



Coronavirus: Repatriation of Isle of Man residents

RESEARCH PAPER

ISSUED 30/04/2020

This paper was originally published by the Public Accounts Committee as part of its Emergency Scrutiny inquiry ([PP No. 2020/0094](#)).

Request: A background briefing paper on the emerging issue of the repatriation of Isle of Man residents from the United Kingdom and further afield.

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KEY POINTS

- On 27th March 2020, entry to the Isle of Man was restricted as part of the Government's response to the coronavirus pandemic. The measure left an unknown number of residents, located around the world, unable to return to the Isle of Man.
- Plans for a repatriation process were approved by Tynwald on 14th April with an amendment to remove a stipulation that individuals who have been staying with relatives are not eligible for return.
- Residents who are not classed as key workers must undergo quarantine for at least 14 days in a specified facility. They are liable to pay costs of up to £1000 for quarantine. Those classed as key workers are required to self-isolate at home for the same period.
- The Government has consistently explained that its decisions to close the borders and require any returning residents to undergo quarantine are based on medical advice.
- The Chief Minister has said that opening the borders will be the last action taken by the Government to transition out of the current emergency.

BACKGROUND

TIMELINE OF KEY EVENTS AND DECISIONS

| Date | Event/decision/action |
|--|---|
| Sunday 15 th March 2020 | Clinical and Public Health Group consider recommendations to Government, including shutting borders |
| Monday 16 th March 2020 | Emergency measures announced , including requirement to self-isolate for those returning to the Isle of Man from midnight the next day. |
| Tuesday 17 th March 2020, 11.59pm | Enforced self-isolation for at least 14 days for those returning to the Isle of Man |
| Monday 23 rd March 2020, 9.00am | Entry for non-residents is restricted |
| Tuesday 24 th March 2020 | National Strategy Group agree in principle to closing borders to residents, with detailed options to be considered at the next meeting. |
| Wednesday 25 th March 2020 | CoMin agree to border closure measures recommended by NSG. Plans to restrict entry announced by the Chief Minister at press briefing. |
| Friday 27 th March 2020, 6am | Entry to the Island restricted |
| Tuesday 31 st March 2020 | Emergency Powers (Coronavirus) (Entry Restrictions) Regulations 2020 debated and approved by Tynwald |
| Monday 6 th April 2020 | Repatriation plans announced by the Health Minister at press briefing |
| Tuesday 7 th April 2020 | Repatriation plans announced to Tynwald by the Health Minister |
| Thursday 9 th April 2020 | Emergency Powers (Coronavirus) (Entry Restrictions) (Amendment No. 2) Regulations 2020 made, covering repatriation measures |
| Tuesday 14 th April 2020 | Regulations approved by Tynwald , with amendment to remove the stipulation that individuals who have been staying with relatives are not eligible for return. |

| | |
|---------------------------------------|---|
| Wednesday 15 th April 2020 | First residents return to the Island |
| Wednesday 29 th April 2020 | First group of residents complete quarantine |
| Wednesday 6 th May 2020 | Last group of residents based in the UK due to return |

RELEVANT LEGISLATION

EMERGENCY POWERS (CORONAVIRUS) (ENTRY RESTRICTIONS) REGULATIONS 2020

[Consolidated Version](#) | [As made \(SD 2020/0199\)](#) | [Amendment No. 1 \(SD 2020/0215\)](#) | [Amendment No. 2 \(SD 2020/0226\)](#)

Section 6A sets out the conditions under which an individual who is not otherwise exempt may be issued with an exemption notice to allow him or her to return to the Isle of Man. He or she must be a resident of the Island (having lived in the Isle of Man in the previous 6 months or been a student in the previous 9 months); must not have left the Island on or after 6am on 27th March 2020, when entry was restricted; and there must be measures in place to mitigate any risks caused by the individual's return to the Island.

EMERGENCY POWERS (POTENTIALLY INFECTIOUS PERSONS) REGULATIONS 2020

[Consolidated Version](#)

These regulations set out the powers of the Department of Health and Social Care to deal with people suspected of being infected with coronavirus. These include the requirement to self-isolate at a 'specified place in isolation from others' (7(1)(c)).

