

IMMIGRATION ACT 1971

IMMIGRATION APPEALS (NOTICES) REGULATIONS 1997

*Coming into operation*

*1st April 1997*

In exercise of the powers conferred on the Lieutenant Governor by section 18(1) of the Immigration Act 1971 (an Act of Parliament)(a) as that Act has effect in the Isle of Man, and of all other enabling powers, the following Regulations are hereby made:-

*Citation and commencement*

1. These Regulations may be cited as the Immigration Appeals (Notices) Regulations 1997 and shall come into operation on the 1st April 1997.

*Interpretation*

2. (1) In these Regulations, unless the context otherwise requires -
- "the Act" means the Immigration Act 1971 (an Act of Parliament) as it has effect in the Isle of Man;
- "appeal" means an appeal under Part II of the Act and "appealable" shall be construed accordingly;

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(a) P.1971 c.7; s.18 extended to Isle of Man by SI 1997/275

"entry clearance officer" means a person having authority to grant an entry clearance on behalf of the Lieutenant Governor.

(2) In these Regulations any reference to a regulation shall be construed as a reference to a regulation contained in these Regulations; and any reference in a regulation to a paragraph shall be construed as a reference to a paragraph of that regulation.

*Notice of decisions and actions appealable under Part II of the Act*

3. (1) Subject to the following provision of this regulation, written notice of any decision or action which is appealable (or would be appealable but for the grounds of the decision or action) shall as soon as practicable be given in accordance with the provisions of these Regulations to the person in respect of whom the decision or action was taken.

(2) Any such notice as is referred to in paragraph (1) shall be given -

- (a) in the case of a decision or action taken by an immigration officer in the exercise of powers conferred on him as such, by the immigration officer;
- (b) in the case of a refusal of an application for the grant of an entry clearance or certificate of entitlement, by the entry clearance officer who refused the application;
- (c) where the officer required by sub-paragraph (a) or (b) of this paragraph to give the notice is for any reason unable to do so, by such an immigration officer or entry clearance officer as may be designated for the purpose by the Lieutenant Governor;
- (d) in the case of a decision or action other than one mentioned in sub-paragraph (a) or (b) of this paragraph, by the Lieutenant Governor.

(3) Where any such decision or action as is mentioned in paragraph (1) is taken as a result of an application made or submitted by a person on behalf of another person, or where a person in respect of whom such decision or action is

taken (herein referred to as "the applicant") has, subsequent to the making of the application, appointed a person to act on his behalf in connection with the application, the provisions of paragraph (1) shall be deemed to be satisfied if notice in compliance with those provisions is given to the person who made or submitted the application or, as the case may be, to the person appointed to act on behalf of the applicant.

(4) It shall not be necessary for notice to be given in compliance with the provisions of paragraph (1) if the officer or authority required by paragraph (2) to give it has no knowledge of the whereabouts or place of abode of the person to whom it is to be given.

(5) Where notice is given in compliance with the provisions of paragraph (1) of a decision to refuse leave to a person to enter the Isle of Man, it shall not be necessary in addition for notice to be given of the decision that he requires leave unless he claims or has claimed that leave is not required.

#### *Contents of notice*

4. (1) Subject to the provisions of paragraph (2), any notice given under regulation 3 shall -

- (a) include a statement of the reasons for the decision or action to which it relates;
- (b) if it relates to the giving of directions for the removal of any person from the Isle of Man to a country or territory specified in the directions, include a statement of that country or territory; and
- (c) be accompanied by a statement informing the person in respect of whom the decision or action has been taken of -
  - (i) his right of appeal if any and the relevant provisions of the Act;
  - (ii) the manner in which the appeal should be brought and the address to which a notice of appeal should be sent;

(iii) the time within which an appeal should be brought;

(2) In the case of a notice which relates to any decision to vary the limited leave of a person to enter or remain in the Isle of Man, it shall not be necessary to comply with the requirements of paragraph (1) if the decision was taken at the request of the person to whom the notice is given and was not less favourable to him than that which was requested.

*Certain notices under the Act deemed to comply with Regulations*

5. (1) Subject to the provisions of paragraph (2), where any power to refuse leave to enter or to give a limited leave to remain in or to vary leave to enter or remain in the Isle of Man is exercised by notice in writing in accordance with section 4 of, or paragraph 6 of the Schedule 2 to, the Act (notice of decisions as to leave to enter or remain) the provisions of these Regulations shall, if the statements required by regulation 4 are included in or accompany the notice, be deemed to have been complied with in relation to the exercise of that power.

(2) Paragraph (1) shall not apply in the case of a notice given to a person in charge of a party in accordance with sub-paragraph (4) of the said paragraph 6.

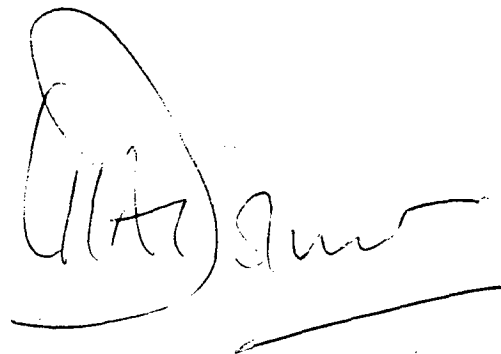
*Service of notice*

6. Any notice required by regulation 3 to be given to any person may be delivered, or sent by post in a registered letter or by recorded delivery service to -

- (a) that person's last known or usual place of abode; or
- (b) an address provided by him for receipt of the notice.

MADE

21st February 1997



Lieutenant Governor

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations provide for the manner in which should be given notice of a decision or action appealable under Part II of the Immigration Act 1971 (an Act of Parliament) as it has effect in the Isle of Man and for the content of such notice.