



CHIEF SECRETARY'S OFFICE

**A NOTE ON
IMMIGRATION IN THE ISLE OF MAN**

Head of Crown and
External Relations Divisions
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CONTENTS

Section	Subject	Page No
1	Introduction	2
2	Demographic Context	2
3	Legal Framework	2
4	Immigration Categories	5
5	Immigration Activity	12
6	Illegal Immigration	13
7	Asylum	14
	Appendices	17

**THIS DOCUMENT GIVES GENERAL GUIDANCE ONLY AND
SHOULD NOT BE TREATED AS A COMPLETE AND AUTHORITATIVE
STATEMENT OF THE LAW**

1. Introduction

- 1.1 This report has been prepared to help inform interested persons about Immigration on the Isle of Man.
- 1.2 The report gives brief details of the demographic context of immigration into the Isle of Man (section 2), sets out the basis upon which the Immigration Service operates (sections 3 and 4) and provides information on immigration activity in the Isle of Man in recent times (section 5).

2. Demographic Context

- 2.1 The number of people born outside the British Isles represents only a very small proportion of the resident population of the Isle of Man. At the time of the 1991 census the figure was 3% which by 2001, had risen to 4%. These figures are shown in more detail in **Appendices 1 and 2**.
- 2.2 At the time of the last census, 2,472 people resident on the Island had been born outside the European Union. However, many of these individuals will have been resident in the Isle of Man or the United Kingdom for many years and will either have been granted or be eligible for British Citizenship. It is probably safe to assume therefore, that the number of overseas nationals resident on the Island is less than 2% of the population.

3. Legal Framework

- 3.1 Primary Legislation
 - 3.1.1 Immigration into the Isle of Man is governed by the Immigration Acts 1971, 1988 and 1993 (Asylum and Immigration Appeals Act 1993) (of Parliament), as applied, with modifications, to the Isle of Man, by virtue of the Immigration (Isle of Man) Order 1991 *SI/1991/2630* and the Immigration (Isle of Man) Order 1997 *SI/1997/275*. Essentially, the legislation gives authority to His Excellency the Lieutenant Governor, to act in the same capacity as the Secretary of State in the United Kingdom. The Immigration Service on the Island is responsible via His Excellency the Lieutenant Governor, to the Crown.
 - 3.1.2 The modifications applied by the Orders in Council essentially relate to the omission of elements of the United Kingdom legislation not deemed appropriate on the Isle of Man. This includes references to asylum and various miscellaneous provisions.

- 3.1.3 In the United Kingdom in recent years, new immigration provisions have been introduced by virtue of the Immigration and Asylum Acts 1996, 1999 and Nationality, Immigration and Asylum Act 2002 and the Anti-Terrorism, Crime and Security Act 2001. A review is presently being undertaken, in conjunction with the Attorney General's Chambers and Department of Constitutional Affairs, to determine which elements of this new legislation are appropriate to be extended to the Island by Order in Council. In all cases, the new legislation (both in the Isle of Man and the United Kingdom) simply amends provisions of the 1971 Act, rather than providing a new consolidated statute.
- 3.1.4 One of the key provisions of the Immigration Act 1971, as it affects the Isle of Man, is Schedule 4, which deals with the integration of United Kingdom law with immigration law of the islands (the Isle of Man and the Channel Islands). The Schedule provides reciprocity between the United Kingdom and the islands so that certain immigration conditions imposed on foreign nationals in one place are equally effective in the other. This includes the granting of leave to enter and remain, deportation and provisions for illegal entrants.
- 3.1.5 One effect of this, of course, (and as highlighted in the section on the common travel area at 3.3 below), is that foreign nationals residing legitimately in the United Kingdom are free to move to the Isle of Man. Such individuals will of course still be subject to any restrictions imposed on their stay and be liable for enforcement action should they breach their conditions of stay. It is important to note however, that such persons are not required to register with the Immigration Office on arrival and may only come to light because of an Isle of Man Work Permit application or when applying for an extension of stay.
- 3.2 Immigration Rules
- 3.2.1 The primary legislation is supported by Immigration Rules, which are laid before Tynwald and based on comparable rules in the United Kingdom. The rules are made by the Lieutenant Governor.
- 3.2.2 The Immigration Service on the Island is currently in the process of reviewing the Immigration Rules to take account of changes in recent years in the United Kingdom. Whilst certain new provisions will have to await the implementation of the updated primary legislation, there are a number of changes which will be progressed in the near future. These have been brought about, in the main, by the requirement to conform with the principles of the Human Rights Act.
- 3.2.3 It is the intention of the Immigration Service to implement the rule changes in the near future.

3.3 Common Travel Area

3.3.1 The Isle of Man, the United Kingdom, the Channel Islands and the Republic of Ireland collectively form a common travel area. The effect of this is that a person who has been examined for the purpose of immigration control at the point at which he/she entered the area, does not then normally require leave to enter any other part of it.

3.3.2 There is a minor difference of emphasis in relation to the Republic of Ireland, which is not subject to the provisions of the Immigration Act 1971, and so not covered by the reciprocal arrangement of Schedule 4 (see 3.1.4 above). Foreign nationals arriving in the Isle of Man from the Republic of Ireland are not examined by Immigration Officers at the point of entry but are, by virtue of the Control of Entry Through the Republic of Ireland Order, granted a “deemed” leave to enter for a specified period of time, which varies according to their immigration status.