ISSUES AND CONTROVERSIES

CLOSURE OF BORDERS TO RESIDENTS

During [debate in Tynwald on the first set of Entry Restrictions Regulations](#), a number of concerns were raised about the border closure measures, including:

- The lack of consideration given to a quarantine facility;
- Possible contraventions of international law and human rights issues around the right of return principle
- The amount of time given to residents to return to the Island;
- Lack of details about financial and other support for residents stranded abroad;
- Exemptions for corporate bodies in the regulations.

With regard to a quarantine facility, the Chief Minister said:

...at this moment in time our medics have judged that allowing people to come on to the Isle of Man, into quarantine, and we have already discussed, we have looked at hotels to make sure we are ready for that, but it is on the advice of our medics that that is not possible at this

*moment in time, but they will reconsider and give us advice in the future, once they have observed how the spread is going on the Island. And I think that is as fair as we can be.*¹

A report from [Isle of Man Newspapers](#) describes two letters dated 23rd and 27th March 2020 from Kathryn Magson, CEO of DHSC, outlining the medical advice given to the Council of Ministers. It is reported that 'Ms Magson said the government's decision to enact a lockdown from midnight the previous night had the full support of the clinical and public health working group'. While these letters have apparently been circulated twice to Members, it has proved difficult to find them. A letter from Kathryn Magson was circulated to Members by email on 2nd April, confirming the following:

As the leads of the Clinical and Public Health group we would like to confirm that the actions taken by Government are fully endorsed by this group and were made based on our clinical recommendations to both the National Strategy Group and Council of Ministers. It is our firm view based on our modelling, that if this action had not been taken when it was, then the spread of the virus would have been expansive and our ICU capacity would have been overwhelmed only 22 days after the emergence of the first case.

The Chief Minister also asserted that officers were working with the Foreign and Commonwealth Office (FCO) to bring residents back to the United Kingdom.² According to [a report published on the Manx Radio website on 2nd April 2020](#), when one of their journalists contacted the FCO to ask what plans there were to assist Isle of Man residents, the advice received was to contact the Isle of Man Government.

In [Tynwald on 28th April 2020](#), the Chief Minister said that opening the borders will be the last action taken by the Government to transition out of the current emergency.

MANDATORY QUARANTINE AT COMIS HOTEL

Residents who are not classed as key workers who return to the Island after 27th March 2020 must undergo mandatory quarantine for at least 14 days in a facility set up at the Comis Hotel in Santon.

In [Tynwald on 14th April](#), when moving the relevant regulations for approval, the Minister for Health and Social Care explained that the decision to enforce quarantine in a specified facility was because of the high risk of transmission in the UK, likening the return of residents from the UK to the repatriation of British nationals from Wuhan earlier in the year:

The Island is now in that position in respect of our repatriated residents. Because of the high levels of virus in the UK there is a significant risk that returning residents are potentially carrying the virus even though they have not developed or shown symptoms. The majority might well fully comply with self-isolation guidance if they return to their own homes; however, previous experience with previous returnees indicates that a small number will not. The risk of increasing local virus transmission from even a small number is too great to take, based on the medical advice of our clinicians.

A letter from Kathryn Magson circulated to Members on 2nd April 2020 describes the Clinical and Public Health Group's recommendation regarding repatriation:

We have also been asked for our opinion in repatriating IoM residents and we have now initially discussed as an Executive Team. Our recommendation would be to support this approach now that there is a significant reduction in the numbers proposing to return from over 2,000 to c. 130. We would only be able to manage the implications of these numbers in a carefully planned approach following stringent health protocols but most importantly in order to protect the safety

¹ [Tynwald Court \(31 March 2020\), 444-449.](#)

² [Tynwald Court \(31 March 2020\), 572-579.](#)

of all other residents. This we believe would take some time to mobilise and would need to include confirmation these numbers could be supported in strict quarantine sites. This is clearly again a decision for the elected members but would be our advice at this early stage.

