

## SCHEDULE 7

Article 16

### The Nationality, Immigration and Asylum Act 2002

#### **Part 1 – nationality**

- 1.—(1) Section 10 of the 2002 Act<sup>(1)</sup> is modified as follows.
- (2) In subsection (1), for “Secretary of State” substitute “Governor”.
- (3) In subsection (1) and (2)(b), for “United Kingdom” substitute “Isle of Man”.
- (4) In subsection (2), omit paragraph (e).
- (5) Omit subsections (4) and (5)(a).
- (6) In subsection (6), omit “(a)” and the words from “and (b)” to the end.

#### **Part 4 – detention and removal**

- 2.—(1) Section 62 of the 2002 Act is modified as follows.
  - (2) In the heading to section 62, and in subsections (1), (2), (3)(b), (4) and (7), for “Secretary of State”, wherever those words occur, substitute “Governor”.
  - (3) In subsections (1)(b), (2) and (5), for “United Kingdom” substitute “Isle of Man”.
  - (4) In subsection (2)(b), for “Secretary of State’s” substitute “Governor’s”.
  - (5) Omit subsections (9) to (16).
- 3.—(1) Section 72 of the 2002 Act is modified as follows.
  - (2) In subsections (2), (3), (4) and (9)(a), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.
  - (3) In subsections (2)(b), (3)(b) and (c) and (11)(b), for “imprisonment”, wherever that word occurs, substitute “custody”.
  - (4) In subsections (4)(a) and (b) and (9)(b), for “Secretary of State” substitute “Governor”.
  - (5) Omit subsections (5) and (8).
  - (6) In subsection (9)(a), for the words from “, 83 or 101” to “1997 (c.68)” substitute “of this Act”.
  - (7) In subsection (10), omit “, Tribunal or Commission”.
- 4.—(1) Section 75 of the 2002 Act is modified as follows.
  - (2) Omit subsection (2).
- 5.—(1) Section 76 of the 2002 Act is modified as follows.
  - (2) In subsections (1), (2) and (3), for “Secretary of State” substitute “Governor”.
  - (3) In subsections (1), (2) and (3) and in the definition of “removed” in subsection (4), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.
- 6.—(1) Section 78 of the 2002 Act is modified as follows.
  - (2) In subsections (1)(a) and (b), (3)(a) and (4), for “United Kingdom” substitute “Isle of Man”.

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(1) Section 10 was amended by paragraph 4 of Schedule 2 and by Schedule 3 to the Immigration, Asylum and Nationality Act 2006 (c.13).

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## **Part 5 – immigration appeals**

7. In the heading to Part 5, omit “and asylum”.

8.—(1) Section 81 of the 2002 Act is modified as follows.

(2) For section 81 substitute—

### **“81 Adjudicators**

The High Bailiff and any Deputy High Bailiff shall be adjudicators for the purposes of this Part.”.

9.—(1) Section 82 of the 2002 Act(2) is modified as follows.

(2) In subsection (2), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(3) Omit subsection (3).

10.—(1) Section 84 of the 2002 Act is modified as follows.

(2) In subsection (1)(b), for “section 19B” to the end substitute “section 1 or 2 of the Race Relations Act 2004 (an Act of Tynwald) (public authorities: general statutory duty);”.

(3) In subsection (1)(c), for “Human Rights Act 1998 (c.42)” substitute “Human Rights Act 2001 (an Act of Tynwald)(3)”.

(4) In subsection (1)(d) and (g), for “United Kingdom” substitute “Isle of Man”.

(5) In subsection (1)(g), for “Human Rights Act 1998” substitute “Human Rights Act 2001 (an Act of Tynwald)”.

(6) Omit subsection (3).

11.—(1) Section 85 of the 2002 Act is modified as follows.

(2) In subsection (4), omit “or 83(2)”.

12.—(1) Section 86 of the 2002 Act is modified as follows.

(2) In subsection (1), omit “or 83”.

(3) In subsection (4), for “United Kingdom” substitute “Isle of Man”.

13.—(1) Section 87 of the 2002 Act is modified as follows.

(2) In subsection (1), omit “or 83”.

(3) Omit subsections (3) and (4).

14.—(1) Section 88 of the 2002 Act(4) is modified as follows.

(2) In subsection (2)(c) and (d), for “United Kingdom” substitute “Isle of Man”.

(3) For subsection (3)(c) substitute—

“(c) an immigration employment document, and”.

(4) After subsection (4) insert—

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(2) Section 82 was amended by section 31 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19) and by section 2, 11(6) and 57(2) of and Schedule 3 to the Immigration, Asylum and Nationality Act 2006 (c.13).

(3) 2001 c.1 (Isle of Man).