3.4 EU/EEA Nationals

3.4.1 Although the Isle of Man is not a part of the European Union (EU) or European Economic Area (EEA) it does have certain obligations under section 7(1) of the Immigration Act 1988. Broadly speaking, EU and EEA nationals are free to live and work on the Isle of Man (which includes self employment) providing they, like British citizens, obtain the necessary work permits (where required) and are not excluded on grounds of public policy, public security or public health (public policy prohibits EU and EEA nationals from becoming a burden on public funds). The EEA comprises the 15 member states of the EU together with Liechtenstein, Iceland, Norway, although restrictions are to be applied in some countries for a transitional period. The restrictions intended in the United Kingdom involve a work permit, which of course, is already in operation in the Isle of Man for all EEA nationals including relevant United Kingdom residents.

3.4.2 A further ten countries are scheduled to join the European Union in May 2004, and nationals of these countries will, from that date, also have entitlement to move freely within the European Union (including the Isle of Man), in accordance with the Immigration Act 1998.

3.4.3 It is important to note that all new residents to the Isle of Man, whether or not subject to Immigration Control are not automatically entitled to claim benefits from the Island’s Social Security system. Under Isle of Man Social Security legislation an individual must have either made the appropriate National Insurance Contributions or fulfil a five year residential qualification in order to qualify for benefit.

When individuals attempt to make claims, the DHSS usually seeks clarification from the Immigration Office before determining claims. The Immigration Service is not aware that such claims are being processed and authorised by the DHSS, but should any cases come to light the person concerned would be in breach of their immigration conditions and therefore liable to removal.

3.5 Visa Nationals

- 3.5.1 The citizens of certain countries require visas in order to enter the UK and travel on to the Isle of Man. Visa regimes are normally only imposed on countries where there is evidence of sustained and systematic abuse of the UK immigration control. The current list, as at 11 February 2004, which mirrors that in the UK, is attached at **Appendix 3**.

3.6 Police Registration

- 3.6.1 The nationals of certain countries are required to register with the Police upon arrival. They are required to advise the Police if they change address or if their immigration status changes. The Police registration scheme dates back to 1909 when Chief Constables were alerted to the threat of German espionage in the UK. In 1914, as a wartime measure, immigration controls were tightened to include a requirement for enemy aliens to register with the police.
- 3.6.2 By 1918, all aliens were required to register and afterwards it was decided that up to date residential details of aliens should be kept during peace time. The registration scheme has been reviewed on a number of occasions and now only applies to the nationals of certain countries, as indicated in **Appendix 4**.

3.7 Appeals

- 3.7.1 Some, but not all, decisions of the Immigration Service attract a right of appeal. Such appeals are considered by the High Bailiff in his capacity as Immigration Appeals Adjudicator.
- 3.7.2 Out of country appeals are usually determined on written submissions. If the appellant has a local sponsor or appoints a local representative to act on his behalf the adjudicator may consider it appropriate to conduct an appeal hearing.
- 3.7.3 In country appeals are determined by a hearing conducted by the adjudicator.
- 3.7.4 The decision of the adjudicator is final; there are no further rights of appeal other than a Petition of Doleance which can only be made on a point of law.

4. Immigration Categories

4.1 Controls

4.1.1 Before identifying the different immigration categories under which a person may reside on the Isle of Man, it is worth noting that there are 4 main stages to the process of immigration control, as follows:-

- Pre-entry
- On entry
- After entry
- Enforcement

4.1.2 Pre-entry Controls exist mainly for visa nationals but also for other persons who are seeking entry for a purpose for which prior entry clearance is required under the Immigration Rules (such as working holidaymakers and spouses). Persons seeking entry clearance for the United Kingdom or Islands must satisfy an Entry Clearance Officer in a United Kingdom mission overseas, that the purpose of their visit is genuine and that they meet the criteria contained within the rules. In the case of persons seeking entry specifically to the Isle of Man or the Channel Islands, the Entry Clearance Officer in the Embassy is required to refer the application to the relevant Immigration Office for approval.

4.1.3 On entry Immigration Controls exist at ports and airports taking receipt of all travellers from outside the common travel area and the main workload relates to non-visa nationals. For such persons, On entry control is the point at which they must satisfy the Immigration Officer that they meet the criteria of the rules. On Entry Immigration Control is rarely undertaken on the Isle of Man as there are very few transport services entering the Island from outside the common travel area.

4.1.4 After entry Immigration Control is applied to all foreign nationals seeking to extend or vary their conditions of stay. This would include extending the duration of visits, transferring from one category to another (e.g. student to overseas work permit), or following marriage.

4.1.5 Enforcement relates to immigration control exercised on foreign nationals who breach their conditions/restrictions of entry. This includes voluntary removal or deportation. Such cases represent a very small proportion of immigration control work on the Isle of Man.

4.2 Temporary Categories

The following immigration categories relate to foreign nationals granted leave to enter or remain in the Isle of Man in a category that does not lead to settlement.

4.2.1 Visitors

A foreign national may be granted prior entry clearance or leave to enter as a visitor for a period not exceeding 6 months subject to meeting a number of requirements including that:-

- he or she is genuinely seeking entry as a visitor for a defined period;
- he or she intends to leave the Isle of Man at the end of the period;
- he or she does not intend to take employment in the Isle of Man;
- he or she will maintain and accommodate himself/herself or any dependants without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends;
- he or she can meet the cost of the return or onward journey.

