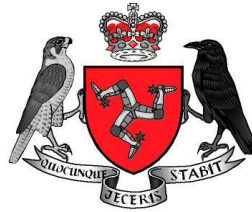


Statutory Document 0345/13



**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**

Laid before Tynwald on 19th November 2013 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 28th October 2013. However, if an applicant has made an application for entry clearance or leave before 28th October 2013 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 27th October 2013.

Changes

1. In paragraph 6, after the definition of “foundation degree”, insert:
““primary degree” means a qualification obtained from a course of degree level study, which did not feature as an entry requirement a previous qualification obtained from degree level study. An undergraduate degree is a primary degree. A Master’s degree that has a Bachelor degree as an entry requirement is not a primary degree.” .
2. In paragraph 6 in the definition of ‘**must not be leading an independent life**’ insert “, college or university” after “boarding school” and delete “or for a significant number of hours per week”.
3. In paragraph 6 in the definition of ‘**occupy exclusively**’ delete “partner and their dependants” and substitute “family”.
4. In paragraph 6, delete the definition of “Permissible Activity”.
5. In paragraph 6, in the definition of “supplementary employment”, delete “other employment in the same profession and at the same professional level” and substitute “other employment in a job which appears on the Shortage Occupation List in Appendix K, or in the same profession and at the same professional level”.

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, and SD 302/13

6. Delete paragraph 33B to 33G.
7. After paragraph 38 insert:

“A39. Any person making an application for entry clearance to come to the Isle of Man for more than six months from a country listed in Appendix T Part 1 must present at the time of application a valid medical certificate issued by a medical practitioner listed in Appendix T Part 2 confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

B39. Applicants seeking leave to enter as a returning resident under paragraph 19 of these rules, having been absent from the Isle of Man for more than two years are also subject to the requirements in paragraph A39.”.
8. In paragraph 42. after “, subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
9. In paragraph 45. after “, subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
10. Delete paragraph 46A(viii) and substitute:

“if the applicant is undertaking an exchange or educational visit only, this is to be provided by one of the following schools:

 - i) maintained schools as defined in the Education Act 2001 (an Act of Tynwald)⁴; and
 - ii) independent schools entered on the register of independent schools .”.
11. In paragraphs 46B after “subject to a condition prohibiting employment” add “and recourse to public funds”.
12. In paragraphs 46E after “subject to a condition prohibiting employment” add “and recourse to public funds”.
13. Delete paragraph 46G(iii)(a) and substitute:

“(a) to carry out one of the following activities;

 - (i) to attend meetings, conferences and interviews, provided they were arranged before arrival in the Isle of Man and, if the applicant is a board-level director attending board meetings in the Isle of Man, provided they are not employed by a Isle of Man company (although they may be paid a fee for attending the meeting);

⁴ 2001 c33

- (ii) to attend trade fairs for promotional work only, provided they are not directly selling;
- (iii) to arrange deals, or negotiating or signing trade agreements or contracts;
- (iv) to carry out fact-finding missions;
- (v) to conduct site visits;
- (vi) to work as a driver on a genuine international route delivering goods or passengers from abroad;
- (vii) to work as a tour group courier, providing the applicant is contracted to a firm with headquarters outside the Isle of Man, is seeking entry to accompany a tour group, and will depart with that tour, or another tour organised by the same company;
- (viii) to speak at a one-off conference which is not organised as a commercial concern, and is not making a profit for the organiser;
- (ix) to represent a foreign manufacturer by:
 - (i) carrying out installing, debugging or enhancing work for computer software companies,
 - (ii) servicing or repairing the manufacturer's products within the initial guarantee period, or
 - (iii) being briefed on the requirements of a Isle of Man customer, provided this is limited to briefing and does not include work involving use of the applicant's expertise to make a detailed assessment of a potential customer's requirements;
- (x) to represent a foreign machine manufacturer, as part of the contract of purchase and supply, in erecting and installing machinery too heavy to be delivered in one piece;
- (xi) to act as an interpreter or translator for visiting business people, provided they are all employed by, and doing the business of, the same overseas company;
- (xii) to erect, dismantle, install, service, repair or advise on the development of foreign-made machinery, provided they will only do so in the Isle of Man for up to six months;".

14. At the end of paragraph 46G(iii)(i)(c), delete "." and substitute "; or".

15. After paragraph 46G(iii)(i)(c), insert:

"(d) the training is corporate training which is being delivered by an outside provider to overseas and Isle of Man employees of the same group of companies."

16. In paragraph 46H, after “subject to a condition prohibiting employment” add
“, study and recourse to public funds”.
17. In paragraph 46K, after “subject to a condition prohibiting employment” add
“, study and recourse to public funds”.
18. Delete paragraph 46M(iii)a. and substitute:
“a. to take part in a sports tournament, a particular sporting event or series of sporting events in which the applicant is either:
(i) taking part, either as an individual or as part of a team;
(ii) making personal appearances and promotions, such as book signings, television interviews, guest commentaries, negotiating contracts, or to discuss sponsorship deals;
(iii) taking part in ‘trials’, providing it is not in front of an audience, either paying or non-paying;
(iv) undertaking short periods of training, either as an individual or as part of a team, providing the applicant is not intending to settle in the Isle of Man, being paid by an Isle of Man sporting body, or joining an Isle of Man team where they are involved in friendly or exhibition matches.”.
19. In paragraph 46N, after “subject to a condition prohibiting employment” add “, study and recourse to public funds”.
20. In paragraph 46Q, after “subject to a condition prohibiting employment” add “, study and recourse to public funds”.
21. Delete paragraph 46S(iii)(c) and substitute:
“(c) to take part, as an amateur or professional entertainer, in one or more cultural events or festivals approved for this purpose by the Lieutenant Governor.”.
22. In paragraph 46T, after “subject to a condition prohibiting employment” insert
“, study and recourse to public funds”.
23. In paragraph 46W, after “subject to a condition prohibiting employment” insert
“, study and recourse to public funds”.
24. In paragraph 48, after “with a prohibition on employment” insert “, study and recourse to public funds”.
25. In paragraph 52, after “subject to a condition prohibiting employment” insert
“, study and recourse to public funds”.
26. In paragraph 55, after “with a prohibition on employment” insert “, study and recourse to public funds”.

27. In paragraph 56B, after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
28. In paragraph 56E, after “subject to a condition prohibiting employment” insert “, study and recourse to public funds”.
29. At the end of paragraph 56X iii.(b), after “organisation” insert “, provided this is not in a formal teaching role;”.
30. In paragraph 56Y after “not exceeding 1 month”, insert “with a condition prohibiting study and recourse to public funds”.
31. In paragraph 75A(ii) after “PLAB Test”, insert “by way of a letter or email from the General Medical Council or a test admission card”.
32. In paragraph 75B after “for a period not exceeding 6 months,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.
33. In paragraph 75D(ii) after “can provide documentary evidence of a confirmed test date”, insert “by way of a letter or email from the General Medical Council or a test admission card”.
34. In paragraph 75E after “for a period not exceeding 6 months,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.
35. In paragraph 75H after “or 6 months in total in this category,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.
36. In paragraph 75L after “or 6 months in total in this category,” insert “subject to a condition prohibiting employment, study and recourse to public funds.”.
37. In Part 5, after the heading “work permit employment”, insert:

“General requirements for indefinite leave to remain

128A. For the purposes of references in this Part to requirements for indefinite leave to remain:

(a) “continuous period of 5 years or 4 years lawfully in the Isle of Man ” means residence in the Isle of Man for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:

(i) the applicant has been absent from the Isle of Man for a period of 180 days or less in any of the five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain; and

(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of that application shall be disregarded; and

(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded.

(b) Except for periods when the applicant had leave as a highly skilled migrant, a self-employed lawyer, a writer, composer or artist, an innovator or on the grounds of his UK ancestry:

(i) the applicant must have been employed in the Isle of Man continuously throughout the five years, under the terms of his work permit or in the employment for which he was given leave to enter or remain, except that any breaks in employment in which he applied for leave as a work permit holder or as an employee under any provision of this section to work for a new employer shall be disregarded provided this is within 60 days of the end of his employment with his previous employer.

(ii) any absences from the Isle of Man must have been for a purpose that is consistent with the continuous permitted employment in (i), including paid annual leave or for serious or compelling reasons. “.

38. In paragraph 134, delete “to a person” and insert, after “provided”, “the applicant”.
39. In paragraph 134(i), delete “he”.
40. In paragraph 134(ii), delete “he”.
41. In paragraph 134(iii), delete “he”. After “as certified by” delete “his” and substitute, “the”.
42. In paragraph 134(iv), delete “his employer certifies” and substitute, “provides certification from the employer”. Delete “he” and substitute “the applicant”.
43. In paragraph 134(v), delete “the applicant” and after “sub-section (iv)” insert “and the reason for the absences set out in paragraph 128A”.
44. For paragraph 134(vi) substitute:

“(vi) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL; ”.
45. At paragraph 134(vii), delete the words “he does not have one or more unspent convictions” and substitute “does not fall for refusal under the general grounds for refusal; and”.
46. For paragraph 134-SD substitute:

“134SD – Specified documents

The specified documents referred to in paragraph 134(v) are A and B below:

A. Either a payslip and a personal bank or building society statement, or a payslip and a building society pass book.

(a) Payslips must be:

(i) the applicant's most recent payslip,

(ii) dated no earlier than one calendar month before the date of the application, and

(iii) either:

(1) an original payslip,

(2) on company-headed paper, or

(3) accompanied by a letter from the applicant's Sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.

(b) Personal bank or building society statements must:

(i) be the applicant's most recent statement,

(ii) be dated no earlier than one calendar month before the date of the application,

(iii) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the date of the statement,

(4) the financial institution's name,

(5) the financial institution's logo, and

(6) transactions by the Sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 134-SD A (a),

(iv) be either:

(1) printed on the bank's or building society's letterhead,

(2) electronic bank or building society statements from an online account, accompanied by a supporting letter from the bank or building society, on company headed paper, confirming the statement provided is authentic, or

(3) electronic bank or building society statements from an online account, bearing the official stamp of the bank or building society on every page,

and

(v) not be mini-statements from automatic teller machines (ATMs).

(c) Building society pass books must

(i) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the financial institution's name,

(4) the financial institution's logo, and

(5) transactions by the sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 134-SD A (a),

and

(ii) be either:

(1) the original pass book, or

(2) a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

B. A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

47. For paragraph 135G(iv) substitute:

“(iv) 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”.

48. In paragraph 135G(v), after the words “Appendix S,”, delete the words “does not have one or more unspent convictions” and substitute “does not fall for refusal under the general grounds for refusal”.

49. In paragraph 144(vi)(b)(1), delete:

“provides an original English language test certificate from an English language test provider approved by the Lieutenant Governor for these purposes, as listed in Appendix O, which clearly shows”

and substitute:

“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”.

50. For paragraph 150(iv) substitute:

“(iv) 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”.

51. In paragraph 159A (ii) delete “in the form set out in guidance published by the Isle of Man Immigration Office and after “employee” insert:

“in the form of:

(a) a letter from the employer confirming that the domestic worker has been employed by them in that capacity for the twelve months immediately prior to the date of application; and

(b) one of the following documents covering the same period of employment as that in (a):

(i) pay slips or bank statements showing payment of salary;

(ii) confirmation of tax paid;

(iii) confirmation of health insurance paid;

(iv) contract of employment;

(v) work visa, residence permit or equivalent passport endorsement for the country in which the domestic worker has been employed by that employer; or

(vi) visas or equivalent passport endorsement to confirm that the domestic worker has travelled with the employer; and”.

52. In paragraph 159A (v) delete “as specified in guidance published by the Isle of Man Immigration Office” and insert after ‘and provides’ “evidence of this in the form set out in Appendix 7”.

53. In paragraph 159D (vi) insert after “the employer lives in”, “where there is evidence of this in the form of written terms and conditions of employment in the Isle of Man as set out in Appendix 7 and evidence that the employer is living in the Isle of Man.”.

54. In paragraph 159EA (iii) delete “there is evidence that there is a connection between employer and employee” and replace with “evidence of this in the form of written terms and conditions of employment in the Isle of Man as set out in Appendix 7 and evidence that the employer resides in the Isle of Man”.

55. In paragraph 159G (ii) after “5 years” insert “lawfully”.

56. For paragraph 159G (v) substitute:
“(v) 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”.
57. At paragraph 159G(vi), delete the words “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
58. In paragraph 159G, after sub-paragraph (vii), insert:
“(viii) provides the specified documents in paragraph 159G-SD to evidence the reason for the absences set out in paragraph 128A.”.
59. In paragraph 159G insert, after (viii):
“159G-SD Specified documents
The specified documents referred to in paragraph 159G(viii) are:
(a) A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave.
(b) Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.
60. In paragraph 176, insert, after “provided”, “the applicant”.
61. In paragraph 176(i), delete “he” and insert after “5 years”, “lawfully”.
62. In paragraph 176(ii), delete “he”.
63. In paragraph 176(iii), delete “he” and after “by the leadership of” delete “his” and substitute “the”. After “congregation” delete “his” and substitute, “the” and after “to which” delete “he” and substitute “the applicant”.
64. For paragraph 176(iv) substitute:
“(iv) 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”.
65. At paragraph 176(v), delete the words “he does not have one or more unspent convictions” and substitute “ does not fall for refusal under the general grounds for refusal”.
66. In paragraph 176(vi) delete “he”.
67. In paragraph 176, after sub-paragraph (vi), insert:

“(vii) provides the specified documents in paragraph 176-SD to evidence the reason for the absences set out in paragraph 128A.”.

68. In paragraph 176 insert, after (vii):

“176-SD Specified documents

The specified documents referred to in paragraph 176(vii) are:

(a) A letter from the leadership of the congregation, the employer or the head of the religious order to which the applicant belongs, detailing the purpose and period of absences in connection with the employment, including periods of annual leave.

(b) Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

69. In paragraph 192, insert, after “provided”, “the applicant”.

70. In paragraph 192(i) delete “he”.

71. In paragraph 192 (ii) delete “he” and insert after “5 years”, “lawfully”.

72. For paragraph 192 (iii) substitute:

“(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”.

73. At paragraph 192(iv), delete the words “he does not have one or more unspent convictions” and substitute “does not fall for refusal under the general grounds for refusal”.

74. In paragraph 192(v), delete “he”.

75. In paragraph 192, after sub-paragraph (v), insert:

“(vi) provides the specified documents in paragraph 192-SD to evidence the reason for the absences set out in paragraph 128A, where the absence was due to a serious or compelling reason.”.

76. In paragraph 192 insert, after (vi):

“192-SD Specified documents

The specified documents referred to in paragraph 192(vi) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons

– e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

77. In paragraph 196D(iv), delete “unless he is under the age of 18 or aged 65 or over at the time he makes his application” and substitute “in accordance with Appendix KoLL”.
78. At paragraph 196D(vi), delete the words “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
79. Delete paragraphs 198 and 199 and associated headings and substitute:

“Leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193

198. (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 under paragraphs 128-193 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 under paragraphs 128-193 provided that:

(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 197 (i)-(vi) and (viii) is met.

(b) A person seeking 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 under paragraphs 128 – 193 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 198 and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 197(i) and 197 (ii) – (vi) and(viii) is met.

Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193

198A. 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 under paragraphs 128-193 is to be refused if:

(i) in relation to an application for leave to enter, a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival; or

(ii) in the case of an application for limited leave to remain, if the applicant was last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release,

or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 197 (i)-(vi) and (viii) is met.

Requirements for indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193

199. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the child of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128- are that the applicant:

(i) is the child of a person who:

(1) has limited leave to enter or remain in the Isle of Man under paragraphs 128-193 and who is being granted indefinite leave to remain at the same time; or

(2) has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain in the Isle of Man under paragraphs 128-193 immediately before being granted indefinite leave to remain; and

(ii) meets the requirements of paragraph 197(i) - (vi) and (viii); and

(iii) was not last granted:

(1) entry clearance or leave as a visitor,

(2) temporary admission, or

(3) temporary release; and

(iv) does not fall for refusal under the general grounds for refusal; 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, and

- (vi) 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.

Indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193

199A. Indefinite leave to remain in the Isle of Man as the child of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 199 is met.

Refusal of indefinite leave to remain as the child of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193

199B. Indefinite leave to remain in the Isle of Man as the child of a person who has or has had limited leave to enter or remain in the Isle of Man under paragraphs 128-193 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 199 is met.”.

80. In Part 6, after the heading “Persons seeking to enter or remain in the Isle of Man as a businessman, self-employed person, investor, writer, composer or artist”, insert:

“200A. For the purposes of references in this Part to requirements for indefinite leave to remain:

(a) “continuous period of 5 years lawfully in the Isle of Man ” means residence in the Isle of Man for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:

(i) the applicant has been absent from the Isle of Man for a period of 180 days or less in any of the five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain; and

(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of that application shall be disregarded; and

(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded.

(b) Absences from the Isle of Man must have been for a purpose that is consistent with the applicant’s basis of stay here, including leave, or for serious or compelling reasons.”.

81. In paragraph 209, delete “he” and substitute “the applicant”.
82. In paragraph 209 (i), after “5 years” insert “lawfully”.
83. For paragraph 209(iv) substitute:

“(iv) 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”.
84. At paragraph 209(v), delete the words “does not have one or more unspent convictions” and substitute “does not fall for refusal under the general grounds for refusal”.
85. In paragraph 209, after sub-paragraph (vi), insert:

“(vii) provides the specified documents in paragraph 209-SD to evidence the reason for the absences set out in paragraph 200A, where the absence was due to a serious or compelling reason.”.
86. In paragraph 209 insert, after sub-paragraph (vii):

“209-SD Specified documents

The specified documents referred to in paragraph 209(vii) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.
87. In paragraph 230, delete “he” and substitute “the applicant”.
88. In paragraph 230(i), insert, after “5 years”, “lawfully”.
89. For paragraph 230(iii) substitute :

“(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”.
90. At paragraph 230(iv), delete the words “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
91. In paragraph 230, after sub-paragraph (v), insert:

“(vi) provides the specified documents in paragraph 230-SD to evidence the reason for the absences set out in paragraph 200A, where the absence was due to a serious or compelling reason.”.
92. In paragraph 230 insert, after sub-paragraph (vi):

“230-SD Specified documents

The specified documents referred to in paragraph 230(vi) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

93. In paragraph 238, delete “he” and substitute “the applicant”.
94. In paragraph 238(i), after “5 years” insert “lawfully”.
95. For paragraph 238(iii) substitute:

“(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
96. At paragraph 238(iv), delete the words “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
97. In paragraph 238, after sub-paragraph (v), insert:

“(vi) provides the specified documents in paragraph 238-SD to evidence the reason for the absences set out in paragraph 200A, where the absence was due to a serious or compelling reason.”.
98. In paragraph 238 insert, after sub-paragraph (vi):

“238-SD Specified documents

The specified documents referred to in paragraph 238(vi) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

99. For paragraph 242D (iv) substitute:

“(iv) 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 “.
100. At paragraph 242D(vi), delete the words “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
101. In part 6A, before paragraph 245A insert:

“General requirements for indefinite leave to remain

245AAA. For the purposes of references in this Part to requirements for indefinite leave to remain, except for those in paragraphs 245BF, 245DF and 245EF:

(a) “continuous period of 5 years lawfully in the Isle of Man ” means residence in the Isle of Man for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:

(i) the applicant has been absent from the Isle of Man for a period of 180 days or less in any of the five consecutive 12 month periods preceding the date of the application for leave to remain;

(ii) the applicant has existing limited leave to enter or remain upon their departure and return except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of an application made within that 28 day period shall be disregarded; and

(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded.