(4) Section 88 was amended by section 5 of the Immigration, Asylum and Nationality Act 2006 (c.13).

“(5) In subsection (3)(c), “immigration employment document” means—

- (a) a work permit, and
- (b) any other document which relates to employment and is issued for a purpose of immigration rules or in connection with leave to enter or remain in the Isle of Man.”.

**15.**—(1) Section 88A of the 2002 Act(5) is modified as follows.

(2) In subsection (1)(b), for “Secretary of State” substitute “Governor”.

**16.**—(1) Section 89 of the 2002 Act(6) is modified as follows.

(2) In subsection (1), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

**17.**—(1) Section 90 of the 2002 Act is modified as follows.

(2) In subsection (1), for “United Kingdom” substitute “Isle of Man”.

**18.**—(1) Section 92 of the 2002 Act(7) is modified as follows.

(2) In the heading to section 92 and in subsections (1), (3), (3D) and (4), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

(3) In subsection (4)(a), omit “an asylum claim, or”.

(4) In subsection (4)(b), for “Secretary of State” substitute “Governor”.

**19.**—(1) Section 94 of the 2002 Act(8) is modified as follows.

(2) For the heading to section 94 substitute “Appeal from within Isle of Man: unfounded human rights claim”.

(3) In subsection (1), for the words from “an asylum claim” to the end substitute “a human rights claim.”.

(4) In subsections (1A) and (2)—

(a) for “Secretary of State” substitute “Governor”;

(b) for the words from “the claim or claims” to the end substitute “the claim mentioned in subsection (1) above is clearly unfounded.”.

(5) For subsections (3) and (4) substitute—

“(3) If the Governor is satisfied that a human rights claimant is entitled to reside in a State specified in an order under subsection (4), he shall certify the claim under subsection (2) unless satisfied that it is not clearly unfounded.

(4) The Governor may by order specify a State for the purpose of subsection (3) if he is satisfied that—

(a) there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part, and

(b) removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom’s obligations under the Human Rights Convention.”.

(5) Section 88A was inserted by section 29(1) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

(6) Section 89 was amended by section 6 of the Immigration, Asylum and Nationality Act 2006 (c.13).

(7) Section 92 was amended by section 28 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

(8) Section 94 was amended by section 27(1) to (4) and (7) of and Schedule 4 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

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- (6) Omit subsections (5) and (6).
- (7) In subsection (6A)—
  - (a) for “an asylum claimant or” substitute “a”;
  - (b) omit paragraphs (a) to (c).
- (8) In subsection (6B)—
  - (a) for “United Kingdom” substitute “Isle of Man”;
  - (b) for “Secretary of State” substitute “Governor”.
- (9) In subsection (7), for “Secretary of State” substitute “Governor”.
- (10) In subsections (8) and (9), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

**20.**—(1) Section 95 of the 2002 Act is modified as follows.

- (2) In the heading to section 95 and in section 95, for “United Kingdom” substitute “Isle of Man”.

**21.**—(1) Section 96 of the 2002 Act<sup>(9)</sup> is modified as follows.

- (2) In subsections (1) and (2), for “Secretary of State”, wherever those words occur, substitute “Governor”.
- (3) In subsection (5), for “United Kingdom” substitute “Isle of Man”.
- (4) Omit subsection (6).

**22.**—(1) Section 97 of the 2002 Act is modified as follows.

- (2) In subsections (1), (3) and (4), for “Secretary of State”, wherever those words occur, substitute “Governor”.
- (3) In subsection (2)—
  - (a) for “United Kingdom”, where those words first occur, substitute “Isle of Man”;
  - (b) in paragraph (a), after “national security” insert “in the United Kingdom or the Isle of Man”.

**23.**—(1) Section 97A of the 2002 Act<sup>(10)</sup> is modified as follows.

- (2) In subsections (1) and (2)(b), for “Secretary of State” substitute “Governor”.
- (3) In subsection (1)—
  - (a) for “United Kingdom” substitute “Isle of Man”;
  - (b) after “national security” insert “in the United Kingdom or the Isle of Man”.
- (4) In subsection (2)—
  - (a) at the end of paragraph (a) insert “and”;
  - (b) at the end of paragraph (b) omit “and”;
  - (c) omit paragraph (c).
- (5) Omit subsections (3) and (4).

**24.**—(1) Section 98 of the 2002 Act is modified as follows.

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<sup>(9)</sup> Section 96 was amended by section 30 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

<sup>(10)</sup> Section 97A was inserted by section 7(1) of the Immigration, Asylum and Nationality Act 2006 (c.13).

(2) In subsections (2) and (3), for “Secretary of State”, wherever those words occur, substitute “Governor”.

