



**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**

Laid before Tynwald on 8th April 2014 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 01 April 2014. However, if an applicant has made an application for entry clearance or leave before 01 April 2014 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 31 March 2014.

Changes

1. In paragraph 6 delete the definition of “**must not be leading an independent life**” and substitute:

“**“must not be leading an independent life”** or “**is not leading an independent life**” means that the applicant does not have a partner as defined in Appendix FM; is living with their parents (except where they are at boarding school, college or university as part of their full-time education); is not employed full-time (unless aged 18 years or over); is wholly or mainly dependent upon their parents for financial support (unless aged 18 years or over); and is wholly or mainly dependent upon their parents for emotional support.”.

2. In paragraph 6, in the definition of “**relevant NHS body**” after “of these Rules” insert:

“, and in paragraphs S-EC.2.3., S-LTR.2.3. and S-ILR.2.3. of Appendix FM to these Rules”.

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 and SD 2014/0004.

3. In paragraph 6, after the definition of “Working Holidaymaker”, insert new definition:

“A “visitor” is a person granted leave to enter or remain in the Isle of Man under paragraphs 40-56Z, 75A-M or 82-87 of these Rules.”.

4. Delete paragraph A39 and substitute:

“A39. Any person from a country listed in Appendix T Part 1 making an application for entry clearance to come to the Isle of Man for more than six months or as a fiancé(e) or proposed civil partner applying for leave to enter under Section EC-P: Entry clearance as a partner under Appendix FM or leave to enter under paragraphs 290-291 in Part 8 of these Rules, must present, at the time of application, a valid medical certificate issued by a medical practitioner listed in Appendix T Part 2 of the United Kingdom Immigration Rules, as amended from time to time, confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.”.

5. Delete paragraph 39B(f) and substitute:

“(f) Where any specified documents provided are not in English, the applicant must provide the original and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Lieutenant Governor.

The translation must be dated and include:

- (i) confirmation that it is an accurate translation of the original document;
- (ii) the full name and original signature of the translator or an authorised official of the translation company;
- (iii) the translator or translation company’s contact details; and
- (iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company’s credentials.”.

6. In paragraph 41(v), at the beginning insert, “Save to the extent provided by paragraph 43A,”.

7. In paragraph 42, delete “, study”.

8. After paragraph 43, insert:

“Permitted study as a general visitor

43A. (1) A person who has been granted leave to enter the Isle of Man under paragraph 42 may undertake a course of study to the extent permitted by this paragraph.

(2) A course of study is permitted under this paragraph if it-

(a) does not exceed 30 days in duration (either alone or taken together with any other course and whether continuous or otherwise); and

(b) is a recreational course; but

(c) is not an English language course.

(3) A course of study is also permitted under this paragraph if it-

(a) does not exceed 30 days in duration (either alone or taken together with any other course and whether continuous or otherwise); and

(b) is provided by an institution which is-

(i) the holder of a Sponsor licence for Tier 4 of the Points-Based System,

(ii) the holder of valid accreditation from the Department for Education and Children or a UK Border agency approved accreditation body,

(iii) inspected by one of the bodies set out in guidance published by the UK Border Agency,

or

(iv) an overseas higher education institution offering only part of its programmes in the Isle of Man, holding its own national accreditation and offering programmes that are an equivalent level to a United Kingdom degree.

(4) For the purposes of this paragraph a “recreational course” is one which a person undertakes purely for leisure purposes. ”.

9. In paragraph 45, delete “, study”.

10. After paragraph 46A(vi) insert:

“(via) except to the extent permitted by sub-paragraph (viii), does not intend to study at a maintained school; and”.

11. In paragraph 46A(vii) after “accepted for” insert “or intends to follow”.

12. In paragraph 46G (ii) (business visitor), for “paragraphs 41(ii)-(viii) and (x)-(xii)” substitute, “paragraphs 41 (ii)-(iv), subject to paragraph 46HA, (v), (vi)-(viii) and (x)-(xii)”.
13. In paragraph 46G(iii)(h) after “trainer” insert “, internal auditor”.
14. Amend paragraph 46G(iii)(i) as follows:
 - a. before “Specific” insert “To receive”, and
 - b. after sub-paragraph (d) omit “.” and insert: “, or (e) the training is corporate training provided for the purposes of the person’s employment overseas and delivered by an Isle of Man company that is neither part of the person’s employer’s corporate group nor whose main activity is the provision of training.”.
15. In paragraph 46H, delete “, study”.
16. After paragraph 46H, insert:

“Permitted study as a business visitor

46HA. A person granted leave to enter under paragraph 46H may undertake a course of study to the same extent permitted by paragraph 43A.”.
17. In paragraph 46K, delete “, study”.
18. In paragraph 46M (sports visitor), in sub-paragraph (ii), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”.
19. In paragraph 46S (entertainer visitor), in sub-paragraph (ii), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”.
20. In paragraph 51 (visitor for private medical treatment), in sub-paragraph (i), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”.
21. In paragraph 56A (parent of a child at school), in sub-paragraph (i), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”.
22. In paragraph 56D (visitor for marriage or to enter a civil partnership), in sub-paragraph (i), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”.

23. In paragraph 56X(permitted paid engagements), in sub-paragraph (ii), after “(xii)” insert “(except that the requirement in paragraph 41(v) is to be read as if it were not qualified by paragraph 43A)”.
24. In paragraph 134SDA(b)(iv)(2), delete “from an online account”.
25. In paragraph 134SDA(b)(iv)(3), delete “from an online account”.
26. In paragraph 159EA(i) before “entered the Isle of Man”, insert “last”.
27. In paragraph 159EA(iii) before “domestic worker” insert “full time”.
28. Delete paragraph 159EA(iv) and substitute:

“(iv) does not intend to take employment except as a full time domestic worker in the private household referred to in sub-paragraph 159EA (iii); and”.
29. Renumber 159EB to new number 159EB(i). After 159EB(i), insert new 159EB(ii):

“(ii) Except, where the application is decided before the current leave expires, the extension of stay granted may be for a period not exceeding 12 months plus the time remaining before the expiry of the current leave (so if the application is decided on March 31st and the current leave does not expire until April 30th, an additional period of one month’s leave may be granted).”.
30. After paragraph 177 and “177A to 177G DELETED” insert “178 to 185 – [Not Used].
31. In the heading above paragraph 193A, delete “Spouses or civil partners” and substitute “Partners”.
32. In paragraphs 193A to 196F, including the headings, delete all references to “spouse or civil partner” and substitute “partner”.
33. In paragraphs 194 to 196D, delete all references to “is married to or a civil partner of” and substitute “is the spouse, civil partner, unmarried or same-sex partner of”.
34. Delete paragraph 194(ii)-(vi) and substitute:

“(ii) if an unmarried or same-sex partner:

 - (1) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
 - (2) the parties are not involved in a consanguineous relationship with one another; and
 - (3) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more; and

- (iii) each of the parties intends to live with the other as his or her partner during the applicant's stay and the relationship is subsisting; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his partner; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal; and
- (viii) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.”.

35. Delete paragraph 196A(i)-(vi) and substitute:

“(i) is the spouse, civil partner, unmarried or same sex partner of a person who:

(1) has limited leave to enter or remain in the Isle of Man under paragraphs 128-193 (but not paragraphs 135I-135K); or

(2) has indefinite leave to remain in the Isle of Man or has become a British citizen, and who had limited leave to enter or remain in the Isle of Man under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain;

and

(ii) meets the requirements of paragraph 194(ii) - (vii); and

(iii) was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release;

and

(iv) must not be in the Isle of Man in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”.

36. In paragraph 196B(ii), after "has indefinite leave to remain", insert "or has become a British citizen".

37. Delete paragraph 196D(i)-(vii) and substitute:

“(i) is the spouse, civil partner, unmarried or same-sex partner of a person who:

(1) has limited leave to enter or remain in the Isle of Man under paragraphs 128-193 (but not paragraphs 135I-135K) and who is being granted indefinite leave to remain at the same time; or

(2) is the spouse, civil partner, unmarried or same-sex partner of a person who has indefinite leave to remain in the Isle of Man or has become a British citizen, and who had limited leave to enter or remain in the Isle of Man under paragraphs 128-193 (but not paragraphs 135I-135K) immediately before being granted indefinite leave to remain; and

(ii) meets the requirements of paragraph 194(ii) - (vii); and

(iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and

(iv) was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release;

and

(v) must not be in the Isle of Man in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”.

38. In paragraph 196E, after the first instance of “Isle of Man”, delete “for” and substitute “as”.

39. In paragraph 196F, after the first instance of “Isle of Man”, delete “for” and substitute “as”.

40. Delete paragraph 197(vii) and substitute:

“(vii) if seeking leave to enter, he holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release;

and”.

41. In Part 6 delete paragraph 200A; paragraphs 209 to 210;; paragraphs 222 to 223A; paragraphs 230 to 231 which includes paragraph 230 – SD; and paragraphs 238 to 245; and delete, in so far as they remain in force, paragraphs 200 to 208; paragraphs 210A to 210 F; paragraphs 224 to 229; and paragraphs 232 to 237.

42. In paragraph 245AA(a), delete “the Isle of Man Immigration Office” and substitute “the Entry Clearance Officer, Immigration Officer or the Lieutenant Governor”.

43. Delete paragraph 245AA(b) to (d) and substitute:

“(b) If the applicant has submitted specified documents in which:

(i) Some of the documents in a sequence have been omitted (for example, if one bank statement from a series is missing);

(ii) A document is in the wrong format (for example, if a letter is not on letterhead paper as specified); or

(iii) A document is a copy and not an original document; or

(iv) A document does not contain all of the specified information; the Entry Clearance Officer, Immigration Officer or the Lieutenant Governor may contact the applicant or his representative in writing, and request the correct documents. The requested documents must be received at the address specified in the request within 7 working days of the date of the request.

(c) Documents will not be requested where a specified document has not been submitted (for example an English language certificate is missing), or where the Entry Clearance Officer, Immigration Officer or the Lieutenant Governor does not anticipate that addressing the omission or error referred to in subparagraph (b) will lead to a grant because the application will be refused for other reasons.