Some have questioned why a distinction is being made between these returning residents and key workers, who are required to self-isolate at home, as well as those resident on Island with suspected or confirmed COVID-19, who are also only required to self-isolate at home.

It is unclear what assumptions have been made about non-compliance when modelling the data underlying the decision to quarantine returning residents. One assumption that has been explained is that if two of the 400 returning residents were asymptomatic and breached their self-isolation, it could lead to a 'double bounce effect', resulting in 132 additional cases in one week and 1000 additional cases within two weeks.³ The Minister for Health and Social Care outlined the assumptions in broad terms:

If even a small handful of returning residents have COVID-19 and show no symptoms at the time of travel and they subsequently do not adhere 100% to the self-isolation requirement in their homes, the medical modelling shows that we can expect a double bounce in the number of cases on the Island. This is something that our clinicians have made quite clear would lead to us not being able to control the situation on Island.⁴

In Tynwald on 28th April 2020, the Chief Minister said that the Chief Constable had reported a high level of compliance across the Island.⁵

A petition to 'allow IOM residents to return to their own homes' has been set up on [change.org](https://www.change.org).

FINANCIAL CONTRIBUTION TO QUARANTINE

Under the Entry Restrictions Regulations, individuals must (not may) pay all costs associated with their return to the Isle of Man, including food, accommodation, travel, and medical assessments.

The Minister for Health and Social Care announced in Tynwald on 14th April 2020 that the cost will be capped at £1000 per person, and that those in receipt of income-related benefits and students in receipt of a maintenance grant will not be required to pay. He also stated that payment will not be required up front.⁶

REPAYMENT

The Minister made a commitment in Tynwald that the costs of quarantine could be repaid over a period of 'a year or more'.⁷

In an email circulated to all Tynwald Members on 18th April 2020, it was explained that the system put in place by the DOI meant that passengers who are unable to make a full payment before the sailing will be required to pay a £100 deposit and agree to pay £100 a month until the debt is repaid. This would make the period of repayment less than a year in all cases. In response, the Minister reiterated his commitment in Tynwald.

There is no information about payment or repayment available on [the Government coronavirus website](https://www.gov.im/coronavirus) at the time of writing.

³ IOM Government Bulletin, 16 Apr 2020; orally at [press briefing on 13 Apr 2020](#).

⁴ [Tynwald Court \(14 Apr 2020\), 1305-1309](#).

⁵ [Tynwald Court \(28 Apr 2020\), 400-402](#).

⁶ [Tynwald Court \(14 Apr 2020\), 1289-1296](#).

⁷ [Tynwald Court \(14 Apr 2020\), 1295](#).

THE BALLOT PROCESS

The allocation of seats on each sailing has been subject to a ballot process. In a letter to Members dated 11th April 2020, the Minister for Health and Social Care explained that '[t]he reliance on random selection after a cut off time minimises the risk of legal challenge on process'.

Initially, it was stated that priority would only be given for safeguarding purposes; more recently, priority has also been given to those with medical needs.⁸

Applicants for repatriation were initially only eligible for the ballot if they are already in the UK. Speaking on [Manx Radio on 29th April 2020](#), the Chief Minister explained that residents would now be able to apply from overseas.

FINANCIAL AND OTHER SUPPORT FOR RESIDENTS ABROAD

There have been no clear commitments made to provide financial support for residents stranded abroad.

QUARANTINE FACILITIES AND CONDITIONS

Diaries of those in quarantine have been published by [Isle of Man Newspapers](#) and [Gef the Mongoose](#). A common theme to these accounts is the feeling of being treated like prison inmates, with high levels of security and surveillance, a lack of choice in food, poor Wifi connectivity, and the inability to receive packages from friends and family.

EXTENSION OF QUARANTINE MEASURES

The Chief Minister announced in [Tynwald on 28th April 2020](#) that the law would be amended so that additional categories of people would be permitted to enter the Island. Those who work overseas and are classed as key workers in the UK would be required to self-isolate after arrival, while quarantine measures would be extended to residents who work overseas in roles not critical to the UK and residents who take the opportunity to leave the Island once for compassionate reasons. The Chief Minister also confirmed that there are currently no changes proposed to the repatriation scheme.