(3) In subsection (2)(a), for “United Kingdom” substitute “Isle of Man”.

**25.** Sections 103A to 103D of the 2002 Act<sup>(11)</sup> are omitted.

**26.—**(1) Section 103E of the 2002 Act<sup>(12)</sup> is modified as follows.

(2) In the heading to section 103E, for “Tribunal sitting as panel” substitute “adjudicator”.

(3) In subsections (1), (3)(a) and (b), (4)(b), (c) and (f), for “Tribunal” substitute “adjudicator”;

(4) In subsection (1), omit the words from “where its jurisdiction” to the end.

(5) In subsection (2), for “appropriate appellate court” substitute “High Court”.

(6) In subsections (3)(b) and (4), for “appropriate appellate court” substitute “High Court”.

(7) In subsections (4)(a) and (7), for “Tribunal’s” substitute “adjudicator’s”.

(8) Omit subsections (5) and (6).

(9) In subsection (7)—

(a) at the end of paragraph (a), omit “or”;

(b) omit paragraph (b).

(10) After subsection (7) insert—

“(8) A decision of the High Court under this section shall be final.”.

**27.—**(1) Section 104 of the 2002 Act<sup>(13)</sup> is modified as follows.

(2) Omit subsections (2) and (3).

(3) In subsections (4), (4A) and (4B)(a), for “United Kingdom”, wherever those words occur, substitute “Isle of Man”.

**28.—**(1) Section 105 of the 2002 Act is modified as follows.

(2) In subsection (1), for “Secretary of State” substitute “Governor”.

**29.—**(1) Section 106 of the 2002 Act<sup>(14)</sup> is modified as follows.

(2) In subsections (1) and (1A), for “Lord Chancellor” substitute “Deemsters”.

(3) In subsection (1)(a) and (b), omit “or 83”.

(4) In subsection (1A)—

(a) in paragraph (a), for “the Tribunal” substitute “an adjudicator”;

(b) in paragraph (b), for “members of the Tribunal” substitute “an adjudicator”, and for “Tribunal” (in the second place) substitute “adjudicator”.

(5) In subsection (2)—

(a) in paragraph (d) omit “or the Immigration Appeal Tribunal”;

(b) in paragraphs (e), (f), (o), (p), (q), (r) and (s), omit “or the Tribunal”;

(c) omit paragraphs (j), (k), (l), (t) to (v) and (x);

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<sup>(11)</sup> Section 103A to 103D were inserted by section 26(6) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

<sup>(12)</sup> Section 103E was inserted by section 26(6) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

<sup>(13)</sup> Section 104 was amended by paragraphs 16 and 20(b) of Schedule 2 and Schedule 4 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19) and by section 9 of the Immigration, Asylum and Nationality Act 2006 (c.13).

<sup>(14)</sup> Section 106 was amended by paragraphs 16 and 21(a), (b), (c), (h) and (o) of Schedule 2 and Schedule 4 to the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

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- (d) in paragraph (m), omit the words from “(which may,” to “section 101)”;
  - (e) in paragraph (w), for “the Tribunal’s” substitute “an adjudicator’s”;
  - (f) in paragraph (y), for “the Tribunal” substitute “an adjudicator”.
- (6) In subsection (3)—
- (a) in paragraphs (a), (d) and (e), omit “or the Tribunal”;
  - (b) after paragraph (e) insert “and”;
  - (c) omit the words from “and (f)” to the end.
- (7) In subsection (4) omit “or the Tribunal”.
- 30.**—(1) Section 108 of the 2002 Act is modified as follows.
- (2) In subsection (1), omit “, 83 or 101”.
  - (3) In subsection (2), omit “or the Immigration Appeal Tribunal”.
- 31.**—(1) Section 109 of the 2002 Act is modified as follows.
- (2) In subsection (2)—
    - (a) in paragraph (a), omit “or the Special Immigration Appeals Commission Act 1997 (c.68)”;
    - (b) in paragraphs (b) and (c), omit “or that Act”.  - (3) In subsection (3)(a) and (b), for “United Kingdom” substitute “Isle of Man”.
- 32.**—(1) Section 112 of the 2002 Act(15) is modified as follows.
- (2) In subsection (1), for “Secretary of State” substitute “Governor”.
  - (3) Omit subsection (2).
  - (4) Omit subsection (3A)(a) and (b).
  - (5) Omit subsections (4) to (7).
- 33.**—(1) Section 113 of the 2002 Act is modified as follows.
- (2) In subsection (1)—
    - (a) omit the definition of “asylum claim”;
    - (b) in the definition of “human rights claim”—
      - (i) for “Secretary of State at a place designated by the Secretary of State” substitute “Governor”;
      - (ii) before “United Kingdom” insert “Isle of Man or the”;
      - (iii) for “Human Rights Act 1998 (c.42)” substitute “Human Rights Act 2001 (an Act of Tynwald)”.
- (3) In subsection (2), for “United Kingdom” substitute “Isle of Man”.

