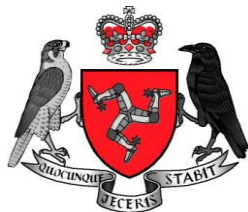


Statutory Document 2019/0330



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 15 October 2019 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))

The Cabinet Office has made the following changes to the Immigration Rules laid down by it as to the practice to be followed in the administration of the Immigration Act 1971<sup>1</sup> (of Parliament) as it has effect in the Isle of Man<sup>2</sup> for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17 May 2005<sup>3</sup>.

## Commencement

All changes set out in this Statement take effect from 29 October 2019.

## General changes

Gen1. For all instances of “Lieutenant Governor” in these Rules, substitute “Minister”.

## Changes to Interpretation

Int1. In the opening paragraph of the Introduction—

- (a) for “Council of Ministers”, substitute “Minister”; and
- (b) after the second occurrence of “SD 62/05”, insert “(as amended)”.

Int2. In paragraph 6, after the definition of “Medical Inspector”, insert—

“any reference to **“the Minister”** is a reference to the Minister for the Cabinet Office, and any reference to a Minister of a named Department is a reference to the Minister of that Department of the Government of the Isle of Man.”.

Int3. In paragraph 6, in the definition of **“Points Based System Sponsorship Functions”** omit “the Council of Ministers and”.

Int4. In paragraph 6, for the definition of “public funds” substitute—

**“public funds”** means access to any of the following benefits, irrespective of whether they are paid out of general revenue funds or the Manx National Insurance Fund—

- (a) housing provided under the Housing Acts 1955 to 1990;

---

<sup>1</sup> 1971 c. 77

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

<sup>3</sup> S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13, SD 2014/0004, SD 2014/0082, SD 2014/241, SD2014/314, SD2014/324, SD2015/0265, SD2015/0386, SD2016/0092, SD2016/0175, SD5016/0211, SD2017/0066, SD2017/0183, SD2017/0314, SD2018/0084, and SD2018/0134.

- (b) attendance allowance, carer’s allowance and disability living allowance under Part III of the Social Security Contributions and Benefits Act 1992<sup>4</sup> (as it has effect in the Island);
- (c) child benefit under Part IX of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Island);
- (d) income support and employed person’s allowance, under Part VII of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Island);
- (e) incapacity benefit awarded under sub section (2A) of section 30A the Social Security Contributions and Benefits Act 1992 (as it has effect in the Island); and
- (f) income-based jobseeker’s allowance under the Jobseekers Act<sup>5</sup> 1995 (as it has effect in the Island).”.

Int5. In paragraph 6, in the definition of “**Highly Skilled Migrant Programme Approval Letter**”, for “Council of Ministers”, substitute “Minister”.

### **Changes to Part 6A**

- 6A.1 In paragraph 245ZY, omit subparagraph (c)(iii)(4)(iii)(IOM).
- 6A.2 In subparagraph 245ZZB(c), for the following wording, “In each case before the student commences the employment referred to in sub-paragraphs (1), (2) or (3) above he must produce a valid document issued by the Department of Economic Development confirming that he has been granted permission to work as a student in accordance with the Overseas Student Scheme. Provided”, substitute “provided”.
- 6A.3 In subparagraph 245ZZD(c), omit the following wording “In each case before the student commences the employment referred to in sub-paragraphs (1), (2) or (3) above he must provide a valid document issued by the Department of Economic Development confirming that he has been granted permission to work as a student in accordance with the Overseas Student Scheme,”.

### **Changes to Part 8**

- 8.1 After paragraph 319E(d)(ii)(c), insert—
  - “(d) not have been absent from the UK and Islands for more than 180 days during any 12 month period in the continuous period, except that –

---

<sup>4</sup> The Social Security Contributions and Benefits Act 1992 (c. 4) is an Act of Parliament. It has been applied to the Island by the Social Security Contributions and Benefits Act 1992 (Application) Order 1994 (SD 505/94).

<sup>5</sup> The Jobseekers Act 1995 (c. 18) is an Act of Parliament. It has been applied to the Island by the Jobseekers Act 1995 (Application) Order 1996 (SD 8/96).

- (1) any absence from the UK and Islands for the purpose of assisting with a national or international humanitarian or environmental crisis overseas shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence, and
- (2) any absence from the UK and Islands during periods of leave granted under the Rules in place before 29 October 2019 shall not count towards the 180 days.”.

8.2 After paragraph 319E(d)(ii), insert—

“(iii) Any time spent lawfully in the United Kingdom, the Bailiwick of Guernsey or the Bailiwick of Jersey shall be deemed to be time spent in the Isle of Man.”.

### **Changes to Appendix D**

D1. In paragraph 135A(i)—

- (a) for “Department for Economic Development”, substitute “Department for Enterprise”; and
- (b) for “Governor”, substitute “Minister”.

### **Changes to Appendix EU**

EU1. In Annex 1, in sub-paragraph (b) of the entry for “specified date”, for “on 29 March 2019 without a Withdrawal Agreement”, substitute “without a Withdrawal Agreement”.

