



Statutory Document No. 130/07

THE SOCIAL SECURITY ACT 2000  
THE JOBSEEKERS ACT 1995 (APPLICATION) (AMENDMENT) ORDER 2007

*Approved by Tynwald 20th March 2007*

*Coming into operation in accordance with Article 1*

In exercise of the powers conferred on the Department of Health and Social Security by section 1 of the Social Security Act 2000(a), and of all other enabling powers, the following Order is hereby made:-

**Citation and commencement**

1. This Order may be cited as the Jobseekers Act 1995 (Application) (Amendment) Order 2007 and shall, subject to section 2(1) of the Social Security Act 2000, come into force on 1<sup>st</sup> April 2007.

**Amendment of the Jobseekers Act 1995 (Application) Order 1996 (S.D. 8/96)**

2. (1) Amend the Schedule to the Jobseekers Act 1995 (Application) Order 1996(b) (which sets out the Jobseekers Act 1995(c) as it has effect in the Isle of Man) in accordance with the following paragraph.

(2) After section 20B (denial or reduction of a joint-claim jobseeker's allowance: further provisions) insert –

*“Persons subject to immigration control*

**Persons subject to immigration control - exclusion from income-based jobseeker's allowance**

20C. (1) No person is entitled to an income-based jobseeker's allowance while he is a person to whom this section applies.

(2) This section applies to a person subject to immigration control unless he falls within such category or description, or satisfies such conditions, as may be prescribed.

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(a) 2000 c.5; (b) S.D. 8/96; (c) 1995 c.18.

(3) Regulations under subsection (2) may provide for a person to be treated for prescribed purposes only as not being a person to whom this section applies.

(4) "A person subject to immigration control" means a person who is not a national of an EEA State and who—

- (a) requires leave to enter or remain in the Isle of Man but does not have it;
- (b) has leave to enter or remain in the Isle of Man which is subject to a condition that he does not have recourse to public funds;
- (c) has leave to enter or remain in the Isle of Man given as a result of a maintenance undertaking; or
- (d) has leave to enter or remain in the Isle of Man only as a result of any legislative provision providing that, while an appeal against a decision to vary (or to refuse to vary) any limited leave to enter or remain in the Isle of Man is pending, the leave to which the appeal relates (and any conditions subject to which it was granted) continues to have effect.

(5) "Maintenance undertaking", in relation to any person, means a written undertaking given by another person in pursuance of the immigration rules to be responsible for that person's maintenance and accommodation.

(6) In subsection (5) above reference to "the immigration rules" is to the rules laid down by the Lieutenant-Governor under section 3(2) of the Immigration Act 1971 as that Act is extended to the Isle of Man under section 36 of that Act.

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Made 6th February 2007



Minister for Health and Social Security

## EXPLANATORY NOTE

(This note is not part of the Order)

1. This Order inserts section 20C into the Jobseekers Act 1995 as it has effect in the Isle of Man (“the Jobseekers Act”) and comes into force on 1<sup>st</sup> April 2007. The effect of new section 20C is to insert explicit provision into the Jobseekers Act which provides that, ordinarily, persons subject to immigration control are not to be entitled to an income-based jobseeker’s allowance.
2. Under subsection (4) of section 20C “a person subject to immigration control” means a person who is not a national of an EEA State and who—
  - requires leave to enter or remain in the Isle of Man but does not have it; or
  - has leave to enter or remain in the Isle of Man which is subject to a condition that he does not have recourse to public funds; or
  - has leave to enter or remain in the Isle of Man as a result of a written undertaking being given by another person to maintain and accommodate the person subject to immigration control; or
  - is allowed to enter or remain in the Isle of Man while their appeal against an immigration decision is pending.
3. However, under subsection (2) of section 20C, regulations may provide that a person subject to immigration control may still qualify for income-based jobseeker’s allowance if they fall within such special category or description, or satisfy such conditions, as prescribed by regulations.
4. Under subsection (3) of section 20C regulations may also provide for a person not to be treated as a person to whom that section applies but only for the purposes set out in those regulations.

