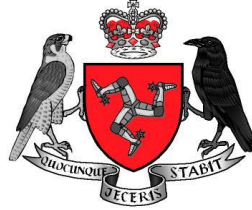


'Statutory Document 2015/0265



**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**

Laid before Tynwald on 20th October 2015 under section 3(2) of the
Immigration Act 1971 (an Act of Parliament as extended to the Isle of Man by the
Immigration (Isle of Man) Order 2008 (SI 2008 no. 680))

STATEMENT OF CHANGES IN IMMIGRATION RULES

The Council of Ministers has made the following changes to the Rules laid down by it as to the practice to be followed in the administration of the Immigration Act 1971¹ (of Parliament) as it has effect in the Isle of Man² for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17th May 2005³.

The changes in this Statement shall take effect on 17th August 2015. However, if an applicant has made an application for entry clearance or leave before the 17th August 2015 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 16th August 2015.

1. In paragraph 6, in the definition of ‘Overstayed’ or ‘Overstaying’, delete the words after “Immigration Act 1971”.
2. In paragraph 6, for the definition of **“present and settled”** substitute:
““present and settled” or “present and settled in the Isle of Man” means that the person concerned is settled in the Isle of Man and, at the time that an application under these Rules is made, is physically present here or is coming here with or to join the applicant and intends to make the Isle of Man their home with the applicant if the application is successful.

For the purposes of an application as a fiancé(e) or proposed civil partner under paragraphs 289AA to 295 or Appendix FM, an EEA national who holds a document certifying permanent residence issued under the 2006 EEA Regulations is to be regarded as present and settled in the Isle of Man.”.
3. In paragraph 6, for the definition of **“adequate”** and **“adequately”** substitute:
““adequate” and “adequately” in relation to a maintenance and accommodation requirement shall mean that, after income tax, national insurance contributions and housing costs have been deducted, there must be available to the family the level of income that would be available to them if the family was in receipt of income support.”.
4. In paragraph 6, at the end of the definition of **“must not be leading an independent life”** or **“is not leading an independent life”** insert:

¹ 1971 c. 77

² See the Immigration (Isle of Man) Order 2008 (S.I. 2008 No 680)

³ S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13 ,SD 2014/0004, SD 2014/0082, SD 2014/241, 2014/314, 2014/324 and 2014/344.

“Where a relative other than a parent may act as the sponsor of the applicant, references in this definition to “parents” shall be read as applying to that other relative.”

5. In paragraph 6, after the definition of "length of the period of engagement", insert:

“Under Part 6A and Appendix A of these Rules, a “**genuine vacancy**” is a vacancy which exists in practice (or would exist in practice were it not filled by the applicant) for a position which:

(a) requires the jobholder to undertake the specific duties and responsibilities, for the weekly hours and length of the period of engagement, described by the Sponsor in the Certificate of Sponsorship relating to the applicant; and

(b) does not include dissimilar and/or unequally skilled duties such that the Standard Occupational Classification (SOC) code used by the Sponsor as stated in the Certificate of Sponsorship relating to the applicant is inappropriate.”.

6. In paragraph 34A, in sub-paragraph (iv) delete “biographical” and substitute “biometric”.

7. Delete paragraph 34C and substitute:

“34C. Where an application or claim in connection with immigration for which an application form is specified does not comply with the requirements in paragraph 34A, and does not comply with the requirements of paragraph A34(iii), the following provisions apply:

(a) Subject to sub-paragraph (b), the application will be invalid if it does not comply with the relevant requirements of 34A, as applicable, and will not be considered. Notice of invalidity will be given in writing and deemed to be received on the date it is given, except where it is sent by post, in which case it will be deemed to be received on the second day after it was posted excluding any day which is not a business day, unless the contrary is proved.

(b) The decision maker may contact the applicant or their representative in writing and give the applicant a single opportunity to correct any omission or error which renders the application invalid. The amended application and/or any requested documents must be received at the address specified in the request within 10 business days of the date on which the request was sent”.

8. In paragraph 34D, delete sub-paragraph (ii) and substitute:

“(ii) such dependants must be:

(a) the spouse, civil partner, unmarried or same-sex partner of the main applicant; and/or

(b) children of the main applicant aged under 18; and/or

(c) where permitted by the Rules for the immigration category under which the applicant wishes to apply, any dependants of the main applicant aged 18 or over”.

9. After paragraph 39B, insert:

“Indefinite leave to enter or remain”

39C (a) An applicant for indefinite leave to enter or remain must, unless the applicant provides a reasonable explanation, comply with any request made by the Lieutenant Governor to attend an interview.

(b) If the decision-maker has reasonable cause to doubt (on examination or interview or on any other basis) that any document submitted by an applicant for the purposes of satisfying the requirements of Appendix KoLL of these Rules was genuinely obtained, that document may be discounted for the purposes of the application.

(c) Where sub-paragraph (b) applies, the decision-maker may request the applicant to provide additional evidence of knowledge of the English language and/or knowledge about life in the UK and Islands (as set out in paragraphs 3.2(b)(ii) and 3.3 of Appendix KoLL) for the purposes of demonstrating sufficient knowledge of the English language requirement and sufficient knowledge about life in the UK and Islands in accordance with Appendix KoLL.

(d) A decision-maker will not request evidence under sub-paragraph (c) where the decision-maker does not anticipate that the supply of that evidence will lead to a grant of leave to enter or remain in the Isle of Man because the application may be refused for other reasons.”.

10. In paragraphs 41(i) and 42 after “ in case of a person accompanying an academic visitor”, insert-

“(as their child, spouse or partner)”.

11. After paragraph 46G(iii)(i) insert:

“46G (iii)(j) To share knowledge or experience relevant to, or advise on, an international project that is being led from the Isle of Man as an overseas scientist or researcher, provided the visitor remains paid and employed overseas and is not carrying out research in the Isle of Man;

46G (iii)(k) To advise an Isle of Man client on litigation and/or international transactions as an employee of an international law firm which has offices in the Isle of Man, provided the visitor remains paid and employed overseas.”.

12. In paragraph 47(i) after “is” insert “genuinely”.

13. Delete paragraph 52 and replace with the following:

“52. A person seeking leave to enter the Isle of Man as a visitor for private medical treatment may be admitted for a period not exceeding six months, or for a period not exceeding 11 months where paragraph 51(i)(b) applies, subject to a condition

prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 51 is met.”.

14. Delete paragraph 55 and replace with the following:

“55. An extension of stay to undergo or continue private medical treatment may be granted for a period not exceeding six months, with a prohibition on employment, study and recourse to public funds, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 54 is met.”.

15. Delete paragraph 56D(iv) and replace with the following:

“56D(iv) does not intend to enter into a sham marriage or sham civil partnership within the meaning of sections 24(5) and 24A(5) of the Immigration and Asylum Act 1999; and”.

16. Insert a new paragraph 56D(v) as follows:

“56D(v) holds a valid Isle of Man entry clearance for entry in this capacity”.

17. Delete the title “**Requirements for leave to enter the Isle of Man to take the PLAB Test**” before the start of paragraph 75 (A) and insert:

“Requirements for leave to enter the Isle of Man to take the Professional and Linguistic Assessments Board (PLAB Test) or an Objective Structured Clinical Examination (OSCE).”.