(d) If the applicant has submitted a specified document:

(i) in the wrong format; or

(ii) which is a copy and not an original document; or

(iii) which does not contain all of the specified information, but the missing information is verifiable from:

- (1) other documents submitted with the application,
- (2) the website of the organisation which issued the document, or
- (3) the website of the appropriate regulatory body;

the application may be granted exceptionally, providing the Entry Clearance Officer, Immigration Officer or the Lieutenant Governor is satisfied that the specified documents are genuine and the applicant meets all the other requirements. The Entry Clearance Officer, Immigration Officer or the Lieutenant Governor reserves the right to request the specified original documents in the correct format in all cases where (b) applies, and to refuse applications if these documents are not provided as set out in (b).”.

44. At the end of paragraph 245CD(c)(viii), delete “.” and substitute “, or as a Work Permit Holder where the work permit was granted because the applicant was the subject of an Intra-Company Transfer”.
45. In paragraph 245DB(j), delete “will not carry out” and substitute “may decide not to carry out”.
46. In paragraph 245DD(h) to (m), delete all instances of “the Isle of Man Immigration Office” and substitute “the Lieutenant Governor”.
47. In paragraph 245DD(l), delete “will not carry out” and substitute “may decide not to carry out”.
48. Delete paragraph 245GD(g).
49. In paragraph 245GE(h)(ii), delete “£150,000” and substitute “£152,100”.
50. Delete paragraph 245GF(e) and substitute:

“(e) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must:

(i) still hold, or have applied for a renewal of, a Tier 2 (Intra-Company Transfer) Sponsor licence; and

(ii) certify in writing that:

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

(2) the applicant is paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, or where the applicant is

not paid at that rate only due to maternity, paternity or adoption leave, the date that leave started and that the applicant was paid at the appropriate rate immediately before the leave.”.

51. In paragraph 245GF-SD(b)(iv)(2), delete “from an online account”.

52. In paragraph 245GF-SD(b)(iv)(3), delete “from an online account”.

53. In paragraph 245HB(c), delete “92” and substitute “92A”.

54. At the end of paragraph 245HB(l), delete “.” and substitute “, unless the gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 79 of Appendix A) is £152,100 or higher.”.

55. After paragraph 245HB(l), insert:

“(m) If the applicant is applying as a Tier 2 (Minister of Religion) Migrant, the Entry Clearance Officer must be satisfied that the applicant:

(i) genuinely intends to undertake, and is capable of undertaking, the role recorded by the Certificate of Sponsorship Checking Service; and

(ii) will not undertake employment in the Isle of Man other than under the terms of paragraph 245HC(e)(iii).

(n) To support the assessment in paragraph 245HB(m), the Entry Clearance Officer may:

(i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received at the address specified in the request within 28 working days of the date the request is sent, and

(ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.

(o) If the Entry Clearance Officer is not satisfied following the assessment in paragraph 245HB(m), no points will be awarded under paragraphs 85 to 92A of Appendix A.

(p) The Entry Clearance Officer may decide not to carry out the assessment in paragraph 245HB(m) if the application already falls for refusal on other grounds, but

reserves the right to carry out this assessment in any reconsideration of the decision.”.

56. In paragraph 245HD(g), delete “92” and substitute “92A”.

57. At the end of paragraph 245HD(o), delete “.” and substitute “, unless the gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 79 of Appendix A) is £152,100 or higher.”

58. After paragraph 245HD(p), insert:

“(q) If the applicant is applying as a Tier 2 (Minister of Religion) Migrant, the Lieutenant Governor must be satisfied that the applicant:

(i) genuinely intends to undertake, and is capable of undertaking, the role recorded by the Certificate of Sponsorship Checking Service; and

(ii) will not undertake employment in the Isle of Man other than under the terms of paragraph 245HE(g)(iii).

(r) To support the assessment in paragraph 245HD(q), the Lieutenant Governor may:

(i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must be received by the Home Office at the address specified in the request within 28 working days of the date the request is sent, and

(ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.

(s) If the Lieutenant Governor is not satisfied following the assessment in paragraph 245HD(q), no points will be awarded under paragraphs 85 to 92A of Appendix A.

(t) The Lieutenant Governor may decide not to carry out the assessment in paragraph 245HD(q) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”.

59. 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:

(i) still hold, or have applied for a renewal of, a Tier 2 Sponsor licence in the relevant category; and

(ii) certify in writing that:

(1) he still requires the applicant for the employment in question,

and

(2) in the case of a Tier 2 (General) Migrant applying for settlement, the applicant is paid at or above the appropriate rate for the job as stated in the Codes of Practice in Appendix J, or where the applicant is not paid at that rate only due to maternity, paternity or adoption leave, the date that leave started and that the applicant was paid at the appropriate rate immediately before the leave.”.

60. In paragraph 245HF-SDA(b)(iv)(2), delete “from an online account”.

61. In paragraph 245HF-SDA(b)(iv)(3), delete “from an online account”.

62. After paragraph 245ZX(d) insert:

“(da) The applicant must, if required to do so on examination or interview, be able to demonstrate without the assistance of an interpreter English language proficiency of a standard to be expected from an individual who has reached the standard specified in a Confirmation of Acceptance for Studies assigned in accordance with Appendix A paragraph 118(b) (for the avoidance of doubt, the applicant will not be subject to a test at the standard set out in Appendix A, paragraph 118(b)).”.

63. After paragraph 245ZX(m) insert:

“(n) [Not used]

(o) the Lieutenant Governor must be satisfied that the applicant is a genuine student. 245ZX(o) will not be applied to a national or the rightful holder of a qualifying passport issued by one of the relevant competent authorities listed in Appendix H.”.

64. After paragraph 245ZY(c)(iv)(2) insert:

“(3) study at the same or a higher level of course as that stated on the confirmation of acceptance for studies, or at a lower level where the same requirements or conditions of leave would have applied if the application had been to study at that lower level.”.

65. In the overall heading above paragraph 271, delete “Spouses or civil partners” and substitute “Partners”.

66. In paragraphs 271 to 273F, including the headings, delete all references to “spouse or civil partner” and substitute “partner”.

67. In paragraphs 271 to 273D, delete all references to “is married to or a civil partner of” and substitute “is the spouse, civil partner, unmarried or same-sex partner of”.

68. Delete paragraph 271(ii)-(vi) and substitute:

“(ii) if an unmarried or same-sex partner:

(1) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and

(2) the parties are not involved in a consanguineous relationship with one another; and

(3) the parties have been living together in a relationship akin to marriage or civil partnership which has subsisted for 2 years or more; and

(iii) each of the parties intends to live with the other as his or her partner during the applicant's stay and the relationship is subsisting; and

(iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(vi) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his partner; and

(vii) the applicant does not fall for refusal under the general grounds for refusal;

and

(viii) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.”.

69. Delete paragraph 273A(i)-(vi) and substitute:

“(i) is the spouse, civil partner, unmarried or same sex partner of a person who:

(1) has limited leave to enter or remain in the Isle of Man as a retired person of independent means; or

(2) has indefinite leave to remain in the Isle of Man or has become a British citizen, and who had limited leave to enter or remain in the Isle of Man as a retired person of independent means immediately before being granted indefinite leave to remain;

and

(ii) meets the requirements of paragraph 271(ii) - (vii); and

(iii) was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release;

and

(iv) must not be in the Isle of Man in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”.

70. In paragraph 273B(ii), after "has indefinite leave to remain", insert "or has become a British citizen".

71. Delete paragraph 273D(i)-(vii) and substitute:

“(i) is the spouse, civil partner, unmarried or same-sex partner of a person who:

(1) has limited leave to enter or remain in the Isle of Man as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or

(2) is the spouse, civil partner, unmarried or same-sex partner of a person who has indefinite leave to remain in the Isle of Man or has become a British citizen, and who had limited leave to enter or remain in the Isle of Man as a retired person of independent means immediately before being granted indefinite leave to remain;

and

(ii) meets the requirements of paragraph 271(ii) - (vii); and

(iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KOLL; and

(iv) was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release;

and

(v) must not be in the Isle of Man in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.”.

72. In paragraph 273E, after the first instance of “Isle of Man”, delete “for” and substitute “as”.

73. In paragraph 273F, after the first instance of “Isle of Man”, delete “for” and substitute “as”.

74. In paragraph 274(i) after “independent means” insert “or, for applications for leave to remain, of a parent with indefinite leave to remain in the Isle of Man and who had limited leave as a retired person of independent means immediately before being granted indefinite leave; and”.

75. For paragraph 274 (vii) substitute:

“(vii) if seeking leave to enter, he holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, he was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release;

and”

76. For paragraph 275 substitute:

“275 (a) A person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means may be given leave to enter or remain in the Isle of Man for a period of leave not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means if:

(i) in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity; or

(ii) in the case of an application for limited leave to remain, he was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release,

and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 274(i)-(vi) and (viii) is met.

(b) A person seeking limited leave to remain as the child of a parent who has indefinite leave to remain in the Isle of Man and who had limited leave as a retired person of independent means immediately before being granted indefinite leave may be given leave to remain in the Isle of Man for a period of 30 months provided he is in the Isle of Man with valid leave under paragraph 275 and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 274(i) to (vi) and (viii) are satisfied.”.

77. After paragraph 275 insert new paragraph 275A:

“275A. An application for indefinite leave to remain in this category may be granted provided the applicant meets the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements

(i) he is the child of a parent with limited leave to enter or remain in the Isle of Man as a retired person of independent means who is, at the same time, being granted indefinite leave to remain, or he is the child of a parent who has indefinite leave to remain in the Isle of Man and who had limited leave under paragraphs 263-269 immediately before being granted indefinite leave;

and

(ii) he is under the age of 18 or has current leave to enter or remain in this capacity;
and

(iii) he is unmarried and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and

(iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and

(v) he will not stay in the Isle of Man beyond any period of leave granted to his parent(s); and

(vi) both parents are being or have been admitted to or allowed to remain in the Isle of Man save where:

(a) the parent he is accompanying or joining is his sole surviving parent; or

(b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or

(c) there are serious and compelling family or other considerations which make exclusion from the Isle of Man undesirable and suitable arrangements have been made for his care;

(vii) he must not be in the Isle of Man in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded;

(viii) if aged 18 or over, he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands in accordance with Appendix KoLL of these Rules;

(ix) indefinite leave to remain is, at the same time, being granted to the person with limited leave as a retired person of independent means unless, at the time when indefinite leave to remain was granted to that person, the applicant was aged 18 or over and unable to satisfy paragraph 275A(viii) and the applicant has continued to be in the Isle of Man with leave to remain as a child of that person”.