COMPARISON WITH OTHER JURISDICTIONS

CLOSURE OF BORDERS

Other jurisdictions that have [barred entry to citizens and residents](#) include Ecuador and Namibia. Most jurisdictions that have imposed restrictions have barred entry only to foreign nationals and non-residents.

The United Kingdom has not yet closed its borders to any travellers from overseas, nor does it require those travellers to undergo any form of testing, quarantine, or self-isolation. There are [reported to be plans to introduce quarantine measures](#) for anyone entering the country; these appear to take the form of self-isolation at home rather than quarantine in a facility. When questioned about the UK's plans in Tynwald on 28th April 2020, the Chief Minister did not have any details about how these measures might affect Island residents.

⁸ [Tynwald Court \(28 Apr 2020\), 457-459](#).

CHARGING FOR QUARANTINE

The Minister for Health and Social Care claimed that China, Austria, and Italy have charged returning residents for their quarantine.⁹

- 'People travelling to [Austria](#) from neighbouring countries are obligated to produce a medical certificate proving a negative COVID-19 test result upon entry. The certificate cannot be older than 4 days when entering Austria. Without the certificate, entry will be denied. Transiting the Austrian territory without stopover is permitted. Austrian citizens or people with primary, secondary or habitual residence in Austria do not have to produce such a certificate if they commit to a 14-day quarantine in their place of residence.'
- In [Hong Kong](#), citizens quarantined at certain accommodation sites have been charged fees.
- [Travellers to China](#) who fail health checks or were seated near someone who failed a health check are required to undergo 14 days of centralised quarantine and are asked to cover the fees. It is unclear whether this also includes citizens and residents of China.
- In [Italy](#), 'travelling for business, for health reasons, in an emergency or if they are residents must inform their arrival to the regional department of prevention and are subject to health surveillance and isolation for 14 days'. There does not appear to be any charge.
- [Australians who were evacuated from Wuhan and quarantined on Christmas Island](#) were 'required to commit to making a contribution to the cost, consistent with normal arrangements in these circumstances'. [Current FCO advice states that](#) 'all travellers arriving in Australia are required to undertake a mandatory 14-day quarantine at a designated facility (for example a hotel) at their port of arrival. This is provided by the Australian government and is free of charge, except in the Northern Territory.'

CHANNEL ISLANDS

All [travellers to Jersey](#) must self-isolate for 14 days after arrival. Travel into Jersey is restricted to essential travel, including:

- any journey required to protect your own or other people's safety or health
- travelling back to Jersey if you are already away from the Island and to return to a permanent home
- moving to another country/moving home, only where there is no reasonable possibility to postpone this process
- urgent family commitments (for example to provide care for vulnerable dependants or for compassionate reasons, such as funerals for immediate family members)

Those who have returned to [Guernsey, Alderney or Sark](#) from anywhere in the world since 19 March 2020 are [required by law](#) to self-isolate for 14 days. There is no restriction on travel.

FURTHER READING

- New York Times (27 Apr 2020): Coronavirus Travel Restrictions, Across the Globe: <https://www.nytimes.com/article/coronavirus-travel-restrictions.html>
- World Health Organization (19 March 2020): Considerations for quarantine of individuals in the context of containment for coronavirus disease (COVID-19) [https://www.who.int/publications-detail/considerations-for-quarantine-of-individuals-in-the-context-of-containment-for-coronavirus-disease-\(covid-19\)](https://www.who.int/publications-detail/considerations-for-quarantine-of-individuals-in-the-context-of-containment-for-coronavirus-disease-(covid-19))

⁹ [Tynwald Court \(14 Apr 2020\), 2123-2124.](#)

- Oxford Coronavirus Government Response Tracker (OxCGRT):
<https://www.bsg.ox.ac.uk/research/research-projects/coronavirus-government-response-tracker>
- International Monetary Fund: Policy Responses to COVID-19:
<https://www.imf.org/en/Topics/imf-and-covid19/Policy-Responses-to-COVID-19>

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