18. In paragraph 75A, after “seeking leave to enter in order to take the PLAB Test”, insert “or an OSCE”.

19. In paragraph 75A, delete sub-paragraphs (i) to (iii) and insert:

“(i) is a graduate of a medical school and intends to take the PLAB Test, or is a graduate of an overseas nursing school and intends to take an OSCE, in the Isle of Man; and

(ii) can provide documentary evidence of a confirmed test date or of his eligibility to take the PLAB Test by way of a letter or email from the General Medical Council or a test admission card; or can provide evidence of a confirmed test date or of his eligibility to take an OSCE by way of a letter from the Nursing and Midwifery Council; and

(iii) meets the requirements of paragraph 41(ii)-(viii) and (x)-(xi) for entry as a visitor; and”.

20. In the title before the start of paragraph 75B, after “**PLAB Test**”, insert “**or an OSCE**”.

21. In paragraph 75B, after “PLAB Test”, insert “or an OSCE”.

22. In the title before paragraph 75C, after “**PLAB Test**”, insert “**or an OSCE**”.

23. In the title before paragraph 75C, after “**PLAB Test**”, insert “**or an OSCE**”.
24. In paragraph 159A(iv), after “whichever is the earlier”, delete “; and” and substitute “, and does not intend to live for extended periods in the Isle of Man through frequent or successive visits; and”.
25. In paragraph 245HB(m)(ii), delete “paragraph 245HC(e)(iii)” and substitute “paragraph 245HC(d)(iii)”.
26. In paragraph 245HB(n)(i), delete “28 working days” and substitute “28 calendar days”.
27. At the end of paragraph 245HC(d)(iii)(4), add “and Temporary Engagement as a Sports Broadcaster.”.
28. In paragraph 245HD(q)(ii), delete “paragraph 245HE(g)(iii)” and substitute “paragraph 245HE(d)(iii)”.
29. In paragraph 245HD(r)(i), delete “28 working days” and substitute “28 calendar days”.
30. In paragraph 245HE(a)(iv), after “as a Tier 2 Migrant” insert “(other than as a Tier 2 (Intra-Company Transfer) Migrant)”.
31. At the end of paragraph 245HE(d)(iii)(5), add “and Temporary Engagement as a Sports Broadcaster.”.
32. In paragraph 276A for “276ADE” substitute “276ADE(1)”.
33. For paragraph 276A0 substitute
“276A0. For the purposes of paragraph 276ADE(1) the requirement to make a valid application will not apply when the Article 8 claim is raised:
(i) not used
(ii) where a migrant is in immigration detention. A migrant in immigration detention or their representative must submit any application or claim raising Article 8 to a prison officer, a prisoner custody officer, a detainee custody officer or a member of Isle of Man Immigration staff at the migrant’s place of detention; or
(iii) in an appeal (subject to the consent of the Lieutenant Governor where applicable).”.
34. In paragraph 276BE(1) for “276ADE” substitute “276ADE(1)”.
35. In paragraph 276BE(1) for “276ADE(iv) and (v)” substitute “276ADE(1)(iv) and (v)”
36. After paragraph 276BE(1) insert: BE2 and 3
276 BE(2). Where an applicant does not meet the requirements in paragraph 276ADE(1) but the Lieutenant Governor grants leave to remain outside the rules on Article 8 grounds, the applicant will normally be granted leave for a period not exceeding 30 months and subject to a condition of no recourse to public funds unless

the Lieutenant Governor considers that the person should not be subject to such a condition.

“276BE(3). Where an applicant has extant leave at the date of decision, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted under paragraph 276BE(1) or 276BE(2) (which may therefore exceed 30 months.)

37. “In paragraph 276CE for “276ADE” substitute “276ADE(1)”.
38. In paragraph 276DE(b) for “276ADE” substitute “276ADE(1)”.
39. In paragraph 276DE(b) for “276ADE(iv) and (v)” substitute “276ADE(1)(iv) and (v)”.
40. In paragraph 276DE(b) for “276BE” substitute “276BE(1)”.
41. In paragraph A277 for “paragraph A280” substitute “paragraphs A280 to A280B”.
42. In paragraph A277A for “an application for indefinite leave to remain” substitute “an application for limited leave to remain or indefinite leave to remain”.
43. In paragraph A277A(a) after “indefinite leave to remain” insert “(where the application is for indefinite leave to remain)”.
44. In paragraph A277A(b) for “continues to meet the requirements for limited leave to remain on which the applicant’s last grant of limited leave to remain under Part 8 was based,” substitute “meets or continues to meet the requirements for limited leave to remain under Part 8 in force at the date of decision,”.
45. In paragraph A277A(c) after “bereaved partner” insert “(where the application is for indefinite leave to remain as a bereaved partner)”.
46. In paragraph A277B for “an application for indefinite leave to remain” substitute “an application for limited leave to remain or indefinite leave to remain”.
47. In paragraph A277B for “the requirements of Part 8 for indefinite leave to remain or limited leave to remain:” substitute “the requirements for indefinite leave to remain (where the application is for indefinite leave to remain) or limited leave to remain under Part 8 in force at the date of decision:
48. “In paragraph A277B(c) for “indefinite leave to remain under those provisions” substitute “indefinite leave to remain under paragraph 276B”.
49. In paragraph A277C for “A280” substitute “A280B”.
50. In paragraph A277C for “paragraph 276ADE” substitute “paragraph 276ADE(1)”
51. After paragraph A280 insert:

“A280A. The sponsor of an applicant under Part 8 for limited or indefinite leave to remain as a spouse, civil partner, unmarried partner or same sex partner must be the same person as the sponsor of the applicant’s last grant of leave in that category.

A280B. An applicant aged 18 or over may not rely on paragraph A280 where, since their last grant of limited leave to enter or remain under Part 8, they have been granted or refused leave under Appendix FM, Appendix Armed Forces or paragraph 276BE to CE of these rules, or been granted limited leave to enter or remain in a category outside their original route to settlement.”.

52. At the end of paragraph 287(a)(i)(c) for “and” substitute “or”.

53. In paragraph 289A:

(i) delete sub-paragraphs (i) to (iii) and substitute:

“(i)(a) the applicant was last admitted to the Isle of Man for a period not exceeding 27 months in accordance with sub-paragraph 282(a), 282(c), 295B(a) or 295B(c) of these Rules; or

(b) the applicant was last granted leave to remain as the spouse or civil partner or unmarried partner or same-sex partner of a person present and settled in the Isle of Man in accordance with paragraph 285 or 295E of these Rules, except where that leave extends leave originally granted to the applicant as the partner of a Relevant Points Based System Migrant; or

(c) the applicant was last granted leave to enable access to public funds pending an application under paragraph 289A and the preceding grant of leave was given in accordance with paragraph 282(a), 282(c), 285, 295B(a), 295B(c) or 295E of these Rules, except where that leave extends leave originally granted to the applicant as the partner of a Relevant Points Based System Migrant; and

(ii) the relationship with their spouse or civil partner or unmarried partner or same-sex partner, as appropriate, was subsisting at the beginning of the last period of leave granted in accordance with paragraph 282(a), 282(c), 285, 295B(a), 295B(c) or 295E of these Rules; and”;

(ii) renumber sub-paragraph (iv) as sub-paragraph (iii); and

(iii) delete sub-paragraph (iv).

54. In paragraph 319C(b)(iii), after “or is”, delete,”.

55. In paragraph 319C(b)(iii), after “further leave to remain” insert:

“, or has been refused indefinite leave to remain solely because the applicant has not met the requirements of paragraph 319E(g),”.