78. In paragraph 276 delete “ an application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid Isle of Man entry clearance for entry in the is capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 274 (i) – (vi) and (vii) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means”

and substitute:

“An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this

capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 275 is met.”.

79. In paragraph 284(i) after “has” insert “or was last granted”.

80. In paragraph 295D(i) after “has” insert “or was last granted”.

81. Delete paragraphs 295J-295L.

82. Delete paragraph 319C(h) and substitute:

“(h) An applicant who is applying for leave to remain must not have last been granted:

(i) entry clearance or leave as a visitor, unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii);

(ii) temporary admission; or

(iii) temporary release.”.

83. Delete paragraph 319C(i) and substitute:

“(i) Where the relevant Points Based System Migrant is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the Isle of Man as a Tier 4 (General) Student either:

(i) the relevant Points Based System Migrant must be a government sponsored student who is applying for, or who has been granted, entry clearance or leave to remain to undertake a course of study longer than six months;

(ii) the relevant Points Based System Migrant must:

(1) be applying for, or have been granted entry clearance or leave to remain in order to undertake a course of study at post-graduate level that is 12 months or longer in duration; and

(2) be sponsored by a sponsor who is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Education and Children.

(iii) [Not used]

(iv) the following conditions must be met:

(1) the relevant Points Based System Migrant must be applying for entry clearance, leave to enter, or leave to remain, to undertake a course of study that is longer than six months and either:

(a) have entry clearance, leave to enter, or leave to remain as a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; or

(b) have last had entry clearance, leave to enter, or leave to remain within the three months preceding the application as a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; and

(2) Partner must either:

(a) have entry clearance, leave to enter, or leave to remain as the Partner of a Tier 4 (General) Student or a student with entry clearance, leave to enter, or leave to remain, to undertake a course of study longer than six months; or

(b) have last had entry clearance, leave to enter, or leave to remain within the three months preceding the application as the Partner of a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; and

(3) the relevant Points Based System Migrant and the Partner must be applying at the same time.”.

84. In paragraph 319E(d)(ii), delete “the specified period is 5 years” and substitute “the specified period is a continuous period of 5 years”.

85. In paragraph 319E(d)(ii)(c), after “where applicable,” insert “with leave”.

86. Delete paragraph 319E(g) and substitute:

87. Delete paragraph 319H(h) and substitute:

“(h) An applicant who is applying for leave to remain must not have last been granted:

(i) entry clearance or leave as a visitor, unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245ZQ(b)(ii);

(ii) temporary admission; or

(iii) temporary release.”.

88. Delete paragraph 319H(i) and substitute:

“(i) Where the relevant Points Based System Migrant is applying for, or has been granted, entry clearance, leave to enter, or leave to remain in the Isle of Man as a Tier 4 (General) Student either:

(i) the relevant Points Based System Migrant must be a government sponsored student who is applying for, or who has been granted, entry clearance or leave to remain to undertake a course of study longer than six months;

(ii) the relevant Points Based System Migrant must:

(1) be applying for, or have been granted entry clearance or leave to remain in order to undertake a course of study at post-graduate level that is 12 months or longer in duration; and

(2) be sponsored by a sponsor who is a Recognised Body or a body in receipt of funding as a higher education institution from the Department of Education and Children.

(iii) the relevant Points Based System Migrant must be applying for, or have been granted leave to remain as a Tier 4 (General) Student on the doctorate extension scheme; or

(iv) the following conditions must be met:

(1) the relevant Points Based System Migrant must be applying for entry clearance, leave to enter, or leave to remain, to undertake a course of study that is longer than six months and either:

(a) have entry clearance, leave to enter, or leave to remain as a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; or

(b) have last had entry clearance, leave to enter, or leave to remain within the three months preceding the application as a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; and

(2) the Child must either:

(a) have entry clearance, leave to enter, or leave to remain as the Child of a Tier 4 (General) Student or a student with entry clearance, leave to enter, or leave to remain, to undertake a course of study longer than six months; or

(b) have last had entry clearance, leave to enter, or leave to remain within the three months preceding the application as the Child of a Tier 4 (General) Student or as a student to undertake a course of study longer than six months; and

(3) the relevant Points Based System Migrant and the Child must be applying at the same time.”.

89. Delete paragraph 319J(f) and substitute:

“(f) The applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL, unless he is under the age of 18 at the date on which the application is made.”.

90. In paragraph 320(7B)(vii), delete “s.134 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012” and substitute “section 22 of the Criminal Justice Act 2003”.

91. In paragraph 320(18A), delete “within the 12 months preceding the date of the application,” and substitute “within the 12 months prior to the date on which the application is decided,”.

92. In paragraph 322(1C)(iv), after “24 months” delete “preceding the date of the application,” and substitute “prior to the date on which the application is decided,”.

93. In paragraph 323(i), for “(5)” substitute “(5A)”.

94. In Appendix 1, paragraph 1 (a) next to the entry for Kuwait insert “(except those referred to in sub-paragraph 2(n) of this Appendix)”.

95. After Appendix 1, paragraph 2(m) insert:

“(n) those nationals of Kuwait who hold diplomatic and special passports issued by Kuwait when travelling to the Isle of Man for the purpose of a general visit in accordance with paragraph 41;

(o) persons who hold Service, temporary Service and Diplomatic passports issued by the Holy See.”.

96. In Appendix A, in paragraph 19(e)(ii), delete “from an online account (defined as one that operates solely over the internet and sends their bank statements to their customers electronically)”.

97. In Appendix A, after paragraph 19(g), insert:

“(h) [Not used

(i) The Lieutenant Governor must be satisfied that the earnings are from genuine employment. If the Lieutenant Governor is not satisfied, points for those earnings will not be awarded.

(j) In making the assessment in paragraph 19(i), the Lieutenant Governor will assess on the balance of probabilities and may take into account the following factors:

(i) the evidence the applicant has submitted;

(ii) whether the money appears to have been earned through genuine employment, rather than being borrowed, gifted, or otherwise shown in the applicant’s financial transactions or records without being earned;

(iii) whether the business from which the earnings are claimed can be shown to exist and be lawfully and genuinely trading;

(iv) verification of previous earnings claims with declarations made in respect of the applicant to other Government Departments, including declarations made in respect of earnings claimed by the applicant in previous applications;

(v) the applicant's previous educational and business experience (or lack thereof) in relation to the claimed business activity;

(vi) the applicant's immigration history and previous activity in the Isle of Man;

(vii) where the nature of the applicant’s employment or business requires him to have mandatory accreditation, registration or insurance, whether that accreditation, registration or insurance has been obtained;

(viii) any payments made by the applicant to other parties; and

(ix) any other relevant information.

(k) To support the assessment in paragraph 19(i), the Lieutenant Governor may:

(i) request additional information and evidence, and refuse the application if the information or evidence is not provided. Any requested documents must

be received by the Lieutenant Governor at the address specified in the request within 28 working days of the date the request is sent, and

(ii) request the applicant attends an interview, and refuse the application if the applicant fails to comply with any such request without providing a reasonable explanation.

(l) The Lieutenant Governor may decide not to carry out the assessment in paragraph 19(i) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”.

98. In Appendix A, delete paragraph 19-SD(a)(i) and substitute:

“(i) Payslips covering the whole period claimed, which must be either:

(1) original formal payslips issued by the employer and showing the employer’s name, or

(2) accompanied by a letter from the applicant's employer, on the employer’s headed paper and signed by a senior official, confirming the payslips are authentic;”.

99. In Appendix A, after paragraph 39 and before Table 4, insert:

“40. In all cases, an applicant cannot use the same funds to score points for attributes under this Appendix and to score points for maintenance funds for himself or his dependants under Appendices C or E.”.

100. In Appendix A, delete paragraph 41-SD and substitute:

“41-SD. The specified documents in Table 4 and paragraph 41, and associated definitions, are as follows:

(a) Where this paragraph refers to funding being available, unless stated otherwise, this means funding available to:

(i) the applicant;

(ii) the entrepreneurial team, if the applicant is applying under the provisions in paragraph 52 of this Appendix; or

(iii) the applicant’s business.

(b) Where this paragraph refers to the applicant’s business, the applicant must be registered as a director of that business in the Isle of Man, and provide a Companies

Registry document showing the address of the registered office in the Isle of Man, or head office in the Isle of Man if it has no registered office, and the applicant's name, as it appears on the application form, as a director.