(b) Except for periods when the applicant had leave as a Tier 1 (General) Migrant, a Tier 1 (Investor) Migrant, a Tier 1 (Entrepreneur) Migrant, a Tier 1 (Exceptional Talent) Migrant, a highly skilled migrant, a businessperson, an innovator, an investor, a self-employed lawyer or a writer, composer or artist:

(i) the applicant must have been employed in the Isle of Man continuously throughout the five years, under the terms of their Certificate of Sponsorship, work permit or in the employment for which they were given leave to enter or remain, except that any breaks in employment in which they applied for leave as a Tier 2 Migrant to work for a new employer shall be disregarded, provided this is within 60 days of the end of their employment with their previous employer or Sponsor; and

(ii) any absences from the Isle of Man during the five years must have been for a purpose that is consistent with the continuous employment in (i), including paid annual leave or for serious or compelling reasons.

245AA. Documents not submitted with applications

(a) Where Part 6A or any appendices referred to in Part 6A state that specified documents must be provided, the Isle of Man Immigration Office will only consider documents that have been submitted with the application, and will only consider documents submitted after the application where they are submitted in accordance with subparagraph (b).

(b) If the applicant has submitted:

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

(ii) A document in the wrong format; or

(iii) A document that is a copy and not an original document,

the Isle of Man Immigration Office may contact the applicant or his representative in writing, and request the correct documents. The requested documents must be received by the Isle of Man Immigration Office at the address specified in the request within 7 working days of the date of the request.

(c) The Isle of Man Immigration Office will not request documents where a specified document has not been submitted (for example an English language certificate is missing), or where the Isle of Man Immigration Office 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) that is a copy and not an original document,

the application may be granted exceptionally, providing the Isle of Man Immigration Office is satisfied that the specified documents are genuine and the applicant meets all the other requirements. The Isle of Man Immigration Office 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).”.

102. In paragraph 245CB(c)(iii)(3), delete “the Postgraduate Medical Education and Training Board” and substitute “the Joint Committee for Postgraduate Training in Dentistry”.

103. Delete paragraph 245CD(a).

104. For paragraph 245CD(h) substitute

“(h) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL.”.

105. In paragraph 245CD, after sub-paragraph (i) insert:

“(j) The applicant must provide the specified documents in paragraph 245CD-SD to evidence the reason for the absences set out in paragraph 245AAA, where the absence was due to a serious or compelling reason.”.

106. In paragraph 245CD insert, after (j):

“245CD-SD Specified documents

The specified documents referred to in paragraph 245CD(j) are:

A personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

107. Delete paragraph 245DF(a).

108. For paragraph 245DF(d) substitute

“(d) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL.”.

109. At the end of paragraph 245EC(ii), delete “and”.

110. At the end of paragraph 245EC(iii), delete “.” and substitute “, and”.

111. After paragraph 245EC(iii), insert:

“(iv) no employment as a professional sportsperson (including as a sports coach).”.

112. At the end of paragraph 245EE(b)(ii), delete “and”.

113. In paragraph 245EE(b)(iii)(2), delete “the Postgraduate Medical Education and Training Board” and substitute “the General Medical Council”.

114. In paragraph 245EE(b)(iii)(3), delete “the Postgraduate Medical Education and Training Board” and substitute “the Joint Committee for Postgraduate Training in Dentistry”.

115. At the end of paragraph 245EE(b)(iii)(3), delete “.” and substitute “, and”.

116. After paragraph 245EE(b)(iii)(3), insert:

“(iv) no employment as a professional sportsperson (including as a sports coach).”.

117. Delete paragraph 245EE(c) and substitute:

“(c) Without prejudice to the grounds for curtailment in paragraph 323 of these Rules, leave to enter or remain as a Tier 1 (Investor) Migrant may be curtailed if:

(i) within 3 months of the date specified in paragraph (d), the applicant has not invested, or had invested on his behalf, at least £750,000 of his capital in the Isle of Man by way of share capital or loan capital in active and trading Isle of Man registered companies other than those principally engaged in property investment, or

(ii) the applicant does not maintain the investment in (i) throughout the

remaining period of his leave.”.

118. Delete paragraph 245EF(a).

119. For paragraph 245EF(d) substitute

“(d) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL.”.

120. In paragraph 245GE(g) as it exists before the changes in paragraph 122 of this Statement of Changes are applied, delete “paragraphs (c) to (f) do not apply” and substitute “paragraphs (c) to (h) do not apply” .

121. In paragraph 245GE(h) as it exists before the changes in paragraph 122 of this Statement of Changes are applied, delete “the periods in paragraphs (a) to (g)” and substitute “the periods in paragraphs (a) to (i)”.

122. In paragraph 245GE, renumber sub-paragraphs (g), (h) and (i) as (i), (j) and (k) respectively.

123. After paragraph 245GE(f), insert:

“(g) in the cases set out in paragraph (h) below, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or

(ii) a period of 2 years, or

(iii) the difference between 9 years and the continuous period immediately before the date of application during which the applicant has had leave as a Tier 2 (Intra-Company Transfer) Migrant, or been in the UK without leave, whichever is the shorter.

(h) The cases referred to in paragraph (g) are those where:

(i) the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, and

(ii) the Certificate of Sponsorship Checking Service entry records that the applicant's gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 75 of Appendix A) to be paid by the Sponsor is £150,000 or higher, and

(iii) paragraphs (c) to (f) do not apply.” .

124. Delete paragraph 245GF(a).

125. For paragraph 245GF(g) substitute:

(g) The applicant must have sufficient knowledge of the English language and

sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL.

126. In paragraph 245GF (f), delete “.” and insert, after “(e)(ii)”, “ and to evidence the reason for the absences set out in paragraph 245AAA.”.
127. Delete paragraph 245GF-SD Specified documents, and substitute :

“245GF-SD Specified documents

The specified documents referred to in paragraph 245GF(f) are set out in A and B below:

A. Either a payslip and a personal bank or building society statement, or a payslip and a building society pass book.

(a) Payslips must be:

(i) the applicant's most recent payslip,

(ii) dated no earlier than one calendar month before the date of the application, and

(iii) either:

(1) an original payslip,

(2) on company-headed paper, or

(3) accompanied by a letter from the applicant's Sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.

(b) Personal bank or building society statements must:

(i) be the applicant's most recent statement,

(ii) be dated no earlier than one calendar month before the date of the application,

(iii) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the date of the statement,

(4) the financial institution's name,

(5) the financial institution's logo, and

(6) transactions by the Sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245GF-SD A.(a)

(iv) be either:

- (1) printed on the bank's or building society's letterhead, (2) electronic bank or building society statements from an online account, accompanied by a supporting letter from the bank or building society, on company headed paper, confirming the statement provided is authentic, or (3) electronic bank or building society statements from an online account, bearing the official stamp of the bank or building society on every page,

and

(v) not be mini-statements from automatic teller machines (ATMs).

(c) Building society pass books must

(i) clearly show:

- (1) the applicant's name,
- (2) the applicant's account number,
- (3) the financial institution's name,
- (4) the financial institution's logo, and
- (5) transactions by the sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245GF-SD A.(a)

and

(ii) be either:

- (1) the original pass book, or
- (2) a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

B. A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. Where the absence was due to a serious or compelling reason, a personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

128. Delete paragraph 245HD(d)(vii)(3) and (4) and substitute:

“(3) the course duration (except in the case of a degree certificate), and

(4) unless the course is a PhD course, the date of course completion and pass (or the date of award in the case of a degree certificate).”.

129. Delete paragraph 245HF(a).

130. In paragraph 245HF (e) delete “.” and insert, after “(d)(ii)”, “and to evidence the reason for the absences set out in paragraph 245AAA.”.

131. For paragraph 245HF(f) substitute:

“(f) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL.”.

132. Delete paragraph 245HF-SD Specified documents, and substitute:

“245HF-SD Specified documents

The specified documents referred to in paragraph 245HF(e) are set out in A and B below:

A. Either a payslip and a personal bank or building society statement, or a payslip and a building society pass book.

(a) Payslips must be:

(i) the applicant's most recent payslip,

(ii) dated no earlier than one calendar month before the date of the application, and

(iii) either:

(1) an original payslip,

(2) on company-headed paper, or

(3) accompanied by a letter from the applicant's Sponsor, on company headed paper and signed by a senior official, confirming the payslip is authentic.

(b) Personal bank or building society statements must:

(i) be the applicant's most recent statement,

(ii) be dated no earlier than one calendar month before the date of the application,

(iii) clearly show:

(1) the applicant's name,

(2) the applicant's account number,

(3) the date of the statement,

- (4) the financial institution's name,
- (5) the financial institution's logo, and
- (6) transactions by the Sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245HF-SD A.(a)

(iv) be either:

- (1) printed on the bank's or building society's letterhead,
 - (2) electronic bank or building society statements from an online account, accompanied by a supporting letter from the bank or building society, on company headed paper, confirming the statement provided is authentic, or
 - (3) electronic bank or building society statements from an online account, bearing the official stamp of the bank or building society on every page,
- and

(v) not be mini-statements from automatic teller machines (ATMs).

(c) Building society pass books must

(i) clearly show:

- 1) the applicant's name,
- (2) the applicant's account number,
- (3) the financial institution's name,
- (4) the financial institution's logo, and
- (5) transactions by the sponsor covering the period no earlier than one calendar month before the date of the application, including the amount shown on the specified payslip as at 245HF-SD A.(a)

and

(ii) be either:

- (1) the original pass book, or
- (2) a photocopy of the pass book which has been certified by the issuing building society on company headed paper, confirming the statement provided is authentic.

B. A letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. Where the absence was due to a serious or compelling reason, a personal letter from the

applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

133. After paragraph 245ZK(c)(ii), insert:

“(ca) A Certificate of Sponsorship will only be considered to be valid if:

(i) the country or territory issued it to the applicant no more than 3 months before the application for entry clearance is made, and

(ii) it has not have been cancelled by the country or territory since it was issued.”.

134. Delete paragraph 245ZP(d) and substitute:

“(d) Where paragraph 245ZN (b) does not apply and the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored in the religious workers, government authorised exchange or, other than as a Contractual Service Supplier, in the international agreement subcategory of the Tier 5 (Temporary Worker) Migrant route, entry clearance will be granted for:

(i) a period commencing 14 days before the beginning of the period of engagement and ending 14 days after the end of that period of engagement, or

(ii) 2 years,

whichever is the shorter”.

135. Renumber paragraph 245ZP(e) as paragraph 245ZP(f).

136. After paragraph 245ZP(d), insert: “(e) Not used.”.

137. At the end of paragraph 245ZQ(b)(vi)(4), delete “.” and substitute “, and”.

138. In paragraph 245ZQ(b)(iii), after sub-paragraph (4), insert:

“and the applicant provides an original degree certificate, academic transcript or an academic reference on official headed paper of the institution, which clearly shows his name, the course title/award, and the date of course completion and pass (or the date of award in the case of a degree certificate).”.

139. Delete paragraph 245ZS(aa).

140. For paragraph 245ZS(c) substitute

“(c) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL.”.

141. After paragraph 245ZS(d), insert:
- “(e) the applicant must provide a letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave. Where the absence was due to a serious or compelling reason, the applicant must provide a personal letter which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the UK.”.
142. In paragraph 245ZV(ca) delete “118(c)”, on both occasions where it appears, and substitute “118(b)”.
143. In paragraph 245ZV (ga) (iii) delete sub paragraph (4) and substitute;
- “(4) Law, where the applicant has completed a course at degree level in the UK and is progressing to:
- a. a law conversion course validated by the Joint Academic Stage Board; or
 - b. the Legal Practice Course; or
 - c. the Bar Professional Training Course.”.
144. After paragraph 245ZV(j), insert:
- “(k) The Entry Clearance Officer must be satisfied that the applicant is a genuine student.
- 245ZV(k) 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.”.
145. At the end of paragraph 245ZW(c)(iii)(7), delete “.” and substitute “,”.
146. After paragraph 245ZW(c)(iii)(7), insert:
- “(8) self-employment, providing the migrant has made an application for leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant which:
- (a) is supported by an endorsement from a qualifying Higher Education Institution,
 - (b) is made following successful completion of a UK recognised Bachelor degree, Masters degree or PhD (not a qualification of equivalent level which is not a degree) course at a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution and
 - (c) is made while the applicant has extant leave,

until such time as a decision is received from the Isle of Man Immigration Office on that application and any appeal against that decision has been determined,” .

147. At the end of paragraph 245ZW(c)(iii), delete:

“self-employed, or employed as a Doctor or Dentist in Training unless the course that the migrant is being sponsored to do (as recorded by the Confirmation of Acceptance for Studies Checking Service) is a recognised Foundation Programme,”

and substitute:

“self-employed other than under the conditions of (8) above, or employed as a Doctor or Dentist in Training other than under the conditions of (v) below,”.

148. After paragraph 245ZW(c)(iv), insert:

“(v) no employment as a Doctor or Dentist in Training unless

(1) the course that the migrant is being sponsored to do (as recorded by the Confirmation of Acceptance for Studies Checking Service) is a recognised Foundation Programme, or

(2) the migrant has made an application as a Tier 4 (General) Student which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor to sponsor the applicant to do a recognised Foundation Programme, and this study satisfies the requirements of (iv)(2) above, or

(3) the migrant has made an application as a Tier 2 (General) Migrant which is supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor to sponsor the applicant to work as a Doctor or Dentist in Training, and this employment satisfies the conditions of (iii)(7) above.”.

149. In paragraph 245ZX (ha) (iii) delete sub paragraph (4) and substitute;

“(4) Law, where the applicant has completed a course at degree level in the UK and is progressing to:

a. a law conversion course validated by the Joint Academic Stage Board; or

b. the Legal Practice Course; or

c. the Bar Professional Training Course.”.

150. At the end of paragraph 245ZY(c)(iii)(7), delete “.” and substitute “,”.

151. After paragraph 245ZY(c)(iii)(7), insert:

“(8) self-employment, providing the migrant has made an application for leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant which is supported by an endorsement from a qualifying Higher Education Institution and which is

made following successful completion of a course at degree level or above at a Sponsor that is a Recognised Body or a body in receipt of public funding as a higher education institution from the Department of Employment and Learning in Northern Ireland, the Higher Education Funding Council for England, the Higher Education Funding Council for Wales or the Scottish Funding Council and while the applicant has extant leave, until such time as a decision is received from the Isle of Man Immigration Office on an application and any appeal against that decision has been determined,”.

152. At the end of paragraph 245ZY(c)(iii), delete:

“self-employed, or employed as a Doctor or Dentist in Training unless the course that the migrant is being sponsored to do (as recorded by the Confirmation of Acceptance for Studies Checking Service) is a recognised Foundation Programme,”

and substitute:

“self-employed other than under the conditions of (8) above, or employed as a Doctor or Dentist in Training other than under the conditions of (v) below,”.

153. After paragraph 245ZY(c)(iv), insert:

“(v) no employment as a Doctor or Dentist in Training unless:

(1) the course that the migrant is being sponsored to do (as recorded by the Confirmation of Acceptance for Studies Checking Service) is a recognised Foundation Programme, or

(2) the migrant has made an application as a Tier 4 (General) Student which is supported by a Confirmation of Acceptance for Studies assigned by a Highly Trusted Sponsor to sponsor the applicant to do a recognised Foundation Programme, and this study satisfies the requirements of (iv)(2) above, or

(3) the migrant has made an application as a Tier 2 (General) Migrant which is supported by a Certificate of Sponsorship assigned by a licensed Tier 2 Sponsor to sponsor the applicant to work as a Doctor or Dentist in Training, and this employment satisfies the conditions of (iii)(7) above.”.

154. In paragraph A246 insert at the end “, or who before 19 November 2012 has been granted leave to enter or remain as a person exercising rights of access to a child resident in the Isle of Man.”.

155. For paragraph 248D(vii) substitute:

“(vii) The applicant must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with Appendix KoLL; and”.

156. For paragraph 248D(viii) substitute:

- “(viii) the applicant does not fall for refusal under the general grounds for refusal.”.
157. In paragraph 269, delete “he” and insert “the applicant”.
158. In paragraph 269(i) insert, after “5 years”, “lawfully”.
159. In paragraph 269(iii), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
160. In paragraph 269 insert, after (iv):
- “(v) in the case of absences for serious or compelling reasons, submits a personal letter which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man”.
161. In paragraph 269 insert, after (v):
- “continuous period of 5 years lawfully in the Isle of Man” means residence in the Isle of Man for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:
- (i) the applicant has been absent from the Isle of Man for a period of 180 days or less in any of the five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain; and
- (ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of an application made within that 28 day period shall be disregarded; and
- (iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded”.
162. In paragraph 273D(iv), delete “unless he is under the age of 18 or aged 65 or over at the time he makes his application” and substitute “in accordance with Appendix KoLL”.
163. In paragraph 273D(vi), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
164. In paragraph 276A delete “and 276ADE” and substitute “, 276ADE and 399A”.
165. In paragraph 276A after subparagraph (b) insert “(c) ‘lived continuously’ and ‘living continuously’ mean ‘continuous residence’, except that paragraph 276A(a)(iv) shall not apply.”.

166. In paragraph 276A2 insert at the end “, and a person granted such an extension of stay following an application made before 28th October 2013 will remain subject to the rules in force on 27th October 2013.”.
167. In paragraph 276B(iii), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
168. For paragraph 276B(iv) substitute:
- “(iv) 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.”.
169. In paragraph 276ADE(i) delete “1.5” and substitute “2.3. and S-LTR.3.1.”.
170. In paragraph 276ADE delete subparagraph (ii).
171. In paragraph 276ADE(iv) after “(discounting any period of imprisonment)” insert “, and it would not be reasonable to expect the applicant to leave the Isle of Man”.
172. In paragraph 276ADE(v) delete “residing” and substitute “living”.
173. In paragraph 276ADE delete “In considering applications under this paragraph, the Lieutenant Governor shall attach less weight to private life in the Isle of Man established following refusal of an earlier application for leave to remain made under paragraph 276ADE.”.
174. After paragraph 276ADE insert:

“Leave to remain on the grounds of private life in the Isle of Man

276BE. Limited leave to remain on the grounds of private life in the Isle of Man may be granted for a period not exceeding 30 months provided that the Lieutenant Governor is satisfied that the requirements in paragraph 276ADE are met or, in respect of the requirements in paragraph 276ADE(iv) and (v), were met in a previous application which led to a grant of limited leave to remain under paragraph 276BE. Such leave shall be given subject to such conditions as the Lieutenant Governor deems appropriate.