56. Delete paragraph 323AA(h)(vi) and substitute:

“(vi) Undertaking professional examinations before commencing work for the sponsor, where such examinations are a regulatory requirement of the job the migrant is being sponsored to do, and providing the migrant continues to be sponsored during that period.”.

57. In paragraph 365, delete “Section 5 of the Immigration Act 1971 gives the Lieutenant Governor power in certain circumstances to make a deportation order against the spouse, civil partner or child of a person against whom a deportation order has been made”, and after “deportee”, insert “under section 5 of the Immigration Act 1971”.
58. In paragraph 366, after “deportee”, insert “under section 5 of the Immigration Act 1971”.
59. Delete paragraph 368.
60. In paragraph 381 after the second reference to “decision” delete “and of his right of appeal”.
61. In paragraph 391(a), after “deportation order,” insert “when, if an application for revocation is received, consideration will be given on a case by case basis to whether the deportation order should be maintained.”.
62. Delete paragraph 395.
63. For paragraph 400 substitute:

“400. Where a person claims that their removal under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971, section 10 of the Immigration and Asylum Act 1999 or section 47 of the Immigration, Asylum and Nationality Act 2006 would be contrary to the Isle of Man’s obligations under Article 8 of the Human Rights Convention, the Lieutenant Governor may require an application under paragraph 276ADE(1) (private life) or under paragraphs RLTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life as a partner or parent) of these rules. Where an application is not required, in assessing that claim the Lieutenant Governor or an immigration officer will, subject to paragraph 353, consider that claim against the requirements to be met (except the requirement to make a valid application) under paragraph 276ADE(1) (private life) or paragraphs RLTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life as a partner or parent) of these rules as appropriate and if appropriate the removal decision will be cancelled.”.
64. In sub-paragraph 1(d) of Appendix 1 (Visa requirements for the Isle of Man) replace “Persons who hold non-national documents” with “Persons travelling on any document other than a national passport, regardless of whether the document is issued by, or evidences nationality of, a state not listed in paragraph (a), except where that document has been issued by the Isle of Man”.
65. In Appendix A in paragraph 19(k)(i), delete "28 working days" and substitute "28 calendar days".
66. .In Appendix A, delete the last row of Table 4 and substitute:

The money is disposable in the Isle of Man	25
If the applicant is applying for leave to remain, the	

money must be held in the Isle of Man.	
--	--

67. In Appendix A, in paragraph 41(a), after “assets”, insert “and, where multiple documents are provided, they must show the total amount required is available on the same date”.
68. In Appendix A, in paragraph 41-SD(c)(ii)(4), after “or both names for an entrepreneurial team” insert “or where it is a joint account with the applicant’s spouse, civil partner or partner as set out in paragraph 53 below”.
69. In Appendix A, after paragraph 41-SD(d)(i)(8), insert:
- “(9) if the third party is another business in which the applicant is self-employed or a director, evidence of the applicant’s status within that business and that the applicant is the sole controller of that business’s finances, or, where the applicant is not the sole controller, the letter must be signed by another authorised official of that business who is not the applicant, and”.
70. In Appendix A, after new paragraph 41-SD(d)(i)(9), renumber existing subparagraph (9) as (10).
71. In Appendix A, in paragraph 41-SD(e)(vii)(1), delete “a Isle of Man-regulated financial institution, on the institution’s headed paper,” and substitute “the Isle of Man bank in question, on its headed paper,”.
72. In Appendix A, in paragraph 41-SD(e)(vii)(2), delete “an Isle of Man-regulated financial institution, on the institution’s headed paper,” and substitute “the Isle of Man bank in question, on its headed paper,”.
73. In Appendix A, delete paragraph 45 and substitute:
- “45. If the applicant has invested the money referred to in Table 4 in the Isle of Man before the date of the application, points will be awarded for funds available as if the applicant had not yet invested the funds, providing:
- (a) the investment was made no more than 12 months (or 24 months if the applicant was last granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of the application; and
- (b) all of the specified documents required in paragraphs 46-SD(a) to (g) are provided to show:
- (i) the amount of money invested; and
- (ii) that the applicant has established a business in the Isle of Man, in which the money was invested.”.
74. In Appendix A, insert new first row in Table 6:

1	The applicant has invested, or had invested on his behalf, not less than £200,000 (or £50,000 if, in his last grant of leave, he was awarded points for funds of £50,000) in cash directly into one or more	20
---	---	----

	<p>businesses in the Isle of Man.</p> <p>The applicant will not need to provide evidence of this investment if he was awarded points for it, as set out in Table 5, in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.</p>	
--	---	--

75. In Appendix A, renumber subsequent rows 1 to 3 of Table 6 as 2 to 4 respectively.
76. In Appendix A, in row 3 (formerly row 2) of Table 6, delete “at least 12 months of the period for which the previous leave was granted” and substitute “for at least 12 months during that last grant of leave”.
77. In Appendix A, in row 4 (formerly row 3) of Table 6, in sub-paragraph (a), delete “row 2 above” and substitute “row 3 above”.
78. In Appendix A, delete paragraphs 47 and 48 and substitute:
- “47. For the purposes of Tables 4, 5 and 6, “investment and business activity” does not include investment in any residential accommodation, property development or property management, and must not be in the form of a director's loan unless it is unsecured and subordinated in favour of the business. “Property development or property management” in this context means any development of property owned by the applicant or his business to increase the value of the property with a view to earning a return either through rent or a future sale or both, or management of property (whether or not it is owned by the applicant or his business) for the purposes of renting it out or resale.
48. Points will only be awarded in respect of an Isle of Man business or businesses.
- (a) A business will be considered to be an Isle of Man business if:
- (i) it is trading within the Isle of Man economy, and
- (ii) it has a registered office in the Isle of Man, except where the applicant is registered with Isle of Man Treasury as self-employed and does not have a business office, and
- (iii) it has an Isle of Man bank account, and
- (iv) it is subject to Isle of Man taxation
- (b) Multinational companies that are registered as Isle of Man companies with either a registered office or head office in the Isle of Man are considered to be Isle of Man businesses for the purposes of Tables 4, 5 and 6.
- (c) Subject to (d) below, a business will only be considered to be a “new” business for the purposes of Tables 5 and 6 if it was established no earlier than 12 months before the start of a period throughout which the applicant has had continuous leave as a Tier 1 (Entrepreneur) Migrant, and which includes the applicant’s last grant of leave.

(For these purposes continuous leave will not be considered to have been broken if any of the circumstances set out in paragraphs 245AAA(a)(i) to (iii) of these Rules apply.)

(d) If the applicant held entry clearance or leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant no more than 28 days before the application which led to the start of the period of continuous leave as a Tier 1 (Entrepreneur) Migrant referred to in (c) above, a business will only be considered to be a “new” business for the purposes of Tables 5 and 6 if it was established no earlier than 24 months before the start of the period in (c).”.

