



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 16 June 2020 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 Minister for 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**

With the exception of the changes stated below, all changes set out in this Statement take effect on 30 June 2020.

The changes made by paragraphs EU.1, EU.2, EU.4, EU.6 to EU.12, EU.14, EU.15, EU(FP).1 to EU(FP).5 and EU(FP).7 take effect on 24 August 2020.

The changes made by paragraph FM.2 take effect immediately after this Statement of Changes is made.

## **Changes to Part 5**

- 5.1 In paragraph 144, after “are that he”, insert “genuinely”.
- 5.2 In subparagraph 144(i), after “a business which has”, insert “, and will continue to have,”.
- 5.3 For paragraph 144(ii)(a), substitute—
  - “(a) as a senior employee of an active and trading overseas business which has no active branch, subsidiary or other representative in the Isle of Man or United Kingdom for the purpose of representing that business in the Isle of Man by establishing and operating a registered branch or wholly-owned subsidiary of it, where that branch or subsidiary will actively trade in the same type of business as that overseas business and is not being established solely for the purpose of facilitating the entry and stay of the applicant; or”.
- 5.4 For paragraph 144(iii)(a), substitute—
  - “(a) will be the sole representative of that overseas business present in the Isle of Man under the terms of this paragraph, with the skills, experience and

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<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, SD2018/0134, SD2018/0328, SD2019/0119, SD2019/0143, SD2019/0330, SD2019/0380, SD2020/0011, SD2020/0070, SD2020/0088 and SD2020/0140.

knowledge of the business necessary to undertake that role, and the full authority to negotiate and take operational decisions on behalf of that business;”.

5.5 For paragraph 144(iii)(b), substitute—

“(b) is an existing senior employee of that overseas business who intends to be employed full time as a representative of that business and will not engage in business of his own or represent any other business’s interest in the Isle of Man or United Kingdom;”.

5.6 For paragraph 144(iii)(c), substitute—

“(c) does not have a majority stake in, or otherwise own or control, that overseas business, whether that ownership or control is by means of a shareholding, partnership agreement, sole proprietorship or any other arrangement;”.

5.7 In paragraph 144(iii)(d)(1), after “distribution”, insert “or ownership”.

5.8 In paragraph 144(iii)(d)(4), for “is fully familiar with the company’s activities and has full powers to negotiate and take operational decisions without reference to the parent company”, substitute “has the relevant skills, experience, knowledge and authority as outlined in (iii)(a)”.

5.9 In paragraph 147(ii)(b), after “subsidiary”, insert “which he established in the Isle of Man in accordance with paragraph 144 of these rules”.

5.10 For sub-paragraph 194(viii), substitute—

“(viii) the applicant holds a valid Isle of Man entry clearance for entry in this capacity; and

(ix) where the applicant is accompanying or joining a person granted entry clearance or leave to enter or limited leave to remain as the sole representative of an overseas business within the meaning of paragraph 144(ii)(a), the applicant does not have a majority stake in, or otherwise own or control, that overseas business, whether that ownership or control is by means of a shareholding, partnership agreement, sole proprietorship or any other arrangement.”.

## **Changes to Appendix EU**

EU.1 In paragraph EU11., for conditions 5 and 6 in the table, substitute—

“

5.	<p>(a) The applicant is (or, as the case may be, was) a family member of a relevant EEA citizen; and</p> <p>(b) the relevant EEA citizen is a person who has ceased activity; and</p> <p>(c) the relevant EEA citizen—</p> <p style="padding-left: 40px;">(i) meets the requirements of sub-paragraph (b) of the definition of relevant EEA citizen in Annex 1; or</p> <p style="padding-left: 40px;">(ii) meets the requirements of sub-paragraph (d)(ii) or (d)(iii) of the definition of relevant EEA citizen in Annex 1; or</p> <p style="padding-left: 40px;">(iii) is a <b>relevant naturalised British citizen</b> (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); and</p> <p>(d) sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(e) the applicant was resident in the UK and Islands for a continuous qualifying period immediately before the relevant EEA citizen became a person who has ceased activity; and</p> <p>(f) since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred</p>
6.	<p>(a) The applicant is a family member of a relevant EEA citizen; and</p> <p>(b) the relevant EEA citizen has died and was resident in the Isle of Man as a <b>worker</b> or <b>self-employed person</b> at the time of their death; and</p> <p>(c) the relevant EEA citizen was resident in the UK and Islands for a continuous qualifying period of at least 2 years immediately before dying, or the death was the result of an accident at work or an occupational disease; and</p> <p>(d) the applicant was resident in the Isle of Man with the relevant EEA citizen immediately before their death and since then no supervening event has occurred</p>

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EU.2 In paragraph EU11., for sub-paragraph (b)(iii) of condition 7 in the table, substitute—

“(iii) meets the requirements of sub-paragraph (d)(ii) or (d)(iii) of the definition of relevant EEA citizen in Annex 1; or

(iv) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1)”.