Refusal of limited leave to remain on the grounds of private life in the Isle of Man

276CE. Limited leave to remain on the grounds of private life in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that the requirements in paragraph 276ADE are met.

Requirements for indefinite leave to remain on the grounds of private life in the Isle of Man

276DE. The requirements to be met for the grant of indefinite leave to remain on the grounds of private life in the Isle of Man are that:

(a) the applicant has been in the Isle of Man with continuous leave on the grounds of private life for a period of at least 120 months. This continuous leave will disregard any period of overstaying between periods of leave on the grounds of private life where the application was made no later than 28 days after the expiry of the previous leave. Any period pending the determination of the application will also be disregarded;

(b) the applicant meets the requirements of paragraph 276ADE or, in respect of the requirements in paragraph 276ADE(iv) and (v), the applicant met the requirements in a previous application which led to a grant of limited leave to remain under paragraph 276BE;

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

(d) 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; and

(e) there are no reasons why it would be undesirable to grant the applicant indefinite leave to remain based on the applicant's conduct, character or associations or because the applicant represents a threat to national security.”.

175. In paragraph 276DG, delete “(a) the applicant has an unspent conviction;” and substitute “(a) paragraph S-ILR.1.5. or S-ILR.1.6. in Appendix FM applies;”.

176. In the heading before paragraph A277 delete “**and Appendix FM**” and substitute “, **Appendix FM and Appendix FM-SE**”.

177. After paragraph A277 insert:

“A277A. Where the Lieutenant Governor is considering an application for indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant), and where the applicant:

(a) does not meet the requirements of Part 8 for indefinite leave to remain, and

(b) continues to meet the requirements for limited leave to remain on which the applicant’s last grant of limited leave to remain under Part 8 was based, further limited leave to remain under Part 8 may be granted of such a period and subject to such conditions as the Lieutenant Governor deems appropriate.

For the purposes of this sub-paragraph an applicant last granted limited leave to enter under Part 8 will be considered as if they had last been granted limited leave to remain under Part 8; or

(c) if the applicant does not meet the requirements of Part 8 for indefinite leave to remain as a bereaved partner only because paragraph 322(1C)(iii) or 322(1C)(iv) of these rules applies, the applicant will be granted limited leave to remain under Part 8 for a period not exceeding 30 months and subject to such conditions as the Lieutenant Governor deems appropriate.

A277B. Where the Lieutenant Governor is considering an application for indefinite leave to remain to which Part 8 of these rules continues to apply (excluding an application from a family member of a Relevant Points Based System Migrant) and where the application does not meet the requirements of Part 8 for indefinite leave to remain or limited leave to remain:

(a) the application will also be considered under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules;

(b) if the applicant meets the requirements for leave under those paragraphs of Appendix FM or paragraphs 276ADE to 276DH (except the requirement for a valid application under that route), the applicant will be granted leave under those provisions; and

(c) if the applicant is granted leave under those provisions, the period of the applicant's continuous leave under Part 8 at the date of application will be counted towards the period of continuous leave which must be completed before the applicant can apply for indefinite leave to remain under those provisions.

A277C. Subject to paragraphs A277 to A280 and paragraph GEN.1.9. of Appendix FM of these rules, where the Lieutenant Governor deems it appropriate, the Lieutenant Governor will consider any application to which the provisions of Appendix FM (family life) and paragraphs 276ADE to 276DH (private life) of these rules do not already apply, under paragraphs R-LTRP.1.1.(a), (b) and (d), R-LTRPT.1.1.(a), (b) and (d) and EX.1. of Appendix FM (family life) and paragraph 276ADE (private life) of these rules. If the applicant meets the requirements for leave under those provisions (except the requirement for a valid application), the applicant will be granted leave under paragraph D-LTRP.1.2. or D-LTRPT.1.2. of Appendix FM or under paragraph 276BE of these rules.”.

178. In paragraph A278 insert at the end “and Appendix FM-SE”.

179. In paragraph A279 delete “The requirements of sections "S-EC: Suitability – entry clearance" and "S-LTR: Suitability - leave to remain" of Appendix FM shall apply to all applications made under Part 8 and paragraphs 276A-276D; and”.

180. In paragraph A280 (a) after “Part 8” insert “and Appendix FM”.

181. In paragraph A280(b) after “309” at the second place it appears insert “A”.
182. In paragraph A280(c) delete “to applications made”.
183. In paragraph A280(c)(i) delete “by” and substitute “to”.
184. In paragraph A280(c)(ii) before “by” insert “to applications made”.
185. In paragraph A280(c)(ii) insert at the end “ and this leave to enter or limited leave to remain is extant”.
186. In paragraph A280 after subparagraph (e) insert:
“(f) Paragraphs 301-303F continue to apply to applications made under this route on or after 19 November 2012, and are not subject to any additional requirement listed in (b) above, by a child of a person to whom those paragraphs relate who has been granted limited leave to enter or remain or an extension of stay following an application made before 19 November 2012,
(g) For the avoidance of doubt, notwithstanding the introduction of Appendix FM, paragraphs 319AA – 319J of Part 8 continue to apply, and are not subject to any additional requirement listed in paragraph (b) above, to applications for entry clearance or leave to enter or remain as the spouse, civil partner, unmarried partner, same sex partner, or child of a Relevant Points Based System Migrant.”.
187. After paragraph A280 insert:
“A281. In Part 8 “specified” means specified in Appendix FM-SE, unless otherwise stated, and “English language test provider approved by the Lieutenant Governor” means a provider specified in Appendix O.”.
188. Delete paragraph 281(i)(b)(iii).
189. Delete paragraph 281(b)(ii) and substitute:
“(b)(ii) 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; and”.
190. In paragraph 281(vi), after “entry in this capacity”, insert “; and
“(vii) the applicant does not fall for refusal under the general grounds for refusal.”.
191. For paragraph 287(a)(vi) substitute:
“(vi) 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; and”.
192. In paragraph 287(a)(vii), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.

193. In paragraph 289A. (iv) delete “such evidence as may be required by the Lieutenant Governor “and substitute “evidence”.
194. Delete paragraph 289A(v).
195. After paragraph 289C, insert:

“289D. If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic violence only because paragraph 322(1C)(iii) or 322(1C)(iv) applies, they may be granted further limited leave to remain for a period not exceeding 30 months and subject to such conditions as the Lieutenant Governor deems appropriate.”.
196. For paragraph 295A(i)(b)(ii) substitute:

“(i)(b)(ii)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; and”.
197. Delete paragraph 295A(i)(b)(iii).
198. Delete 295G (vi) and substitute:

“(vi) 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; and”.
199. In paragraph 295G(vii), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
200. In paragraph 295K(2), delete “the Postgraduate Medical Education and Training Board” and substitute “the General Medical Council”.
201. In paragraph 295K(3), delete “the Postgraduate Medical Education and Training Board” and substitute “the Joint Committee for Postgraduate Training in Dentistry”.
202. In paragraph 295M(v), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
203. In paragraph 297(vii), delete the words “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
204. In paragraph 298(i)(c), after “child’s upbringing” insert “or the child normally lives with this parent and not their other parent”.
205. At paragraph 298(ii) after “has” insert “or has had”.
206. In paragraph 298(ii)(b) after “paragraph 302” insert “or Appendix FM”.

207. In paragraph 298(vi), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
208. After paragraph 298(vi) insert:
“(vii) if aged 18 or over, was admitted to the Isle of Man under paragraph 302, or Appendix FM, or 319R or 319X and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands in accordance with Appendix KoLL.”.
209. After paragraph 309A. insert:
“309B. Inter-country adoptions which are not a de facto adoption under paragraph 309A are subject to the Adoption and Children Act 2002 and the Adoptions with a Foreign Element Regulations 2005. As such all prospective adopters must be assessed as suitable to adopt by a competent authority in the Isle of Man, and obtain a Certificate of Eligibility from the Department for Education, before travelling abroad to identify a child for adoption. This Certificate of Eligibility must be provided with all entry clearance adoption applications under paragraphs 310-316F.”.
210. In paragraph 310(xiii), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
211. In paragraph 311(xii), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
212. In paragraph 317(vii), delete “have one or more unspent convictions” and substitute “fall for refusal under the general grounds for refusal”.
213. At the end of paragraph 319C(b)(ii), delete “.” and substitute “, or”.
214. After paragraph 319C(b)(ii), insert:
(iii) has indefinite leave to remain as a Relevant Points Based System Migrant, or is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, where the applicant is applying for further leave to remain and was last granted leave:
(1) as the partner of that same Relevant Points Based System Migrant: or
(2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules; or
(iv) has become a British Citizen where prior to that they held indefinite leave to Remain as a Relevant Points Based System Migrant and where the applicant is applying for further leave to remain and was last granted leave:
(1) as the partner of that same Relevant Points Based System Migrant, or

(2) as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules.

215. Delete paragraph 319D(a) and substitute:

“(a) (i) Entry clearance or limited leave to remain will be granted for a period which expires on the same day as the leave granted to the Relevant Points Based System Migrant, or

(ii) If the Relevant Points-Based System Migrant has indefinite leave to remain as a Relevant Points Based System Migrant, or is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or where the Relevant Points-Based System Migrant has since become a British Citizen, leave to remain will be granted to the applicant for a period of three years.”.

216. In paragraph 319D(b)(iii)(2), delete “the Postgraduate Medical Education and Training Board” and substitute “the General Medical Council”.

217. In paragraph 319D(b)(iii)(3), delete “the Postgraduate Medical Education and Training Board” and substitute “the Joint Committee for Postgraduate Training in Dentistry”.

218. Delete paragraph 319E(b) to (d) and substitute:

“(b) The applicant must be the spouse or civil partner, unmarried or same-sex partner of a person who:

(i) has indefinite leave to remain as a Relevant Points Based System Migrant; or

(ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.

(c) The applicant must have, or have last been granted, leave as the partner of the Relevant Points Based System Migrant who:

(i) has indefinite leave to remain as a Relevant Points Based System Migrant; or

(ii) is, at the same time being granted indefinite leave to remain as a Relevant Points Based System Migrant, or

(iii) has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.

(d) The applicant and the Relevant Points Based System Migrant must have been living together in the Isle of Man in a marriage or civil partnership, or in a relationship similar to marriage or civil partnership, for at least the period specified in (i) or (ii):

(i) If the applicant was granted leave as:

(a) the Partner of that Relevant Points Based System Migrant, or

(b) the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules under the Rules in place before 19 November 2012, and since then has had continuous leave as the Partner of that Relevant Points based System Migrant, the specified period is 2 years

(ii) If (i) does not apply, the specified period is 5 years, during which the applicant must:

(a) have been in a relationship with the same Relevant Points Based System Migrant for this entire period,

(b) have spent the most recent part of the 5 year period with leave as the Partner of that Relevant Points Based System Migrant, and during that part of the period have met all of the requirements of paragraph 319C(a) to (e), and

(c) have spent the remainder of the 5 year period, where applicable, as the spouse or civil partner, unmarried or same-sex partner of that person at a time when that person had leave under another category of these Rules.”.

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

“(g) 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.”.

220. Delete paragraph 319H (b) and substitute:

“(b) The applicant must be the child of a parent who has, or is at the same time being granted, valid entry clearance, leave to enter or remain as:

(i) a Relevant Points Based System Migrant, or

(ii) the partner of a Relevant Points Based System Migrant.”.

221. After paragraph 319H(e), insert:

“(f) Both of the applicant's parents must either be lawfully present in the UK, or being granted entry clearance or leave to remain at the same time as the applicant or one parent must be lawfully present in the UK and the other is being granted entry clearance or leave to remain at the same time as the applicant, unless:

(i) The Relevant Points Based System Migrant is the applicant's sole surviving parent, or

(ii) The Relevant Points Based System Migrant parent has and has had sole responsibility for the applicant's upbringing, or

- (iii) there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the Isle of Man for the applicant's care.”.
222. In paragraph 319I (a) after ” Relevant Points Based System Migrant parent” insert “ or, where paragraph 319H (b) (ii) applies, for a period which expires on the same day as the leave granted to the parent who has valid leave to enter or remain as the partner of a person who has either limited leave to enter or remain as a Relevant Points Based System Migrant, indefinite leave to remain as a Relevant Points Based System Migrant, or who has become a British Citizen where prior to that they held indefinite leave to remain as a Relevant Points Based System Migrant.”.
223. Delete paragraph 319J(b) and substitute:
- “(b) The applicant must be the child of a parent who has, or is at the same time being granted, indefinite leave to remain as:
- (i) a Relevant Points Based System Migrant, or
- (ii) the partner of a Relevant Points Based System Migrant.”.
224. In paragraph 319J(c), after “Points Based System Migrant” insert “, or the partner of a Points Based System migrant”.
225. In paragraph 319J(e), after “lawfully” delete “present” and substitute “settled” and after “granted” delete “entry clearance, limited leave to remain, or”
226. In paragraph 319J(e)(iii) delete “.” and substitute “, or”.
227. After paragraph 319J(e)(iii) insert:
- “(iv) One parent is, at the same time, being granted indefinite leave to remain as a Relevant Points Based System Migrant, the other parent is lawfully present in the UK or being granted leave at the same time as the applicant, and the applicant was granted leave as the child of a Relevant Points Based System Migrant under the Rules in place before 28th October 2013.”.
228. 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.”.
229. In paragraph 319J, delete:
- “(g) The applicant does not have one or more unspent convictions. and;
- (h) The applicant must not be in the UK in breach of immigration laws except that any period of overstaying for a period of 28 days will be disregarded.

(h) If the applicant is a child born in the UK to a Relevant Points Based System migrant and their partner, the applicant must provide a full UK birth certificate showing the names of both parents.

(i) All arrangements for the child's care and accommodation in the UK must comply with relevant UK legislation and regulations."

and substitute:

(g) If the applicant is a child born in the Isle of Man to a Relevant Points Based System migrant and their partner, the applicant must provide a full Isle of Man birth certificate showing the names of both parents.

(h) All arrangements for the child's care and accommodation in the Isle of Man must comply with relevant Isle of Man legislation and regulations.

(i) The applicant 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 will be disregarded.

230. In paragraph A320 at the end insert ", and Part 9 (except for paragraph 322(1)) does not apply to an application for leave to remain on the grounds of private life under paragraphs 276ADE-276DH".

231. Delete paragraph 320(2) and substitute:

"320(2) the fact that the person seeking entry to the Isle of Man:

(a) is currently the subject of a deportation order; or

(b) has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years; or

(c) has been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 12 months but less than 4 years, unless a period of 10 years has passed since the end of the sentence; or

(d) has been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 12 months, unless a period of 5 years has passed since the end of the sentence.

Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors."

232. In paragraph 320(7B)(v) after "more than 5 years ago;", delete "or".

233. In paragraph 320(7B)(vi) after "more than 10 years ago" delete "." and add "; or

(vii) left or was removed from the UK as a condition of a caution issued in accordance with s.134 Legal Aid, Sentencing and Punishment of Offenders Act 2012 more than five years ago.”

234. After paragraph 320(7C)(b), insert:

“(7D) failure, without providing a reasonable explanation, to comply with a request made on behalf of the Entry Clearance Officer to attend for interview.”.

235. Delete paragraph 320 (11) and substitute:

“(11) where the applicant has previously contrived in a significant way to frustrate the intentions of the Rules by:

(i) overstaying; or

(ii) breaching a condition attached to his leave; or

(iii) being an illegal entrant; or

(iv) using deception in an application for entry clearance, leave to enter or remain or in order to obtain documents from the Lieutenant Governor or a third party required in support of the application (whether successful or not); and

there are other aggravating circumstances, such as absconding, not meeting temporary admission/reporting restrictions or bail conditions, using an assumed identity or multiple identities, switching nationality, making frivolous applications or not complying with the re-documentation process.”.

236. Delete paragraph 320(18).

237. After paragraph 320(18) but before 320(19), insert :

“(18A) within the 12 months preceding the date of the application, the person has been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record;

(18B) in the view of the Lieutenant Governor:

(a) the person’s offending has caused serious harm; or

(b) the person is a persistent offender who shows a particular disregard for the law.”.

238. For paragraph 320(19) substitute:

“The immigration officer deems the exclusion of the person from the Isle of Man to be conducive to the public good. For example, because the person’s conduct (including convictions which do not fall within paragraph 320(2)),

character, associations, or other reasons, make it undesirable to grant them leave to enter.”.

239. In paragraph 321(iii), delete “on grounds of criminal record; because the person seeking leave to enter is the subject of a deportation order or because exclusion would be conducive to the public good.” and substitute “on grounds which would have led to a refusal under paragraphs 320(2), 320(6), 320(18A), 320(18B) or 320(19).”.
240. In paragraph 321A(2), after “in support of the application”, delete “.” and substitute “; or”.
241. After paragraph 321A(4) but before 321A(5), insert
“(4A) Grounds which would have led to a refusal under paragraphs 320(2), 320(6), 320(18A), 320(18B) or 320(19) if the person concerned were making a new application for leave to enter or remain”.
242. For paragraph 321A(5) substitute:
“The Immigration Officer or the Lieutenant Governor deems the exclusion of the person from the Isle of Man to be conducive to the public good. For example, because the person’s conduct (including convictions which do not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant them leave to enter the Isle of Man; or”.
243. After paragraph 322(1A) and before the cross-header entitled ‘Grounds on which leave to remain and variation of leave to enter or remain in the Isle of Man should normally be refused’, insert:
“(1B) the applicant is, at the date of application, the subject of a deportation order or a decision to make a deportation order;
(1C) where the person is seeking indefinite leave to enter or remain:
(i) they have been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years; or
(ii) they have been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence; or
(iii) they have been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence; or
(iv) they have, within the 24 months preceding the date of the application, been convicted of or admitted an offence for which they have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record.”.