(c) The specified documents to show evidence of the funding available to invest are one or more of the following specified documents:

(i) A letter from each financial institution holding the funds, to confirm the amount of money available. Each letter must:

- (1) be an original document and not a copy,
- (2) be on the institution's headed paper,
- (3) have been issued by an authorised official of that institution,
- (4) have been produced within the three months immediately before the date of application,
- (5) confirm that the institution is regulated by the appropriate body,
- (6) state the applicant's name, and his team partner's name where relevant,
- (7) show the account number,
- (8) state the date of the document, and
- (9) confirm the amount of money available from the applicant's own funds (if applicable) that are held in that institution,
- (10) confirm the amount of money available from any third party (if applicable) that is held in that institution,
- (11) confirm the name of each third party and their contact details, including their full address including postal code, and where available landline phone number and any email address, and
- (12) confirm that if the money is not in an institution regulated by the Financial Supervision Commission (FSC), the money can be transferred into the Isle of Man;

or

(ii) For money held in the Isle of Man only, a recent personal bank or building society statement from each Isle of Man financial institution holding the

funds, which confirms the amount of money available. Each statement must satisfy the following requirements:

- (1) the statements must be original documents and not copies;
- (2) the bank or building society holding the money must be based in the Isle of Man and regulated by the Financial Supervision Commission (FSC);
- (3) the money must be in cash in the account, not Individual Savings Accounts or assets such as stocks and shares;
- (4) the account must be in the applicant's own name only (or both names for an entrepreneurial team), not in the name of a business or third party;
- (5) each statement must be on the institution's official stationery showing the institution's name and logo, and confirm the applicant's name (and, where relevant, the applicant's entrepreneurial team partner's name), the account number and the date of the statement;
- (6) each statement must have been issued by an authorised official of that institution and produced within the three months immediately before the date of the application;

and

- (7) if the statements are printouts of electronic statements, they must either be accompanied by a supporting letter from the bank, on the bank's headed paper, confirming the authenticity of the statements, or bear the official stamp of the bank in question on each page of the statement;

or

(iii) [Not used]

(d) If the applicant is applying using money from a third party, he must provide all of the following specified documents:

- (i) An original written declaration from every third party that they have made the money available to invest in a business in the Isle of Man, containing:

- (1) the names of the third party and the applicant (and his team partner's name where relevant), or the name of the applicant's business,
- (2) the date of the declaration,
- (3) the applicant's signature and the signature of the third party (and the signature of the applicant's team partner where relevant),
- (4) the amount of money available in pounds sterling,
- (5) the relationship(s) of the third party to the applicant, and
- (6) - [Not used]
- (7) – [Not used]
- (8) – [Not used]
- (9) confirmation that the money will remain available until such time as it is transferred to the applicant, the entrepreneurial team or the applicant's business.

and

(ii) A letter from a legal representative confirming the validity of signatures on each third-party declaration provided, which confirms that the declaration(s) from the third party or parties contains the signatures of the people stated. It can be a single letter covering all third-party permissions, or several letters from several legal representatives. It must be an original letter and not a copy, and it must be from a legal representative permitted to practise in the country where the third party or the money is. The letter must clearly show the following:

- (1) the name of the legal representative confirming the details,
- (2) the registration or authority of the legal representative to practise legally in the country in which the permission or permissions was or were given,
- (3) the date of the confirmation letter,
- (4) the applicant's name (and the name of the applicant's team partner's name where relevant) and, where (b) applies, that the applicant is a director of the business named in each third-party declaration,

- (5) the third party's name,
- (6) that the declaration from the third party is signed and valid, and
- (7) the number of the third party or their authorised representative's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry.

(e) If the applicant is applying under the provisions in (d) in Table 4, he must also provide:

- (i) his job title,
- (ii) the Standard Occupational Classification (SOC) code of the occupation that the applicant is working in, which must appear on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the Codes of Practice in Appendix J,
- (iii) one or more of the following specified documents:
 - (1) advertising or marketing material, including printouts of online advertising, that has been published locally or nationally, showing the applicant's name (and the name of the business if applicable) together with the business activity or, where his business is trading online, confirmation of his ownership of the domain name of the business's website,
 - (2) article(s) or online links to article(s) in a newspaper or other publication showing the applicant's name (and the name of the business if applicable) together with the business activity,
 - (3) information from a trade fair, at which the applicant has had a stand or given a presentation to market his business, showing the applicant's name (and the name of the business if applicable) together with the business activity, or
 - (4) personal registration with an Isle of Man trade body linked to the applicant's occupation;
- and
- (iv) one or more of the following documents showing trading:
 - (1) a contract. If a contract is not an original the applicant must sign each page. The contract must show:

- (a) the applicant's name and the name of the business,
- (b) the service provided by the applicant's business; and
- (c) the name of the other party or parties involved in the contract and their contact details, including their full address, postal code and, where available, landline phone number and any email address;

or

(2) an original letter from an Isle of Man regulated financial institution with which the applicant has a business bank account, on the institution's headed paper, confirming that the business is trading;

and

(v) if:

(1) claiming points for being self-employed, the following specified documents to show that he is paying Class 2 National Insurance contributions:

(a) the original bill from the billing period immediately before the application, if his Class 2 National Insurance is paid by quarterly bill;

(b) the most recent bank statement issued before the date of application, showing the direct debit payment of National Insurance to Isle of Man Treasury, if his National Insurance is paid by direct debit;

(c) – [Not used]

(d) the original, dated welcome letter from Isle of Man Income Tax containing the applicant's unique taxpayer reference number, if he has not yet received the documents in (a) to (b);

or

(2) if claiming points for being a director of an Isle of Man company, a printout of a Current Appointment Report from Companies Registry, dated no earlier than three months before the date of the application, listing the applicant as a director of the company, and confirming the date of his appointment. The company must be actively trading and

not struck-off, or dissolved or in liquidation. Directors who are on the list of disqualified Directors provided by Companies Registry will not be awarded points.”

101. In Appendix A, in row 3 of Table 6, at the end of sub-paragraph (a), insert “or”.

102. In Appendix A, at the start of paragraph 52, after “Two applicants” insert “, and no more than two applicants,”.

103. In Appendix A, in the first row of Table 7, in paragraph (b)(i), delete “exceeding £2 million” and substitute “of at least £2 million”.

104. In Appendix A, delete the last row of Table 8 and substitute:

<p>The investment referred to above was made:</p> <p>(1) within 3 months of the applicant’s entry to the Isle of Man, if he was granted entry clearance as a Tier 1 (Investor) Migrant and there is evidence to establish his date of entry to the Isle of Man,</p> <p>(2) within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, or</p> <p>(3) no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 (Investor) Migrant, and in each case the investment has been maintained for the whole of the remaining period of that leave;</p> <p>or</p> <p>The migrant has, or was last granted, entry clearance, leave to enter or leave to remain as an Investor.</p>	<p>15</p>
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105. In Appendix A, at the start of row 4 of Table 9, insert new paragraph:

“The investment referred to above was made no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 (Investor) Migrant.”

106. In Appendix A, in paragraph 64-SD(a)(iii), delete “from an online account”

107. In Appendix A, delete paragraph 64-SD(b)(4) and substitute:

“(4) that the applicant has personal assets with a net value of at least £2 million, and”

108. In Appendix A, in the second row of Table 10, in paragraph (a), delete “within the 12 months immediately before the date of the endorsement,”

109. In Appendix A, in paragraph 74C-SD(a)(i), delete “Formal payslips on company-headed paper” and substitute “ original formal payslips issued by the employer and showing the employer’s name”.

110. In Appendix A, in paragraph 74C-SD(a)(ii), delete “Payslips that are on un-headed paper or are printouts of online payslips” and substitute “Other payslips”.

111. In Appendix A, at the end of paragraph 74C-SD(a)(iii), after sub-paragraph (5), insert “or”.

112. In Appendix A, delete paragraph 92A and substitute:

“92A. To confirm that the Resident Labour Market Test has been passed or the role is exempt from the test, and for points to be awarded, the Certificate of Sponsorship Checking Service entry must confirm:

(a) That the role is supernumerary, such that it is over and above the Sponsor's normal staffing requirements and if the person filling the role was not there, it would not need to be filled by anyone else, with a full explanation of why it is supernumerary; or

(b) That the role involves living mainly within and being a member of a religious order, which must be a lineage of communities or of people who live in some way set apart from society in accordance with their specific religious devotion, for example an order of nuns or monks; or

(c) That the Sponsor holds national records of all available individuals, details of those records and confirmation that the records show that no suitable settled worker is available to fill the role; or

(d) That a national recruitment search was undertaken, including the following details:

(i) Where the role was advertised, which must be at least one of the following:

(1) a national form of media appropriate to the Sponsor's religion or denomination,

(2) the Sponsor's own website, if that is how the Sponsor usually reaches out to its community on a national scale, that is where it

normally advertises vacant positions, and the pages containing the advertisement are free to view without paying a subscription fee or making a donation,

or

(3) Jobcentre Plus or in the employment section of a national newspaper, if there is no suitable national form of media appropriate to the Sponsor's religion or denomination;

(ii) any reference numbers of the advertisements;

(iii) the period the role was advertised for, which must include at least 28 days during the 6 month period immediately before the date the Sponsor assigned the Certificate of Sponsorship to the applicant; and

(iv) confirmation that no suitable settled workers are available to be recruited for the role;

or the applicant must be applying for leave to remain and the Sponsor must be the same Sponsor as in his last grant of leave.”.

113. In Appendix A, delete paragraph 111(b) and substitute:

“(b) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Creative and Sporting subcategory to enable the applicant to work as a creative worker, if the entry confirms that:

(i) where a relevant creative sector Codes of Practice exists in Appendix J, the Sponsor has complied with that Code of Practice; or

(ii) where no relevant creative sector Codes of Practice exists in Appendix J, the Sponsor has otherwise taken into account the needs of the resident labour market in that field, and the work could not be carried out by a suitable settled worker.”

114. In Appendix A, delete paragraph 111(d)(vi) and substitute:

“(vi) details of how the resident labour market test has been complied with or why the role is exempt from the test, as set out in paragraph 92A of this Appendix.”.

115. In Appendix A, in paragraph 118(b)(i)(4), insert, after “or above”, “or that the Sponsor is satisfied that on completion of a pre-session course as provided for in

paragraph 120(b)(i) of this Appendix, the applicant will have a knowledge of English as set out in this paragraph”.

116. In Appendix A, delete paragraph 118(b)(ii)(4) and substitute:

“(4) the applicant provides the specified documents from an English language test provider approved by the Lieutenant Governor for these purposes as listed in Appendix O, which clearly show:

- i. the applicant’s name,
- ii. that the applicant has achieved or exceeded level B2 of the Council of Europe’s Common European Framework for Language learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant’s disability,
- iii. the date of the award, and
- iv. that the test is within its validity date (where applicable).”.