79. In Appendix A, in paragraph 66, delete “for leave to remain” and substitute “for entry clearance or leave to remain”.
80. In Appendix A, in paragraph 70(c)(xiii), delete “if the applicant was last granted leave” and substitute “if the applicant is applying for leave to remain and was last granted leave”.
81. In Appendix A, after paragraph 74F, insert new paragraphs:
- “74G.No points will be awarded for a Certificate of Sponsorship if the job that the Certificate of Sponsorship Checking Service entry records that the applicant is being sponsored to do amounts to:
- (a) the hire of the applicant to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent, or
 - (b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between the sponsor and the third party.
- 74H. No points will be awarded for a Certificate of Sponsorship if the Entry Clearance Officer or the Lieutenant Governor has reasonable grounds to believe, notwithstanding that the applicant has provided the evidence required under the relevant provisions of Appendix A, that:
- (a) the job as recorded by the Certificate of Sponsorship Checking Service is not a genuine vacancy, if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in either of the Short Term Staff or Long Term Staff subcategories, or
 - (b) the applicant is not appropriately qualified to do the job in question.
- 74I. to support the assessment in paragraph 74H, the Entry Clearance Officer or the Lieutenant Governor may request additional information and evidence from the applicant or the Sponsor, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Entry Clearance Officer or the Lieutenant Governor at the address specified in the request within 28 calendar days of the date the request is sent.”.

82. In Appendix A, after paragraph 77E, insert new paragraphs:

77F. An applicant cannot score points for a Certificate of Sponsorship from Table 11A if the job that the Certificate of Sponsorship Checking Service entry records that he is being sponsored to do is as a sports person or a Minister of Religion.

77G. No points will be awarded for a Certificate of Sponsorship if the job that the Certificate of Sponsorship Checking Service entry records that the applicant is being sponsored to do amounts to:

(a) the hire of the applicant to a third party who is not the sponsor to fill a position with that party, whether temporary or permanent, or

(b) contract work to undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor, regardless of the nature or length of any arrangement between the sponsor and the third party.

77H. No points will be awarded for a Certificate of Sponsorship if the Entry Clearance Officer or the Lieutenant Governor has reasonable grounds to believe, notwithstanding that the applicant has provided the evidence required under the relevant provisions of Appendix A, that:

(a) the job as recorded by the Certificate of Sponsorship Checking Service is not a genuine vacancy,

(b) the applicant is not appropriately qualified or registered to do the job in question (or will not be, by the time they begin the job), or

(c) the stated requirements of the job as recorded by the Certificate of Sponsorship Checking Service and in any advertisements for the job are inappropriate for the job on offer and / or have been tailored to exclude resident workers from being recruited.

77I. To support the assessment in paragraph 77H(b), if the applicant is not yet appropriately qualified or registered to do the job in question, he must provide evidence with his application showing that he can reasonably be expected to obtain the appropriate qualifications or registrations by the time he begins the job, for example, a letter from the relevant body providing written confirmation that the applicant has registered to sit the relevant examinations.

77J. To support the assessment in paragraph 77H(a)-(c), the Entry Clearance Officer or the Lieutenant Governor may request additional information and evidence from the applicant or the Sponsor, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Entry Clearance Officer or the Lieutenant Governor at the address specified in the request within 28 calendar days of the date the request is sent.”.

83. In Appendix A, in the seventh row of Table 11B, delete “1 October 2014” and or have last been granted,”.
84. In Appendix A, in paragraph 78D(b), after “the applicant must have” insert “, or have last been granted,”.
85. In Appendix A, delete paragraph 79A and substitute:
- “79A. No points will be awarded if the salary referred to in paragraph 79 above is less than £20,500 per year, unless:
- (a) the applicant:
- (i) is applying for leave to remain, and
- (ii) previously had leave as:
- (1) a Qualifying Work Permit Holder,
- (2) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,
- (3) a Member of the operational Ground Staff of an Overseas-owned Airline,
- (4) a Jewish Agency Employee, or
- (5) a Tier 2 (General) Migrant under the Rules in place before 6 April 2011; and
- (iii) has not been granted entry clearance in this or any other route since that grant of leave; or
- (b) the Certificate of Sponsorship checking service entry records that the applicant:
- (i) obtained a Nursing and Midwifery Council permission before 30 March 2015 to undertake the Overseas Nursing Programme or the Adaptation to Midwifery Programme;
- (ii) is being sponsored as a nurse or midwife in a supervised practice placement approved by the Nursing and Midwifery Council;
- (iii) will continue to be sponsored as a registered nurse or midwife by the Sponsor after achieving Nursing and Midwifery Council registration;, and
- (iv) will be paid at least £20,500 per year once that registration is achieved, and the applicant provides evidence of the above, if requested to do so.”.
86. In Appendix B, delete paragraph 1 and substitute:
87. “1. An applicant applying as a Tier 1 Migrant or Tier 2 Migrant must have 10 points for English language, unless applying for entry clearance or leave to remain:
- (i) Not used
- (ii) as a Tier 1 (Investor) Migrant, or
- (iii) as a Tier 2 (Intra-Company Transfer) Migrant.”
88. In Appendix B, in Table 1, delete row D.

89. In Appendix B, delete paragraph 13 and substitute:

“13. Subject to paragraph 15 below, where the application falls under rows B to C or rows F to H of Table 1 above, 10 points will be awarded for meeting the requirement in a previous grant of leave if the applicant has ever been granted leave:

(a) as a Tier 1 (Graduate Entrepreneur) Migrant,

(b) as a Tier 2 (General) Migrant under the Rules in place on or after 6 April 2011, or

(c) as a Tier 4 (General) student, and the Confirmation of Acceptance for Studies used to support that application was assigned on or after 21 April 2011,

provided that when he was granted that leave he obtained points for having knowledge of English equivalent to level B1 of the Council of Europe's Common European Framework for Language Learning or above.”

90. In Appendix FM for paragraph GEN.1.8. insert:

GEN 1.9 Not used

GEN 1.10 Not used

GEN.1.11. Where entry clearance or leave to enter or remain is granted under this Appendix, or where an applicant does not meet the requirements of this Appendix as a partner or parent but the decision-maker grants entry clearance or leave to enter or remain outside the rules on Article 8 grounds, (and without prejudice to the specific provision that is made in this Appendix in respect of a no recourse to public funds condition), that leave may be subject to such conditions as the decision-maker considers appropriate in a particular case.

GEN.1.12. In paragraphs GEN.1.10. and GEN.1.11. “Decision-maker” refers to the Lieutenant Governor or an Entry Clearance Officer.

GEN.1.13. For the purposes of paragraphs D-LTRP.1.1., D-LTRP.1.2., DILRP.1.2., D-LTRPT.1.1., D-LTRPT.1.2., and D-ILRPT.1.2. (excluding a grant of limited leave to remain as a fiancé(e) or proposed civil partner), where the applicant has extant leave at the date of decision, the remaining period of that extant leave up to a maximum of 28 days will be added to the period of limited leave to remain granted under that paragraph (which may therefore exceed 30 months).

91. In Appendix FM in paragraph E-ECP.4.1.(d) for “EECP.4.2.” substitute “EECP.4.2.”.

92. In Appendix FM in paragraph E-LTRP.4.1.(d) for “ELTRP.4.2;” substitute “E-LTRP.4.2;”.

93. In Appendix FM for paragraph RILRP.1.1. substitute:

“R-ILRP.1.1. The requirements to be met for indefinite leave to remain as a partner are that-

(a) the applicant and their partner must be in the Isle of Man;

(b) the applicant must have made a valid application for indefinite leave to remain as a partner;

(c) the applicant must not fall for refusal under any of the grounds in Section S-ILR: Suitability for indefinite leave to remain;

(d) the applicant:

(i) must meet all of the requirements of Section E-LTRP: Eligibility for leave to remain as a partner (but in applying paragraph ELTRP.3.1.(b)(ii) delete the words "2.5 times"); or

(ii) must meet the requirements of paragraphs E-LTRP.1.2.-1.12. and E-LTRP.2.1. and paragraph EX.1. applies; and

(e) the applicant must meet all of the requirements of Section E-ILRP: Eligibility for indefinite leave to remain as a partner."