244. In paragraph 322(5), delete “character, conduct and associations” and substitute “conduct (including convictions which do not fall within paragraph 322(1C)), character or associations”.
245. After paragraph 322(5) but before 322(6), insert
- “(5A) it is undesirable to permit the person concerned to enter or remain in the Isle of Man because, in the view of the Lieutenant Governor:
- (a) their offending has caused serious harm; or
- (b) they are a persistent offender who shows a particular disregard for the law.”.
246. Delete paragraph 323 and substitute:
- “A person's leave to enter or remain may be curtailed:
- (i) on any of the grounds set out in paragraph 322 (2)-(5) above; or
- (ii) if he ceases to meet the requirements of the Rules under which his leave to enter or remain was granted; or
- (iii) Not used
- (iv) Not used
- (v) where a person has, within the first 6 months of being granted leave to enter, committed an offence for which they are subsequently sentenced to a period of imprisonment.”.
247. In Part 13, in paragraph 390A, delete “or Entry Clearance Officer assessing the application”.
248. Delete paragraph 391 and substitute
- “391. In the case of a person who has been deported following conviction for a criminal offence, the continuation of a deportation order against that person will be the proper course:
- (a) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of less than 4 years, unless 10 years have elapsed since the making of the deportation order, or
- (b) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of at least 4 years, at any time,
- Unless, in either case, the continuation would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, or there are other exceptional circumstances that mean the continuation is outweighed by compelling factors.”.
249. After paragraph 391 but before 392, insert

“391A. In other cases, revocation of the order will not normally be authorised unless the situation has been materially altered, either by a change of circumstances since the order was made, or by fresh information coming to light which was not before the appellate authorities or the Lieutenant Governor. The passage of time since the person was deported may also in itself amount to such a change of circumstances as to warrant revocation of the order.”.

250. After Appendix 6 insert:

“Appendix 7 – Statement of Written Terms and Conditions of employment required in paragraph 159A (v), 159D (iv) and 159EA (iii)

Statement of the terms and conditions of employment of an overseas domestic worker in a private household in the Isle of Man

This form must be completed and signed by the employer, signed by the overseas domestic worker and submitted with the entry clearance application or with the leave to remain application as required by paragraphs 159a (v), 159d (iv) and 159EA (iii) of the Immigration Rules.

Please complete this form in capitals

Name of employee:

Name of employer:

1. Job Title:

2. Duties/Responsibilities:

3. Date of start of employment in the Isle of Man:

4. Employer’s address in the Isle of Man:

5. Employee’s address in the Isle of Man (if different from 4 please explain):

6. Employee’s place of work in the Isle of Man (if different from 4 please explain):

7. Rate of Pay per week/month:

Note: By signing this document, the employer is declaring that the employee will be paid in accordance with the National Minimum Wage Act 2001⁵ (of Tynwald) and any Regulations made under it for the duration of the employment.

8. Hours of work per day/week:

Free periods per day:

Free periods per week:

9. Details of sleeping accommodation:

10. Details of Holiday entitlement:

⁵ 2001 c25

11. Ending the employment:

Employee must give weeks notice if he/she decides to leave his/her job.

Employee is entitled to weeks notice if the employer decides to dismiss him/her.

Employee is employed on a fixed-term contract until (date) [if applicable].

Signed Date (Employer)

I confirm that the above reflects my conditions of employment:

Signed Date (Employee)."

251. In Appendix A, delete paragraph 26(g) and substitute:

“(g) employer pension contributions or monies paid to the applicant as a pension,”.

252. In Appendix A, in paragraph 34-SD(ii), delete “visa” and substitute “entry clearance”.

253. In Appendix A, after paragraph 36, insert:

“36A. An applicant who is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as:

- (i)a Tier 4 Migrant,
- (ii) a Student,
- (iii) a Student Nurse,
- (iv) a Student Re-sitting an Examination, or
- (v) a Student Writing Up a Thesis,

will only be awarded points under the provisions in (b) in Table 4.”.

254. In Appendix A, in the first row of Table 4, delete (d)(iv) and substitute:

“(iv) is working in an occupation which appears on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the Codes of Practice in Appendix J, and provides the specified evidence in paragraph 41-SD. “Working” in this context means that the core service his business provides to its customers or clients involves the business delivering a service in an occupation at this level. It excludes any work involved in administration, marketing or website functions for the business.”.

255. In Appendix A, delete paragraph 41-SD(c)(ii) and substitute:

“(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,”.

256. In Appendix A, in paragraph 41-SD(c), renumber second sub-paragraph (iii) as (iv).
257. In Appendix A, after paragraph 45, insert:
“45A. No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Border Agency is unable to make satisfactory verification checks.”.
258. In Appendix A, delete the title of Table 5 and substitute:
“Table 5: Applications for entry clearance or leave to remain referred to in paragraph 37”.
259. In Appendix A, in paragraph 46-SD(b), after “in his own name” insert “or on his behalf (and showing his name)”.
260. In Appendix A, in paragraph 46-SD(f), after “Tier 1 (Entrepreneur) Migrant,” insert “ or where (d) in Table 4 applies,”.
261. In Appendix A, in paragraph 46-SD(f) and all sub-paragraphs within (f), delete each instance of “in the second row of Table 5” and substitute “in the relevant table”.
262. In Appendix A, at the end of paragraph 46-SD(f)(i)(1), after “number,” insert “dated no more than 8 months from the specified date in the relevant table,”.
263. In Appendix A, for paragraph 53 substitute:
“53. No points will be awarded for funds that are made available to any individual other than the applicant, except under the terms of paragraph 52 above.”.
264. In Appendix A, delete the title of Table 8 and substitute:
“Table 8: Applications for entry clearance or leave to remain referred to in paragraph 56”.
265. In Appendix A, in row 4 of Table 9, delete:
“When calculating the specified continuous period, the first day of that period will be taken to be the day 3 months before the full specified amount is invested.”
and substitute
“When calculating the specified continuous period, the first day of that period will be taken to be the later of:

(a) the date the applicant first entered the Isle of Man as a Tier 1 (Investor) Migrant (or the date entry clearance was granted, if this was within three months of the date of entry), or

(b) the date 3 months before the full specified amount was invested.”.

266. In Appendix A, after paragraph 61, insert:

“61A. In Tables 7, 8 and 9, "money of his own under his control" and "money under his control" exclude money that a loan has been secured against, where another party would have a claim on the money if loan repayments were not met, “, except where:

(i) the applicant made an application before 28th October 2013 which is undecided or which led to a grant of entry clearance or leave to remain as an Investor or a Tier 1 (Investor) migrant,

(ii) the applicant has not been granted entry clearance, leave to enter or leave to remain in any other category since the grant referred to in (i), and

(iii) the money is under the applicant’s control, except for the fact that the loan referred to in paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9 has been secured against it.”.

267. In Appendix A, after paragraph 64A-SD, insert:

“64B-SD. In the case of an application where Table 9, row 1 (a) or (b) applies, points will only be awarded if the applicant:

(a) (i) has had the additional money or assets that he was not awarded points for in his previous grant of leave for a consecutive 90-day period of time, ending no earlier than one calendar month before the date(s) this additional capital was invested (as set out in Table 9, row 2), and

(ii) provides the specified documents in paragraph 64-SD (with the difference that references to “date of application” in that paragraph are taken to read “date of investment”); or

(b) provides the additional specified documents in paragraph 64A-SD of the source of the additional money or assets (with the difference that references to “date of application” in that paragraph are taken to read “date of investment”).”.

268. In Appendix A, at the end of paragraph 65(a), after “trust,” insert “ or investments that are held in offshore custody,”.

269. In Appendix A, at the end of paragraph 65(f), delete “.” and substitute:

“, except where the leverage in question is the security against the loan referred to in paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9 (as appropriate), and paragraph 61A(i)-(iii) apply.”.

270. In Appendix A, after paragraph 65, insert:
“65A. No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Border Agency is unable to make satisfactory verification checks.”.
271. In Appendix A, in paragraph 75(iv), delete “Allowances” and substitute “Other allowances and benefits, such as bonus or incentive pay, employer pension contributions, and allowances”.
272. In Appendix A, delete paragraph 75A and substitute:
“75A. No points will be awarded if the salary referred to in paragraph 75 above is less than £40,000 per year where the applicant is applying in the Long Term Staff sub-category, unless the applicant is applying for leave to remain and previously had leave as:
(i) a Qualifying Work Permit Holder, or
(ii) a Tier 2 (Intra-Company Transfer) Migrant under the rules in place before 6 April 2011, and has not been granted entry clearance in this or any other route since that grant of leave.”.
273. In Appendix A, in paragraph 78B(a), delete “resident labour market test market test” and substitute “resident labour market test”.
274. In Appendix A, at the end of paragraph 78B(c)(vi), delete “.” and substitute “ unless the job appears on the list of PhD-level occupation codes, as stated in the Codes of Practice in Appendix J.”.
275. In Appendix A, in paragraph 79(iii), after “bonus or incentive pay,” insert “employer pension contributions,”.
276. In Appendix A, delete paragraph 92(f) and (g) and substitute, :
“(f) confirm that the migrant:
(i) is qualified to do the job in respect of which he is seeking leave as a Tier 2 (Minister of Religion) Migrant,
(ii) intends to base himself in the Isle of Man, and
(iii) will comply with the conditions of his leave, if his application is successful, and
(g) confirm that the Sponsor will maintain or accommodate the migrant.”.
277. In Appendix A, delete paragraph 116(f) and substitute:
“(f) it contains the following mandatory information:
(i) the applicant’s:

- (1) name,
 - (2) date of birth,
 - (3) gender,
 - (4) nationality, and
 - (5) passport number;
 - (ii) the course:
 - (1) title,
 - (2) level,
 - (3) start and end dates, and
 - (4) hours per week, including confirmation that the course is full-time;
 - (iii) confirmation if the course is one in which the applicant must hold a valid Academic Technology Approval Scheme clearance certificate from the Counter-Proliferation Department of the Foreign and Commonwealth Office;
 - (iv) confirmation if the course is a recognised Foundation Programme for postgraduate doctors or dentists, and requires a certificate from the Postgraduate Dean;
 - (v) the main study address;
 - (vi) details of how the Tier 4 Sponsor has assessed the applicant’s English language ability including, where relevant, the applicant’s English language test scores in all four components (reading, writing, speaking and listening);
 - (vii) details of any work placements relating to the course;
 - (viii) accommodation, fees and boarding costs;
 - (ix) details of any partner institution, if the course will be provided by an education provider that is not the Tier 4 Sponsor; and
 - (x) the name and address of the overseas higher education institution, if the course is part of a study abroad programme.”.
278. In Appendix A paragraph 124 (g) delete “guidance published by the Isle of Man Immigration Office.” and substitute:
 “these immigration rules.”.
279. In Appendix B, delete paragraph 1(i).
280. In Appendix B, in Table 1, Row B, delete “level C1” and substitute “level B1”.
281. In Appendix B, in Table 1, Row C, delete “level C1” and substitute “level B1”.

282. In Appendix B, in paragraph 12, delete “rows D to I” and substitute “rows B to I”.
283. In Appendix B, in paragraph 13, delete “row D” and substitute “rows B to D”.
284. In Appendix B, at the end of paragraph 13(i), delete “, or” and substitute “, 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.”.
285. In Appendix B, delete paragraph 13 (ii).
286. In Appendix C, in paragraph 1A(h), after “the most recent of the specified documents” insert “(Where specified documents from two or more accounts are submitted, this will be the end date for the account that most favours the applicant)”.
287. In Appendix C, in the second row of the table following paragraph 16, delete “(who must meet such requirements as are specified in guidance published by the Isle of Man Immigration Office)” and substitute “(who must meet the requirements specified in paragraph 19 of this Appendix)”.
288. In Appendix C paragraph 1B delete paragraph (d) and substitute:
- “(d) If the applicant is applying as a Tier 4 Migrant, an original loan letter from a financial institution regulated by either the Financial Services Authority or, in the case of overseas accounts, the official regulatory body for the country the institution is in and where the money is held, which is dated no more than 6 months before the date of the application and clearly shows:
- (1) the applicant's name,
 - (2) the date of the letter,
 - (3) the financial institution's name and logo,
 - (4) the money available as a loan,
 - (5) for applications for entry clearance, that the loan funds are or will be available to the applicant before he travels to the UK, unless the loan is an academic or student loan from the applicant's country's national government and will be released to the applicant on arrival in the UK,
 - (6) there are no conditions placed upon the release of the loan funds to the applicant, other than him making a successful application as a Tier 4 Migrant, and
 - (7) the loan is provided by the national government, the state or regional government or a government sponsored student loan company or is part of an academic or educational loans scheme.”.

289. In Appendix C delete paragraph 13A and substitute;
- “13A. In assessing whether the requirements of Appendix C, paragraph 11 are met, where an applicant pays a deposit on account to the sponsor for accommodation costs this amount, up to a maximum of £1000, can be offset against the total maintenance requirement if he will be staying in accommodation arranged by the Tier 4 sponsor and he has paid this money to that Tier 4 sponsor.”.
290. In Appendix C delete paragraph 21A and substitute;
- “21A. In assessing whether the requirements of Appendix C, paragraph 16 are met, where an applicant pays a deposit on account to the sponsor for accommodation costs this amount, up to a maximum of £1000, can be offset against the total maintenance requirement if he will be staying in accommodation arranged by the Tier 4 sponsor and he has paid this money to that Tier 4 sponsor.”.
291. In Appendix E, in paragraph (m), after “the most recent of the specified documents” insert “(Where specified documents from two or more accounts are submitted, this will be the end date for the account that most favours the applicant)”.
292. In Appendix E, after paragraph (n), insert new paragraph:
- “(o) Where the Relevant Points Based System Migrant is applying for entry clearance or leave to remain at the same time as the applicant, and is not required to provide evidence of maintenance funds because of the provisions in paragraph 5(b) of Appendix C, the applicant is also not required to provide evidence of maintenance funds.”.
293. In Appendix FM, in the list of sections before the General section, after “Section R-ILRP: Requirements for indefinite leave to remain (settlement) as a partner” insert “Section S-ILR: Suitability-indefinite leave to remain”.
294. In Appendix FM paragraph GEN.1.2.(iv) insert “together” after “living”.
295. In Appendix FM in the list of sections before the General section delete “R-LTR-C” and substitute “R-LTRC”.
296. In Appendix FM paragraph S-EC.1.4. delete “been convicted of an offence for which they have been sentenced to imprisonment for at least 12 months.” and substitute “:
- (a) been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years; or

(b) been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 12 months but less than 4 years, unless a period of 10 years has passed since the end of the sentence; or

(c) been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 12 months, unless a period of 5 years has passed since the end of the sentence.

Where this paragraph applies, unless refusal would be contrary to the Human Rights Convention or the Convention and Protocol Relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors.”.

297. In Appendix FM paragraph S-EC.1.6. after “without reasonable excuse to” insert “comply with a requirement to”; and delete each occurrence of “, when required to do so”.
298. In Appendix FM paragraph S-EC.2.1. delete “2.4. apply” and substitute “2.5. apply”.
299. In Appendix FM after paragraph S-EC.2.4. insert:
“ S-EC.2.5.The exclusion of the applicant from the Isle of Man is conducive to the public good because:
(a) within the 12 months preceding the date of the application, the person has been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or
(b) in the view of the Lieutenant Governor:
(i) the person’s offending has caused serious harm; or
(ii) the person is a persistent offender who shows a particular disregard for the law.”.
300. In Appendix FM paragraph E-ECP.2.1.(a) insert at the end “, subject to paragraph GEN.1.3.(c)”.
301. In Appendix FM paragraph E-ECP.2.1.(b) insert at the end “, subject to paragraph GEN.1.3.(b)”.
302. In Appendix FM paragraph R-LTRP.1.1.(b) after “limited” insert “or indefinite”.
303. In Appendix FM paragraph R-LTRP.1.1.(c)(ii) delete “must meet” and substitute “meets”.
304. In Appendix FM paragraph R-LTRP.1.1.(c)(ii) delete “and” and substitute “or”.

305. In Appendix FM after paragraph R-LTRP.1.1.(c)(ii) delete “(iii) paragraph EX.1. has not been applied; or”.
306. In Appendix FM paragraph R-LTRP.1.1.(d)(i) delete “meets all of the requirements of” and substitute “must not fall for refusal under”.
307. In Appendix FM delete paragraph R-LTRP.1.1.(d) (ii) and substitute:
“(ii) the applicant meets the requirements of paragraphs E-LTRP.1.2-1.12. and E-LTRP.2.1.;”.
308. In Appendix FM paragraph S-LTR.1.7. after “without reasonable excuse to” insert “comply with a requirement to”; and delete each occurrence of “, when required to do so”.
309. In Appendix FM paragraph E-LTRP.1.10. insert at the end “and, in any application for further leave to remain as a partner (except where the applicant is in the Isle of Man as a fiancé(e) or proposed civil partner) and in any application for indefinite leave to remain as a partner, the applicant must provide evidence that, since entry clearance as a partner was granted under paragraph D-ECP1.1. or since the last grant of limited leave to remain as a partner, the applicant and their partner have lived together in the Isle of Man or there is good reason, consistent with a continuing intention to live together permanently in the Isle of Man, for any period in which they have not done so”.
310. In Appendix FM paragraph E-LTRP.1.11. delete “the marriage or civil partnership did not take place during that period of leave” and after “proposed civil partner” insert “and the marriage or civil partnership did not take place during that period of leave,”.
311. After Appendix FM paragraph E-LTRP.1.11. insert:
“E-LTRP.1.12. The applicant’s partner cannot be the applicant’s fiancé(e) or proposed civil partner, unless the applicant was granted entry clearance as that person’s fiancé(e) or proposed civil partner.”.
312. In Appendix FM paragraph E-LTRP.2.1.(b) after “partner” insert “, or was granted pending the outcome of family court or divorce proceedings”.
313. In Appendix FM paragraph E-LTRP.2.1.(c) after “temporary admission” insert “or temporary release (unless paragraph EX.1. applies).”.
314. In Appendix FM paragraph E-LTRP.3.4. after “exclusively” insert “, unless paragraph EX.1. applies”.
315. In Appendix FM paragraph D-LTRP.1.1. delete “60 months with such leave” and substitute “a continuous period of at least 60 months with such leave or in the Isle of Man with entry clearance as a partner under paragraph D-ECP1.1.

(excluding in all cases any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner)”.

316. In Appendix FM paragraph D-LTRP.1.2. after “30 months,” insert “and subject to a condition of no recourse to public funds unless the Lieutenant Governor deems such recourse to be appropriate,”.
317. In Appendix FM paragraph D-LTRP.1.2. before “will be eligible” insert “they”.
318. In Appendix FM paragraph D-LTRP.1.2. delete “120 months with such leave” and substitute “a continuous period of at least 120 months with such leave, with limited leave as a partner under paragraph D-LTRP.1.1., or in the Isle of Man with entry clearance as a partner under paragraph D-ECP1.1. (excluding in all cases any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner)”.
319. In Appendix FM after the heading “Section R-ILRP: Requirements for indefinite leave to remain (settlement) as a partner” insert “R-“ before “ILRP.1.1.”.
320. In Appendix FM paragraph R-ILRP.1.1.(c) delete “Section S-LTR: Suitability-leave to remain” and substitute “Section S-ILR: Suitability-indefinite leave to remain”.
321. In Appendix FM after paragraph R-ILRP.1.1 insert:

“Section S-ILR: Suitability for indefinite leave to remain

S-ILR.1.1. The applicant will be refused indefinite leave to remain on grounds of suitability if any of paragraphs S-ILR.1.2. to 1.9. apply.