117. In Appendix A, delete paragraph 118(b)(iii)(4) and substitute:

“(4) the applicant provides the specified documents from an English language test provider approved by the Lieutenant Governor for these purposes as listed in Appendix O, which clearly show:

- i. the applicant’s name,
- ii. that the applicant has achieved or exceeded level B1 of the Council of Europe’s Common European Framework for Language learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant’s disability,
- iii. the date of the award, and
- iv. that the test is within its validity date (where applicable).”.

118. In Appendix A, in paragraph 120(b)(ii) of Appendix A, insert, after “Sponsor”, “or that where the offer is made in respect of an applicant whose knowledge of English is not at B2 level of the Council of Europe’s Common European Framework for Language Learning in all four components (reading, writing, speaking and listening) or above, the Sponsor is satisfied that on completion of a pre-session course as provided for in (i) above, the applicant will have a knowledge of English as set out in this paragraph”.

119. In Appendix A, delete paragraph 120-SD(a) and substitute:

“(a) In the case of evidence relating to previous qualifications, the applicant must provide, for each qualification, either:

(i) The original certificate(s) of qualification, which clearly shows:

- (1) the applicant's name,
- (2) the title of the award,
- (3) the date of the award, and
- (4) the name of the awarding institution;

(ii) The transcript of results, which clearly shows:

- (1) the applicant's name,
- (2) the name of the academic institution,
- (3) their course title, and
- (4) confirmation of the award;

This transcript must be original unless the applicant has applied for their course through UCAS (Universities and Colleges Admissions Service), and:

(a) the applicant is applying in the Isle of Man to study at a Higher Education Institution which has Highly Trusted Sponsor status,

and

(b) the qualification is issued by a UK awarding body for a course that the applicant has studied in the UK, Isle of Man or Channel Islands;

or

(iii) If the applicant's Tier 4 sponsor has assessed the applicant by using one or more references, and the Confirmation of Acceptance for Studies Checking Service entry includes details of the references assessed, the original reference(s) (or a copy, together with an original letter from the Tier 4 sponsor confirming it is a true copy of the reference they assessed), which must contain:

- (1) the applicant's name,

- (2) confirmation of the type and level of course or previous experience; and dates of study or previous experience,
- (3) date of the letter, and
- (4) contact details of the referee.”.

120. In Appendix B, delete paragraph 1(iii)-(iv) and substitute:

"(iii) for entry clearance or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant"

121. In Appendix B, in Table 1, delete row G and renumber subsequent rows H and I as G and H respectively.

122. In Appendix B, in paragraph 8, delete “(rows G to I)” and substitute “(rows G and H)”.

123. In Appendix B, delete paragraph 10 and substitute:

“Passed an English language test

10. 10 points will only be awarded for passing an English language test if the applicant has the relevant level of English language shown in Table 1 and provides the specified documents from an English language test provider approved by the Lieutenant Governor for these purposes, as listed in Appendix O, which clearly show:

- (1) the applicant's name,
- (2) the qualification obtained, which must meet or exceed the relevant level shown in Table 1 in all four components (reading, writing, speaking and listening), unless the applicant was exempted from sitting a component on the basis of his disability,
- (3) the date of the award, and
- (4) that the test is within its validity date (where applicable).”.

124. In Appendix B, in paragraph 11, delete “paragraph 14 below” and substitute “paragraph 15 below”.

125. In Appendix B, delete paragraph 12 and substitute:

“12. Subject to paragraph 15 below, where the application falls under rows B 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 Minister of Religion (not as a Tier 2 (Minister of Religion) Migrant) under the Rules in place on or after 19 April 2007,
- (b) as a Tier 2 (Minister of Religion) Migrant, provided that when he was granted that leave he obtained points for English language for being a national of a majority English speaking country, a degree taught in English, or passing an English language test, 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 27 June 2012 for a course of at least degree level study.”.

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

“13. Subject to paragraph 15 below, where the application falls under rows B to D 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 (Exceptional Talent) Migrant,
- (b) as a Tier 2 (General) Migrant under the Rules in place on or after 27 June 2012, 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 27 June 2012,

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

127. In Appendix B, in paragraph 14, delete “Where the application” and substitute “Subject to paragraph 15 below, where the application”.

128. In Appendix B, in paragraph 14, delete “rows G to I” and substitute “rows G and H”.

129. In Appendix B, in paragraph 16(a), delete “a Tier 2 (General) or a Tier 2 (Intra-Company Transfer) Migrant” and substitute “a Tier 2 (General) Migrant”.

130. In Appendix C, in paragraph 1B(a)(iv)(2), delete “from an online account”.

131. In Appendix C, in paragraph 1B(a)(iv)(3), delete “from an online account”.

132. In Appendix E, after paragraph (aa), insert:

“(ab) Where the application is connected to a Tier 1 (Entrepreneur) Migrant, the applicant cannot use the same funds to score points for maintenance funds from this Appendix as the Tier 1 (Entrepreneur) Migrant used to score points for attributes under Appendix A.”.

133. In Appendix FM in paragraph S-EC.1.3. delete “at the date of application” and substitute “currently”.

134. In Appendix FM after paragraph S-EC.1.7. insert;

“S-EC.1.8. The applicant left or was removed from the UK as a condition of a caution issued in accordance with section 22 of the Criminal Justice Act 2003 less than 5 years prior to the date on which the application is decided.”.

135. In Appendix FM in paragraph S-EC.2.5.(a) delete “within the 12 months preceding the date of the application,” and substitute “within the 12 months prior to the date on which the application is decided,”.

136. In Appendix FM in paragraph S-LTR.1.2. delete “at the date of application” and substitute “currently”.

137. In Appendix FM in paragraph S-ILR.1.2. delete “at the date of application” and substitute “currently”.

138. In Appendix FM in paragraph S-ILR.1.6. after “24 months” delete “preceding the date of the application,” and substitute “prior to the date on which the application is decided,”.

139. In Appendix FM paragraph E-LTRPT.2.4.(a)(i) after “the child” insert “, or that the child normally lives with them”.

140. In Appendix FM-SE paragraph D(b)(i)(bb) after “format” insert “(for example, if a letter is not on letterhead paper as specified)”.

141. In Appendix FM-SE after paragraph D(b)(i)(cc) insert:

“(dd) A document which does not contain all of the specified information; or”.

142. In Appendix FM-SE paragraph D(b)(ii) delete “by the UK Border Agency or Border Force”.

143. In Appendix FM-SE after paragraph D(d)(ii) insert: “or

(iii) A document that does not contain all of the specified information, but the missing information is verifiable from:

(1) other documents submitted with the application,

(2) the website of the organisation which issued the document, or

(3) the website of the appropriate regulatory body,”.

144. In Appendix FM-SE paragraph D(f) delete “by the Isle of Man Immigration Office”.

145. In Appendix FM-SE paragraph 1(a)(v)(2) delete “from an online account (defined as one that operates solely over the internet and sends bank statements to its customers electronically)”.

146. In Appendix FM-SE delete paragraph 1(bb) and substitute:

“(bb) Payslips must be:

(i) original formal payslips issued by the employer and showing the employer’s name; or

(ii) accompanied by a letter from the employer, on the employer’s headed paper and signed by a senior official, confirming the payslips are authentic;”.

147. In Appendix FM-SE delete paragraph 1(j) and substitute:

“(j) Where any specified documents provided are not in English, the applicant must provide the original and a full translation that can be independently verified by the Entry Clearance Officer, Immigration Officer or the Lieutenant Governor. The translation must be dated and include:

(i) confirmation that it is an accurate translation of the original document;

(ii) the full name and original signature of the translator or an authorised official of the translation company;

(iii) the translator or translation company’s contact details; and

(iv) if the applicant is applying for leave to remain or indefinite leave to remain, certification by a qualified translator and details of the translator or translation company’s credentials.”.

148. In Appendix FM-SE paragraph 1 insert at the end:

“(n) In this Appendix, a reference to the “average” is a reference to the mean average.”.

149. In Appendix FM-SE paragraph 2(a) delete “Wage slips” and substitute “Payslips”.

150. In Appendix FM-SE paragraph 2(b) delete “wage slips” and substitute “payslips”.

151. In Appendix FM-SE paragraph 2(c) delete “wage slips” and substitute “payslips”.

152. In Appendix FM-SE paragraph 2A(i) delete “wage slips” and substitute “payslips”.
153. In Appendix FM-SE paragraph 3 insert at the end “and (where relevant) paragraph 2A”.
154. In Appendix FM-SE paragraph 5(a) delete “wage slips” and substitute “payslips”.
155. In Appendix FM-SE paragraph 5(b) delete “Wage slips” and substitute “Payslips”.
156. In Appendix FM-SE paragraph 6(a) delete “wage slips” and substitute “payslips”.
157. In Appendix FM-SE paragraph 6(b) delete “Wage slips” and substitute “Payslips”.
158. In Appendix FM-SE paragraph 9(a)(i) delete “Wage slips” and substitute “Payslips”.
159. In Appendix FM-SE, in paragraph 10(e)(i)(1) after “(in respect of the Basic State Pension and the Additional or Second State Pension)” insert “or other government department or agency”.
160. In Appendix FM-SE in paragraph 12 delete “the applicant’s partner” and substitute “a person”.
161. In Appendix FM-SE paragraph 11 delete sub-paragraph (a) and substitute:
“(a) personal bank statements showing that at least the level of cash savings relied upon in the application has been held in an account(s) in the name of the person or of the person and their partner jointly throughout the period of 6 months prior to the date of application.”.
162. In Appendix FM-SE, in paragraph 11A(a) delete “, for those of retirement age,”.
163. In Appendix FM-SE paragraph 11A(a) after “any form of bank/savings account” insert “(whether a deposit or investment account)”.
164. In Appendix FM-SE paragraph 11A(c)(iii) delete “at least”.
165. In Appendix FM-SE paragraph 11A insert at the end:
“(d) Funds held as cash savings by the applicant, their partner or both jointly at the date of application can be from the proceeds of the sale of property, in the form only of a dwelling, other building or land, which took place within the period of 6 months prior to the date of application, provided that:
(i) The property (or relevant share of the property) was owned at the beginning of the period of 6 months prior to the date of application and at the date of sale by the applicant, their partner or both jointly.

