

**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**



Laid before Tynwald on 15th May 2007 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 1991 (SI 1991 no. 2630) and the Immigration (Isle of Man) Order 1997 (SI 1997 no. 275)

Price: £2.00p

STATEMENT OF CHANGES IN IMMIGRATION RULES

His Excellency the Lieutenant Governor has made the changes hereinafter stated in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 (an Act of Parliament as it has effect in the Isle of Man) ^(a) 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 2005 ^(b)

These changes take effect on 8th May 2007.

1. After paragraph 33A, insert:

“Knowledge of language and life in the United Kingdom and Islands

33B. A person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands for the purpose of an application for indefinite leave to remain under these rules if—

- (a) he has attended a course which used teaching materials derived from the document entitled “Citizenship Materials for ESOL Learners” (ISBN 1-84478-5424) and he has thereby attained a relevant accredited qualification; or
- (b) he has passed the test known as the “Life in the UK Test” administered by an educational institution or other person approved for this purpose by the Lieutenant Governor; or
- (c) in the case of a person who is the spouse or civil partner or unmarried or same sex partner of:
 - i) a permanent member of HM Diplomatic Service; or
 - ii) a comparable UK-based staff member of the British Council on a tour of duty abroad; or
 - iii) a staff member of the Department for International Development who is a British citizen or is settled in the UK,

a person designated by the Secretary of State certifies in writing that he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands for this purpose.

33C. In these rules, a “relevant accredited qualification” is—

- (a) an ESOL “Skills for Life” qualification in speaking and listening at Entry Level approved by the Qualifications and Curriculum Authority; or
- (b) two ESOL units at Access Level under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.

33D. If in the special circumstances of any particular case the Lieutenant Governor thinks fit, he may waive the need to fulfil the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands if he considers that, because of the applicant’s physical or mental condition, it would be unreasonable to expect him to fulfil that requirement.

33E. Where an applicant applies for indefinite leave to remain under these rules, and:

- (i) is required by these rules to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, and
- (ii) meets all the other requirements for indefinite leave to remain for the category he has applied under with the exception of the requirement in (i) above, and
- (iii) has not made any false representations or failed to disclose any material fact in his application,

his application will automatically fall to be considered under the rules for an extension of stay in the same category in which he applied for indefinite leave to remain. This provision does not apply to applications for indefinite leave to remain made under paragraphs 222 to 223A of these rules.

33F. Where an application is considered under the rules for an extension of stay in accordance with paragraph 33E above, and the Lieutenant Governor is satisfied that the applicant qualifies for a grant of limited leave, leave should be granted for the duration and subject to the conditions normally imposed on an extension of stay in the category under which the application is being considered.”

2. In paragraphs 134 (iii) and 159G(iii) after “employer” delete “.” and insert:

“; and

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

3. In paragraph 135G (iii) after “both” delete “.” and insert:

- “; and
(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
4. In paragraph 176 (iii) after “belongs” delete “.” and insert:
“; and
(iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
5. In paragraph 192 (ii) after “capacity” delete “.” and insert:
“; and
(iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”
6. For paragraphs 194 to 196, substitute the following:

“SPOUSES OR CIVIL PARTNERS OF PERSONS WHO HAVE OR HAVE HAD LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 128-193

Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193

194. The requirements to be met by a person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 are that:

- (i) the applicant is married to or a civil partner of a person with limited leave to enter in the Isle of Man under paragraphs 128-193; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant’s stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

- (v) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his spouse; and
- (vi) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

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

195. A person seeking leave to enter the Isle of Man as the spouse or civil partner 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 for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 provided the Immigration Officer is satisfied that each of the requirements of paragraph 194 is met.

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

196. Leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 194 is met.

Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193

196A. The requirements to be met by a person seeking an extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 are that the applicant:

- (i) is married to or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193, or
- (ii) is married to or civil partner of a person who 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
- (iii) is married to or a civil partner of a person who 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
- (iv) meets the requirements of paragraph 194(ii) – (v); and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193

196B. An extension of stay in the Isle of Man as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 128-193 may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement, or the spouse or civil partner of a person who has indefinite leave to remain, may be granted for a period not exceeding 2 years,

in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 196A is met.

Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193

196C. An extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had 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 196A is met.

