

Statutory Document No. 2019/0225

*Control of Employment Act 2014*

CONTROL OF EMPLOYMENT (AMENDMENT) REGULATIONS 2019

<i>Laid before Tynwald:</i>	<i>18 June 2019</i>
<i>Coming into Operation:</i>	<i>1 July 2019</i>

The Department for Enterprise makes the following Regulations under sections 3, 24(1) and (6) of the Control of Employment Act 2014.

1 Title

These Regulations are the Control of Employment (Amendment) Regulations 2019.

2 Commencement

These Regulations come into operation on 1 July 2019.

3 Control of Employment Regulations 2017 amended

- (1) The Control of Employment Regulations 2017¹ are amended as follows.
- (2) For regulation 3(2) (meaning of “**immigration employment document**”) substitute—

▣(2) For the purpose of the Act an “**immigration employment document**” is a document issued by the Governor or an officer of the Cabinet Office which shows that the holder has valid leave to enter, or remain in, the Island and also shows that one of the following Cases apply.

Case 1: Worker Migrant visas

The holder has a valid Worker Migrant visa, or Worker (intra-Company Transfer) Migrant visa.

This Case applies only insofar as the holder undertakes or is to undertake employment authorised by the visa or is to be so employed.

¹ SD 2017/0269.

Case 2: Tier 1 Migrant visas

The holder has—

- (a) a valid Tier 1 (Entrepreneur) visa;
- (b) a valid Tier 1 (Exceptional Talent) visa;
- (c) a valid Tier 1 (Graduate Entrepreneur) visa; or
- (d) a valid Tier 1 (Investor) visa.

Case 3: Tier 4 (General) Student visas

The holder has –

- (a) a valid Tier 4 (General) Student visa; or
- (b) a valid Tier 4 (Child) Student visa.

Case 4: Tier 5 (Temporary Worker) Migrant visas

The holder has a valid Tier 5 (Temporary Worker) Migrant visa: this Case applies only insofar as the holder undertakes or is to undertake employment authorised by the visa.

Case 5: Tier 5 (Youth Mobility Scheme) Migrant visas

The holder has a valid Tier 5 (Youth Mobility Scheme) Migrant visa.

Case 6: Former Tier 2 Migrant visas

The holder—

- (a) immediately before the coming into operation of the Immigration (Variation of Leave) Order 2018² held a visa of the description listed in column 1 of the table (“the old visa”); and
- (b) is at the relevant time to be treated as holding the visa shown in column 2 of that table (“the new visa”).

This Case applies only insofar as the holder complies with the relevant provision of the immigration rules applicable to the new visa.

The relevant provision is—

- (i) in the case of a worker of any category, Appendix W; and
- (ii) in the case of a dependant of any category, the rules for dependants of Worker Migrants or any family members under the Points Based System are given under Part 8 of the immigration rules (see rules 319AA – 319J).

² SD 2018/0097.

	<i>Old visa</i>	<i>New visa</i>
1.	Tier 2 (Intra Company Transfer) Migrant	Worker (Intra Company Transfer) Migrant
2.	Tier 2 (Intra Company Transfer) Migrant's Dependant	Dependant of Worker (Intra Company Transfer) Migrant
3.	Tier 2 (General) Migrant Tier 2 (Minister of Religion) Migrant Tier 2 (Sportsperson) Migrant	Worker Migrant
4.	Dependant of — (a) a Tier 2 (General) Migrant; (b) a Tier 2 (Minister of Religion) Migrant; or (c) a Tier 2 (Sportsperson) Migrant.	Dependant of Worker Migrant ³ .

4 Revocation of Control of Employment Regulations 2018

The Control of Employment Regulations 2018³ are revoked.

MADE 31 MAY 2019

LAURENCE SKELLY
Minister for Enterprise

³ SD 2018/0293

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Control of Employment Regulations 2018, which amended the Control of Employment Regulations 2017 to restrict the concept of an “immigration employment document” to certain documents issued by or under the authority of the Governor or by an officer of the Cabinet Office.

Persons holding such a document are exempt from the need for a work permit under the Control of Employment Act 2014 in certain circumstances which are specified in these Regulations.

These Regulations also correct two errors in the Control of Employment Regulations 2018, adding an additional category of person exempt from the need for a work permit, and making it clear that the new visa listed in row 4 of the table is for a dependant of a worker migrant.