(ii) Where ownership of the property was shared with a third party, only the proceeds of the sale of the share of the property owned by the applicant, their partner or both jointly may be counted.

(iii) The funds deposited as cash savings are the net proceeds of the sale, once any mortgage or loan secured on the property (or relevant share of the property) has been repaid and once any taxes and professional fees associated with the sale have been paid.

(iv) The decision-maker is satisfied that the requirements in sub-paragraphs (i)-(iii) are met on the basis of information and documents submitted in support of the application. These may include for example:

(1) Registration information or documentation (or a copy of this) from the Land Registry (or overseas equivalent).

(2) A letter from a solicitor (or other relevant professional, if the sale takes place overseas) instructed in the sale of the property confirming the sale price and other relevant information.

(3) A letter from a lender (a bank or building society) on its headed stationery regarding the repayment of a mortgage or loan secured on the property.

(4) Confirmation of payment of taxes or professional fees associated with the sale.

(5) Any other relevant evidence that the requirements in paragraphs (i)-(iii) are met.

(v) The requirements of this Appendix in respect of the cash savings held at the date of application are met, except that the period of 6 months mentioned in paragraph 11(a) will be reduced by the amount of time which passed between the start of that 6-month period and the deposit of the proceeds of the sale in an account mentioned in paragraph 11(a).”.

166. In Appendix FM-SE paragraph 12A(a)(ii) delete “Wage slips” and substitute “Payslips”.

167. In Appendix FM-SE paragraph 12A(a)(iii) delete “wage slips” and substitute “payslips”.

168. In Appendix FM-SE after paragraph 17 insert: “17A.- [Not used]”.

169. In Appendix FM-SE paragraph 18(b) at the end insert “, where they have been received in the relevant period(s) of employment or self-employment relied upon in the application.”.

170. In Appendix FM-SE after paragraph 18(b) insert:

“(bb) In respect of a person in salaried employment at the date of application, the amount of income in sub-paragraph (b) which may be added to their gross annual salary, and counted as part of that figure for the purposes of paragraph 13(a)(i) or 13(b)(i), is the annual equivalent of the person’s average gross monthly income from that income in their current employment in the 6 months prior to the date of application.”.

171. In Appendix FM-SE paragraph 18(d) after “rate” insert “(and the number and/or pattern of hours required to be worked may vary),”.

172. In Appendix FM-SE paragraph 18(d) at the end insert “, whereas salaried employment includes that paid at a minimum fixed rate (usually annual) and is subject usually to a contractual minimum number of hours to be worked.”.

173. In Appendix FM-SE paragraph 18 at the end insert:

“(g) For the purpose of paragraphs 13(c)(ii) and 13(d)(i), “the gross annual salary in the salaried employment in the Isle of Man to which they are returning” of a person who is returning to the Isle of Man to take up non-salaried employment in the Isle of Man starting within 3 months of their return is the gross annual income from that employment, based on the rate or amount of pay, and the standard or core hours of work, set out in the document(s) from the employer provided under paragraph 4. Notwithstanding paragraph 18(b), this may include the gross “on-target” earnings which may be expected from satisfactory performance in the standard or core hours of work.”.

174. In Appendix FM-SE, in paragraph 27(a) after “a certificate” insert “and/or other document(s) for the relevant test as specified in Appendix O”.

175. Delete Appendix G and substitute:

“Appendix G: Countries and Territories participating in the Tier 5 Youth Mobility Scheme and annual allocations of places by the United Kingdom for 2014

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

Australia – 38,500 places

- Canada – 5,500 places
- Japan – 1,000 places
- New Zealand – 9,500 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”.

176. In Appendix H, below “Australia” insert “Barbados”.

177. In Appendix H, delete “Croatia”.

178. In Appendix J, delete paragraph 14(e) and substitute:

“(e) The rates stated are per year and are based on the following weekly hours:

- (i) Where the source is the Annual Survey of Hours and Earnings 2011, a 39-hour week;
- (ii) Where the source is NHS Agenda for Change or the Royal Institute of British Architects, a 37.5-hour week;
- (iii) Where the source is teachers’ national pay scales, on the definition of a full-time teacher as used when determining those pay scales;
- (iv) Where the source is the National Grid submission to the Migration Advisory Committee, a 37-hour week;
- (v) In all other cases, a 40-hour week.

Where the applicant has contracted weekly hours or is paid an hourly rate, the rates must be pro-rated accordingly.”

179. In Appendix J, in the row of Table 2 “2421 Chartered and certified accountants”, delete “Experienced worker: £23,600” and substitute “Experienced worker: £26,300”.

180. In Appendix J, in Table 8, for the following row:

1132 Marketing and	NQF 6	1132 Marketing and	NQF 6
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sales managers		sales directors	
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Substitute:

1132 Marketing and sales managers	NQF 6	1132 Marketing and sales directors	NQF 6
		3545 Sales accounts and business development managers	NQF 6

181. In Appendix K, in Table 1, for the following row:

3415 Musicians	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> skilled orchestral musicians who are leaders or principals and who meet the standard required by internationally recognised UK orchestras (including London Symphony Orchestra, London Philharmonic Orchestra, Philharmonia Orchestra and Royal Philharmonic Orchestra)
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substitute:

3415 Musicians	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> skilled orchestral musicians who are leaders, principals, sub-principals or numbered string positions, and who meet the standard required by internationally recognised UK orchestras (including London Symphony Orchestra, London Philharmonic Orchestra, Philharmonia Orchestra and Royal Philharmonic Orchestra)
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182. In Appendix K, in Table 1, for the following row:

5223 Metal working production and maintenance fitters	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • licensed and military certifying engineer/inspector technician
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substitute:

5235 Aircraft maintenance and related trades	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • licensed and military certifying engineer/inspector technician
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183. In Appendix M, in the table, after the entry for “British Water Ski”, insert new entry:

Wheelchair Basketball	British Wheelchair Basketball
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184. In Appendix M, in the table, after the entry for “British Wrestling Association”, insert new entry:

Yoga	The British Wheel of Yoga
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185. In Appendix N, in the table, for the following row:

Cabinet Office Interchange Programme		Cabinet Office	Work experience programme Maximum 12 months	All UK
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substitute

Cabinet Office	To bring in	Cabinet	Work	All UK
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Interchange Programme	relevant expertise and cutting edge thinking from the private sector and academia to help deliver the Government's Efficiency and Reform agenda	Office	experience programme Maximum 12 months	
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“

186. In Appendix N, delete the following rows:

UK-China Graduate Work Experience Programme	The programme brings together UK and Chinese employers and their top graduates, giving graduates an insight into life in another country and employers the chance to build relationships with the UK and China's top talent. Graduates take part in work placements with companies. For employers the	GTI Recruiting Solutions	Work experience programme Maximum 12 months	All UK
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	programme is a way to access the UK and China's most promising talent, develop cultural links and raise the company's profile.			
UK-India Graduate Work Experience Programme	Managed by GTI Recruiting Solutions on behalf of the UK India Education and Research Initiative, the programme gives Indian graduates the opportunity to take part in salaried internships with companies in the UK and a greater understanding of UK people, society and way of life	GTI Recruiting Solutions	Work experience programme Maximum 12 months	All UK

187. In Appendix O, above the table, delete;

“Only the level(s) of Test specified for each Test are approved.”

and substitute:

“1. Where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, the specified evidence submitted by the applicant must show that he achieved the required scores in all the relevant components during a single sitting of that examination, unless exempted from sitting a component on the basis of his disability. This requirement does not apply to applications made under part 8 or Appendix FM unless Appendix KoLL applies’.

2. Only the level(s) of Test specified for each Test are approved.”.

188. In Appendix O, in the last row of the table, “Graded Examinations in Spoken English”, delete “A1” and substitute “A1 or higher”.

189. In Appendix P, in Table 4, delete the entry “The Trust Bank Ltd”.

190. In Appendix P, in Table 4, after the entry “Prudential Bank Ltd”, insert new entry, “The Royal Bank Ltd”.

191. In Appendix P, in Table 4, delete “Citibank NA Ghana Representative office” and substitute “Citibank NA Ghana”.

192. In Appendix P, in Table 11, delete the entries “Bank Alfalah Limited”, “The City Bank Limited” and “Trust Bank Limited”.

193. In Appendix P, in Table 12, insert new entries “Bank Alfalah Limited”, “The City Bank Limited” and “Trust Bank Limited”.

194. In Appendix T Part 1 – applicable countries delete “Migrants applying to enter the Isle of Man for more than six months from the countries listed below must present at the time of application a valid medical certificate issued by a medical practitioner listed in Part 2 of this Appendix confirming that they have undergone screening for active pulmonary tuberculosis and that such tuberculosis is not present in the applicant.” and substitute:

“Migrants applying to enter the Isle of Man for more than 6 months from the countries listed below, or who are applying in a category which may lead to them being settled in the Isle of Man in accordance with the definition of “settled in the Isle of Man” contained in paragraph 6 of the Immigration Rules, must present at the time of application a valid medical certificate issued by a medical practitioner from a medical clinic listed in Part 2 of the UK Immigration Rules Appendix T, as amended from time to time, confirming that they have undergone screening for active pulmonary tuberculosis and that such tuberculosis is not present in the applicant.”

195. In Appendix T Part 1- applicable countries before “Bangladesh” insert.

“Afghanistan

Algeria

Angola

Armenia

Azerbaijan”.

196. In Appendix T Part 1- applicable countries after “ Bangladesh” insert:

“Benin

Bolivia

Botswana

Brunei Darussalam”.

197. In Appendix T Part 1 – applicable countries after “Burkina Faso” insert “Burundi”.

198. In Appendix T Part 1 – applicable countries after “Cambodia” insert:

“Cameroon

Cape Verdi

Central African Republic

Chad

China

Congo

Congo Democratic Republic”.

199. In Appendix T Part 1 – applicable countries after “Cote D’Ivoire” insert

“Djibouti

Dominican Republic

Ecuador

Equatorial Guinea”.

200. In Appendix T Part 1 – applicable countries after “Eritrea” insert

“Ethiopia

Gabon
Gambia
Georgia”.