94. In Appendix FM for paragraph E-ILRP.1.5. substitute:

"E-ILRP.1.5. In calculating the periods under paragraph E-ILRP.1.3. the words "in the Isle of Man" in that paragraph shall not apply to any period(s) to which the evidence in paragraph 26A of Appendix FM-SE applies."

95. In Appendix FM in paragraph E-DVILR.1.2.

(i) delete the introductory wording and substitute:

"The applicant's first grant of limited leave under this Appendix must have been as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK under paragraph D-ECP.1.1., DLTRP.1.1. or D-LTRP.1.2. of this Appendix and any subsequent grant of limited leave must have been:"

(ii) delete sub-paragraphs (a) and (b) and substitute: "(a) granted as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK under paragraph D-ECP.1.1., DLTRP.1.1. or D-LTRP.1.2. of this Appendix; or

(b) granted to enable access to public funds pending an application under DVILR and the preceding grant of leave was granted as a partner (other than a fiancé(e) or proposed civil partner) of a British Citizen or a person settled in the UK under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix; or"

96. In Appendix FM in paragraph E-DVILR.1.3. after "period of limited leave as a partner", insert "of a British Citizen or a person settled in the Isle of Man under paragraph D-ECP.1.1., D-LTRP.1.1. or D-LTRP.1.2. of this Appendix "

97. In Appendix FM in paragraph E-ECPT.4.1.(d) for "EECPT.4.2." substitute "E-ECPT.4.2."

98. In Appendix FM in paragraph E-LTRPT.5.1.(d) for “ELTRPT.5.2,” substitute “E-LTRPT.5.2.,”.
99. In Appendix FM in the section at the end entitled “Deportation and removal” for “276ADE” substitute “276ADE(1)”.
100. In Appendix FM-SE paragraph 1(c) for “employment income of an applicant” substitute “employment or self-employment income of an applicant”.
101. In Appendix FM-SE after paragraph 1(c) insert:
“(cc) The income of an applicant or sponsor working in the UK in salaried or non-salaried employment or in self-employment can include income from work undertaken overseas, provided paragraph E-LTRP.1.10 of Appendix FM and the other requirements of this Appendix are met.”.
102. In Appendix FM-SE at the end of paragraph 3 insert:
“In respect of an equity partner whose income from the partnership is treated as salaried employment under paragraph 17, the payslips and employer’s letter referred to in paragraph 2 may be replaced by other evidence providing the relevant information in paragraph 2 (which may include, but is not confined to, a letter on official stationery from an accountant, solicitor or business manager acting for the partnership).”.
103. In Appendix FM-SE at the end of paragraph 7(g) insert:
“, or (where the person has reached state pension age) through alternative evidence (which may include, but is not confined to, evidence of ongoing payment of business rates, business-related insurance premiums, employer National Insurance contributions or franchise payments to the parent company)”.
104. In Appendix FM-SE in paragraph 10(g)(i) after “12 months” insert “or for at least one full academic year”.
105. In Appendix FM-SE in paragraph 11A after sub-paragraph 11A(c)(iii) insert:
“(iv) For the purposes of sub-paragraph 11A(c), “investments” includes funds held in an investment account which does not meet the requirements of paragraphs 11 and 11A(a).”.
106. In Appendix FM-SE in paragraph 12(a) for “the entitlement and the amount received” substitute “the current entitlement and the amount currently received”.
107. In Appendix FM-SE in paragraph 12(b) for “payment of the benefit or allowance into the person’s account” substitute “payment of the amount of the benefit or allowance to which the person is currently entitled into their account”.
108. In Appendix FM-SE after paragraph 12A insert:
“12B. Where the financial requirement an applicant must meet under Part 8 (excluding an applicant who is a family member of a Relevant Points Based System Migrant) or under Appendix FM relates to adequate maintenance and where cash

savings are relied upon to meet the requirement in full or in part, the decision-maker will:

(a) Establish the total cash savings which meet the requirements of paragraphs 11 and 11A;

(b) Divide this figure by the number of weeks of limited leave which would be issued if the application were granted, or by 52 if the application is for indefinite leave to enter or remain;

(c) Add the figure in sub-paragraph 12B(b) to the weekly net income (before the deduction of housing costs) available to meet the requirement.”.

109. In Appendix FM-SE at the end of paragraph 13 insert:

“(k) Where the application relies on the employment income of the applicant and the sponsor, all of that income must be calculated either under subparagraph 13(a) or under sub-paragraph 13(b) and paragraph 15, and not under a combination of these methods.”.

110. In Appendix FM-SE in paragraph 29(a) after “passport” insert “or travel document”.

111. In Appendix FM-SE in paragraph 29(b) after “passport” insert “or travel document

112. In Appendix FM-SE in paragraph 30(b) for “Home Government or Embassy” substitute “national government, Embassy or High Commission”.

113. In Appendix FM-SE after paragraph 32 insert:

“32A. For the avoidance of doubt paragraphs 27 to 32D of this Appendix apply to fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner and same sex partner applications for limited leave to enter or remain made under Part 8 of these Rules where English language requirements apply, regardless of the date of application. Paragraphs 27 to 32D of this Appendix also apply to spouse, civil partner, unmarried partner and same sex partner applications which do not meet the requirements of Part 8 of these Rules for indefinite leave to remain (where the application is for indefinite leave to remain) and are being considered for a grant of limited leave to remain where paragraph A277A(b) of these Rules applies. Any references in paragraphs 27 to 32D of this Appendix to “limited leave to enter or remain” shall therefore be read as referring to all applicants referred to in this paragraph.

32B. Where the decision-maker has:

(a) reasonable cause to doubt that an English language test in speaking and listening at a minimum of level A1 of the Common Framework of Reference for Languages relied on at any time to meet a requirement for limited leave to enter or remain in Part 8 or Appendix FM was genuinely obtained; or

(b) information that the test certificate or result awarded to the applicant has been withdrawn by the test provider for any reason,

the decision-maker may discount the document and the applicant must provide a new test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it.

32C. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result which has ceased by the date of application to be:

(a) from an approved test provider, or

(b) in respect of an approved test,

the decision-maker will not accept that certificate or result as valid, unless the decision-maker does so in accordance with paragraph 32D of this Appendix and subject to any transitional arrangements made in respect of the test provider or test in question.

32D. If an applicant applying for limited leave to enter or remain under Part 8 or Appendix FM submits an English language test certificate or result and the Isle of Man Immigration Office has already accepted it as part of a successful previous partner or parent application (but not where the application was refused, even if on grounds other than the English language requirement), the decision-maker may accept that certificate or result as valid if it is:

(a) from a provider which is no longer approved, or

(b) from a provider who remains approved but the test the applicant has taken with that provider is no longer approved, or

(c) past its validity date (if a validity date is required under Appendix O), provided that when the subsequent application is made:

(i) the applicant has had continuous leave (disregarding any period of overstaying of no more than 28 days) as a partner or parent since the Isle of Man Immigration Office accepted the test certificate as valid; and

(ii) the award to the applicant does not fall within the circumstances set out in paragraph 32B of this Appendix.”.