Leave to remain as a visitor would not normally be extended beyond 6 months.

4.2.2 Students

A foreign national may be granted leave to enter as a student if he or she meets various criteria regarding the course of study and that, among other things, he or she:-

- intends to leave the Isle of Man at the end of the studies;
- does not intend to engage in business or to take employment, except part-time or vacation work undertaken with the consent of the Department of Trade and Industry (DTI); and
- is able to meet the cost of the course, accommodation and maintenance without taking employment or engaging in business, or having recourse to public funds.

The duration of such leave to enter/remain is dependent on the length of the course and may be extended to a maximum of 4 years.

The student provisions also apply to student nurses and post-graduate doctors and dentists but subject also to some specific additional criteria being met. Again, the maximum length of stay is 4 years.

There is also provision for the spouses and children of students to accompany their husband/wife or parent within the terms of the main applicant's immigration conditions/restrictions.

4.2.3 Working Holidaymakers

Young Commonwealth citizens may be granted leave to enter the Isle of Man as a working holiday maker on the condition that, among other things, he or she:-

- is aged 17 to 30 inclusive;

- is unmarried (or if married the spouse will join the individual on the working holiday);
- has the means to pay for the return or onward journey;
- is able to maintain and accommodate himself/herself without recourse to public funds;
- is intending to take employment as an integral part of a working holiday;
- intends to leave the Isle of Man at the end of the holiday; and
- has obtained prior entry clearance for entry in this capacity.

Working holidaymakers may be admitted for a period not exceeding 2 years.

The Isle of Man Immigration Service receives very few Entry Clearance applications for Working Holidaymakers. The majority apply to the United Kingdom immigration authorities, and when in the United Kingdom take up offers of employment on the Isle of Man. Working Holidaymakers are required to obtain Control of Employment work permits from the DTI.

Similar provisions for gaining entry exist for au pairs and for foreign nationals seeking leave to enter for DTI approved training or work experience. There is a slight difference in relation to the maximum periods of stay which are as follows:-

- | | |
|-------------------|---------|
| • Au pair | 2 years |
| • Training | 3 years |
| • Work experience | 2 years |

4.3 Settlement Categories

The following Immigration categories relate to foreign nationals granted leave to enter/remain in categories which do lead to settlement.

4.3.1 Work Permit Employment

A foreign national may be granted leave to enter the Isle of Man for employment if he/she holds a valid overseas work permit granted by the DTI, has obtained prior entry clearance and satisfies the Immigration Officer that, among other things, he/she:-

- is capable of undertaking the employment specified;
- does not intend to take employment except as specified;

- is able to be maintained and accommodated without recourse to public funds; and
- where the work permit is valid for 12 months or less, intends to leave the Isle of Man at the end of the approved employment.

The duration for which work permit employment applies is a maximum of 4 years.

If the foreign national has spent a continuous period of 4 years in the Isle of Man, and is still required for the employment in question, he/she may apply for indefinite leave to remain in the Isle of Man. In determining whether a foreign national's time on the Isle of Man has been continuous, periods of annual leave are normally discounted.

Similar provisions as for work permit employment also apply to representatives of overseas newspapers, news agencies and broadcasting organisations, and to Ministers of religion.

Persons in all of these categories are entitled to be accompanied by their spouses/children within the terms of their own immigration conditions/restrictions.

4.3.2 United Kingdom Ancestry

Foreign Nationals may be granted leave leading to settlement on the Island where they can demonstrate that, among other things, they are:-

- a Commonwealth citizen;
- aged 17 or over;
- able to provide proof that one of their grandparents was born in the Isle of Man, United Kingdom or Channel Islands;
- able to work and intend to take or seek employment;
- will be able to maintain and accommodate themselves without recourse to public funds; and
- have gained prior entry clearance.

Persons granted leave to enter on ancestry grounds will normally be given leave for a maximum period of 4 years, following which they will be entitled, if having spent a continuous period of 4 years on the Isle of Man, to apply for indefinite leave to remain.

Spouses and children of such individuals may also be granted leave to accompany the foreign national and be granted indefinite leave to remain if the same criteria are met.

4.3.3 Spouses/Fiancés

The rules allow for the spouses and fiancés of persons present and settled in the Isle of Man to be granted leave to enter and remain subject to meeting appropriate criteria. In respect of spouses, the criteria include:-

- that the parties to the marriage have met;
- that each of the parties intend to live permanently with the other as his or her spouse, and the marriage is subsisting;
- that there will be adequate maintenance and accommodation for the parties and any dependants without recourse to public funds;
- that the spouse has gained a valid entry clearance prior to entry.

Leave to enter is granted for a period not exceeding 24 months, after which the spouse may apply for indefinite leave to remain. To qualify, they must demonstrate that both parties are still living together, that the marriage is still subsisting, and that they intend to live together permanently, as husband and wife.

In respect of fiancés, leave to enter is granted for a maximum of 6 months, to enable the marriage to take place. The entry requirements are similar to those applying to spouses'. Thereafter, the spouse must meet the same criteria for leave to remain and indefinite leave, as if he/she had been granted entry as a spouse.