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

196D. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 are that the applicant:

- (i) is married to or civil partner of a person who 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
- (ii) is married to or a civil partner of a person who 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
- (iii) meets the requirements of paragraph 194(ii) – (v); and

- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

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

196E. Indefinite leave to remain in the Isle of Man for the spouse or civil partner 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 196D is met.

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

196F. Indefinite leave to remain in the Isle of Man for the spouse or civil partner 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 194D is met.”

7. In paragraph 209(iii) after “management accounts for the 5th year” delete “.” and insert:

“; and

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

8. In paragraph 238(ii) after “5 year period” delete “.” and insert:

“; and

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

9. In paragraph 222(vi) after “management accounts for the 5th year” delete “.” and insert:

“; and

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

10. In paragraph 230 (ii) after “continues to do so” delete “.” and insert:

“; and

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

11. For paragraphs 240 to 242 substitute the following:

“SPOUSES OR CIVIL PARTNERS OF PERSONS WHO HAVE OR HAVE HAD LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 200-239

Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain under paragraphs 200-239

240. The requirements to be met by a person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 are that:

- (i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant’s stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his spouse or civil partner; and
- (vi) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239

241. A person seeking limited leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 200-239 provided the Immigration Officer is satisfied that each of the requirements of paragraph 240 is met.

Refusal of leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239

242. Leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 240 is met.

Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239

242A. The requirements to be met by a person seeking an extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 are that the applicant:

- (i) is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239; or
- (ii) is married to or civil partner of a person who has limited leave to enter or remain in the Isle of Man under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or civil partner of a person who 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 200-239 immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 240(ii) – (v); and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239

242B. An extension of stay in the Isle of Man as:

(i) the spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 200-239 may be granted for a period not in excess of that granted to the person with limited to enter or remain; or

(ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years,

in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242A is met.

Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239

242C. An extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242A is met.

Requirements for indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239

242D. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200 – 239 are that the applicant:

- (i) is married to or civil partner of a person who has limited leave to enter or remain in the Isle of Man under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain under paragraphs 200 – 239 immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 240 (ii) to (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless the applicant is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239

242E. Indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the Isle of Man under paragraphs 200 – 239 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242D is met.

Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239

242F. Indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the Isle of Man under paragraphs 200 – 239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242D is met.”

12. In paragraph 248D(vi) after “age” delete “.” and insert:

“; and

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

13. For paragraphs 271 to 273 substitute the following:

“SPOUSES OR CIVIL PARTNERS OF PERSONS WHO HAVE OR HAVE HAD LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN AS RETIRED PERSONS OF INDEPENDENT MEANS

Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means

271. The requirements to be met by a person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means are that:

(i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means; and

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

Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means

272. A person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means, provided the Immigration Officer is satisfied that each of the requirements of paragraph 271 is met.

Refusal of leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means

273. Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 271 is met.

Requirements for extension of stay as the 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

273A. The requirements to be met by a person seeking an extension of stay in the Isle of Man as the 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 are that the applicant:

- (i) is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means; or

- (ii) is married to or the civil partner of a person who has limited leave to enter or remain in the Isle of Man as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or the civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 271 (ii) – (v); and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

Extension of stay as the 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

273B. An extension of stay in the Isle of Man as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain as a retired person of independent means may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years;

in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 273A is met.

Refusal of extension of stay as the 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

273C. An extension of stay in the Isle of Man as the 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 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 273A is met.

Requirements for indefinite leave to remain for the 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

273D. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the 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 are that the applicant:

- (i) is married to or the civil partner of a person who has limited leave to enter or remain in the Isle of Man as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or the civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 271 (ii) – (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

Indefinite leave to remain as the 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

273E. Indefinite leave to remain in the Isle of Man for the 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 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 273D is met.

Refusal of indefinite leave to remain as the 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

273F. Indefinite leave to remain in the Isle of Man for the 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 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 273D is met.”

14. After paragraph 276A, insert:

“Requirements for an extension of stay on the ground of long residence in the Isle of Man

276A1. The requirement to be met by a person seeking an extension of stay on the ground of long residence in the Isle of Man is that the applicant meets all the

requirements in paragraph 276B of these rules, except the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands contained in paragraph 276B (iii).