EU2. In Annex 1, in sub-paragraph (b)(i) of the entry for “specified date”, for “23:00 GMT on 29 March 2019”, substitute “the date and time of withdrawal”.

### **Changes to Appendix EU (Family Permit)**

EUFP1. In Annex 1, in sub-paragraph (b) of the entry for “specified date”, for “on 29 March 2019 without a Withdrawal Agreement”, substitute “without a Withdrawal Agreement”.

EUFP2. In Annex 1, in sub-paragraph (b)(i) of the entry for “specified date”, for “23:00 GMT on 29 March 2019”, substitute “the date and time of withdrawal”.

### **Changes to Appendix W**

W1. In Table 5 of Part 7, after the row beginning with “3543”, insert—

"3562	Human resources and industrial relations officers	<ul style="list-style-type: none"> <li>• Employment adviser</li> <li>• Human resources officer</li> <li>• Personnel officer</li> <li>• Recruitment consultant</li> </ul>	<ul style="list-style-type: none"> <li>• undertakes research into pay differentials, productivity and efficiency bonuses and other payments;</li> <li>• develops and recommends personnel and industrial relations policies, assists with their implementation and drafts staff handbooks;</li> <li>• acts as an intermediary between employers and candidates, undertaking recruitment processes on behalf of clients;</li> <li>• interviews candidates for jobs;</li> <li>• advises on training and recruitment, negotiating procedures, salary agreements and other personnel and industrial relations issues;</li> <li>• deals with grievance and disciplinary procedures, and with staff welfare and counselling provision.</li> </ul>	<p>£18,000.00</p> <p>A salary for this SOC code falls below the absolute minimum wage, in accordance with 1.1(1)(a) workers must be paid a minimum salary of £20,800 in order to be eligible for a Confirmation of Employment.</p>	£22,000.00	
-------	---	--	---	--	------------	--

”.

W2. In Table 6 of Part 7, after the row beginning with SOC code “3532”, insert—

“3533	Insurance underwriters	<ul style="list-style-type: none"> <li>• Underwriter</li> <li>• Insurance underwriter</li> <li>• Group underwriter</li> </ul>	<ul style="list-style-type: none"> <li>• provide technical underwriting support and guidance to customers and distributors;</li> <li>• collect data and undertake analysis, providing recommendations to facilitate underwriting decisions;</li> <li>• provide specialist underwriting advice in respect of technical queries;</li> <li>• contribute to the development of technical underwriting standards;</li> <li>• complete underwriting decisions commensurate with delegated authority and organisation policies.</li> </ul>	£26,000	£32,500.00	Yes
-------	------------------------	---	---	---------	------------	-----

”.

## Explanatory Note

### to the Statement of Changes In Immigration Rules SD 2019/0330

*(This note is not part of the Statement of Changes in Immigration Rules)*

This Statement of Changes makes the following amendments to the Immigration Rules –

#### 1. **Transfer of functions**

The Immigration (Isle of Man)(Amendment) Order 2019<sup>6</sup>, transferred immigration functions from the Lieutenant Governor and the Council of Ministers to the Minister for the Cabinet Office. To reflect this clearly within the Immigration Rules, all references to the Lieutenant Governor and Council of Ministers are being substituted for the Minister.

#### 2. **Changes to the definition of “public funds”**

The definition of “public funds” remains closely aligned to the United Kingdom’s definition, with appropriate modifications made to reflect the Island’s welfare system.

#### 3. **Overseas Student Scheme**

Following changes to the definition of “immigration employment document” in the Control of Employment (Amendment) Regulations 2019<sup>7</sup>, the Department for Enterprise is closing the Overseas Student Scheme, preventing Tier 4 migrants from being required to hold multiple documents in order to work in the Island.

#### 4. **Time spent**

In order to accurately reflect the United Kingdom’s recognition of time spent as a Partner of a Points Based System Migrant (or equivalent category) in the Isle of Man, paragraph 319E of the Rules is being amended. The change allows for the recognition of time spent in the United Kingdom or Channel Islands as a Partner of a Points Based System Migrant, or a Worker Migrant, (or equivalent category in the Channel Islands) to be recognised as time spent in the Isle of Man towards the 5 years continuous residency required for indefinite leave to remain.

#### 5. **Appendix EU and Appendix EU (Family Permit)**

The definition of “Specified date” used within Appendix EU and Appendix EU (Family Permit) is being amended. The definition for the scenario that the United Kingdom withdraws from the European Union without a deal now refers to the date and time that the United Kingdom withdraws from the European Union without a Withdrawal Agreement.

#### 6. **New Standard Occupation Codes**

The inclusions of two new Standard Occupation Codes (SOC codes):

- human resource and industrial relations officers, SOC code 3562, and
- insurance underwriters, SOC code 3533.

Insurance underwriters have been identified as a Key Employment, meaning employers will not be required to undertake a Resident Labour Market Test to recruit to this SOC code.

---

<sup>6</sup> 2019 No. 562

<sup>7</sup> SD No. 2019/0225