4.3.4 Family Members

The Rules provide for the following categories of family members to be granted leave to enter or remain in the Isle of Man:-

- children of spouses/fiancés;
- children of relatives present and settled;
- children born in the Isle of Man who are not British Citizens;
- adopted children;
- parents, grandparents and other dependent relatives of persons present and settled in the Isle of Man.

In each case there are detailed criteria to be satisfied.

Each category affords an entitlement to indefinite leave to remain.

4.3.5 Other Categories

There are a number of additional immigration categories which afford rights to settlement, usually after a period of 4 years continuously spent on the Island, and these are as follows:-

- as a businessman or a self-employed person;
- investor;
- writer, composer or artist;
- retired person of independent means;

4.4 Deportation

- 4.4.1 The Immigration Rules provide for the deportation of foreign nationals. The rules authorise detention until the person is removed and prohibits them from re-entering the Isle of Man for as long as the order is in force. Revocation of a deportation order is not normally considered unless the person has been absent from the UK and Islands for at least three years.

The circumstances in which a person is liable to deportation include:-

- failure to comply with the condition attached to the person's leave to enter or remain, or remaining beyond the time limited by the leave;
- where the Lieutenant Governor deems the person's deportation to be conducive to the public good;
- where the person concerned is the spouse or the child under 18 of a person ordered to be deported;
- where a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment.

- 4.4.2 In considering whether deportation is appropriate the Lieutenant Governor, on the advice of the Immigration Service, must consider the balance between public interest and any compassionate circumstances of the case. Deportations from the Isle of Man under the Immigration Act are very rare. There are occasions when illegal immigrants are removed, (usually "overstayers"), but these are mostly progressed on a voluntary (but supervised) removal basis.

4.4.3 Persons detected as illegal entrants are removed rather than deported. Whilst their departure is enforced and supervised they are not prohibited from returning in the way that deportees are, and may return, if they meet the requirements of the Immigration Rules in the usual way.

4.4.4 The Immigration Rules also give the power to Immigration Officers and Entry Clearance Officers to: -

- refuse entry clearance or leave to enter to any person convicted of an offence, which if committed in the Isle of Man, is punishable with imprisonment for a term of 12 months or longer; and
- refuse entry where exclusion from the Isle of Man is conducive to the common good, for example in the light of the person's character, conduct or associations.

Under certain circumstances the Immigration Office also has the power to curtail the leave of persons who have been granted leave to enter or remain in the Isle of Man.

4.5 Benefits

4.5.1 Foreign nationals subject to immigration conditions which require them to maintain and accommodate themselves without recourse to public funds are not entitled to claim benefits from the Island's Social Security system. When such individuals attempt to make benefit claims the DHSS usually seeks clarification from the Immigration Officers before determining the claim. The Immigration Service is not aware that such claims are being processed and authorised by the DHSS. Should any such cases come to light, the person concerned would be in breach of their immigration conditions and therefore liable to removal.

5. **Immigration Activity**

5.1 The Immigration Office has recently established a computerised system for recording immigration case activity. However, it is important to note that because of the integration of United Kingdom and Isle of Man Immigration Law, the figures obtained locally are not necessarily a true reflection of the numbers and types of foreign nationals living, working or studying on the Isle of Man as explained in para 3.1.4 above.

5.2 As indicated previously, many working holidaymakers on the Island, will have secured entry clearance to visit the United Kingdom and travelled from the United Kingdom to the Isle of Man with valid leave to enter, to take up employment opportunities here. Similarly, persons who are not visa nationals will have been granted leave to enter at their United Kingdom port of entry and will be entitled to legitimately travel to the Isle of Man. This will cover all of the immigration categories listed above.

- 5.3 Nonetheless, the tables attached at **Appendices 5 – 8** give a good indication of the main types of immigration category dealt with on the Isle of Man. The tables provide the following details:-

Appendix 5 - Immigration Cases by Category 2002 and 2003

Appendix 6 - Performance Monitoring Report 1 January – 31 December 2003

Appendix 7 – In Country Extensions of Stay Cases 1994 - 2003

Appendix 8 - Immigration Cases by Nationality 1 January - 31 December 2003

- 5.4 Appendix 5 identifies that the predominant cases dealt with by the Island's service are students and work permit employment (overseas labour scheme) and compares activity between 2002 and 2003.
- 5.5 The turn-around times shown in Appendix 6 (which covers first application cases only) indicate the time it took the Immigration Service on the Isle of Man to process the application from date of receipt. Appendix 7 covers only the category of "leave to remain" cases, which refers to persons who have had their stay extended. It shows data for the last ten years and highlights the growth in Immigration activity on the Island during that period.
- 5.6 An additional immigration workload relates to Control of Employment work permit applications, upon which the Immigration Service is asked by the DTI to report upon the applicant's eligibility to work or seek employment. In the year 01 January - 31 December 2003, 484 such applications were processed by the Immigration Service. The majority of such applications relate to working holidaymakers. Following training by Immigration Service staff the DTI are now able to determine an applicants eligibility to work.
- 5.7 Finally, looking at Appendix 8, Immigration Cases by Nationality, the main countries of origin of foreign nationals entering the Isle of Man (as recorded by the Island's service) are India, the Philippines and South Africa. Again, it is reasonable to assume that the purpose of these applications is for employment (Philippines/South Africa) and studies (India).

6. Illegal Immigration

- 6.1 Occasionally the Isle of Man Immigration Service identifies illegal immigrants on the Island. This may take the form of persons who have not gained leave to enter the common travel area, but also relates to persons whose leave to remain has expired and they are classed as "overstayers".

