportation

Removal of persons liable to deportation

(1) Where a deportation order is in force against any person, the Governor may give directions for his removal to a country or territory specified in the directions being either—

- (a) a country of which he is a national or citizen; or

- (b) a country or territory to which there is reason to believe that he will be admitted.
- (2) The directions under sub-paragraph (1) above may be either—
- (a) directions given to the captain of a ship or aircraft about to leave the United Kingdom requiring him to remove the person in question in that ship or aircraft; or
 - (b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or
 - (c) directions for his removal in accordance with arrangements to be made by the Governor.
- (3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Act shall apply, with the substitution of references to the Governor for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.
- (4) The Governor, if he thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the United Kingdom of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Governor.

Detention or control pending deportation

(1) Where a recommendation for deportation made by a court is in force in respect of any person, and that person is not detained in pursuance of the sentence or order of any court, he shall, unless the court by which the recommendation is made otherwise directs, or a direction is given under sub-paragraph (1A) below, be detained pending the making of a deportation order in pursuance of the recommendation, unless the Governor directs him to be released pending further consideration of his case or he is released on bail.

(1A) Where—

- (a) a recommendation for deportation made by a court on conviction of a person is in force in respect of him; and
- (b) he appeals against his conviction or against that recommendation,

the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.

(2) Where notice has been given to a person in accordance with regulations under section 105 of the Nationality, Immigration and Asylum Act 2002 (notice of decision) of a decision to make a deportation order against him, and he is not detained in pursuance of the sentence or order of a court, he may be detained under the authority of the Governor pending the making of the deportation order.

(3) Where a deportation order is in force against any person, he may be detained under the authority of the Governor pending his removal or departure from the Isle of Man (and if already detained by virtue of sub-paragraph (1) or (2) above when the order is made, shall continue to be detained unless he is released on bail or the Governor directs otherwise).

(4) In relation to detention under sub-paragraph (2) or (3) above, paragraphs 17, 18 and 25A to 25E of Schedule 2 to this Act shall apply as they apply in relation to detention under paragraph 16 of that Schedule; and for that purpose the reference in paragraph 17(1) to a person liable to detention includes a reference to a person who would be liable to detention upon receipt of a notice which is ready to be given to him.

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(4A) Paragraphs 22 to 25 of Schedule 2 to this Act apply in relation to a person detained under sub-paragraph (1), (2) or (3) as they apply in relation to a person detained under paragraph 16 of that Schedule.

(5) A person to whom this sub-paragraph applies shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by the Governor.

(6) The persons to whom sub-paragraph (5) above applies are—

- (a) a person liable to be detained under sub-paragraph (1) above, while by virtue of a direction of the Governor he is not so detained; and
- (b) a person liable to be detained under sub-paragraph (2) or (3) above, while he is not so detained.

Effect of appeals

3. So far as they relate to an appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 against a decision of the kind referred to in section 82(2)(j) or (k) of that Act (decision to make deportation order and refusal to revoke deportation order), paragraphs 29 to 33 of Schedule 2 to this Act shall apply for the purposes of this Schedule as if the reference in paragraph 29(1) to Part 1 of that Schedule were a reference to this Schedule.

Powers of courts pending deportation

4. Where the release of a person recommended for deportation is directed by a court, he shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police as the court may direct.

(1) On an application made—

- (a) by or on behalf of a person recommended for deportation whose release was so directed; or
- (b) by a constable; or
- (c) by an immigration order,

the appropriate court shall have the powers specified in sub-paragraph (2) below.

(2) The powers mentioned in sub-paragraph (1) above are—

- (a) if the person to whom the application relates is not subject to any such restrictions imposed by a court as are mentioned in paragraph 4 above, to order that he shall be subject to any such restrictions as the court may direct; and
- (b) if he is subject to such restrictions imposed by a court by virtue of that paragraph or this paragraph—
 - (i) to direct that any of them shall be varied or shall cease to have effect; or
 - (ii) to give further directions as to his residence and reporting.

(1) In this Schedule “the appropriate court” means—

- (a) where the court which directed release was a court of summary jurisdiction, a court of summary jurisdiction;
- (b) where the court which directed release was a Court of General Gaol Delivery, that Court or a court of summary jurisdiction;

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- (c) where the court which directed release was the Staff of Government Division on appeal from a Court of General Gaol Delivery, that Division or that Court;
- (d) where the court which directed release was the Staff of Government Division on appeal from a court of summary jurisdiction, that Division or a court of summary jurisdiction.

(2) In this paragraph “the Staff of Government Division” means the Staff of Government Division of the High Court.