Extension of stay on the ground of long residence in the Isle of Man

276A2. An extension of stay on the ground of long residence in the Isle of Man may be granted for a period not exceeding 2 years provided that the Lieutenant Governor is satisfied that the requirement in paragraph 276A1 is met.

Conditions to be attached to extension of stay on the ground of long residence in the Isle of Man

276A3. Where an extension of stay is granted under paragraph 276A2:

(i) if the applicant has spent less than 14 years in the Isle of Man, the grant of leave should be subject to the same conditions attached to his last period of lawful leave, or

(ii) if the applicant has spent 14 years or more in the Isle of Man, the grant of leave should not contain any restriction on employment.

Refusal of extension of stay on the ground of long residence in the Isle of Man

276A4. An extension of stay on the ground of long residence in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that the requirement in paragraph 276A1 is met.”

15. In paragraph 276B(ii)(g), after “any representations received on the person’s behalf” delete “.” and insert:

“;and

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

16. Delete paragraph 281(i)(b), and replace with:

“(b)(i) the applicant is married to or the civil partner of a person who has a right of abode in the Isle of Man or indefinite leave to enter or remain in the Isle of Man and is on the same occasion seeking admission to the Isle of Man for the purposes of settlement and the parties were married or formed a civil partnership at least 4 years ago, since which time they have been living together outside the Isle of Man; and

(b)(ii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless

he is under the age of 18 or aged 65 or over at the time he makes his application; and”

17. For paragraph 282, substitute:

“ A person seeking leave to enter the Isle of Man as the spouse or civil partner of a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement may:

(a) in the case of a person within paragraph 281(i)(a), be admitted for an initial period not exceeding 2 years, or

(b) in the case of a person who meets both of the requirements in paragraph 281(i)(b), be granted indefinite leave to enter, or

(c) in the case of a person who meets the requirement in paragraph 281(i)(b)(i), but not the requirement in paragraph 281(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom and Islands, be admitted for an initial period not exceeding 2 years,

in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 281 is met.”

18. In paragraph 283, delete “if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” and replace with: “if the Immigration Officer is not satisfied that each of the requirements of paragraph 281 is met.”

19. After paragraph 287(a)(i)(b), delete “and” and insert:

“or

(c) was admitted to the Isle of Man in accordance with leave granted under paragraph 282(c) of these rules; and”

20. In paragraph 287(a), after “(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds”, delete “.” and insert,

“;and

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

21. Delete paragraph 295A(i)(b), and replace with:

“(b)(i) the applicant is the unmarried or same-sex partner of a person who has a right of abode in the Isle of Man or indefinite leave to enter or remain in the Isle of Man and is on the same occasion seeking admission to the Isle of Man for the purposes of settlement and the parties have been living together outside the Isle of Man in a relationship akin to marriage which has subsisted for 4 years or more; and

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

22. For paragraph 295B, substitute:

“ A person seeking leave to enter the Isle of Man as the unmarried or same-sex partner of a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement may:

(a) in the case of a person within paragraph 295A(i)(a), be admitted for an initial period not exceeding 2 years, or

(b) in the case of a person who meets both of the requirements in paragraph 295A(i)(b), be granted indefinite leave to enter, or

(c) in the case of a person who meets the requirement in paragraph 295A(i)(b)(i), but not the requirement in paragraph 295A(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom and Islands, be admitted for an initial period not exceeding 2 years,

in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 295A is met.”

23. In paragraph 295C, delete “if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” and replace with:

“if the Immigration Officer is not satisfied that each of the requirements of paragraph 295A is met.”

24. In paragraph 295G(i), after “person present and settled here;” delete “and” and insert:

“or

(i)(a) was admitted to the Isle of Man in accordance with leave granted under paragraph 295B(c) of these rules; and”

25. In paragraph 295G, after “(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public fund”, delete “.” and insert

“;and

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

- (a) Extended to the Isle of Man by S.I. 1991 No 2630 and S.I. 1997 No 275
- (b) S.D. 62/05 amended by 692/05, 442/06, 574/06 and 781/06

EXPLANATORY NOTE

This Statement of Changes in Immigration Rules contains a policy change to require those subject to immigration control and in a category that leads to settlement to demonstrate sufficient knowledge of the English language and sufficient knowledge of life in the United Kingdom before settlement can be granted. There are exemptions on various grounds, most notably on the grounds of age and infirmity. Foreign or Commonwealth citizens and Ghurkhas who are eligible for settlement on discharge from the Armed forces are not required to take the test.