## **Part 6 – immigration procedure**

- 34.**—(1) Section 120 of the 2002 Act is modified as follows.
- (2) In subsections (1)(a) and (2)(a), (b) and (c), for “United Kingdom” substitute “Isle of Man”.
  - (3) In subsection (2), for “The Secretary of State or an” substitute “An”.

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(15) Section 112 was amended by section 29(2) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c.19).

- 35.**—(1) Section 126 of the 2002 Act is modified as follows.
- (2) In subsections (1) and (4)(f), for “Secretary of State” substitute “Governor”.
  - (3) In subsection (2)(b) and (c), for “United Kingdom” substitute “Isle of Man”.
  - (4) Omit subsection (8).
- 36.**—(1) Section 127 of the 2002 Act is modified as follows.
- (2) In subsections (1) and (2), for “Secretary of State” substitute “Governor”.
  - (3) In subsection (1), for “United Kingdom” substitute “Isle of Man”.
- 37.**—(1) Section 133 of the 2002 Act is modified as follows.
- (2) In subsection (2)—
    - (a) for “a health service body” substitute “the Department”;
    - (b) in paragraph (b), for “United Kingdom” substitute “Isle of Man”;
    - (c) in paragraph (h), for “the health service body” substitute “the Department”.
  - (3) For subsection (4) substitute—

“(4) In this section “the Department” means the Department of Health and Social Security.”.
- 38.**—(1) Section 134 of the 2002 Act is modified as follows.
- (2) In subsection (1)—
    - (a) for “Secretary of State”, wherever those words occur, substitute “Governor”;
    - (b) omit paragraphs (b) and (c).
- 39.**—(1) Section 136 of the 2002 Act is modified as follows.
- (2) In subsection (1), omit “or 135”.
  - (3) In subsection (3), for “Secretary of State” substitute “Governor”.
  - (4) For subsection (5)(e) substitute—

“(e) a day which has been declared a bank holiday under section 1 of the Bank Holidays Act 1989 (an Act of Tynwald)(**16**).”.
- 40.**—(1) Section 137 of the 2002 Act is modified as follows.
- (2) In subsection (2)(a), for “imprisonment” substitute “custody”.
- 41.**—(1) Section 138 of the 2002 Act is modified as follows.
- (2) After subsection (5) insert—

“(5A) Subsection (1) shall have effect in relation to a limited liability company constituted under the Limited Liability Companies Act 1996 (an Act of Tynwald) as if—

    - (a) a reference to a body corporate were a reference to a limited liability company, and
    - (b) a reference to an officer of the body were a reference to a member of the company or its manager or registered agent.”.

**42.**—(1) Section 139 of the 2002 Act is modified as follows.

    - (2) In subsection (1), omit “or 135”.

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(16) 1989 c.5 (Isle of Man).

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- 43.**—(1) Schedule 8 to the 2002 Act is modified as follows:
- (2) Omit paragraph 2(2) and (6).
  - (3) Omit paragraph 5.
  - (4) Omit paragraph 6(4) and (5).
  - (5) Omit paragraph 9(2)(b) and (c).
  - (6) In paragraph 15, omit subparagraphs (a) to (c) and (e) to (h).

#### **Part 7 - Offences**

- 44.**—(1) Section 144 of the 2002 Act is modified as follows.
- (2) in subsection (2), omit paragraph (d).
- 45.** Section 145 of the 2002 Act is modified as follows.
- (1) For “United Kingdom”, in each place where it occurs, substitute “Isle of Man”.
  - (2) In subsection (5)—
    - (a) in paragraph (a), for “indictment” substitute “information”;
    - (b) in paragraphs (a) and (b), for “imprisonment” substitute “custody”.
- 46.**—(1) Section 146 of the 2002 Act is modified as follows.
- (2) In subsection (1)—
    - (a) for “United Kingdom”, in each place where it occurs, substitute “Isle of Man”;
    - (b) in paragraph (c), omit “a part of”.
  - (3) Omit subsection (4).

#### **Part 8 – general**

- 47.**—(1) Section 160 of the 2002 Act is modified as follows.
- (2) In subsection (1), for “Secretary of State or the Lord Chancellor” substitute “Governor”.
  - (3) In subsections (1) and (2), for “Parliament”, wherever that word occurs, substitute “Tynwald”.
  - (4) For subsection (3) substitute—
    - “(3) Sums received under this Act shall be paid into the General Revenue of the Isle of Man.”.