114. Delete Appendix G and substitute

“Appendix G: Countries and Territories participating in the Tier 5 Youth Mobility Scheme and annual allocations of places for 2015

Places available for use by Countries and Territories with Deemed Sponsorship Status:

Australia – 38,000 places

Canada – 5,000 places

Japan – 1,000 places

New Zealand – 11,000 places

Monaco –1,000 places

Places available for use by Countries and Territories without Deemed Sponsorship Status:

Taiwan – 1,000 places

South Korea – 1,000 places

Hong Kong – 1,000 places”.

115. In Appendix I delete paragraph 245HF (d) and substitute:

(d) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing:

(i) that he still requires the applicant for the employment in question, and

(ii) subject to sub-paragraph (iii), at the point of a Tier 2 (General) or Tier 2

(Sportsperson) Migrant applying for settlement, that they are being paid for the employment in question either:

(1) at or above the appropriate rate for the job, as stated in the Codes of Practice in Appendix J, or

(2) a gross annual salary of at least:

(a) £35,000 if applying on or after 6 April 2016,

(b) £35,500 if applying on or after 6 April 2018,

(c) £35,800 if applying on or after 6 April 2019,

(d) £36,200 if applying on or after 6 April 2020,

whichever is higher, where the appropriate rate or salary includes basic pay and allowances as set out in paragraph 79E or paragraph 100A of Appendix A.

(iii) where a Tier 2 (General) Migrant applying for settlement is recorded (at the time of application for settlement) by the Certificate of Sponsorship Checking Service as being sponsored to do a job that either:

(1) appears on the Shortage Occupation List in Appendix K, or has appeared on that list during any time the applicant was being sponsored to do that job and during the continuous period of 5 years referred to in paragraph (c) above, or

(2) appears on the occupations skilled to PhD-level as stated in the Codes of Practice in Appendix J, or has appeared on that list during any time the applicant was being sponsored to do that job and during the continuous period of 5 years referred to in paragraph (c) above,

sub paragraph (d)(ii) does not apply and the Sponsor that issued the Certificate of Sponsorship for the employment in question must certify that the Tier 2 (General)

migrant applying for Indefinite Leave to Remain is being paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, where the appropriate rate or salary includes basic pay and allowances as set out in paragraph 79E of Appendix A.

116. In Appendix J, in paragraph 14(e)(i), delete “2011”.
117. In Appendix KoLL, in Part 1 – General, in paragraph 1.1, delete “the way in which” and substitute “how”.
118. In Appendix KoLL, in Part 1 – General, in paragraph 1.1, after “an applicant for” insert “indefinite”.
119. In Appendix KoLL, in Part 2 – Knowledge of language and life, in the introductory wording in paragraph 2.2, delete “has” and substitute “demonstrates”.
120. In Appendix KoLL, in Part 2 – Knowledge of language and life, after paragraph 2.2(b)(ii) insert “, and” and insert new sub-paragraph (iii): “(iii) at the date of application, the provider of that qualification continues to be approved by the Lieutenant Governor as specified in Appendix O to these Rules.”.
121. In Appendix KoLL, in Part 2 – Knowledge of language and life, in the introductory wording in paragraph 2.3, delete “has” and substitute “demonstrates”.
122. In Appendix KoLL, in Part 3 – exceptions, delete paragraph 3.2(b) and substitute:

“(b)(i) the applicant has provided specified documentary evidence of an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3; or(ii) where paragraph 39C(c) of these Rules applies, the applicant has provided specified documentary evidence of an English language speaking and listening qualification at A2 CEFR with a provider approved by the Lieutenant Governor as specified in Appendix O to these Rules.”.
123. In Appendix KoLL, in Part 3 – exceptions, insert new paragraph 3.3:

“3.3 Where paragraph 39C(c) of these Rules applies, an applicant demonstrates sufficient knowledge of the English language and about life in the UK where:

 - (i) upon a request by the decision-maker to provide additional evidence of knowledge of the English language, he or she has provided specified documentary evidence that he or she has passed an English language test in speaking and listening at a minimum B1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State as specified in Appendix O to these Rules, unless paragraph 3.2 of this Appendix applies; or
 - (ii) upon a request by the decision-maker to provide additional evidence of knowledge about life in the UK, he or she has provided specified evidence that he or she has passed the test known as the “Life in the UK test” administered by learndirect limited under arrangements approved by the decision-maker; or

(iii) upon a request by the decision-maker to provide additional evidence of knowledge of the English language and about life in the UK, he or she has provided the evidence set out in sub-paragraphs (i) and (ii).”.

124. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.2, delete “paragraphs 4.3 or 4.6” and substitute “paragraph 39(C)(c) of these Rules or paragraphs 4.3 or 4.6 of this Appendix apply.”.
125. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.11 (i) in the introductory wording delete “2.2(iii) and 2.2(iv)” and substitute “2.2(a)(iii) to 2.2(a)(v)” and (ii) in sub-paragraph (a)(v), delete “2.2(iii)” and substitute “2.2(a)(iii)”.
126. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.13, delete: “3.2(b)” and substitute “3.2(b)(i)”, and delete “paragraph 2.3(vi) and 2.3(vii)” and substitute “paragraphs 2.2(a)(vi) and 2.2(a)(vii)”.
127. In Appendix KoLL, in Part 4 – specified documents, in paragraph 4.14(a), delete “3.2(d)” and substitute “3.2(c)”.
128. In Appendix KoLL, in Part 4 – specified documents, insert new paragraph 4.13A:
 “4.13A. The evidence specified for the purposes of paragraph 3.2(b)(ii) (evidence of English language speaking and listening) is the same as that specified for the purposes of paragraph 2.2(a)(ii) except that references to B1 are to be read as references to A2.”.
129. In Appendix KoLL, in Part 4 – specified documents, insert new paragraphs 4.16 and 4.17:
 “4.16 The evidence specified for the purposes of paragraph 3.3(i) of this Appendix (evidence of English language speaking and listening) is the same as that specified for the purpose of paragraph 2.2(a)(ii) of this Appendix.
 4.17 The evidence specified for the purposes of paragraph 3.3(ii) of this Appendix (evidence of knowledge about life in the UK) is the same as that specified at paragraph 4.15(a) of this Appendix.”.
130. In Appendix M, after paragraph 1, insert:
 “2. Each Governing Body may only endorse applicants in the Tier(s) specified in the table.”.
131. In Appendix M, delete the table and substitute:

“ Sport	Governing body	Tiers
Archery	Grand National Archery Society	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Athletics	UK Athletics	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative

		and Sporting)
Badminton	Badminton England	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Badminton	Badminton Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Baseball	BaseballSoftball UK	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Basketball	Basketball England	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Basketball	Basketball Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Boxing	British Boxing Board of Control	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Canoeing	British Canoeing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Chinese Martial Arts	British Council for Chinese Martial Arts	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	England and Wales Cricket Board (ECB)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	Cricket Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cricket	Cricket Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Curling	Royal Caledonian Curling Club	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Cycling	British Cycling	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Equestrianism	British Horse Society	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker

Fencing	British Fencing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey England	England Hockey	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Scotland	Scottish Hockey Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Wales	Welsh Hockey Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Field Hockey Ireland	Irish Hockey Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football England	The Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Scotland	Scottish Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Wales	The Football Association of Wales	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Football Northern Ireland	Irish Football Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Gymnastics	British Gymnastics	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Handball	British Handball Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Ice Hockey	Ice Hockey (UK)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Ice Skating	National Ice Skating Association of Great Britain and Northern Ireland	Tier 5 (Temporary Worker – Creative and Sporting)
Jockeys and Trainers	British Horseracing Authority	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative

		and Sporting)
Judo	British Judo Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Kabbadi	England Kabaddi Federation (UK)	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker
Karate	Scottish Karate	Tier 5 (Temporary Worker – Creative and Sporting)
Lacrosse	English Lacrosse	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Motorcycling (except speedway)	Auto-cycle Union	Tier 2 (Sportsperson)
Motorsports	The Royal Automobile Club Motor Sports Association Ltd	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Welsh Netball Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	England Netball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Netball Northern Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Netball	Netball Scotland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Polo	Hurlingham Polo Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

Rowing	British Rowing	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby League	Rugby Football League	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union England	Rugby Football Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Scotland	Scottish Rugby Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Wales	Welsh Rugby Union	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Rugby Union Ireland	Ulster Rugby	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Sailing, windsurfing and powerboating	Royal Yachting Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Shooting	British Shooting	Tier 2 (Sportsperson) and
Snooker	World Snooker	Tier 2 (Sportsperson)
Speedway	British Speedway Promoters Association	Tier 2 (Sportsperson)
Squash and racketball	England Squash and Racketball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Swimming, water polo, diving and synchronised swimming	British Swimming	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Table Tennis	English Table Tennis Federation	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative

		and Sporting)
Taekwondo	GB Taekwondo	Tier 2 (Sportsperson)
Tennis	Lawn Tennis Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Triathlon	British Triathlon	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Water Skiing	British Water Ski	Tier 5 (Temporary Worker – Creative and Sporting)
Wheelchair Basketball	British Wheelchair Basketball	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Wrestling	British Wrestling Association	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
Yoga	The British Wheel of Yoga	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)

132. In Appendix N, after the “Encouraging Dynamic Global Entrepreneurs” scheme, insert a new entry as follows:

Engineering work placement scheme	This scheme offers overseas engineering students (both undergraduates and graduates) short work experience opportunities with engineering companies in the UK.	Twin Training International	Work experience programme Maximum 12 months	UK
-----------------------------------	--	-----------------------------	--	----

133. In Appendix N delete the schemes below as these have now been included in a single scheme operated by Hanban UK Ltd.

“Mandarin Teachers Programmes – London Southbank University” “Mandarin Teaching Programme – Scotland – University of Edinburgh” “Mandarin Teachers

Programme – Scotland – Strathclyde University” “Mandarin Teachers Programme – University of Ulster”.

134. In Appendix N, delete the “Sponsored Scientific Researcher Initiative” scheme, and replace with the amended entry below:

Sponsored Scientific Researcher Initiative	This scheme enables organisations to engage overseas postgraduate scientists in formal research projects and/or collaborations within an internationally recognised host institute/laboratory for sharing knowledge, experience and best practice, and enabling the individual to experience the social and cultural life of the Isle of Man.	UK Shared Business Services Limited (UKSBS)	Research and Training programmes Maximum 24 months	UK
--	---	---	---	----

135. In Appendix O, in the last column of each of the two rows of the table containing the “Integrated Skills in English” test and the “Graded Examinations in Spoken English” test, both awarded by Trinity College London, insert new paragraph at the end:

“For tests taken on or after 6 November 2014: Certificate as above which must also state “SELT Centre” on the test certificate and the test must be able to be verified on the online verification tool.”.

136. In Appendix P, delete Table 1 and substitute:

“Table 1: Financial institutions whose financial statements are accepted – Cameroon

Name of Financial Institution
Afriland First Bank
Banque Atlantique du Cameroun (BAC)

BGFI Bank Cameroun
BICEC
CITIBANK NA Cameroon
Commercial Bank of Cameroon
Credit Agricole – Societe Commerciale de Banque (CA-SCB)
Ecobank Cameroun (EBC)
National Financial Credit Bank
SGBC
Standard Chartered Bank Cameroun (SCBC)
Union Bank of Cameroon Ltd (UBC)
United Bank For Africa Cameroun Plc (UBAC)

137. In Appendix P, delete Table 4 and substitute

“Table 4: Financial institutions whose financial statements are accepted – Ghana

Name of Financial Institution
Access Bank (Ghana) Ltd
Agricultural Development Bank Ltd
ARB Apex Bank
Bank of Africa (Gh) Ltd
Bank of Baroda (Ghana) Ltd
Barclays Bank of Ghana Ltd
BSIC Ghana Ltd
CAL Bank Ltd
Citibank NA Ghana
Ecobank Ghana Ltd
Energy Bank (Ghana) Ltd
Fidelity Bank Ghana Ltd
First Atlantic Bank Ltd
First Capital Plus Bank Limited
Ghana Commercial Bank Limited
Ghana International Bank Plc
Guaranty Trust Bank (Ghana) Ltd
HFC Bank Ltd
International Commercial Bank Ltd
Merchant Bank (Ghana) Ltd
National Investment Bank Ltd
Prudential Bank Ltd
The Royal Bank Ltd
SG-SSB Ltd

Stanbic Bank Ghana Ltd
Standard Chartered Bank Ghana Limited
uniBank Ghana Ltd
United Bank for Africa (Ghana) Ltd
UT Bank Ltd
Zenith Bank (Ghana) Ltd

138. In Appendix P, in Table 11, delete the entry “International Finance Investment and Commerce Bank Limited”.

139. In Appendix P, in Table 11, delete the entry “Standard Bank Limited”.

140. In Appendix P, in Table 12, after the entry “Eastern Bank Limited”, insert new entry “International Finance Investment and Commerce Bank Limited”.

141. In Appendix P, in Table 12, after the entry “Pubali Bank Limited”, insert new entry “Standard Bank Limited”.

Explanatory Note

1. Purpose of the Instrument

2. Policy Background

What is being done and why

Changes relating to Tier 1 General

- 2.1 The Tier 1 (General) category, in which applicants scored points for their qualifications, previous earnings, age and Isle of Man experience, was closed to new applicants in April 2011 but remains open for extension applications until April 2015 and indefinite leave to remain applications until April 2018.
- 2.2 A change is being made to this category to adjust the grant periods for Tier 1 (General) extensions to either 3 years (as at present) or the balance the applicant needs to take their time in the category to 5 years, whichever is longer. This allows for applicants to accrue 5 years in the category before the closing date, even if their original grant was delayed due to a refusal and appeal. The Immigration Office will assess what provisions are needed for indefinite leave to remain applications once all extension applications have been processed after April 2015, and will consider making adjustments in a future Statement of Changes.

Changes relating to Tier 1 Entrepreneur

- 2.3 The Tier 1 (Entrepreneur) category caters for applicants coming to the Isle of Man to set up, take over, or otherwise be involved in the running of a business in the Isle of Man. This category has the potential to benefit the Isle of Man economy but has been heavily abused in recent years. The following changes are being made to this category.
- 2.4 For applications made in the Isle of Man, a new requirement is being added that the funds to be invested in the business must also be in the Isle of Man, to assist in verifying that the funds are genuine.
- 2.5 A change is being made to require applicants for indefinite leave to remain to show they have invested their funds, if they have not been required to do so in a previous application. This change will apply to applicants for accelerated indefinite leave to remain, who have not made an extension application before applying for indefinite leave.
- 2.6 A number of technical clarifications are being made to evidential requirements relating to funding held in joint accounts, multiple bank accounts, or another business.
- 2.7 Clarifications are also being made to the evidential requirements where an applicant has already established a business, to the job creation requirements for indefinite

leave to remain, and to the definitions of “Venture Capital firms”, “new businesses” and “property development or property management”. These clarifications are being made due to various enquiries on these subjects.