(1) A constable or immigration officer may arrest without warrant any person who is subject to restrictions imposed by a court under this Schedule and who at the time of the arrest is in the Isle of Man—

- (a) if he has reasonable grounds to suspect that that person is contravening or has contravened any of those restrictions; or
- (b) if he has reasonable grounds for believing that that person is likely to contravene any of them.

(1) A person arrested in pursuance of paragraph 7 above shall be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace.

(2) In reckoning for the purposes of this paragraph any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

10. Any justice of the peace before whom a person is brought by virtue of paragraph 8 above—

- (a) if of the opinion that that person is contravening, has contravened or is likely to contravene any restriction imposed on him by a court under this Schedule, may direct—
 - (i) that he be detained; or
 - (ii) that he be released subject to such restrictions as to his residence and reporting to the police as the court may direct; and
- (b) if not of that opinion, shall release him without altering the restrictions as to his residence and his reporting to the police.

SCHEDULE 4 – Integration
with Isle of Man law of
immigration law of the
United Kingdom and
of the Channel Islands

Leave to enter

(1) Where under the immigration laws of the United Kingdom or any of the Channel Islands a person is or has been given leave to enter or remain in the United Kingdom or, as the case may be, any of the Channel Islands, or is or has been refused leave, this Act shall have effect in relation to him, if he is not a British citizen, as if the leave were leave (of like duration) given under this Act to enter or remain in the Isle of Man, or, as the case may be, as if he had under this Act been refused leave to enter the Isle of Man.

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(2) Where under the immigration laws of the United Kingdom or any of the Channel Islands a person has a limited leave to enter or remain in the United Kingdom or, as the case may be, any of the Channel Islands subject to any such conditions as are authorised in the Isle of Man by section 3(1) of this Act (being conditions imposed by notice given to him, whether the notice of leave or a subsequent notice), then on his coming to the Isle of Man this Act shall apply, if he is not a British citizen, as if those conditions related to his stay in the Isle of Man and had been imposed by notice under this Act.

(3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, anything having effect in the Isle of Man by virtue of either of those sub-paragraphs may in relation to the Isle of Man be varied or revoked under this Act in like manner as if it had originated under this Act as mentioned in that sub-paragraph.

(4) Where anything having effect in the Isle of Man by virtue of sub-paragraph (1) or (2) above ceases to have effect or is altered in effect as mentioned in sub-paragraph (3) or otherwise by anything done under this Act, sub-paragraph (1) or (2) shall not thereafter apply to it or, as the case may be, shall apply to it as so altered in effect.

(5) Nothing in this paragraph shall be taken as conferring on a person a right of appeal under this Act against any decision or action taken in the United Kingdom or any of the Channel Islands.

2. Notwithstanding section 3(4) of this Act, leave given to a person under this Act to enter or remain in the Isle of Man shall not continue to apply on his return to the Isle of Man after an absence if he has during that absence entered the United Kingdom or any of the Channel Islands in circumstances in which he is required under the immigration laws of the United Kingdom or any of the Channel Islands to obtain leave to enter.

Deportation

(1) This Act has effect in relation to a person who is subject to a UK or CI deportation order as if the order were a deportation order made against him under this Act.

(2) Sub-paragraph (1) does not apply if the person concerned is—

- (a) a British citizen;
- (b) an EEA national;
- (c) a member of the family of an EEA national; or
- (d) a member of the family of a British citizen who is neither such a citizen nor an EEA national.

(3) The Governor does not, as a result of sub-paragraph (1), have power to revoke a UK or CI deportation order.

(4) In any particular case, the Governor may direct that paragraph (b), (c) or (d) of sub-paragraph (2) is not to apply in relation to the UK or CI deportation order.

(5) Nothing in this paragraph makes it unlawful for a person in respect of whom a UK or CI deportation order is in force in the United Kingdom or any of the Channel Islands to enter the Isle of Man on his way from the United Kingdom or any of the Channel Islands to a place outside the Isle of Man.

(6) “UK or CI deportation order” means an order made under the immigration laws of the United Kingdom or any of the Channel Islands under which a person is, or has been, ordered to leave the United Kingdom or any of the Channel Islands and forbidden to return.

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Illegal entrants

4. Notwithstanding anything in section 1(3) of this Act, it shall not be lawful for a person who is not a British citizen to enter the Isle of Man from the United Kingdom or any of the Channel Islands where his presence was unlawful under the immigration laws of the United Kingdom or, as the case may be, of that island, unless he is given leave to enter.”