- 6.2 Historically, the numbers concerned have been very small amounting to no more than one or two per annum and arrangements have usually been made effectively for the supervised removal of such individuals back to their country of origin. In the last two years there has been an increase in numbers of illegal immigrants requiring removal, although by comparison to general immigration activity the numbers are very small.
- 6.3 The Immigration Service is continuing to work with the Department of Home Affairs in monitoring any activity involving illegal immigration so that it can take appropriate action when any cases arise. Of course, the Immigration Service can only take action where suspicions are raised and is not in a position to, for example, undertake “fishing trips” at a local take-away shop. The number of substantiated tip-offs are very few, although it is suspected that many are malicious.
- 6.4 An Enforcement Officer was appointed in April 2003. In addition to securing the removal of those persons who are illegally in the Isle of Man, the Enforcement Officer performs a valuable role in providing information and advice to employers and educational establishments on immigration matters.

7. Asylum

- 7.1 As indicated earlier, the Isle of Man’s legislative framework does not include provision for asylum claims or support for asylum seekers, etc. Historically, the Isle of Man has benefited from an arrangement with the United Kingdom Government whereby it will accept the return of asylum seekers in cases where the individual concerned, having arrived here via the UK, would have had the opportunity to claim asylum in the UK.
- 7.2 There are four main categories of asylum seekers who are likely to come to the attention of the Immigration Office in the Isle of Man:-
- (a) Claimants who had entered the Isle of Man illegally from the United Kingdom;
 - (b) Claimants who had entered the Isle of Man from the Republic of Ireland;
 - (c) Claimants who had entered the Isle of Man illegally, origin unknown;
 - (d) Claimants already in the Isle of Man who had been given Leave to Enter, or Leave to Remain by the Isle of Man, which had expired.

7.3 The situation for each of the above categories is explained in detail below:-

(a) Claimants who had entered the Isle of Man illegally from the United Kingdom

Foreign nationals who have been given leave to enter the United Kingdom for a limited period of time, who overstay that period of time in the UK who then enter the Isle of Man are classed as illegal entrants. Those that enter the UK without consent are also classed as illegal entrants. If such people then seek to claim asylum in the Isle of Man, and it is clear they had entered via the UK, they would be returned for the UK authorities to deal with their asylum claim, in accordance with the “safe third country” principles.

The UK Immigration Service is formally agreeable to this arrangement.

(b) Claimants who had entered the Isle of Man illegally from the Republic of Ireland

Foreign nationals who enter the Isle of Man illegally and then claim asylum, are returned to the Republic of Ireland for the Irish authorities to deal with their asylum claim, where it is clear they entered illegally from the Republic of Ireland.

The Irish Immigration Service is aware of, and agreeable to, this informal arrangement.

(c) Claimants who had entered the Isle of Man illegally, origin unknown

In general this category would refer to those who had entered the Isle of Man clandestinely, and it is not possible to identify where they had arrived from. Such foreign nationals would not have any immigration stamps in their passports and may well have destroyed their passports.

As there would be no evidence of the port of entry into the United Kingdom or Republic of Ireland, the Isle of Man would have to deal with any asylum claims made by such foreign nationals.

(d) Claimants already in the Isle of Man who had been given an extension of stay by the Isle of Man Immigration Office, and this had expired

If such foreign nationals claimed asylum in the Isle of Man it would be the responsibility of the Isle of Man to consider that claim and retain responsibility for the claimant.

- 7.4 The practical arrangements which would apply if the Isle of Man did have to take responsibility for an asylum claim would be that a suitable officer from the United Kingdom Immigration Service would come to the Island to conduct the asylum interview on behalf of the Lieutenant Governor. After the completion of the interview the paperwork would be passed to the Home Office for consideration, who would recommend an appropriate decision. That decision would be forwarded to the Isle of Man together with any technical advice on how best to serve it (and to effect removal should that be appropriate).
- 7.5 The Home Office has no jurisdiction in the Isle of Man and their role will be purely advisory. In law the key decision must be made by Isle of Man officials, with the Lieutenant Governor holding ultimate responsibility.
- 7.6 The arrangements at paragraph 7.4 have been agreed by the UK authorities to operate in the first instance until April 2005 when they will be reviewed.
- 7.7 It is important to emphasise that there have only previously been two cases where foreign nationals have claimed asylum on the Isle of Man. In both instances the individuals were sent to the UK for their claims to be considered. The arrangements now agreed with the UK and the Republic of Ireland (at paragraphs 7.3 (a) and (b) above), will account for most, if not all, future cases that may arise. There is only a very small likelihood of any cases arising in the categories 7.3 (c) and (d) above.