201.In Appendix T Part 1 – applicable countries after “Ghana” insert

“Guatemala
Guinea
Guinea Bissau
Guyana
Haiti
Hong Kong or Macau”.

202.In Appendix T Part 1 – applicable countries after “India” insert

“Indonesia
Kazakhstan”.

203.In Appendix T Part 1 – applicable countries after “Kenya” insert

“Kiribati
Korea
Korea Democratic Republic of
Kyrgyzstan”.

204.In Appendix T Part 1 – applicable countries after “Lesotho” insert

“Liberia
Madagascar
Malawi”.

205.In Appendix T Part 1 – applicable countries after “Malaysia” add

“Mali
Marshall Islands
Mauritania
Micronesia

Moldova

Mongolia

Morocco

Mozambique

Namibia”.

206.In Appendix T Part 1 – applicable countries after “Nepal” insert

“Nigeria”.

207.In Appendix T Part 1 – applicable countries after “Pakistan” insert

“Palau

Panama

Papua New Guinea

Paraguay

Peru

Russian Federation

Rwanda

Sao Tome & Principe

Senegal

Sierra Leone

Solomon Islands”.

208.In Appendix T Part 1 – applicable countries after “South Africa” insert “South Sudan”.

209.In Appendix T Part 1 – applicable countries after “Swaziland” insert “Tajikistan”.

210.In Appendix T Part 1 – applicable countries after “Tanzania” insert “Timor Leste”.

211.In Appendix T Part 1 – applicable countries after “The Philippines” insert

“Turkmenistan

Tuvalu

Uganda

Ukraine

Uzbekistan

Vanuatu

Vietnam

Zambia”.

212.In Appendix T, delete part 2 and substitute: - [Not used]

EXPLANATORY NOTE

1. Purpose of the Instrument

1.1 The United Kingdom has made changes to the Immigration Rules applicable to the United Kingdom Rules in eight sets of changes which were laid before Parliament in April; June; July; September; October; November and December (2) 2013. The purpose of this instrument is to bring the Immigration rules for the Isle of Man into line with those of the United Kingdom in those categories which apply in both jurisdictions.

2. Policy Background

What is being done and why

Changes relating to the Points Based System

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 June 2011 but remains open for extension and settlement applications. The following changes are being made to this category:

- A “genuine earnings” test is being introduced, following the introduction of similar tests in the Tier 1 (Entrepreneur) category and Tier 4, the student route. This change is being made in response to concerns that Tier 1 (General) is being abused by applicants submitting bogus claims of their earnings, particularly self-employed earnings. The new test gives caseworkers greater scope to test the evidence presented in cases where abuse is suspected.
- A correction is being made to allow those who were granted as work permit holders, before switching into Tier 2 (ICT) and then into Tier 1 (General), to count the time spent in all three categories towards the five year qualifying period for settlement.

Tier 1 (Entrepreneur)

2.2. 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. The following changes are being made to this category:

- Changes to the Rules in the United Kingdom have been made in response to evidence of organised criminality and abuse by individual applicants in the Tier 1 (Entrepreneur) category. It was clear that, following reforms to other

immigration routes, loopholes in the Tier 1 (Entrepreneur) rules were being exploited. Funds were being re-cycled and artificial businesses were being created. The United Kingdom rules were strengthened to allow for a meaningful assessment of an applicant's claimed credentials and to prevent abusive applications being granted.

- The changes are being made to the Isle of Man Rules to ensure that, the UK having closed any loopholes, the individuals involved do not transfer their attentions to the Isle of Man. The changes are designed to improve the effectiveness of the current Rules and better tackle abuse rather than make strategic policy changes. The changes are not intended to introduce new requirements or stricter Rules for genuine entrepreneurs to come to, or stay in, the Isle of Man.
- Applicants must have investment funds to invest in their business and maintenance funds to support themselves and any dependants. A clarification is being made to confirm that applicants cannot rely on the same funds to satisfy the investment and maintenance criteria.
- A change is also being made to clarify that funding can be made available to an applicant's business, rather than directly in the applicant's own name, providing there is evidence to link the applicant sufficiently to that business.

Changes relating to Tier 2 of the Points-Based System

2.3. 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 Sports person. The following changes are being made to Tier 2:

- A deregulatory change is being made to remove the English language requirement for applicants in the Tier 2 (ICT) category extending their stay beyond three years. (At present only those paid £152,100 are exempt.) The test is a basic one (level A1 on the Common European Framework of Reference) and as the Tier 2 (ICT) category ceased to lead to settlement in 2010, the need for integration is less relevant. This change is being made in response to representations from businesses in the UK.
- A change is being made to add Tier 1 (Graduate Entrepreneur) to the list of categories which can benefit from the post-study work provisions when switching into the Tier 2 (General) category. These provisions waive the requirement for Sponsors to carry out a Resident Labour Market Test, and allow applicants to be paid "new entrant" rather than "experienced worker" salary rates.
- A further deregulatory change is being made to waive the rule that Tier 2 (General) applicants cannot own more than 10% shares in the Sponsor's

business, for those who earn more £152,100 or more. This requirement was put in place as it is unlikely a genuine Resident Labour Market Test can take place for a job where the migrant appointed is a significant shareholder. However, the requirement is unnecessary and inappropriate for these high earners, who are not subject to the Resident Labour Market Test.

- A correction is being made to the Codes of Practice, which set out (among other things), minimum appropriate rates of pay for occupations under Tier 2 and the work permit arrangements. The correction amends the weekly hours on which the rates are based, in line with information from the salary sources used to derive the rates.
- For a Tier 2 migrant to qualify for settlement, their Sponsor must certify that they are still required and are being paid the appropriate rate for their occupation. A change is being made to require Tier 2 Sponsors to still hold (or have applied to renew) a Tier 2 Sponsor licence in order to endorse settlement applications.

Changes relating to Tier 4 of the Points-Based System

2.4. Tier 4 of the Points-Based System caters for international students who wish to study in the Isle of Man. The following changes are being made to Tier 4:

- In 2012 a “genuineness” test was introduced for Tier 4 (General) Student applicants applying for entry clearance. This will now be extended to Tier 4 (General) Student applicants applying for leave to remain. This will enable decision makers to be satisfied that an applicant is a genuine student where there are concerns that the category is being used for other purposes. This will be accompanied by a change that also allows the decision maker to be satisfied that the applicant speaks adequate English.
- Appendix H of the Immigration Rules lists the countries and regions from which applicants are subject to different documentary requirements and are exempt from the genuineness test under Tier 4 of the Points-Based System. The Home Office has reviewed the list, re-assessing countries against a range of risk and compliance criteria, and concluded that Barbados merits addition to the list on the basis of the high levels of compliance of their students. In addition, following its accession to the European Union Croatia is being removed from the list.

Changes relating to Tier 5 of the Points-Based System

2.5 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 Worker). The Temporary Worker 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 following changes are being made to Tier 5:

- A “genuineness” test is being added to the Tier 5 (Temporary Worker) category, as with other categories. This change is being made to address concerns that the category is not always being used by those with the skills and experience to do the jobs they are being sponsored for, and who may in fact be coming to the Isle of Man for other purposes.
- On the Youth Mobility Scheme: Hong Kong is being added to the list of participating countries and territories and the annual allocation of places for all participating countries on the scheme is being set for 2014. There is an increase in the allocations for Australia (35,000 to 38,500) since it attracted a higher number of British youths under its reciprocal scheme in 2012 than in the previous year.
- Minor updates are being made to the list of Government Authorised Exchange Schemes to include two new work experience schemes: a post-graduate internship scheme run by De La Rue, and a Mandarin teaching programme run by the University of Ulster. The UK-China and UK-India Graduate Work Experience Programmes are being removed as they have been replaced by the wider internship scheme run by GTI recruiting solutions.

Other miscellaneous changes to the Points Based System

- 2.6. Amendments are being made to the provisions for applications submitted without all the specified documents, to improve flexibility where specified information can be verified by other means, and to clarify what is meant by a document in the wrong format. The circumstances of when and how this flexibility may be applied is set out to ensure consistency of decisions.
- 2.7. Changes to requirements to provide bank statements are being made, to allow electronic bank statements to be submitted for all bank accounts, not just those which are exclusively online accounts.
- 2.8. Changes are being made to make the required format of payslips consistent across the Immigration Rules and published guidance. The changes will also make it easier for employers by removing an unnecessary requirement to stamp and sign original payslips which are not on headed paper.
- 2.9. The rules for dependants of Tier 4 (General) Students and students are being restructured to ensure they clearly reflect the established policy and practice.
- 2.10. Further updates are being made to the lists of financial institutions in Bangladesh and Ghana from which documents can be verified, and are therefore accepted for Points-Based System applications.

2.11. Sports players and coaches applying in the Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting) categories must be endorsed by an Isle of Man Body affiliated to the relevant UK Governing Body for their sport. Three additions are being made to the list of approved governing bodies – Netball Scotland, British Wheelchair Basketball and The British Wheel of Yoga.

2.12. The following minor corrections are being made to changes implemented by previous Statements of Changes:

- The Codes of Practice set out (among other things) appropriate salary rates for skilled workers. A correction is being made to a typographical error in the “experienced worker” rate for accountants, to change it from £23,600 to £26,300.
- A correction is being made to the table showing equivalent occupations under the previous Standard Occupational Classification (SOC) 2000 system and the replacement SOC 2010 system. An equivalent occupation for marketing / sales managers was previously omitted and is now being included.
- Corrections are being made to the entries on the Shortage Occupation List for musicians (to add sub-principals and numbered string positions to the jobs included on the list, as recommended by the UK Migration Advisory Committee in its February 2013 report) and engineer / inspection technicians (to correct the occupation code used). The Isle of Man does not have its own Shortage Occupation List at this time and the UK Shortage Occupation List is referred to in connection with the Points Based System.
- Missing details are being added of the Cabinet Office Interchange Programme, which operates under the Government Authorised Exchange sub-category of Tier 5 (Temporary Workers).