Changes relating to Tier 1 Investor

- 2.8** The Tier 1 (Investor) category caters for high net worth individuals making a substantial financial investment to the Isle of Man. This category was recently reviewed by the Migration Advisory Committee in the UK and their report was published on 28 February 2014. The following changes are being made to this category, partially in response to that report: It is proposed that the Isle of Man Immigration Rules be changed in line as enquiries have already been received from individuals trying to circumvent the changes in the UK by applying to the Isle of Man and the integrity of the Common Travel Area is at risk if the Isle of Man Rules differ greatly from those of the UK.
- 2.9** A change is being made to require the full investment sum to be invested in prescribed forms of investments (share or loan capital in active and trading Isle of Man companies), rather than 75% of the sum as at present).
- 2.10** The current requirement that the migrant’s investment must be “topped up” if its market value falls is being removed; instead Tier 1 (Investor) Migrants will only need to purchase new qualifying investments if they sell part of their portfolios and need to replace them in order to maintain the investment threshold.
- 2.11** The existing provision under which the required investment sum can be sourced as a loan is being removed.
- 2.12** Transitional arrangements are being applied, so that Tier 1 (Investor) Migrants who have already entered the route before these changes are introduced will not be subject to these changes when they apply for extensions or for indefinite leave to remain.
- 2.13** Entry Clearance Officers and & Isle of Man Immigration caseworkers are being empowered to refuse a Tier 1 (Investor) application if they have reasonable grounds to believe that:
- the applicant is not in control of the investment funds;
 - the funds were obtained unlawfully (or by means which would be unlawful if they happened in the Isle of Man); or
 - the character, conduct or associations of a party providing the funds mean that approving the application is not conducive to the public good.

Changes relating to Tier 2 of the Points-Based System

- 2.14** Tier 2 of the Points-Based System caters for migrant workers with an offer of a skilled job from a licensed employer. There are four overall categories: Intra-Company Transfer (ICT), General, Minister of Religion, and Sportsperson. The following changes are being made to Tier 2:
- 2.15** An assessment of whether a genuine vacancy exists is being added to Tier 2 (Intra-Company Transfer) and Tier 2 (General). This change empowers Entry Clearance Officers and caseworkers to refuse applications where there are reasonable grounds to believe that the job described by the sponsor does not genuinely exist, has been exaggerated to meet the Tier 2 skills threshold, or (in respect of Tier 2 (General)) has been tailored to exclude resident workers from being recruited, or where there are reasonable grounds to believe that the applicant is not qualified to do the job.
- 2.16** An existing requirement in the published guidance for Sponsors is that Tier 2 Migrants cannot be sponsored to fill a position, undertake an ongoing routine role or to provide an ongoing routine service for a third party who is not the sponsor. This requirement is being replicated in the Immigration Rules for transparency and completeness.
- 2.17** Provisions relating to overseas nurses and midwives are being amended, to reflect changes in practice by the Nursing and Midwifery Council (NMC).
- 2.18** A change is being made to the Tier 2 (General) provisions for extension applications where the applicant is continuing to work in the same occupation for the same sponsor. Such applicants are exempt from the Resident Labour Market Test. Currently the exemption only applies if the applicant still has current leave as a Tier 2 (General) Migrant when they make their extension application. The change will enable them to benefit from the extension if their previous leave as a Tier 2 (General) Migrant expired no more than 28 days before they make their extension application.
- 2.19** A temporary provision, dating back to 2009, waiving the £20,500 minimum salary threshold where companies are reducing their employees' hours in order to avoid redundancies, is being removed. This was introduced in response to the economic situation at the time and was only ever intended to be a short term measure.
- 2.20** It is not possible for applicants to switch from the Tier 2 (Intra-Company Transfer) category to other Tier 2 categories within the Isle of Man, unless they entered under the Tier 2 (Intra-Company Transfer) rules in place before 6 April 2011. A drafting error meant that the time spent in Tier 2 (Intra-Company Transfer) counted towards the maximum period of 6 years that applicants may spend in other Tier 2 categories. This is being corrected.
- 2.21** An amendment is being made to the conditions of leave for Tier 2 (Sportsperson) migrants, enabling them to take additional employment as a sports broadcaster, in line with the conditions for sportspeople in the Creative and Sporting sub-category of the Tier 5 (Temporary Worker) category.

Changes to the Tier 5 Youth Mobility Scheme

2.22 Tier 5 of the Points-Based System caters for youth mobility and temporary workers coming for primarily non-economic purposes, and consists of two categories: Tier 5 (Youth Mobility Scheme) and Tier 5 (Temporary Workers). The Temporary Workers category consists of five sub-categories: Creative and Sporting, Charity Workers, Religious Workers, Government Authorised Exchange, and International Agreement. Applicants must have a Tier 5 Sponsor, which is usually their Isle of Man employer. The Government Authorised Exchange category enables people to come to the Isle of Man to share knowledge, skills and gain work experience through individual schemes which are administered by an overarching sponsor.

2.23 On the Youth Mobility Scheme, the annual allocations for participating countries on the scheme are being set for 2015. There is an increase in the allocations for New Zealand (16%) since it attracted a higher number of British youths under its reciprocal scheme in 2013, than in the previous year. There are also some other minor amendments being made to the category

In respect of the minimum income threshold requirement under Appendix FM and Appendix FM-SE:

2.24 There have been minor changes made to Appendix FM of the Rules in relation to the specified evidence requirement

In respect of partners and parents who need to meet an English language requirement for limited leave to enter or remain in the Isle of Man under Appendix FM, or partners needing to meet such a requirement in Part 8.

2.25 The provision that an applicant is not required to provide evidence of A1 level English if they have done so as part of a successful previous application as a partner or parent will not apply where a test certificate or result awarded to the applicant has been withdrawn by a provider such that it can no longer be relied upon. In those circumstances the applicant must provide a fresh test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it. Providing that where an applicant granted further leave to remain has extant leave at the date of decision, this may be added to the normal length of leave granted, up to a maximum of 28 days.

2.26 Clarifying the indefinite leave to remain requirements for partners to make clear that applicants have to meet the eligibility requirements which apply to the 5-year route to settlement or the 10-year route, not both.

In respect of partners and parents who need to meet an English language requirement for limited leave to enter or remain in the Isle of Man under Appendix FM, or partners needing to meet such a requirement in Part 8

2.27 There are changes to the provision that an applicant is not required to provide evidence of A1 level English if they have done so as part of a successful previous application as a partner or parent. This will not apply where a test certificate or result awarded to the applicant has been withdrawn by a provider such that it can

no longer be relied upon. In those circumstances the applicant must provide a fresh test certificate or result from an approved provider which shows that they meet the requirement, if they are not exempt from it.

Changes to the Overseas Domestic Worker in a Private Household route

2.28 There are minor changes to the rules on Overseas Domestic Workers in a Private Household which will prevent abuse by those who are living in the Isle of Man through frequent, successive visits, and provide added protection to workers against exploitation.

Changes to Appendix Knowledge of Language and Life

2.29 The changes to applications for indefinite leave and the requirement to demonstrate knowledge of language and life in the UK and Islands make it clear that the Lieutenant Governor may require an applicant to attend an interview and/or to retake the relevant examinations or tests in order to satisfy the Lieutenant Governor that the knowledge of language and life requirement is met.