APPENDICES

- Appendix 1 Isle of Man Census Data 1991 to 2001
- Appendix 2 Isle of Man Census Data 2001
- Appendix 3 Visa requirements for the Isle of Man
- Appendix 4 Police Registration
- Appendix 5 Immigration Cases by Category 2002 and 2003
- Appendix 6 Performance Monitoring Report 1 January – 31 December 2003
- Appendix 7 In Country Extensions of Stay Cases 1994 - 2003
- Appendix 8 Immigration Cases by Nationality 1 January - 31 December 2003

APPENDIX 1

RESIDENT POPULATION BY COUNTRY OF BIRTH 1991 TO 2001

	2001		1996		1991	
Place of Birth	Total	Percentage %	Total	Percentage %	Total	Percentage %
British Isles	73,092	96	69,315	97	67,669	97
Other EU	751	1	555	1	421	1994
Overseas	2,472	3	1,844	2	1,668	2
Total	76,315	100	71,714	100	69,788	100

RESIDENT POPULATION BY GENDER AND COUNTRY OF BIRTH 2001

Place of Birth	Male	Female	Total
Isle of Man	18,266	18,353	36,619
England	14,234	14,922	29,156
Wales	443	438	881
Scotland	1,219	1994,444	2,663
Northern Ireland	904	887	1,791
Republic of Ireland	748	1994,026	1,774
Other European Union Country	338	413	751
Channel Islands	124	84	208
Europe Non-EU	102	126	228
Central Asia	61	88	149
South East Asia	85	180	265
Indian Sub-continent	82	80	162
Far East	27	45	72
Middle East	52	29	81
North Africa	22	24	46
South Africa (Country)	186	202	388
Southern Africa	64	73	137
Other Africa	61	50	111
Australia	73	84	157
New Zealand	36	25	61
USA	72	106	178
Canada	59	74	133
Central and South America	18	39	57
Caribbean Islands	37	50	87
Rest of World	50	67	117
Unknown	9	34	43
Total	37,372	38,943	76,315

VISA REQUIREMENTS FOR THE UNITED KINGDOM

1. Subject to paragraph 2 below the following persons need a visa for the United Kingdom:

(a) Nationals or citizens of the following countries or territorial entities:

Afghanistan	Gambia	Romania
Albania	Georgia	Russia
Algeria	Ghana	Rwanda
Angola	Guinea	Sao Tome e
Armenia	Guinea-Bissau	Principe
Azerbaijan	Guyana	Saudi Arabia
Bahrain	Haiti	Senegal
Bangladesh	India	Serbia and Montenegro
Belarus	Indonesia	Sierra Leone
Benin	Iran	Somalia
Bhutan	Iraq	Sri Lanka
Bosnia-Herzegovina	Ivory Coast	Sudan
Bulgaria	Jamaica	Surinam
Burkina Faso	Jordan	Syria
Burma	Kazakhstan	Taiwan
Burundi	Kenya	Tajikistan
Cambodia	Kirgizstan	Tanzania
Cameroon	Korea (North)	Thailand
Cape Verde	Kuwait	Togo
Central African Republic	Laos	Tunisia
Chad	Lebanon	Turkey
China, People's Republic	Liberia	Turkmenistan
of Colombia	Libya	Uganda
Comoros	Macedonia	Ukraine
Congo	Madagascar	United Arab Emirates
Republic of Croatia	Mali	Uzbekistan
Cuba	Mauritania	Vietnam
Democratic Republic	Moldova	Yemen
of the Congo (Zaire)	Mongolia	Zambia
Djibouti	Morocco	Zimbabwe
Dominican Republic	Mozambique	The territories formerly
Ecuador	Nepal	comprising the Socialist
Egypt	Niger	Federal Republic of
Equatorial Guinea	Nigeria	Yugoslavia excluding
Eritrea	Oman	Croatia and Slovenia.
Ethiopia	Pakistan	
Fiji	Peru	
Gabon	Philippines	
	Qatar	

- (b) persons who hold passports or travel documents issued by the former Soviet Union or by the Former Socialist Federal Republic Of Yugoslavia.
- (c) stateless persons.
- (d) persons who hold non-national documents.

2. The following persons do not need a visa for the United Kingdom:

- (a) those who qualify for admission to the United Kingdom as returning residents in accordance with paragraph 18;
- (b) those who seek leave to enter the United Kingdom within the period of their earlier leave and for the same purpose as that for which the leave was granted, unless it -
 - (i) was for a period of six months or less; or
 - (ii) was extended by statutory instrument or by section 3C of the Immigration Act 1971 (as inserted by section 3 of the Immigration and Asylum Act 1999);
- (c) Deleted.
- (d) those nationals or Citizens of the People's Republic of China holding passports issued by Hong Kong Special Administrative Region; or
- (e) those nationals or Citizens of the People's Republic of China holding passports issued by Macao Special Administrative Region
- (f) those who arrive in the United Kingdom with leave to enter which is in force but which was given before arrival so long as those in question arrive within the period of their earlier leave and for the same purpose as that for which leave was granted, unless that leave-
 - (i) was for a period of six months or less, or
 - (ii) was extended by statutory instrument or by section 3C of the Immigration Act 1971 (inserted by section 3 of the Immigration and Asylum Act 1999).

Nationals or citizens of the following countries require a Direct Airside Transit Visa (DATV) when transiting the United Kingdom:

Afghanistan	Ethiopia	Palestinian Territories
Albania	Former Yugoslav Republic of Yugoslavia of Macedonia	People's Republic of China (excl. - SAR and Hong Kong SAR
Algeria	Gambia	Rwanda
Angola	Ghana	Senegal
Bangladesh	India	Serbia and Montenegro
Belarus	Iran	Sierra Leone
Burma	Iraq	Somalia
Burundi	Ivory Coast	Sri Lanka
Cameroon	Lebanon	Sudan
Colombia	Moldova	Turkey
Democratic Rep of the Congo (Zaire)	Nepal	Uganda
Ecuador	Nigeria	Vietnam
Eritrea	Pakistan	Zimbabwe

And holders of documents issued by:

- (a) the purported "Turkish Republic of Northern Cyprus";
- (b) the former "Socialist Republic of Yugoslavia;
- (c) the former "Federal Republic of Yugoslavia; or
- (d) the former "Zaire".