S-ILR.1.2. The applicant is at the date of application the subject of a deportation order.

S-ILR.1.3. The presence of the applicant in the Isle of Man is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for at least 4 years.

S-ILR.1.4. The presence of the applicant in the Isle of Man is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 4 years but at least 12 months, unless a period of 15 years has passed since the end of the sentence.

S-ILR.1.5. The presence of the applicant in the Isle of Man is not conducive to the public good because they have been convicted of an offence for which they have been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence.

S-ILR.1.6. The applicant has, within the 24 months preceding the date of the application, been convicted of or admitted an offence for which they received a

non-custodial sentence or other out of court disposal that is recorded on their criminal record.

S-ILR.1.7. The presence of the applicant in the Isle of Man is not conducive to the public good because, in the view of the Lieutenant Governor, their offending has caused serious harm or they are a persistent offender who shows a particular disregard for the law.

S-ILR.1.8. The presence of the applicant in the Isle of Man is not conducive to the public good because their conduct (including convictions which do not fall within paragraphs S-ILR.1.3. to 1.6.), character, associations, or other reasons, make it undesirable to allow them to remain in the Isle of Man.

S-ILR.1.9. The applicant has failed without reasonable excuse to comply with a requirement to- (a) attend an interview; (b) provide information; (c) provide physical data; or (d) undergo a medical examination or provide a medical report.

S-ILR.2.1. The applicant will normally be refused on grounds of suitability if any of paragraphs S-ILR.2.2. to 2.4. apply.

S-ILR. 2.2. Whether or not to the applicant's knowledge –

- (a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or
- (b) there has been a failure to disclose material facts in relation to the application.

S-ILR.2.3. One or more relevant NHS body has notified the Lieutenant Governor that the applicant has failed to pay charges in accordance with the relevant NHS regulations on charges to overseas visitors and the outstanding charges have a total value of at least £1000.

S-ILR.2.4. A maintenance and accommodation undertaking has been requested under paragraph 35 of these Rules and has not been provided.

S-ILR.3.1. When considering whether the presence of the applicant in the Isle of Man is not conducive to the public good, any legal or practical reasons why the applicant cannot presently be removed from the Isle of Man must be ignored.”.

322. In Appendix FM paragraph E-ILRP.1.3. after both “(c)” and “(d)” delete “,” and insert “or in the Isle of Man with entry clearance as a partner under paragraph D-ECP.1.1.;;” in both places.
323. In Appendix FM paragraph E-ILRP.1.3. at the end insert “, excluding in all cases any period of entry clearance or limited leave as a fiancé(e) or proposed civil partner.”.

324. In Appendix FM delete paragraph E-ILRP.1.5.
325. In Appendix FM paragraph E-ILRP.1.6 after “must have” insert “demonstrated” and for paragraphs 33B to 33G” substitute “Appendix KoLL”.
326. In Appendix FM paragraph D-ILRP.1.2.(a) delete “the applicant has an unspent conviction” and substitute “paragraph S-ILR.1.5. or S-ILR.1.6. applies”.
327. In Appendix FM Delete paragraph D-ILRP.1.2.(b) and substitute
“(b) The applicant has not demonstrated sufficient knowledge of the English language or about life in the United Kingdom and Islands in accordance with Appendix KoLL,”.
328. In Appendix FM paragraph D-ILRP.1.3. delete “the requirements for indefinite leave to remain as a partner, or” and substitute “all the eligibility requirements for indefinite leave to remain as a partner, and does not qualify for”.
329. In Appendix FM paragraph D-ILRP.1.3. at the end insert:
“unless the applicant meets the requirements in paragraph R-LTRP.1.1.(a), (b) and (d) for limited leave to remain as a partner. Where they do, the applicant will be granted further limited leave to remain as a partner for a period not exceeding 30 months under paragraph D-LTRP.1.2.”.
330. In Appendix FM paragraph D-ILRP.1.3. after “D-LTRP.1.2.” insert “and subject to a condition of no recourse to public funds unless the Lieutenant Governor deems such recourse to be appropriate.”.
331. In Appendix FM paragraph EX.1.(a)(i)(aa) after “years” insert “, or was under the age of 18 years when the applicant was first granted leave on the basis that this paragraph applied”.
332. In Appendix FM paragraph BPILR.1.1.(c) delete “Section S-LTR: Suitability-leave to remain” and substitute “Section S-ILR: Suitability-indefinite leave to remain”.
333. In Appendix FM paragraph E-BPILR.1.1. delete “1.5.” and substitute “1.4.”.
334. In Appendix FM delete paragraph “E-BPILR.1.5.
335. In Appendix FM paragraph D-BPILR.1.2. delete “the applicant has an unspent conviction” and substitute “ paragraph S-ILR.1.5. or S-ILR.1.6. applies”.
336. In Appendix FM paragraph DVILR.1.1.(c) delete “Section S-LTR: Suitability-leave to remain” and substitute “Section S-ILR: Suitability-indefinite leave to remain”.
337. In Appendix FM paragraph E-DVILR.1.1. delete “ to 1.4.” and substitute “and 1.3.”.
338. In Appendix FM paragraph E-DVILR.1.3. delete “the partner’s”.

339. In Appendix FM delete paragraph “E-DVILR.1.4. The applicant must at the date of application have no unspent convictions.”.
340. In Appendix FM paragraph D-DVILR.1.2. delete “the applicant has an unspent conviction” and substitute “paragraph S-ILR.1.5. or S-ILR.1.6. applies,”.
341. In Appendix FM paragraph E-ECC.1.6. after “remain,” delete “be applying, or have applied, entry clearance as,” and substitute “or be applying, or have applied, for entry clearance, as”.
342. In Appendix FM paragraph E-ECC.1.6. insert at the end:
“, and
(a) the applicant’s parent’s partner under Appendix FM is also a parent of the applicant; or
(b) the applicant’s parent has had and continues to have sole responsibility for the child’s upbringing; or
(c) there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child’s care.”.
343. In Appendix FM paragraph E-ECC.2.1. insert “, of” after “paragraph E-ECC.2.2.”.
344. In Appendix FM paragraph E-ECC.2.2.(a) insert at the end “, which, in respect of an applicant’s parent’s partner returning to the Isle of Man with the applicant, can include specified employment or self-employment overseas and in the Isle of Man;”.
345. In Appendix FM paragraph E-ECC.2.2.(e) delete “in the Isle of Man”.
346. In Appendix FM after paragraph D-ECC.1.2. delete “Section R-LTR-C:” and substitute “Section R-LTRC:”.
347. In Appendix FM after the amended heading “Section R-LTRC: Requirements for leave to remain as a child” delete “R-LTR-C.1.1.” and substitute “R-LTRC.1.1.”.
348. In Appendix FM in the amended paragraph R-LTRC.1.1. delete
“(c) the applicant must not fall for refusal under any of the grounds in Section S-LTR: Suitability-leave to remain; and
(d) the applicant must meet all of the requirements of Section E-LTRC: Eligibility for leave to remain as a child.” and substitute
“and either

- (c)(i) the applicant must not fall for refusal under any of the grounds in Section S-LTR: Suitability-leave to remain; and
- (ii) the applicant meets all of the requirements of Section E-LTRC: Eligibility for leave to remain as a child; or
- (d)(i) the applicant must not fall for refusal under any of the grounds in Section S-LTR: Suitability-leave to remain; and
- (ii) the applicant meets the requirements of paragraphs E-LTRC.1.2.-1.6.; and
- (iii) a parent of the applicant has been or is at the same time being granted leave to remain under paragraph D-LTRP.1.2. or D-LTRPT.1.2. or indefinite leave to remain under this Appendix (except as an adult dependent relative).”.
349. In Appendix FM paragraph E-LTRC.1.1. insert at the end “(except where paragraph R-LTRC.1.1.(d)(ii) applies).”.
350. In Appendix FM delete “E-LTRC.1.6. and substitute:
- “E-LTRC.1.6. One of the applicant’s parents (referred to in this section as the “applicant’s parent”) must be in the Isle of Man and have leave to enter or remain or indefinite leave to remain, or is at the same time being granted leave to remain or indefinite leave to remain, under this Appendix (except as an adult dependent relative), and
- (a) the applicant’s parent’s partner under Appendix FM is also a parent of the applicant; or
- (b) the applicant’s parent has had and continues to have sole responsibility for the child’s upbringing or the applicant normally lives with this parent and not their other parent; or
- (c) there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child’s care.”.
351. In Appendix FM paragraph E-LTRC.2.2.(e) delete “in the Isle of Man”.
352. In Appendix FM paragraph E-LTRC.2.4. delete “specified”.
353. After the heading “Section D-ECPT: Decision on application for entry clearance as a parent” delete “D-ECP.1.1.” and insert “D-ECPT.1.1.”.
354. In Appendix FM paragraph E-ECPT.2.4.(a) delete “specified”.
355. In Appendix FM paragraph R-LTRPT.1.1.(b) after “limited” insert “or indefinite”.
356. In Appendix FM paragraph R-LTRPT.1.1.(b) after “parent” insert “or partner”.

357. In Appendix FM paragraph R-LTRPT.1.1.(c)(ii) delete “must meet” and substitute “meets”.
358. In Appendix FM paragraph R-LTRPT.1.1.(c)(ii) delete “and” and substitute “or”.
359. In Appendix FM after paragraph R-LTRPT.1.1.(c)(ii) delete “(iii) paragraph EX.1. has not been applied; or”.
360. In Appendix FM paragraph R-LTRPT.1.1.(d)(i) delete “meets all of the requirements of” and substitute “must not fall for refusal under”.
361. In Appendix FM paragraph R-LTRPT.1.1.(d) delete “(ii) the applicant does not meet all of the requirements of Section E-LTRPT: Eligibility for leave to remain as a parent;” and substitute “(ii) the applicant meets the requirements of paragraphs E-LTRPT.2.2-2.4. and E-LTRPT.3.1.”.
362. In Appendix FM paragraph E-LTRPT.2.2.(a) after “application” insert;
“, or where the child has turned 18 years of age since the applicant was first granted entry clearance or leave to remain as a parent under this Appendix, must not have formed an independent family unit or be leading an independent life”.
363. In Appendix FM paragraph E-LTRPT.2.2. at the end insert:
“; or (d) has lived in the Isle of Man continuously for at least the 7 years immediately preceding the date of application and paragraph EX.1. applies.”.
364. In Appendix FM paragraph E-LTRPT.2.3.(a) after “the child” insert “or the child normally lives with the applicant and not their other parent (who is a British Citizen or settled in the Isle of Man)”.
365. In Appendix FM paragraph E-LTRPT.2.3.(b)(ii) after “applicant” insert “(which here includes a person who has been in a relationship with the applicant for less than two years prior to the date of application)”.
366. In Appendix FM paragraph E-LTRPT.3.1.(b) after “less” insert “, unless that leave was granted pending the outcome of family court or divorce proceedings”.
367. In Appendix FM paragraph E-LTRPT.3.1.(c) after “temporary admission” insert “or temporary release (unless paragraph EX.1. applies).”.
368. In Appendix FM paragraph E-LTRPT.4.1. at the end insert “, unless paragraph EX.1. applies.”.
369. In Appendix FM paragraph E-LTRPT.4.2. after “exclusively” insert “, unless paragraph EX.1. applies”.

370. In Appendix FM paragraph E-LTRPT.5.1. at the end insert “, unless paragraph EX.1. applies.”.
371. In Appendix FM paragraph D-LTRPT.1.1. delete “60 months with such leave” and substitute “a continuous period of at least 60 months with such leave or in the Isle of Man with entry clearance as a parent under paragraph D-ECPT.1.1.”.
372. In Appendix FM paragraph D-LTRPT.1.2. after “30 months,” insert “and subject to a condition of no recourse to public funds unless the Lieutenant Governor deems such recourse to be appropriate,”.
373. In Appendix FM paragraph D-LTRPT.1.2. delete “120 months with such leave” and substitute “a continuous period of at least 120 months with such leave, with limited leave as a parent under paragraph D-LTRPT.1.1., or in the Isle of Man with entry clearance as a parent under paragraph D-ECPT.1.1.”.
374. In Appendix FM paragraph D-LTRPT.1.2. before “will be eligible” insert “they”.
375. In Appendix FM paragraph R-ILRPT 1.1.(c) delete “Section S-LTR: Suitability-leave to remain” and substitute “Section S-ILR: Suitability-indefinite leave to remain”.
376. In Appendix FM paragraph E-ILRPT.1.3. after both “(c)” and “(d)” delete “,” and insert “or in the Isle of Man with entry clearance as a parent under paragraph D-ECPT.1.1.,” in both places.
377. In Appendix FM paragraph E-ILRPT.1.3. insert “as” after “limited leave” in the second place it appears.
378. In Appendix FM paragraph E-ILRPT.1.3. delete “partner” and substitute “parent”.
379. In Appendix FM delete paragraph E-ILRPT.1.4..
380. In Appendix FM after paragraph E-ILRPT.1.4. substitute “E-ILRPT.1.5.” for “E-ILRP.1.5.”.
381. In Appendix FM paragraph E-ILRPT.1.5 after “must have” insert “demonstrated” and for “Isle of Man” substitute “United Kingdom and Islands” and for “paragraphs 33B to 33G” substitute “Appendix KoLL”.
382. In Appendix FM paragraph D-ILRPT.1.2(a) delete “the applicant has an unspent conviction” and substitute “paragraph S-ILR.1.5. or S-ILR.1.6. applies”.
383. In Appendix FM paragraph D-ILRPT.1.2.(b) and substitute.
 - (b) The applicant has not demonstrated sufficient knowledge of the English language or about life in the United Kingdom and Islands in accordance with Appendix KoLL,.’

384. Delete paragraph D-ILRPT.1.3. and substitute :
- “D-ILRPT.1.3. If the applicant does not meet all the eligibility requirements for indefinite leave to remain as a parent, and does not qualify for further limited leave to remain under paragraph D-ILRPT.1.2., the application will be refused, unless the applicant meets the requirements in paragraph R-LTRPT.1.1.(a), (b) and (d) for limited leave to remain as a parent. Where they do, the applicant will be granted further limited leave to remain as a parent for a period not exceeding 30 months under paragraph D-LTRPT.1.2. and subject to a condition of no recourse to public funds unless the Lieutenant Governor deems such recourse to be appropriate, .”.
385. In Appendix FM paragraph R-ILRDR.1.1.(c) delete “Section S-LTR: Suitability-leave to remain” and substitute “Section S-ILR: Suitability-indefinite leave to remain”.
386. In Appendix FM paragraph E-ILRDR.1.1. delete “1.6.” and substitute “1.5.”.
387. In Appendix FM delete paragraph “E-ILRDR.1.6.”.
388. In Appendix FM paragraph D-ILRDR.1.2 delete “the applicant has an unspent conviction” and substitute “paragraph S-ILR.1.5. or S-ILR.1.6. applies”.
389. In Appendix FM-SE paragraph 1(a) after sub-paragraph 1(a)(iii) insert
“(iv) cover the period(s) specified.
(v) be:
(1) on official bank stationery; or
(2) electronic bank statements from an online account (defined as one that operates solely over the internet and sends bank statements to its customers electronically) which are either accompanied by a letter from the bank on its headed stationery confirming that the documents are authentic or which bear the official stamp of the issuing bank on every page.”.
390. In Appendix FM-SE paragraph 1 after sub-paragraph (a) insert
“(aa) Where a bank statement is specified in this Appendix, a building society statement, a building society pass book, a letter from the applicant's bank or building society, or a letter from a financial institution regulated by the Financial Services Authority or, for overseas accounts, the appropriate regulatory body for the country in which the institution operates and the funds are located, may be submitted as an alternative to a bank statement(s) provided that:
(1) the requirements in paragraph 1(a)(i)-(iv) are met as if the document were a bank statement; and
(2) a building society pass book must clearly show:

- (i) the account number;
- (ii) the building society's name and logo; and
- (iii) the information required on transactions, funds held and time period(s) or as otherwise specified in this Appendix in relation to bank statements; and/or

(3) a letter must be on the headed stationery of the bank, building society or other financial institution and must clearly show: (i) the account number, (ii) the date of the letter; (iii) the financial institution's name and logo; and (iv) the information required on transactions, funds held and time period(s) or as otherwise specified in this Appendix in relation to bank statements.”.

391. In Appendix FM-SE after paragraph 1(b) insert

“(bb) Wage slips must be:

- (i) on company-headed paper; or
- (ii) stamped and signed by the employer; or
- (iii) accompanied by a letter from the employer, on company-headed paper and signed by a senior manager, confirming that they are authentic.”.

392. In Appendix FM-SE delete paragraph 1(k).

393. In Appendix FM-SE after paragraph C insert

“D. (a) In deciding an application in relation to which this Appendix states that specified documents must be provided, the Entry Clearance Officer or Lieutenant Governor (“the decision-maker”) will consider documents that have been submitted with the application, and will only consider documents submitted after the application where sub-paragraph (b) or (e) applies.

(b) If the applicant:

(i) has submitted:

- (aa) A sequence of documents and some of the documents in the sequence have been omitted (e.g. if one bank statement from a series is missing);
- (bb) A document in the wrong format; or
- (cc) A document that is a copy and not an original document; or

(ii) Has not submitted a specified document,

the decision-maker may contact the applicant or his representative in writing or otherwise, and request the document(s) or the correct version(s). The material requested must be received by the UK Border Agency or Border

Force at the address specified in the request within a reasonable timescale specified in the request.

(c) The decision-maker will not request documents where he or she does not anticipate that addressing the error or omission referred to in sub-paragraph (b) will lead to a grant because the application will be refused for other reasons.

(d) If the applicant has submitted:

(i) A document in the wrong format; or

(ii) A document that is a copy and not an original document,

the application may be granted exceptionally, providing the decision-maker is satisfied that the document(s) is genuine and that the applicant meets the requirement to which the document relates. The decision-maker reserves the right to request the specified original document(s) in the correct format in all cases where sub-paragraph (b) applies, and to refuse applications if this material is not provided as set out in sub-paragraph (b).

(e) Where the decision-maker is satisfied that there is a valid reason why a specified document(s) cannot be supplied, e.g. because it is not issued in a particular country or has been permanently lost, he or she may exercise discretion not to apply the requirement for the document(s) or to request alternative or additional information or document(s) be submitted by the applicant.”.

394. In Appendix FM-SE paragraph 1 delete “(l)” and substitute “(k)”.

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

“(l) Where this Appendix requires the applicant to provide specified evidence relating to a period which ends with the date of application, that evidence, or the most recently dated part of it, must be dated no earlier than 28 days before the date of application.”.