We wish these changes to the Immigration Rules to come into force on the 8th May in order to bring the Isle of Man into line with the United Kingdom as soon as possible. The changes were introduced in the United Kingdom on 2nd April 2007.

Settlement

In its February 2005 paper 'Controlling Our Borders: the Five Year Strategy for Asylum and Immigration', the United Kingdom Government set out its intention to require those coming to the UK to pass English language and knowledge of the UK tests before they are granted permanent settlement rights. These requirements are related to the factors that are most closely linked to migrants succeeding in the UK and becoming economically active, and are intended to encourage greater social integration. The United Kingdom Government formally announced on 4 December 2006 that this change to the immigration rules would be introduced in April 2007.

In making these changes the Government wishes there to be a clearer distinction between the decision to come to the UK for a limited period of time and the decision made by an individual to make the UK their permanent home. It wishes those who make their permanent home here to see this as a separate decision involving rights and responsibilities that are close to those of full citizenship. The tests it has chosen are those that, in order to pass them, require the applicant to demonstrate skills that are important for social and economic participation. The degree to which these skills are exercised will vary from person to person but the possession of these skills leads to greater levels of participation and to better long term outcomes for individuals in terms of employment and wider social access.

The Isle of Man has seen increasing numbers of migrants in recent years, many of whom choose to seek settlement and make the Isle of Man their permanent home, rather than the United Kingdom. In order to maintain consistency across the Common Travel Area and to ensure that the Isle of Man cannot be used as an easier route to settlement, by persons who are unable or unwilling to comply with the requirements for knowledge of the English language and of life in the United Kingdom, it is the intention of the Isle of Man Immigration Office to bring in identical requirements in the Isle of Man.

These rules changes ensure that no-one will be refused leave to remain in the Isle of Man simply because they have not passed the tests. The provisions allow for them to be granted further leave to remain providing they continue to qualify under the immigration

rules as they have done to this point. As soon as they have taken and passed the test they may, if they meet the other requirements for settlement, be granted settlement. Applying to live permanently in the Isle of Man thus becomes linked to the exercise of a particular choice to do so and a willingness to embrace the language and the main precepts of its civic organisation. There will be no possibility, therefore, of splitting families or requiring individuals to leave the Isle of Man solely because this test has not been taken and passed. Although it is possible for one family member to pass the test and another to fail it they can choose to remain and settle at different times or, as most frequently happens when the test is applied at the nationality stage, wait until they are able to qualify together.

There are some exceptions which the Immigration Office feels are justified. Victims of domestic violence are granted settlement so as not to leave them with the choice of no avenue to settlement other than remaining in an abusive and possibly violent relationship. In addition, access to local authority funded support, such as refuges, is only available if they are free of immigration conditions. There is recognition that bereaved spouses who entered as dependants may be left in an uncertain position if they have not already taken the test and they are allowed to progress to settlement without taking it. As with naturalisation applications there is an exemption for minors, those who are 65 or older, and on grounds of infirmity at the discretion of the Lieutenant Governor. Because the immigration rules require parents and grandparents to be over the age of 65 to qualify as dependants of family members in the Isle of Man they are exempt and so is the group known as other dependant relatives in the immigration rules since they are normally required to be alone and incapable of caring for themselves in order to qualify for entry.

Foreign and commonwealth citizens and Ghurkhas serving in the Armed Forces who are eligible for settlement on discharge are not going to be required to take the test, nor their spouses or partners.

There is also provision for spouses and partners of those in Crown Service overseas, who may not have opportunities to come to the UK or Isle of Man to take the test in between a series of postings, to have a designated person certify that they have sufficient knowledge of the English language and of life in the UK and Islands.

The General Provisions paragraphs set out the specific form of the test. For those applicants who are not fully conversant with the English language, the means of qualifying is by following to completion and qualification a course that combines language tuition with citizenship materials. For those with a reasonable knowledge of the English language the 'Knowledge of Life in the UK' test has been prepared which combines the test with familiarity and ability at a much more developed level.