Exemption from the requirement for a transit passenger to hold a transit visa:

- (1) A transit passenger is not required to hold a transit visa if he holds or a person with whom he arrives in the United Kingdom holds on his behalf:
 - (a) a valid visa for entry to Canada or the United States of America and a valid airline ticket for travel via the United Kingdom from another country or territory to the country in respect of which the visa is held;
 - (b) a valid visa for entry to Canada or the United States of America and a valid airline ticket for travel via the United Kingdom from the country in respect of which the visa was held to another country or territory;
 - (c) a valid USA I-551 Permanent Resident Card issued on or after 21 April 1998;
 - (d) a valid Canadian Permanent Resident issued on or after 28 June 2002;
 - (e) a valid common format Category D visa for entry to an EEA State;

- (f) a valid common format residence permit issued by an EEA State pursuant to Council Regulations (EC) No. 1030/2002;
 - (g) a diplomatic or service passport issued by the People's Republic of China;
or
 - (h) a diplomatic or official passport issued by India
- (2) In paragraph 1994(b), "valid visa" shall include an expired visa provided that the visa in question did not expire more than two clear calendar days before the date of arrival in the United Kingdom of the transit passenger with that visa.

A person to whom the above applies will not be a transit passenger if he;

- (a) has the right of abode in the United Kingdom under the Immigration Act 1971;
- (b) is a national of an EEA State; or
- (c) in the case of a national or citizen of the People's Republic of China, holds a passport issued by either the Hong Kong Special Administrative Region or the Macao Special Administrative Region.

POLICE REGISTRATION

Under the revised Immigration Rules (which came into effect on 11 May 1998) nationals of the following countries who are aged **16 and over** and who are being admitted **for more than six months** (included those being admitted for employment) should be required to register with the police, unless they are seeking entry in one of the categories listed below:

Afghanistan	Cuba	Libya	Syria
Algeria	Egypt	Moldova	Tajikistan
Argentina	Georgia	Morocco	Tunisia
Armenia	Iran	North Korea	Turkey
Azerbaijan	Iraq	Oman	Turkmenistan
Bahrain	Israel	Palestine	United Arab Emirates
Belarus	Jordan	Peru	Ukraine
Bolivia	Kazakhstan	Qatar	Uzbekistan
Brazil	Kirgizstan	Russia	Yemen
China	Kuwait	Saudi Arabia	
Colombia	Lebanon	Sudan	

The following categories of people are **exempt** from the requirement to register regardless of their country of origin:

- those granted indefinite leave to enter or remain;
- Ministers of religion, missionaries and members of religious orders;
- private servants to staff of diplomatic missions;
- seasonal agricultural workers;
- spouses of people settled here who are granted leave to enter or remain on that basis;
- family members of EEA nationals;
- dependants of those not required to register (including dependants of EEA nationals) except the dependants of offshore workers;
- members of non-NATO forces admitted for courses at British military establishments or with private companies;
- Community service volunteers;
- civilian components of NATO forces;
- non-visa nationals who are employees of contractors to US Armed Forces in the United Kingdom; and
- non-visa nationals who are employees of the American Battle Monuments Commission.

Isle of Man Immigration Office

Immigration Cases by Category 2002/3

Application Category	2002	2002	2003	2003
	No. Cases	Percentage %	No. Cases	Percentage %
Leave to Remain	474	34.30	616	40.31
<i>Entry Clearance</i>				
Asylum	0	0.00	0	0.00
Au Pair	18	1.30	11	0.85
Business Visitor	30	2.17	17	1.31
Dependent	27	1.95	45	3.48
Fiance	11	0.80	9	0.69
Miscellaneous	9	0.65	7	0.541
Overseas Labour Scheme	358	25.90	295	19.30
Post Graduate Doctor	2	0.14	3	0.23
Right of Abode	3	0.22	1	0.07
Spouse	33	2.39	29	2.24
Student	328	23.73	382	29.54
UK Grandparent	6	0.43	4	0.30
Visitor	79	5.72	85	6.57
Working Holidaymaker	4	0.29	24	1.85
Total	1382	100.00	1528	100
			% Increase	11.3 %