396. In Appendix FM-SE delete paragraph 2 and substitute

“2. In respect of salaried employment in the Isle of Man, all of the following evidence must be provided:

(a) Wage slips covering:

(i) a period of 6 months prior to the date of application if the applicant has been employed by their current employer for at least 6 months (and where paragraph 13(b) of this Appendix does not apply); or

(ii) any period of salaried employment in the period of 12 months prior to the date of application if the applicant has been employed by their current employer for less than 6 months (or at least 6 months but the person does not

rely on paragraph 13(a) of this Appendix), or in the financial year(s) relied upon by a self-employed person.

(b) A letter from the employer(s) who issued the wage slips at paragraph 2(a) confirming:

(i) the person's employment and gross annual salary;

(ii) the length of their employment;

(iii) the period over which they have been or were paid the level of salary relied upon in the application; and

(iv) the type of employment (permanent, fixed-term contract or agency).

(c) Personal bank statements corresponding to the same period(s) as the wage slips at paragraph 2(a), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.”

397. In Appendix FM-SE after paragraph 2 insert

“2A. (i) In respect of salaried employment in the Isle of Man (paragraph 2 of this Appendix), statutory or contractual maternity, paternity, adoption or sick pay in the Isle of Man (paragraph 5 or 6 of this Appendix), or a director’s salary paid to a self-employed person (paragraph 9 of this Appendix), the applicant may, in addition to the wage slips and personal bank statements required under that paragraph, submit the T14 for the relevant period(s) of employment relied upon (if issued). If they do not, the Entry Clearance Officer or Lieutenant Governor may grant the application if otherwise satisfied that the requirements of this Appendix relating to that employment are met. The Entry Clearance Officer or Lieutenant Governor may request that the applicant submit the document(s) in accordance with paragraph D of this Appendix.

(ii) In respect of salaried employment in the Isle of Man (paragraph 2 of this Appendix), or statutory or contractual maternity, paternity, adoption or sick pay in the Isle of Man (paragraph 5 or 6 of this Appendix), the applicant may, in addition to the letter from the employer(s) required under that paragraph, submit a signed contract of employment. If they do not, the Entry Clearance Officer or Lieutenant Governor may grant the application if otherwise satisfied that the requirements of this Appendix relating to that employment are met. The Entry Clearance Officer or Lieutenant Governor may request that the applicant submit the document(s) in accordance with paragraph D of this Appendix.”

398. In Appendix FM-SE delete paragraph 5(a) and substitute:

“(a) Personal bank statements corresponding to the same period(s) as the wage slips at paragraph 5(b), showing that the salary has been paid into an account

in the name of the person or in the name of the person and their partner jointly.”.

399. In Appendix FM-SE delete paragraph 6(a) and substitute
“(a) Personal bank statements corresponding to the same period(s) as the wage slips at paragraph 6(b), showing that the salary has been paid into an account in the name of the person or in the name of the person and their partner jointly.”.
400. In Appendix FM-SE paragraph 7(b)(i) after “Isle of Man Treasury” insert “(a copy or print-out)”.
401. In Appendix FM-SE paragraph 7(c) after “self-employed” insert “if available.”.
402. In Appendix FM-SE paragraph 7(c) delete “This evidence must be either an original or a certified copy of the registration document issued by Isle of Man Treasury.”.
403. In Appendix FM-SE paragraph 7(e) delete “monthly”.
404. In Appendix FM-SE paragraph 7(f) delete “Monthly”.
405. In Appendix FM-SE delete paragraph 7(h)(i) and substitute:
“(i) (aa) If the applicant’s business is a registered company that is required to produce annual audited accounts, the latest such accounts; or
(bb) If the applicant’s business is not required to produce annual audited accounts, the latest unaudited accounts and an accountant’s certificate of confirmation, from an accountant who is a member of a Isle of Man Recognised Supervisory Body (as defined in the Companies Act 2006);”.
406. In Appendix FM-SE paragraph 7(h)(ii) after “VAT return” insert “(a copy or print-out)”.
407. In Appendix FM-SE paragraph 9 insert:
“(a) Where the self-employed person is listed as a director of the company and draws a salary from the gross profits of the company:
(i) wage slips covering the same period as the Company Tax Return R1C3; and
(ii) evidence of payment of PAYE and Class 1 National Insurance contributions where applicable covering the same period as the Company Tax Return CT600, where this evidence is available at the date of application.”.
408. In Appendix FM-SE delete paragraph 9(c) and substitute:

“(c) Company Tax Return – R1C3 (a copy or print-out) and evidence this has been filed with Isle of Man Treasury, such as an electronic acknowledgment from Isle of Man Treasury.”.

409. In Appendix FM-SE delete paragraph 9(d) and substitute:

“(d) (i) If the applicant’s business is a registered company that is required to produce annual audited accounts, the latest such accounts; or

(ii) If the applicant’s business is not required to produce annual audited accounts, the latest unaudited accounts and an accountant’s certificate of confirmation, from an accountant who is a member of a Isle of Man Recognised Supervisory Body (as defined in the Companies Act 2006).”.

410. In Appendix FM-SE paragraph 9(e), delete “Monthly”.

411. In Appendix FM-SE paragraph 9(f), delete “Monthly”.

412. In Appendix FM-SE paragraph 9(h)(i) after “VAT return” insert “(a copy or print-out)”.

413. In Appendix FM-SE delete paragraph 10(a)(i)(1) and substitute:

“(1) A copy of the title deeds of the property or of the title register from the Land Registry (or overseas equivalent); or”.

414. In Appendix FM-SE paragraph 10(a)(ii) delete “Monthly”.

415. In Appendix FM-SE paragraph 10(b)(iii) delete “Monthly”.

416. In Appendix FM-SE paragraph 10(c)(i) delete “Monthly”.

417. In Appendix FM-SE paragraph 10(d)(ii) delete “Monthly”.

418. In Appendix FM-SE paragraph 10(e)(ii) delete “monthly”.

419. In Appendix FM-SE paragraph 10(f)(ii) delete “Monthly”.

420. In Appendix FM-SE paragraph 10(g)(ii) delete “Monthly”.

421. In Appendix FM-SE paragraph 11(a) delete “Monthly”.

422. In Appendix FM-SE paragraph 12(b) delete “monthly”.

423. In Appendix FM-SE paragraph 12A(a)(iii) delete “Monthly”.

424. In Appendix FM-SE paragraph 13(a) after “will be” insert “(where paragraph 13(b) does not apply)”.

425. In Appendix FM-SE paragraph 13(b) after “6 months” insert “(or at least 6 months but the person does not rely on paragraph 13(a)),”.

426. In Appendix FM-SE paragraph 13(e) insert at the end “The requirements of this Appendix for specified evidence relating to these forms of income shall apply

as if references to the date of application were references to the end of the relevant financial year(s).”.

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

“(d) Gross income from employment income paid at an hourly rate will be counted on the same basis as income from salaried employment and the requirements of this Appendix for specified evidence relating to salaried employment shall apply as if references to salary were references to income from employment paid at an hourly rate.”.

428. In Appendix FM-SE paragraph 19(c) after “will be” insert “any salary drawn from the gross profits of the company and”.

429. In Appendix FM-SE paragraph 19 insert at the end:

“(d) Where self-employment income is being used to meet the financial requirement for an initial application for leave to remain as a partner under Appendix FM by an applicant who used such income to meet that requirement in an application for entry clearance as a fiancé(e) or proposed civil partner under that Appendix in the last 12 months, the Lieutenant Governor may continue to accept the same level and evidence of self-employment income that was accepted in granting the application for entry clearance, provided that there is evidence of ongoing self-employment at the date of the application for leave to remain.”.

430. In Appendix FM-SE paragraph 20 before (d) insert

“(cc) The amount of rental income from property received before any management fee was deducted may be counted. ”.

431. Delete Appendix G and substitute:

“Appendix G - Countries and Territories participating in the Tier 5 Youth Mobility Scheme and annual allocations, by the United Kingdom, of places for 2013

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

- Australia - 35,000 places
- Canada - 5,500 places
- Japan - 1,000 places
- New Zealand - 10,000 places
- Monaco - 1,000 places

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

- Taiwan - 1,000 places
 - South Korea - 1,000 places”.
432. In Appendix H after Australia insert “Botswana”.
433. In Appendix H after Japan insert “Malaysia”.
434. In Appendix I, delete paragraph 245HF(e) and substitute:
“(e) The applicant provides the specified documents in paragraph 245HF-SD to evidence the sponsor's certification in subsection (d) (ii).”.
435. **After Appendix K Insert:**

“APPENDIX KOLL

PART 1. GENERAL

1.1

Purpose

This Appendix sets out the way in which an applicant for leave to enter or remain must demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Islands where it is a requirement of the Rules to demonstrate this for the purposes of an application for indefinite leave to enter or remain. It also sets out general exemptions to the requirement on grounds of age and enables the decision maker to waive the requirement in light of special circumstances in any particular case.

“Specified” in this Appendix means “specified in Part 4 of this appendix”

PART 2 - KNOWLEDGE OF LANGUAGE AND LIFE

2.1 An applicant for leave to enter or remain has sufficient knowledge of the English language and about life in the United Kingdom and Islands for the purpose of an application for indefinite leave to enter or remain made under these Rules if the requirements set out in paragraphs 2.2 and 2.3 are met unless the exceptions set out in Part 3 apply.

2.2 For the purposes of paragraph 2.1, an applicant has sufficient knowledge of the English language if:

- a) the applicant has provided specified documentary evidence that:
 - i) the applicant is a national or citizen of one of the following countries:
Antigua and Barbuda
Australia
The Bahamas
Barbados

Belize
Canada
Dominica
Grenada
Guyana
Jamaica
New Zealand
St Kitts and Nevis
St Lucia
St Vincent and the Grenadines
Trinidad and Tobago
USA.

or

ii) the applicant has passed an English language test in speaking and listening at a minimum level B1 of the Common European Framework of Reference for Languages with a provider approved by the Lieutenant Governor as specified in Appendix O to these Rules; or

iii) the applicant has obtained an academic qualification(not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and provides the specified documents;

or

iv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and

(1) provides the specified documentary evidence to show he has the qualification, and

(2) UK NARIC has confirmed that the qualification was taught or researched in English; or

v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and provides the specified evidence to show:

(1) he has the qualification, and

(2) that the qualification was taught or researched in English; or.

vi) the applicant has taken and passed in England, Wales, Northern Ireland, the Isle of Man or the Channel Islands a qualification in English for Speakers of Other Languages (ESOL) which:

(aa) includes speaking and listening;

(bb) is at ESOL Entry level 3, level 1, level 2 or level 3,

(cc) is regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), the Welsh Government, the Council for Curriculum, Examinations and Assessment (CCEA), or the Governments of the Isle of Man or the Channel Islands and

(dd) is listed as an ESOL qualification on the Register of Regulated Qualifications,

or

vii) the applicant has passed in Scotland a National Qualification in English for Speakers of Other Languages at Scottish Credit and Qualifications Framework (SCQF) level 4, 5 or 6 awarded by the Scottish Qualifications Authority;

or

(b) the applicant-

(i) has limited leave to enter or remain in the Isle of Man, and

(ii) that leave (or a grant of leave which preceded it provided any periods of leave since have been unbroken) was given on the basis that the applicant had an English language qualification at a minimum level of B1 on the Common European Framework of Reference for Languages.

2.3 For the purposes of sub-paragraph (1), an applicant has sufficient knowledge about life in the United Kingdom and Islands if:

a) the applicant has passed the test known as the “Life in the UK test” administered by learndirect limited; or

b) in respect of an applicant who was resident in the Isle of Man, the applicant took and passed the test in the Isle of Man known as the “Life in the UK and Islands test” and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor; or

c) in respect of an applicant who was resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, the applicant took and passed the test known as the “Citizenship Test” and which was administered by an educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey (as the case may be).

Part 3

Exceptions

3.1 Notwithstanding any requirement to the contrary in these Rules, for the purposes of this appendix, an applicant will not be required to demonstrate sufficient knowledge of the English language and about life in the UK and Islands where:

a) the applicant is under 18 years of age at the date of his or her application, or

b) the applicant is at least 65 years of age at the date of his or her application, or

c) in all the circumstances of the case, the decision maker considers that, because of the applicant’s mental or physical condition, it would be unreasonable to expect the applicant to fulfil that requirement.

3.2 In the following circumstances an applicant will be deemed to have demonstrated sufficient knowledge of the English language and about life in the UK and Islands:

a) Where the application for indefinite leave to remain in the Isle of Man is made under:

i) paragraph 196D and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 128-193 or

ii) paragraph 198 and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the Isle of Man for at least 15 years as the child of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 (but not paragraphs 135I-135K), or

- iii) paragraph 248D and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the Isle of Man for at least 15 years as a person exercising rights of access to a child resident in the Isle of Man and that child is under the age of 18 at the day on which the applicant's application for indefinite leave is made under paragraph 248D, or
- iv) paragraph 273D and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years as a spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means, or
- v) paragraph 275A and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the Isle of Man for at least 15 years as the child of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means, or
- vi) paragraph 287 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years under paragraph 281 or paragraph 284, or
- vii) paragraph 295G and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years under paragraph 295B or paragraph 295D, or
- viii) paragraph 298 and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years under paragraph 302 or Appendix FM or paragraph 319R or paragraph 319X, or
- ix) paragraph 319E and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years as the partner of a relevant points based system migrant
- x) paragraph 319J and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years as the child of a relevant points based system migrant
- xi) section E-ILRP of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years on the day on which the

application is made as a partner (except where leave is as a fiancé or proposed civil partner) under section D-LTRP of Appendix FM; or

xii) section E-ILRPT of Appendix FM and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Isle of Man for at least 15 years on the day on which the application is made as a parent under section D-ILRPT of Appendix FM, and

b) the applicant has provided specified documentary evidence of an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3; and

c) the applicant has provided specified documentary evidence from a qualified English language teacher that the applicant has made efforts to learn English but does not yet have sufficient knowledge of the English language to pass a qualification at B1 CEFR, or ESOL entry level 3 or Scottish Credit and Qualification Framework level 4; and

d) the applicant is not a national or a citizen of one of the following countries:

Antigua and Barbuda

Australia

The Bahamas

Barbados

Belize

Canada

Dominica

Grenada

Guyana

Jamaica

New Zealand

St Kitts and Nevis

St Lucia

St Vincent and the Grenadines

Trinidad and Tobago

USA.

PART 4

SPECIFIED DOCUMENTS

4.1 Where these Rules require an applicant to demonstrate sufficient knowledge of the English language and of life in the UK and Islands, the applicant must supply the documents specified in paragraphs 4.6 to 4.14 below.

4.2 The decision maker will only consider evidence submitted after the date on which an application is made where the circumstances in paragraphs 4.3 or 4.6 apply.

4.3 Where an applicant has submitted:

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

(ii) a document that is a copy and not an original document, or

(iii) a document which does not contain all of the specified information, or

(iv) fails to submit a specified document,

the decision-maker may contact the applicant or his or her representative (in writing or otherwise), and request the document or the correct version of the document. The document must be received by the Isle of Man Immigration Office at the address specified in the request within such timescale (which will not be unreasonable) as is specified.

4.4 A decision-maker may decide not to request a document under paragraph 4.3 where he or she does not anticipate that the supply of that document will lead to a grant of leave to enter or remain in the Isle of Man because the application may be refused for other reasons.

4.5 Without prejudice to the decision maker's discretion under paragraph 4.2 and also his or her right in all cases to request the original or specified document and refuse an application in circumstances in which they are not provided, where an applicant submits 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,

(aa) other documents submitted with the application,

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

(cc) the website of the appropriate regulatory body;

the application for leave to enter or remain in the Isle of Man may be granted exceptionally providing the decision-maker is satisfied that the specified documents are genuine and that the applicant meets all the other requirements.

4.6 Where the decision-maker is satisfied that there is a valid reason why a document has not been and cannot be supplied, (for example, because the document has been permanently lost or destroyed), he or she may waive the requirement for the document to be provided or may instead request alternative or additional evidence (which may include confirmation of evidence from the organisation which issued the original document).

4.7 The evidence specified for the purposes of paragraph 2.2 of this Appendix is:

a) a certificate that:

(i) is from an English language test provider approved by the Lieutenant Governor for the purposes of limited leave to enter or remain as specified in Appendix O of these Rules, and is in respect of a test approved by the Lieutenant Governor as specified in that Appendix, and

ii) shows the applicant's name; and

iii) shows the qualification obtained, and

iv) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference, and

v) shows the date of award of the qualification; or,

b) a print out of the online score from a PTE Academic (Pearson) test which:

i) is from an English language test provider approved by the Lieutenant Governor for the purposes of limited leave to enter or remain as specified in Appendix O of these rules, and

ii) is in respect of a test approved by the Lieutenant Governor as specified in that Appendix , and

iii) can be used to show the qualification obtained; and,

iv) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference; or

c) a certificate or other document issued by an awarding organisation that is recognised either by Ofqual, the Welsh Government, or CCEA that

i) is issued in England, Wales or Northern Ireland in respect of a qualification listed as an ESOL qualification in the OFQUAL Register of Regulated Qualifications, and

ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded ESOL entry level 3; or

d) a certificate that

i) is issued in Scotland in respect of a National Qualification in English for Speakers of Other Languages awarded by the Scottish Qualifications Authority, and

ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded Scottish Credit and Qualifications Framework level 4

4.8 Subject to paragraphs 4.9 and 4.10 the documentary evidence specified for the purposes of paragraph 2.2 of this Appendix as showing that a person is a national or a citizen of one of the countries listed in paragraph 2.2 is a valid passport or travel document which satisfactorily establishes the applicant's nationality.

4.9 If the applicant cannot provide their passport or travel document other evidence of nationality of the type described in paragraph 4.10 may exceptionally be supplied in the following circumstances (the reason for which must be indicated by the applicant on their application form), where:

(a) the applicant's passport has been lost or stolen, or

(b) the applicant's passport has expired and has been returned to the relevant authorities, or

(c) the applicant's passport is with another part of the Home Office.

4.10 Where paragraph 4.9 applies, the alternative evidence specified for the purposes of establishing the applicant's nationality is:

(a) a valid national identity document; or

(b) an original letter from the applicant's Home Government or Embassy confirming the applicant's full name, date of birth and nationality.

4.11. The evidence specified for the purposes of paragraph 2.2(iii) and 2.2(iv) (academic qualification recognised by UK NARIC) is:

(a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing:

(i) the applicant's name,

(ii) the title of the award,

(iii) the date of the award,

(iv) the name of the awarding institution, and,

(v) for paragraph 2.2 (iii) that the qualification was taught in English, or,

(b) where an applicant has not, at the date of application, formally graduated or no longer has his or her certificate and is unable to obtain a duplicate certificate:

(i) an original academic reference from the institution awarding the academic qualification that:

(aa) is on official letter headed paper,

(bb) shows the applicant's name,

(cc) shows the title of the award,

(dd) confirms that the qualification was taught in English,

(ee) states when the academic qualification was (or as the case may be, will be) awarded, and

(ff) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued, or

(ii) an original academic transcript that;

(aa) is on official letter headed paper,

(bb) shows the applicant's name,

(cc) shows the name of the academic institution,

(dd) shows the course title,

(ee) confirms that the qualification was taught in English, and,

(ff) confirms the award given.