Changes relating to dependants in the Points-Based System and other work routes

2.13. The judgment of the High Court in *R (on the application of Zhang) v Secretary of State for the Home Department* related to the ability of migrants in the UK in other immigration categories to switch into the status of a Points-Based System dependant. The judgment did not strike down the existing Rule but set a legal precedent which it predicted would cause difficulties in enforcing the Rule in future.

2.14. The present requirement (that only those who entered the Isle of Man as dependants can apply in-country as dependants) is therefore being amended to

bring it more in line with the Rules for family members of British citizens and settled persons. The changes will mean that applicants can apply in-country as a dependant, providing they are not an illegal entrant, or were last granted as a visitor, temporary admission or temporary release. This also entails adding a definition of “visitor” to the Immigration Rules.

- 2.15. The present restrictions on switching the other way around, from dependant to being a main applicant in a person’s own right, will remain. This will continue to prevent main applicants and their dependants from continually swapping statuses in order to prolong their stay in the Isle of Man, which would undermine other restrictions such as those on maximum length of stay in certain immigration categories.

Changes relating to the Family Immigration Rules

- 2.16. The following minor changes to Appendix FM-SE are being made in respect of the operation of the financial requirements for applications from partners and dependent children under Appendix FM:

- Allowing a pension paid by another government department or agency to be counted in the same way as the State pension paid by the Department for Work and Pensions.
- Counting cash savings in a pension savings account held by the applicant or their sponsor, whatever their age.

- 2.17. A clarification is being made to amend the pre-19 November 2012 routes under Part 8 for a spouse, civil partner, unmarried partner or same-sex partner to make clear that those pre-19 November 2012 applicants who can still access those routes can do so if they have overstayed by no more than 28 days.

- 2.18. The following minor changes and clarifications are being made to the Immigration Rules relating to family life:

- To make a minor clarification to the eligibility criteria for leave to remain as a parent under Appendix FM.
- To amend the provisions under Appendix FM-SE for applications submitted without all the specified documents, to improve flexibility where specified information can be verified by other means, and to clarify what is meant by a document in the wrong format.

- To amend the requirements for specified evidence under Appendix FM-SE to allow electronic bank statements to be submitted for all bank accounts, not just those which are exclusively online accounts, and to ensure consistency across the Immigration Rules in the required format of payslips.
- To clarify the information to be evidenced through personal bank statements provided under Appendix FM-SE.
- To clarify that Appendix FM-SE allows cash savings used to meet the financial requirements to be held in a bank/savings account which is investment-based (e.g. a stocks and shares Individual Savings Account), as well as in a deposit account.
- To amend Appendix FM-SE to allow cash savings used to meet the financial requirements to include the proceeds of the sale, within 6 months of the date of application, of a property (or share of this) owned by the applicant, their partner or both jointly.
- To clarify the provisions under Appendix FM-SE for the calculation of income from salaried and non-salaried employment.
- To amend Appendix FM-SE to allow a sponsor who is returning to the Isle of Man to take up non-salaried employment in the Isle of Man starting within 3 months of their return to count the gross “on-target” earnings which may be expected from satisfactory performance in their standard or core hours of work.

Changes relating to the extension of provision in the Immigration Rules for curtailment

2.19. Paragraph 322(5A) added an additional general reason for refusal, where a migrant’s offending has caused serious harm or he is a persistent offender who has shown a particular disregard for the law. Paragraph 323 is amended to provide that leave may be curtailed for the same general reason.

Changes relating to pre-PBS routes

2.20. Repeal of Part 6. We propose to repeal remaining provisions in Part 6 of the Rules which comprise residual rules for further leave for a number of pre- PBS work routes, including the provisions for Bulgarians and Romanians entering under EC Association Agreements (ECAA). It has not been possible to enter on any of these routes since June 2008 and any periods of further leave granted

under Part 6 will have already expired. Nationals of EEA states may qualify for permanent residence under the Immigration (European Economic Area) Regulations 2009⁴.

Changes relating to English language requirements

- 2.21. Changes are being made to improve flexibility, by enabling applicants to pass an English language requirement up to and including B1 or B2 level if they have previously satisfied a requirement at that level in Tier 4 of the Points-Based System.
- 2.22. A clarification is being made to confirm that, where two or more components (reading, writing, speaking and listening) of an English language test are examined and awarded together, for example a combined exam and certificate for reading and writing skills, applicants must achieve the required scores in all the relevant components during a single sitting, and cannot combine scores from different parts of the same examination sat at different times. This change does not affect applicants applying for limited leave under the family rules.

Changes relating to Overseas Domestic Workers

- 2.23. A number of amendments are being made to clarify the provisions governing the grant of further leave to overseas domestic workers who entered the Isle of Man under the Rules in place before 19 November 2012. These amendments clarify that domestic workers wishing to extend their limited leave are, and have always been, required to be in full time domestic work in a single household. Further amendments are intended to ensure that the length of leave granted at each extension includes any period of unexpired leave in addition to the extension granted.

Changes relating to translations of specified documents

- 2.24 Minor changes are being made to the requirements relating to translations of specified documents, to better reflect operational practice when verifying translations.

⁴ SD 635/09

Changes to Appendix 1- Visa Requirements

- 2.25 Changes to the visit visa requirement for Kuwaiti nationals who hold a diplomatic or special passport – this change ensures that the Visa regime for the Isle of Man remains in line with that of the United Kingdom.
- 2.26. Holders of non-national travel documents currently require a visa before travel to the Isle of Man. This rule encapsulates holders of Holy See Service and Temporary Service passports issued by the Holy See. The UK Government has assessed the procedures for issuance of these documents and their security to be robust enough to merit an exemption from the visit visa requirement. Nationals, citizens and diplomatic passport holders of the Vatican City are already exempt from the visa requirement.

Changes relating to Tuberculosis Screening

- 2.29. The UK has had a longstanding policy of screening new entrants from high incidence tuberculosis countries intending to remain for over six months. Screening has been conducted at ports of entry and, since October 2005, pre-entry in some high incidence tuberculosis countries. On 21 May 2012 the UK government announced its intention to expand upon the pre-entry screening programme as that allows for more extensive screening. Entry clearance applicants intending to come to the UK for over six months from countries where pre-entry screening is available will be required to present a certificate from a designated screening provider confirming that screening has been conducted and that the applicant is not suffering from active pulmonary tuberculosis. Where tuberculosis is detected, the applicant will be required to undertake treatment and further screening before any entry clearance application can be made. These changes have been incorporated into the Isle of Man Immigration Rules as the UK will screen applicants for visas for the Isle of Man in the same way.
- 2.30. This Statement amends previous Statements of Changes in relation to compulsory screening for active pulmonary tuberculosis of migrants coming to the Isle of Man for more than six months from specified countries and requires persons applying as fiancé(e)s from those countries to undergo screening. This Statement adds Algeria, Angola, Armenia, Azerbaijan, Benin, Botswana, Brunei Darussalam, Burundi, China, Cameroon, Cape Verdi, Central African Republic,

Chad, Congo, Congo Democratic Republic of, Djibouti, Equatorial Guinea
Ethiopia, Gabon, Gambia, Georgia, Guinea, Guinea Bissau, Hong Kong
Indonesia, Kazakhstan, Kiribati, Korea, Korea Democratic Republic of,
Kyrgyzstan, Liberia, Macau Madagascar, Malawi, Mali, Marshall Islands,
Micronesia, Moldova, Mongolia, Morocco, Mozambique, Namibia, Nigeria,
Papua New Guinea, Palau, Russian Federation, Rwanda, Sao Tome & Principe,
Senegal, Sierra Leone, Solomon Islands, Tajikistan, Timor Leste, Turkmenistan,
Tuvalu, Uganda, Uzbekistan, Ukraine Vanuatu Vietnam and Zambia to the
specified countries

- 2.31. The UK maintains a list of authorised screening clinics which is subject to change from time to time . These changes make it clear that TB screening certificates for the Isle of Man should be issued by a clinic which appears on the list in the UK Immigration Rules.

Changes to visitor routes

- 2.32. Currently general visitors (i.e. tourists and those visiting family) and business visitors are not permitted to study in the Isle of Man. We are introducing some flexibility for these visitors to undertake up to 30 days of recreational, English Language or academic study provided that is not the main purpose of their visit. Recreational study means leisure and holiday-type courses such as pottery or horse riding. Any other study (including any English language) may only take place at an institution that holds a licence under Tier 4 of the Points Based System or which is accredited by an approved body.
- 2.33. Changes are being made to increase the permissible activities that a business visitor can undertake in the Isle of Man. Firstly, to allow internal auditors from global corporations to undertake short internal audits as business visitors rather than using the Tier 2 Intra-Company Transfer route. Secondly, to expand the training a business visitor can receive to include corporate training that is for the purposes of the visitor's employment overseas, delivered by an Isle of Man company that is neither part of the person's employer's corporate group nor whose main activity is the provision of training.

Minor updates and clarifications

- 2.34. The statement of changes also contains the following minor and technical changes:
- To clarify that child visitors may not study at state schools.

- To amend the way in which, in considering suitability under Appendix FM or when considering other applications under the General Grounds for Refusal, we calculate the period since a non-custodial sentence or out-of-court disposal was received: the timescales remain unchanged, but we will now count back from the date of decision rather than the date of application. This will provide greater flexibility for applicants as they will not need to wait until the precise point in time since that sentence or disposal was given before they make their application. Equally, it will mean that, where a person is given such a sentence or disposal while their application is being decided, it will not be overlooked.
- To make clear that the person must not be the subject of a deportation order on the date their application is decided. This ensures that those who have had a deportation order made between the time of application and date of decision cannot make a successful application and, conversely, those who have a deportation order revoked in this timeframe are not refused on this basis.
- To make a technical correction to the provision under which a conditional caution is issued to relevant foreign nationals in the UK. This reference is included in these changes as applicants may make an application in the Isle of Man who were previously subject to a conditional caution in the UK.

3. Consultation with Migration Policy Group

- 3.1 As the effect of these changes does not impact directly on employment in the Isle of Man they have not been subject to consultation with the Migration Policy Group.