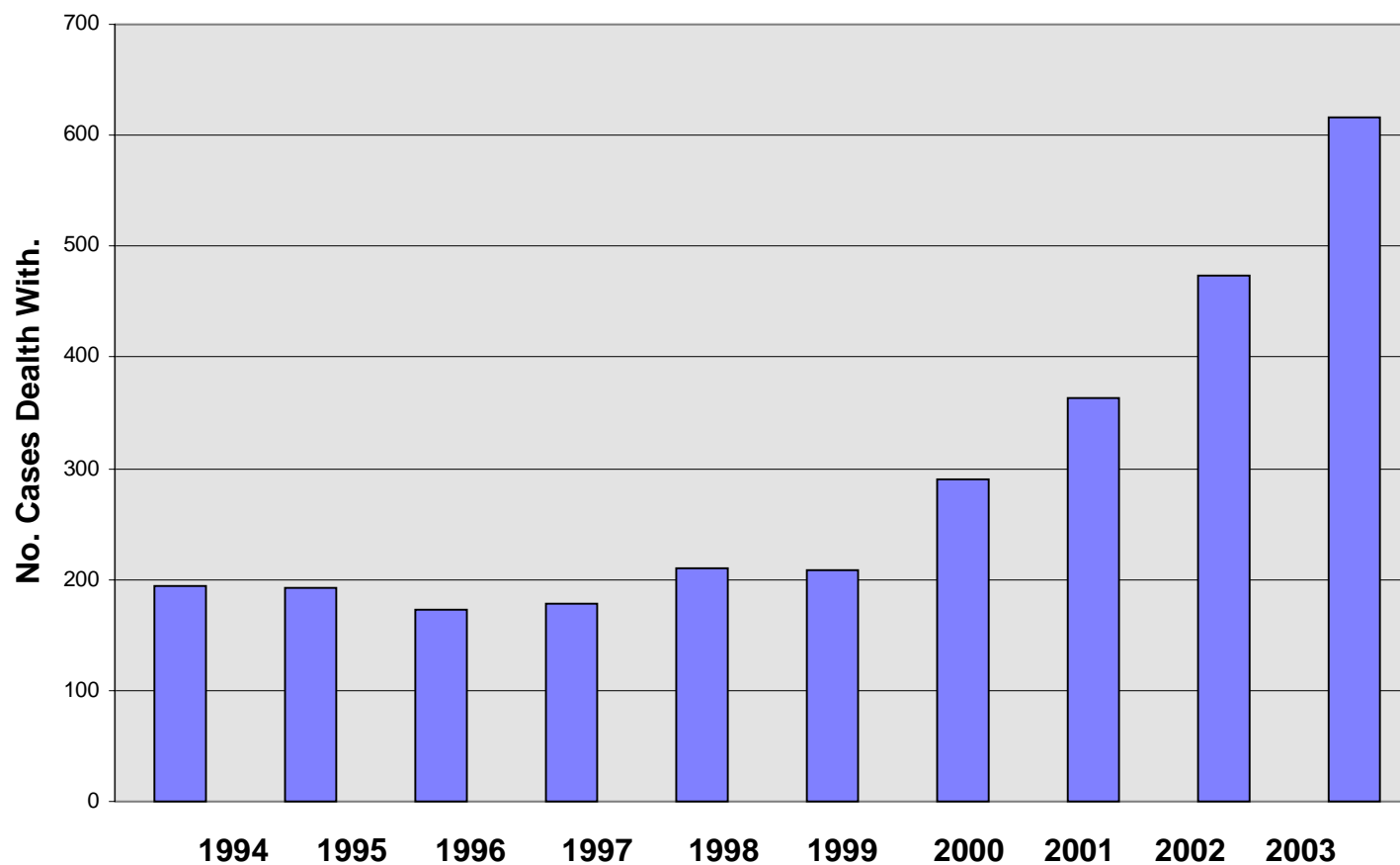
**Crown Division Performance Monitoring Report
Report for Year Commencing 01 January 2003**

Immigration Service - First Applications

Reporting Period: 1 January 2003 -31 Dec 2003

Application Category	No. Received	No. Decided	...of which turnaround time was					Outcomes	
			0-1 day	2-3 days	4-7 days	1-2 weeks	> 2 weeks	Approved	Refused
Au Pair	11	11	2	3	2	4	0	11	0
Asylum	0	0	0	0	0	0	0	0	0
Business Visitor	17	17	12	3	2	0	0	17	0
Dependent	45	45	28	1	4	7	5	39	6
Fiance	9	9	6	1	0	1	1	8	1
Miscellaneous	7	7	3	1	1	0	2	6	1
Overseas Labour Scheme	295	295	36	2	3	3	3	41	6
Post Graduate Doctor	3	3	3	0	0	0	0	3	0
Right of Abode	1	1	1	0	0	0	0	1	0
Spouse	30	29	20	2	4	0	3	23	6
Student	367	382	244	15	39	27	57	218	164
UK Grandparent	4	4	2	0	1	0	1	4	0
Visitor	85	85	46	11	16	4	8	67	18
Working Holidaymaker	24	24	21	0	2	0	1	20	4
Total Year to Date	898	912	424	39	74	46	81	458	206
Percentage			46.49	4.28	8.11	5.04	8.88	68.98	31.02

Immigration - Leave to Remain Cases 1994 - 2003
(In-Country Extensions of Stay)



1994	195	196	197	198	199	200	201	202	203
194	192	173	178	211	208	291	363	474	616

**Immigration Cases by Nationality
01 January - 31 December 2003**

N.B. includes all cases included on the computer system including first applications, leave to remain, Isle of Man Work Permits and Miscellaneous categories, totals of which are as follows:-

First Applications	= 912
Leave to Remain	= 616
Isle of Man Work Permit Referrals	= 484
Miscellaneous Categories (e.g. naturalisations, registrations, file note, etc)	= 307
Total	= 2319

Nationality	No. Cases
Australia	91
China	128
Ghana	21
India	424
Japan	7
Korea	34
Latvia	22
Malta	15
Nepal	66
New Zealand	42
Phillipines	281
Poland	44
Russia	78
Slovakia	31
South Africa	416
Thailand	52
Turkey	29
Ukraine	23
United States	45
Zimbabwe	21
Other	449
TOTAL	2319