4.12 In the absence of any evidence to the contrary, a qualification obtained in one of the following countries will be assumed for the purposes of this Appendix to have been taught in English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the UK or the USA.

4.13 The evidence specified for the purposes of paragraph 3.2(b) (evidence of English language speaking and listening) is the same as that specified for the purposes of paragraph 2.3 (vi) and 2.3 (vii) except that:

(a) references to B1 are to be read as references to A2,

(b) references to ESOL levels Entry 3, level 1, level 2 and level 3 are to be read as references to ESOL Entry level 2, and

(c) references to Scottish Credit and Qualification Framework Level 4, 5 and 6 are to be read as references to Scottish Qualification Framework Level 3.

4.14 a) The evidence specified for the purposes of paragraph 3.2(d) (evidence from qualified English teacher) is a letter from the teacher which is signed by him or her and dated no more than 3 months before the date on which the application for indefinite leave to remain is made and which includes the following information:

- i) the applicant's name,
- ii) confirmation that the applicant has attended an English language class taught by that teacher for at least 75 guided learning hours and which was taught during the period of 12 months immediately preceding the date on which the application for indefinite leave to remain was made,
- iii) confirmation that the teacher has assessed that the speaking and listening level attained by the applicant is not at B1 level or above,
- iv) confirmation that the applicant is considered unlikely to attain B1 level through further study
- v) confirmation of the teacher's qualifications as an English language teacher within the meaning of this Appendix.

(b) For the purposes of paragraph (a)(ii) "guided learning hours" means the time during which a person is taught or given instruction and does not include any time spent on unsupervised preparation or study.

4.15 The documentary evidence specified for the purposes of paragraph 2.3 of this Appendix is:

- a) a pass notification letter issued by learndirect limited in respect of the test known as the "Life in the UK test", or
- b) where the "Life in the UK and Islands test" was taken and passed in the Isle of Man, a pass certificate in respect of the test issued by the relevant educational institution or other person approved for that purpose by the Lieutenant Governor, or
- c) where the "Citizenship test" was taken in the Bailiwick of Guernsey or, as the case may be, in the Bailiwick of Jersey, a pass certificate issued by the relevant educational institution or other person approved for that purpose by the Lieutenant Governor of Guernsey or Jersey (as the case may be).

PART 5

INTERPRETATION

5.1 For the purposes of this Appendix “decision maker” means an Entry Clearance Officer or the Lieutenant Governor.

5.2 For the purposes of this Appendix, “qualified English language teacher” means a person who holds a qualification in teaching English as a foreign language or in teaching English to speakers of other languages which was awarded by an awarding organisation regulated by OFQUAL or the Welsh Government or the CCEA or the Scottish Qualification Authority.

436. In Appendix N, after the entry for “IAESTE” in the table, insert new entry:

Intensive Korean Public School English Teacher Training Programme	A customised in-service continuing professional development programme for very experienced Korean English teachers who have been specially selected.	University of Chichester	Work Experience Programme Maximum 12 months	England
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437. In Appendix N, after the entry in the table for “Jiangsu Centre for Chinese Studies in Essex”, insert new entry:

Korean Teacher Exchange Programme	The scheme contributes to the DfE objective of strengthening maths teaching in schools	Institute of Education University of London	Work Experience Programme Maximum 12 months	All UK
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438. In Appendix N, delete the entry in the table for “Mandarin Teachers Programme” and substitute:

<p>Mandarin Teacher s Progra mme (Englan d and Wales)</p>	<p>This program me is run by the Confuciu s Institute at the Institute of Educatio n in collaborat ion with the Office of Chinese Language Council Internatio nal (Hanban) and Peking Universit y. Through the program me, a number of Chinese teachers come to the UK for one academic year to support the teaching</p>	<p>Institute of Educati on Universi ty of London</p>	<p>Work Experience programme Maximum 12 months</p>	<p>England and Wale s</p>
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	and learning of Mandarin Chinese and teaching about China.			
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439. In Appendix O in the heading delete “assessed as meeting the UK Border Agency’s requirements” and substitute “approved by the UK Border Agency for English language requirements for limited leave to enter or remain under the Immigration Rules”.
440. In Appendix O under the heading insert “Only the level(s) of Test specified for each Test are approved.”.
441. In Appendix O, in the table, after the row containing “Cambridge English: Financial (also known as International Certificate in Financial English)”, insert new rows:

Cambridge IGCSE English as a First Language (Syllabus 0500 & 0522)	Cambridge International Examinations	B1 B2	No expiry	Certificate Supplementary Certifying Statement with breakdown of component grades
Cambridge IGCSE English as a Second Language (Syllabus 0510 & 0511)	Cambridge International Examinations	A2 B1 B2	No expiry	Certificate Supplementary Certifying Statement with breakdown of component grades

442. In Appendix P, after paragraph 7(x), insert:
“(xi) Financial institutions in Bangladesh that do not satisfactorily verify financial statements, set out in Table 11;

(xii) Financial institutions in Bangladesh whose financial statements are accepted, set out in Table 12.”.

443. In Appendix P, after Table 10, insert new tables:

“Table 11: Financial institutions that do not satisfactorily verify financial statements – Bangladesh

Name of Financial Institution
Agrani Bank Limited
Al-Arafah Islami Bank Limited
Ansar-Vidipi Bank
Bangladesh Commerce Bank Limited
Bangladesh Development Bank Ltd
Bangladesh Krishi Bank
Bangladesh Small Industries and Commerce (BASIC) Bank Limited
Bank Alfalah Limited
Bank Asia Limited
Co-operative Bank
Dhaka Bank Limited
Dutch Bangla Bank Limited
Export Import Bank of Bangladesh Limited
Grameen Bank
Habib Bank Limited
International Finance Investment and Commerce Bank Limited
Islami Bank Bangladesh Limited
Jamuna Bank Limited

Janata Bank Limited
Karmashangstan Bank
Mercantile Bank Limited
National Bank Limited
National Bank of Pakistan
Prime Bank Limited
Rupali Bank Limited
Social Islami Bank Limited
Sonali Bank Limited
Standard Bank Limited
The City Bank Limited
ICB Islamic Bank Limited
The Premier Bank Limited
Trust Bank Limited
United Commercial Bank Limited
Uttara Bank Limited
Woori Bank

Table 12: Financial institutions whose financial statements are accepted – Bangladesh

Name of Financial Institution
AB Bank Limited
Eastern Bank Limited
National Credit and Commerce Bank Ltd

Southeast Bank Ltd
One Bank Ltd
Mutual trust Bank Ltd
BRAC Bank Ltd
First Security Islami Bank Ltd
Shahjalal Islami Bank Ltd
Standard Chartered Bank
State Bank of India
Citi Bank
Commercial Bank of Ceylon Ltd
The Hong Kong and Shanghai Banking Corporation Ltd

444. After Appendix S insert;

“Appendix T – Tuberculosis screening

Part 1 – Applicable Countries

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.

Bangladesh

Burkina Faso

Cambodia

Côte d’Ivoire

Eritrea

Ghana

India

Kenya

Laos
Lesotho
Malaysia
Nepal
Niger
Pakistan
Somalia
South Africa
Sudan
Swaziland
Tanzania
Togo
Thailand
Zimbabwe

Applicants from Burkina Faso, Côte d'Ivoire, Niger, Togo are screened in Ghana, those from Eritrea and Somalia are screened in Kenya, those in Lesotho and Swaziland are screened in South Africa and those from Laos are screened in Thailand.

Part 2 – list of screening clinics

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

BANGLADESH

DHAKA – International Organisation for Migration (IOM)

Migration Health Assessment Clinic (MHAC)

Prescription Point Ltd. (3rd floor)

House 105, Road 12, Block E, Banani

Dhaka 1213, Bangladesh

SYLHET – International Organisation for Migration (IOM)

Migration Health Assessment Clinic (MHAC)

Medi-Aid Heart Centre

South Dorga Gate (Near Minar)
Dorga Moholla, Sylhet – 3100, Bangladesh

CAMBODIA

PHNOM PENH – International Organisation for Migration (IOM)

No.31, Street 71 Sangkat Boeun Keng Kang 1
Khan Cham Car Morn Phnom Penh, Cambodia

Tel: +855 12 900 131

Fax: +855 23 21 64 23

INDIA

ANDHRA PRADESH:

Centre for Migration Medicine (CMM)

#3-6-20, Street#19,

Himayatnagar,

Hyderabad, AP-500029

Tel: (040) 29806789/ Mob: 08500777000

Email: CMM.UK@MigrationMedicine.com

GYD Diagnostics & Reference Laboratories Pvt Ltd

6-1-126 & 127/4,

Padmarao Nagar, (lane opposite Gharounda supermarket),

Secunderabad, Andhra Pradesh, 500 025

Tel: (040) 42414142/ 43/ 44

BANGALORE:

Elbit Medical Diagnostic Ltd

1 & ½ Indian Express Building Queens Road,

Banglore -560 001

Tel: (080) 40570000 / 41132461

Fortis Hospital

154/9 Bannerghatta Road,

Opp IIM-B

Bangalore -560076

Tel: (080) 66214166/66214444

CHANDIGARH:

Kansal Clinic

Kothi No.4, Phase 2,

Sector-54 Nr.Bassi Theatre,

SAS Nagar, 160 047,

Chandigarh

Tel: (0172) 2225124 / 2273587

National Medical and Dialysis Centre

516, Sector 10 -D

(opposite Hotel Mountain View)

Chandigarh

Tel: (0172)-6652000/Mob: 08427661909

New Diagnostic Centre

Sector 20C,

Tribune Road,

Chandigarh

Max Super Special Speciality Hospital

New Civil Hospital,

Ph IV, Mohali, Punjab -160055

Tel: (0172)-6652000/Mob: 08427661909

CHENNAI:

2 Maloney Road,

T Nagar,

Chennai 600017

Tel: (044) 2434 6424/ 5881/ (044) 2432 2189

The Apollo Heart Centre

156 Greams Road,

Chennai 600006

Tel: (044) 60601066 / 28296916/ Mob: 09551011666

GUJARAT:

Apollo Hospitals International Ltd

Plot No.1 A, Bhat GIDC Estate, Ahmedabad

Gujarat, 382 428

Tel: (079) 66701800

Saviour Hospital

(Near Bharat Petrol Pump),

Lakhudi Circle Stadium Road,

Navrangpura,

Ahmedabad 380014

Tel: (079) 61908080/61908000/Mob: 09824053196

Apollo Clinic

Mann Complex

Opp. Shree Ram Petrol Pump

Anand Mahal Road, Adajan

Surat 395009

Tel: (0261) 2790202

GUWAHATI:

The Apollo Clinic

Kanchan Road, Bora Service,

G S Road, Guwahati

Tel: (0361) 2461473 / 2461474

KERALA:

Amrita Institute of Medical Sciences (AIMS)

Amrita Lane,

Edapally,

Cochin, Kerala

Tel: +91 (0) 484 280 1234, 285 1234, 400 1234

Kerala Institute of Medical Sciences (KIMS)

P.B. No 1, Anayara, Thiruvananthapuram,

Kerala, 695 029

Tel: (0471) 3041312

KOLKATA:

Apollo Gleneagles Hospital Ltd

58 Canal Circular Road,

Kolkata 700054

Tel: (033) 23202122 / 23202040

Pulse Diagnostics Pty Ltd

75 Sarat Bose Road,

Kolkata 700019

Tel: (033) 24546142 / 21492603

LUCKNOW:

Medical Clinic

122 Faizabad Road,

(near Indira Bridge)

Lucknow 226007

Tel: (0522) 2324656 / 2336629

National X-ray Clinic

195/104 Jagat Narain Road,

Lucknow 226 003

Tel: (0522) 2253845

LUDHIANA:

Dr Har Kamal Bagga/ Dr Wahiguru Pal Singh

3791/3A Jagjit Nagar Pakhowal Road,

Ludhiana 141 001, Punjab

Tel: (0161) 2459403/ Mob: 09814001200

Mob: (0161) 2458403/Mob: 91-09872266666

Dr U S Sidhu

82-A, SARABHA NAGAR,

Near PVR Cinema/Malhar Road,

Ludhiana 141 001, Punjab

Tel: 09779750340 (preferred contact) / (0161)-2450340

Dr Harminder Singh Pannu

B2412, Krishna Nagar, Opp. Aarti Cinema,

Ferozepur Road, 141 001

Tel: (0161) 2409036 / 2408108

S.P.S Apollo Hospitals

Sherpur Chowk,

G.T Road

Ludhiana 141 003

Tel: (0161) 6617100 / 6617111/ 6617222

Super X-ray Clinic

2353/2 Krishana Nagar,

Ferozepur Road,

(near Aarti Cinema)

Ludhiana 141 001

Tel: (0161) 240 8031 / 4629231

MUMBAI:

Lilavati Hospital

A-791, Bandra Reclamation,

Bandra West, 400 050

Tel: (022) 26568000. Ext. no 8248 / 8283

Direct line 26568248

Email Id: visa@lilavatihospital.com

Clinical Diagnostic Centre, South Mumbai

A-2 Ben Nevis,

Bhulabhai Desai Road, Next to Tata Garden,

Mumbai 400 036

Tel: (022) 61196200/ 23684764/ 65

Contact Person: Ms Theresa Ferrao

Clinical Diagnostic Centre, North Mumbai

A403 Floral Deck Plaza, C Cross Road, MIDC,

Opp. Seepz near Rolta Bhavan, Andheri (east),

Mumbai-400093

Tel: (022) 61196300 / 66972352/ 53

Contact Person: M Phadtare

Rele Clinic

10 AA, Gita Building,

“A” Wing, Second Floor,

Pandita Ramabai Road,

Gamdevi, Mumbai 400 007

Tel: (022) 23613737 / 23613838

Insight Health Scan,

Geeta Building Pandit Ramabai Road, Grant Road,

Mumbai -400007

Tel: (022) 23694191/ 23695344

NAGPUR:

Sanjiwani Chikitsa Kendra

Opposite City Post Office

Itwari

Nagpur 440 002

Tel: (071 2) 276 9494/ 2422996 / Mob: 09422102590

Sarda Imaging Clinic

70 Central Avenue

(near the Gandhi statue)

Itwari

Nagpur 440 002

Tel: (0712) 2766384 / 2769715 / 6612668

NEW DELHI:

Max Medcentre

N-110, Panchsheel Park

New Delhi 110 021

Tel: (011) 26499870 / Mob: 8800334457

Sadhu Vaswani Mission Medical Centre

4/27, Shanti Niketan

New Delhi 110 021

Tel: (011) 24111562/ 2411 4316/ 24111693

PUNE

Ruby Hall Clinic

40, Sassoon Road,

411 001 Pune

Tel: (020) 6645 5242 / 6645 5286 / 2616 3391

KENYA

NAIROBI – International Organisation for Migration (IOM)

Doctors' Plaza Annex Nairobi Hospital Compound

Nairobi, Kenya

Tel: 00254 20 2718559

Fax: 00254 20 2718096

MALAYSIA

KOTA KINABALU:

Patient Relations Unit

Sabah Medical Centre,

(A Member of KPJ Healthcare Berhad),

Lorong Bersatu, Off Jalan Damai, Luyang,

88300 Kota Kinabalu

Tel: 088-322192 088-322196 Fax: 088-2700939

KUALA LUMPUR:

Health Screening Centre

Gleneagles Hospital (Kuala Lumpur) Sdn. Bhd.

Tel: 603-4141 3282 Fax: 603-41413280,

Website: www.gleneagleskl.com.my

Life Care Diagnostic Medical Centre Sdn. Bhd.

1st Floor, Wisma Life Care,

No. 5, Jalan Kerinchi, Bangsar South,

59200 Kuala Lumpur

Customer Care Line: 1300 222 369

info@lifecare.com.my

NEPAL

Kathmandu – International Organization for Migration (IOM)

IOM Migration Health Assessment Centre (MHAC)

Thirbam Sadak,

Baluwatar-5, House No. 768/4

Kathmandu

Phone: +977 01 4417219 and +977 01 4429599

Jhapa – International Organization for Migration (IOM) SUB OFFICE

IOM Resettlement Health Assessment Centre (RHAC)

Migration Health Division (MHD)

Devkota Chowk (New Vegetable Market),

Damak-11, Jhapa,

Postal Code: 57217

PAKISTAN

ISLAMABAD – International Organisation for Migration (IOM) SUB OFFICE

Khurmrial Centre (Behind PTCL Head Quarter),

G-8/4 Islamabad.

Call Centre for appointments: UAN: +92 51 111 466 472

LAHORE – International Organisation for Migration (IOM) SUB OFFICE

1 – Ali Block, New Garden Town, Lahore.

Call Centre for appointments: UAN: +92 51 111 466 472

KARACHI – International Organisation for Migration (IOM) SUB OFFICE

House # F-8/1, KDA Scheme I, Tipu Sultan Road,

Adjacent to Main Karsaz Road, Karachi

Call Centre for appointments: UAN: +92 51 111 466 472

MIRPUR – International Organisation for Migration (IOM) SUB OFFICE

House # 6, Sector D/4, F2 Road, Block West,

Mirpur, Azad Kashmir.

Call Centre for appointments: UAN: +92 51 111 466 472

SOUTH AFRICA

CAPE TOWN

International Organization for Migration (IOM)

IOM Office in Cape Town

2nd Floor, 80 Strand Street,

Cape Town

INTERCARE Medical and Dental Centre

(Dr Bergman, Ross & Partners Radiologists)

1st Floor, Parow Shopping Centre,

Corner of Voortrekker and De La Rey Roads,

Parow 7500

Cape Town

www.intercare.co.za

DURBAN

International Organization for Migration (IOM)

IOM Office in Durban

Suite 1606 Commercial City Building,

40 Commercial Road (now known as AB XUMA),

4001 Durban

Malvern Medical and Dental Centre

(Dr Van Rensburg & Partners Southern Africa Inc. (26))

Corner of Ethelbert and Conabor Streets,

Malvern 4093,

Durban

PRETORIA

International Organization for Migration (IOM)

IOM Office in Hatfield

Corner of Arcadia and Festival Street,

The Hatmed Clinic *(Dr Leonie Sholtz & Partners)*

Hatfield, Pretoria,

454 Hilda Street,

Hatfield 0083,

Pretoria

SUDAN

KHARTOUM – International Organisation for Migration (IOM)

IOM Sudan Mission, Amarat, Street 47, House 18, Block 11 OE

PO Box 8322, Khartoum, Sudan

Tel: +249983570802

Fax: +24983569094

TANZANIA

DAR ES SALAAM – International Organisation for Migration (IOM)

Slip Road, off Chole, Plot #1365 – Msasani,

PO Box 9270 Dar es Salaam, Tanzania

Tel: +255222602913

Fax: +255222602782

THAILAND

BANGKOK – International Organisation for Migration (IOM)

8th Floor, Kasemkij Bldg, 120 Silom Road,

Bangrak District, Bangkok 10500 Thailand

Tel: +66 2 234 7950

Fax: +66 2 234 7956

ZIMBABWE

HARARE

International Organization for Migration (IOM)

IOM Office Migration Health Division (MHD)

142 King George Road,

Avondale,

Harare

Diagnostic Imaging Centre (DIC)

17 Lanark Road,

Belgravia,

Harare.”

EXPLANATORY NOTE

1. Purpose of the Instrument

- 1.1 The United Kingdom has made changes to the Immigration Rules applicable to the United Kingdom in five sets of Rules changes which were laid before Parliament in July 2012, September 2012, November 2012 and December 2012. 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.
- 1.2 Some elements of the United Kingdom's Statement of Changes in the Immigration Rules laid before Parliament on 6th September 2013 have also been included in this document so as to ensure that the new English Language requirement is brought in, in the Isle of Man, on the same day as in the United Kingdom, 28th October 2013. This requirement will come in automatically for persons applying to be naturalised as a British Citizen in the Isle of Man as Nationality legislation applies to the Isle of Man without the need for extension.

2. Policy Background

What is being done and why

Visitors

- 2.1 The conditions of leave for all categories of visitors have been amended to reflect that where stated, they have restrictions on taking up employment, study and accessing public funds.

Child Visitors

- 2.2 The Rules have been amended to set out the types of schools where child visitors are permitted to undertake an exchange or educational visit.

Business Visitors

- 2.3 The Rules have been amended to set out the permissible activities that business visitors can undertake in the Isle of Man. They also clarify that business visitors may carry out corporate training in the Isle of Man where it is delivered by an outside provider to overseas and Isle of Man employees of the same group of companies.

- 2.4 For individuals seeking leave to enter or to extend their leave as a Graduate undertaking the Professional and Linguistic Assessment Board (PLAB) Test, the Rules have been amended to specify the evidence required.

Sports visitor

2.5 The Rules have been amended to list the activities that a sports visitor may undertake during and in the margins of a sporting event, series of events and sports tournament.

Visitors undertaking permitted paid engagements

2.6 The Rules have been amended to clarify that for professionals coming to undertake lectures in their area of expertise, they may do so only in as much as it does not extend to lecturing which replaces a formal teaching role.

Amendments to Parts 5,6,6A and 7 of the Immigration Rules

2.7 Parts 5, 6, 6A and 7 of the Immigration Rules include provision for indefinite leave to remain for the following work-related routes of entry:

work permit holder

representative of an overseas newspaper, news agency or broadcasting organisation

sole representative

employee of overseas governments or the United Nations or other international organisations of which the UK is a member

minister of religion, missionary or member of a religious order

airport-based operational staff of overseas-owned airlines

UK ancestry

business person

innovator

writer, composer or artist

retired person of independent means

highly-skilled migrant programme

private servants in diplomatic households

domestic workers in private households

and

the following Points-Based System categories:

- Tier 1 General
- Tier 2 General
- Tier 2 Sports person

- Tier 2 Minister of Religion
- Tier 2 Intra-company transfers
- Tier 5 (International agreement) – private servants in diplomatic households granted under Rules in place before 6 April 2012 only.

The Rules are being amended to clarify the absences that are permitted from the Isle of Man during the continuous period of lawful residence required for indefinite leave to remain in all these categories. Up to a maximum of 180 days in any of the 12 calendar month periods preceding the date of the application for indefinite leave to remain may be spent outside the Isle of Man, provided the absence is due to an employment, including annual leave, or business related reason or there are serious or compelling compassionate reasons for the absence.

Amendments to the Family and Private Life Rules

Transitional provisions

- 2.8 The Rules are being amended to align the bereaved partner and domestic violence provisions of Part 8 with the policy for partners and allow those who cannot qualify for indefinite leave to remain on criminality grounds to be granted further leave to remain.
- 2.9 The Rules are being amended to allow applicants last granted limited leave to enter the Isle of Man under Part 8 to benefit from the same transitional provisions as those last granted limited leave to remain under Part 8.
- 2.10 The Rules are being amended to allow applicants who have a valid claim under Article 8 of the European Convention on Human Rights (the right to respect for private and family life), but who have not submitted an application under Appendix FM of the Rules (family life) or paragraphs 276ADE to 276DH (private life), to be granted leave under the 10 year partner, parent and private life routes.

Children

- 2.11 The following changes are being made to the provisions relating to children:
- Provision is being made for a parent who was granted leave on the basis of a child in the UK to be allowed to remain in the UK once the child has turned 18, provided the child has not formed an independent family unit and is not living an independent life.
 - Children may be granted leave in line with their parent where the parent has a route to settlement as the parent of a child who is not settled but has been living in the UK for at least 7 years and it would not be reasonable to expect the child to leave the UK.

- Existing child dependants may be granted leave in line with a parent granted leave on the 5 or 10 year parent route on the basis of the parent's relationship with another child.
- • The settlement (indefinite leave to remain) requirements for children are being amended in line with the partner provisions in Part 8 of the Rules, to allow a child who has overstayed to qualify for settlement.
- • A migrant parent accompanying or joining a partner here under Appendix FM who wants to be accompanied or joined by a child of a previous partner will be required to show that they have sole responsibility for that child or that there are serious and compelling family or other considerations which make exclusion of the child undesirable.
- Provision is being made in Appendix FM for a migrant parent and child to be able to apply for leave to remain in the UK on the basis of the migrant parent's shared parental responsibility for the child's upbringing, in addition to circumstances in which the migrant parent has sole parental responsibility.
- Appendix FM is being amended to clarify that a child applying for settlement (indefinite leave to remain) should be considered under paragraph 298 of the Rules.

Parents and partners

- 2.12 A reference to temporary release is being included in the immigration status requirement under Appendix FM to ensure equal treatment with those on temporary admission. This will allow immigration offenders on temporary release to qualify under the 10 year partner or parent route if paragraph EX.1. of Appendix FM applies.
- 2.13 The changes will allow those granted limited leave for 6 months or less pending the outcome of family court or divorce proceedings to make an application under Appendix FM.
- 2.14 The position on recourse to public funds in the 10 year partner and parent routes under Appendix FM will be clarified.
- 2.15 The parent route is not available to a migrant who is the partner of a British citizen or settled person. An amendment to Appendix FM will clarify that those in an unmarried (or non-civil partnership) relationship of less than 2 years' duration are also excluded.
- 2.16 A number of minor clarifications will be made to the partner and parent provisions of Appendix FM.

Evidential requirements

2.17 Minor amendments will be made to the requirements under Appendix FM-SE for specified financial evidence in support of family migration applications under Appendix FM, in line with the Rules for the Points-Based System. This will provide more flexibility than previously allowed.

2.18 Amendments will also be made to the evidential flexibility policy under Appendix FM-SE:

- To allow applications to be deferred pending submission of missing evidence or the correct version of it within a reasonable deadline.
- To enable applications to be granted despite minor evidential problems where the caseworker is otherwise satisfied that the applicant meets the requirement to which the document relates.

Private life

2.19. An amendment to the private life rules will narrow the circumstances in which a child under the age of 18 can apply for leave to remain on the grounds of private life to those circumstances in which it would not be reasonable to expect the child to leave the UK.

2.20 The Statement of Changes in Immigration Rules approved by Council of Ministers on 18 July 2013 (SD 0250/13) supplemented Appendix FM of the Immigration Rules by Appendix FM-SE. This incorporated into the Rules detailed requirements as to evidence relating to financial requirements, marriage or civil partnership, English language requirements and adult dependent relatives. This Statement of Changes extends the detailed scope of those requirements, clarifies the drafting of some aspects, and applies those requirements where relevant to family route applications under Part 8 of the Immigration Rules.

2.21 This Statement of Changes also clarifies the drafting of some aspects of Appendix FM and makes additional transitional provisions, in particular as to the operation of Part 8 of the Rules.

Long Residence and Private Life Rules

2.22 This Statement of Changes clarifies the drafting of some aspects of paragraphs 276A-276BE of the Immigration Rules as they deal with applications for leave to remain on the basis of private life and makes additional transitional provisions as to the operation of Part 7 of the Rules.

Overseas Domestic Workers in private households

2.23 Paragraph 159A of the Rules allows visitors to the UK to bring their domestic worker to the Isle of Man with them for a maximum period of six months to work in their private household. Paragraphs 159D and 159EA set out requirements for an extension of stay as a domestic worker where a person is

still required for employment as such. At present the documents that must be produced with an application as evidence of the above requirements are set out in guidance and not in the Rules. These changes to the Rules specify the form of the evidence to be produced.

Life in the UK Test

2.24 Applicants who apply for settlement are required to pass the “Life in the UK and Islands Test”, administered by a provider approved by the Lieutenant Governor. These changes specify the current approved provider as being Learndirect limited. Learndirect limited supply the Isle of Man College with the UK questions for the test.

Points-Based System – General

2.25 The mandatory information that Sponsors of Tier 4 (General) Students must provide on a Visa Letter (the document that provides evidence of sponsorship) is being incorporated into the Rules, having previously been set out in guidance.

2.26 Where an applicant provides evidence of maintenance funds from more than one account, the date that the funds are assessed by is taken from the closing balance of the account that most favours the applicant. This detail is being incorporated into the Rules, having previously been set out in guidance.

2.27 Amendments are being made to Appendix I which contain Rules which it is planned will apply to applications for settlement made in the Tier 2 general and sportpersons categories from April 2016. The Rules are being amended to make it explicit that the requirement to be met is that the applicant is earning £35,000 or the appropriate rate at the point they apply for ILR.

2.28 Changes are being made to the table of Government Authorised Exchange Schemes within Tier 5 (Temporary Worker). A new Korean Teacher Exchange Programme has been added to the list of approved schemes, and the overarching sponsor which operates the Mandarin Teachers Programme has changed.

2.29 Corrections are being made to paragraph numbering and cross-referencing within the Rules.

Tier 1 (Entrepreneur) of the Points Based System

2.30 The English language requirement is being lowered from level C1 (advanced) to level B1 (intermediate), in line with other Points-Based System categories, in response to concerns that the high requirement was a possible deterrent to potentially successful entrepreneurs. This change is also being made to the Tier 1 (Graduate Entrepreneur) category for consistency (although it has no practical consequence in this category, as applicants pass

the English language requirement automatically if they meet the separate requirement to have passed a UK degree).

Tier 2 of the Points Based System

2.31 Tier 2 of the Points-Based System caters for skilled workers with a job offer, and consists of four categories: Tier 2 (Intra-Company Transfer), Tier 2 (General), Tier 2 (Minister of Religion) and Tier 2 (Sportsperson). The Intra-Company Transfer category consists of four sub-categories: Short Term Staff, Skills Transfer, Graduate Trainee, and Long Term Staff.

2.32 Tier 2 (Intra-Company Transfer) Migrants can stay in the Isle of Man for a maximum of 5 years in the Long Term Staff sub-category. The category does not lead to settlement and a 12 month “cooling off period” applies before migrants can return. A change is being made to extend the maximum stay from 5 years to 9 years for very senior staff earning £150,000 a year or more. This change is being made in response to feedback from business. A 9-year maximum meets business needs while maintaining the temporary nature of this category, by preventing applicants qualifying for settlement on the basis of long residency.

2.33 A minor change to the operation of the “cooling off period” is also being made to introduce some flexibility in the way that the start of the cooling off period is determined when it is clear that the applicant has left the Isle of Man before the expiry of their leave. This will mean that the cooling off period can start from the earliest date that the applicant can demonstrate that they left the Isle of Man, rather than the date of expiry of Tier 2 leave. The onus will be on the applicant to demonstrate that they have left, and have remained outside, the Isle of Man earlier than the expiry of their leave.

2.34 Further minor changes are being made to correct and clarify previous rule changes.

Tier 4 of the Points Based System

2.35 Since the Points Based System for Tier 4 was implemented applicants have not generally been interviewed as part of the decision making process and an Entry Clearance Officer (ECO) has not as part of that process considered whether the applicant is a genuine student. From December 2011 to the end of February 2012 a pilot was run by the UK to assess the potential impact of interviewing more Tier 4 applicants, and of a new power to refuse entry clearance where ECOs doubted the applicant was a genuine student.

The pilot study showed that whilst reforms to Tier 4 since 2011 have had a significant impact on the level of abuse within the student route, there is evidence of some residual abuse in the system, and furthermore that interviews and additional powers would be useful in tackling it.

The following changes are therefore being made to the Isle of Man Rules to allow for prevention of similar abuse:

- To make provision for an Entry Clearance Officer to be satisfied that an applicant is a genuine student before granting entry clearance under Tier 4 of the Points Based System;
- To make provision for an Entry Clearance Officer to refuse to issue entry clearance where the applicant fails to attend an interview without providing a reasonable explanation.

2.36 Tier 4 (General) Students have conditions restricting their employment in the Isle of Man. The following changes are being made to relax these conditions:

- The conditions prevent Tier 4 (General) Students working as a doctor or dentist in training unless they have been granted leave to do a recognised NHS Foundation Programme. These changes allow students to start working as a doctor or dentist as soon as they have submitted an application in which they are sponsored to do a recognised NHS Foundation Programme, while they are waiting for that application to be decided. This will avoid potential delays for medical degree students in beginning the next stage of their training.
- The conditions also prevent Tier 4 (General) Students from working in self-employment. These changes allow students who have been endorsed by their institution for the Tier 1 (Graduate Entrepreneur) category to work in self-employment as they have submitted their Tier 1 (Graduate Entrepreneur) application and while they are waiting for it to be decided.

2.37 Annex H of the immigration rules lists the countries and regions from which applicants are subject to different documentary requirements under Tier 4 of the Points Based System. The UK Border Agency has reviewed the list, re-assessing countries against a range of risk and compliance criteria, and concluded that two additional countries merit addition to the list on the basis of the high levels of compliance of their students: Botswana and Malaysia.

2.38 Further minor changes are being made to correct and clarify previous rule changes.

Tier 5 of the Points Based System

2.39 The Youth Mobility Scheme is for sponsored young people from participating countries and territories who wish to live and work temporarily in the UK, Isle of Man or Channel Islands. The annual allocations of places are being renewed by the United Kingdom for 2013. There is an increase in the allocations for Australia (from 32,500 to 35,000 places) and Canada (from

5,000 to 5,500 places) since they attracted a higher number of British youths under their reciprocal scheme in 2011, than in the previous year. South Korea has also received an increased allocation up to the minimum annual allocation of places (1,000) as their previous allocation was based on them joining part way through 2012. The other allocations are unchanged from 2012.

Dependants of Points Based System Migrants

- 2.40 Partners of Points Based System migrants who entered the Isle of Man after 19 November 2012 are now required to complete a five year probationary period before they can apply for settlement. Where the main Points Based System migrant obtains settlement prior to their partner, these changes will enable the dependant to obtain a grant of further leave to remain in the Points Based System dependant category, rather than requiring the partner to apply for leave to remain as the partner of a person who has subsequently settled.
- 2.41 Where the Points Based System migrant has obtained settlement and their partner applies for further leave to remain as a Points Based System dependant, the duration of any leave will be for three years at a time to allow for the possibility that the partner will not meet the requirements for settlement on completion of the five year probationary period.
- 2.42 These changes also allow a PBS Migrant's partner to amalgamate leave granted to them as the dependant of a Relevant Points Based System Migrant, together with any leave granted to them as the spouse, civil partner, unmarried or same-sex partner of that same person when they held leave under another category of these Rules, and count that towards the probationary period for settlement.
- 2.43 Changes are also being made to the rules for children of Points Based System Migrants (paragraphs 319F to 319J) to enable a child to join his parents in the Isle of Man after the Relevant Points Based System Migrant has been granted settlement and to provide that, unless the Relevant Points Based System Migrant has sole parental responsibility, a child should not be granted settlement in the Isle of Man until both his parents are settled or about to become settled. These changes close a lacuna in the existing provisions and ensure consistency with the Family rules (Appendix FM).
- 2.44 A minor, technical change is being made to the transitional provisions in the Rules to make absolutely clear the interaction between Part 8 of the Rules and the new Family Migration Rules which came into force on 19 November 2012. The change makes it clear to applicants that paragraphs 319AA-319J in Part 8 of the Rules continue to apply, to applications made on or after 19 November 2012, by persons who have made an application for entry clearance, leave to enter or remain as the spouse, civil partner, unmarried partner, same sex

partner, or child of a Relevant Points Based System Migrant and that those Rules are not subject to any additional requirements listed in Appendix FM.

Changes to the Criminality Requirements

- 2.45 The general grounds for refusal (Part 9 of the immigration rules) provide a cross-cutting range of factors – some discretionary, some mandatory – which, if applicable, result in a refusal of an application even if the more specific requirements of a particular immigration route are met.
- 2.46 The changes to the criminality requirements will put beyond doubt whether or not the concept of a conviction becoming ‘spent’ within the meaning of the Rehabilitation of Offenders Act 2001 is applicable in immigration and nationality decisions. Instead, the requirements within the general grounds for refusal will determine whether or not that application will be successful. This approach improves the fairness, transparency and consistency in the Isle of Man Immigration Office’s decision-making process. Applicants will know exactly how any criminal convictions affect their application.
- 2.47 One of the consequential amendments is the removal of the requirement to have no unspent convictions in order to make a successful application for indefinite leave, which is being replaced by the wider criminality framework outlined in Part 9 and Appendix FM.

Curtailment Provisions

- 2.48 We are introducing a discretionary power to the Lieutenant Governor to curtail a person’s leave to enter or remain where they commit an offence within the first six months of their arrival in the Isle of Man. This will supplement the existing power to curtail on the grounds of a person’s character, conduct and associations and will enable the Lieutenant Governor to ‘nip offending in the bud’ by acting at the earliest opportunity rather than waiting for a person’s offending to escalate. The aim is also to enable the Lieutenant Governor with a power to act where it is clear from the person’s actions that they do not intend to remain in the Isle of Man in line with the reason their visa was issued.

Tuberculosis screening

- 2.49 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.

Cross-cutting amendments

2.50 A minor amendment is being made to the Points Based System policy on requesting specified documents that are copies or in the wrong format, to improve flexibility and allow applications to be exceptionally granted in cases where the Isle of Man Immigration Office has no concerns.

2.51 Migrants in Tier 2 and Tier 5 (Temporary Worker) may take up supplementary employment of up to 20 hours a week in addition to the employment they are being sponsored for, providing it is in the same occupation and at the same professional level. A change is being made so that these migrants can also take up supplementary employment in a shortage occupation, even if this is a different occupation to the one they are being sponsored to work in. This will provide migrants with more flexibility and help to ease shortages in these occupations.

2.52A number of minor corrections and clarifications are made to general cross-cutting issues.

3. Consultation with Migration Policy Group

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