EU.3 In Annex 1, for sub-paragraph (c) of the definition of ‘continuous qualifying period’ in the table, substitute—

“(c) (where – save for the purposes of the reference to continuous qualifying period in condition 6 in the table in paragraph EU11 of this Appendix and in sub-paragraph (d)(iii)(aa) of the entry for ‘family member who has retained the right of residence’ in this table (as that reference applies to, as the case may be, the relevant EEA citizen or the qualifying British citizen) – the period is less than 5 years and the person has not acquired the right of permanent residence in the Isle of Man under regulation 17 of the EEA Regulations, or the right of permanent residence in the UK or Channel Islands either under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988) which continues at the date of application”.

EU.4 In Annex 1, after sub-paragraph (b) of the definition of ‘EEA citizen’ in the table, insert—

“; or

(c) a **relevant person of Northern Ireland**”.

EU.5 In Annex 1, for the entry for ‘family member who has retained the right of residence’ in the table, substitute—

“

family member who has retained the right of residence	a person who has satisfied the Minister, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (e) below are met:  (a) the applicant is an EEA citizen or non-EEA citizen who—  (i) was the family member of a relevant EEA citizen (or of a qualifying British citizen) and that person died; and  (ii) was resident as the family member of a relevant EEA citizen (or of a qualifying British citizen) for a continuous qualifying period in the Isle of Man of at least a year immediately before the death of that person; or  (b) the applicant is an EEA citizen or non-EEA citizen who—
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	<p>(i) is the child of—</p> <p>(aa) a relevant EEA citizen (or of a qualifying British citizen) who has died or of their spouse or civil partner immediately before their death; or</p> <p>(bb) a person who ceased to be a relevant EEA citizen (or a qualifying British citizen) on ceasing to reside in the Isle of Man or of their spouse or civil partner at that point; and</p> <p>(ii) was attending an <b>educational course</b> in the Isle of Man immediately before the relevant EEA citizen (or the qualifying British citizen) died or ceased to be a relevant EEA citizen (or a qualifying British citizen), and continues to attend such a course; or</p> <p>(c) the applicant is an EEA citizen or non-EEA citizen who is the parent with <b>residence of a child</b> who meets the requirements of sub-paragraph (b) above; or</p> <p>(d) the applicant (“A”) is an EEA citizen or non-EEA citizen who—</p> <p>(i) ceased to be a family member of a relevant EEA citizen (or of a qualifying British citizen) on the <b>termination of the marriage or civil partnership</b> of that relevant EEA citizen (or of that qualifying British citizen); for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or that qualifying British citizen ceased to be a qualifying British citizen), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen) until that termination; and</p> <p>(ii) was resident in the Isle of Man at the date of the termination of the marriage or civil partnership; and</p> <p>(iii) one of the following applies—</p> <p>(aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership</p>
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	<p>had lasted for at least 3 years and the parties to the marriage or civil partnership had been resident for a continuous qualifying period in the Isle of Man of at least one year during its duration; or</p> <p>(bb) A has residence of a child of the relevant EEA citizen (or the qualifying British citizen); or</p> <p>(cc) A has the right of access to a child of the relevant EEA citizen (or the qualifying British citizen), where the child is under the age of 18 years and where a court has ordered that such access must take place in the Isle of Man; or</p> <p>(dd) the continued right of residence in the Isle of Man of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting; or</p> <p>(e) the applicant (“A”) is an EEA citizen or non-EEA citizen who—</p> <p>(i) provides evidence that a relevant family relationship with a relevant EEA citizen (or with a qualifying British citizen) has broken down permanently as a result of domestic violence or abuse; and</p> <p>(ii) was resident in the Isle of Man when the relevant family relationship broke down permanently as a result of domestic violence or abuse, and the continued right of residence in the Isle of Man of A is warranted where A or another family member has been a victim of domestic violence or abuse before the relevant family relationship broke down permanently</p> <p>in addition:—</p> <p>(a) ‘relevant family relationship’ in sub-paragraph (e) above means a family relationship with a relevant EEA citizen (or with a qualifying British citizen) such that the applicant is, or (immediately before the relevant family relationship broke down permanently as a result of domestic violence or abuse) was, a family member of a</p>
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	<p>relevant EEA citizen (or of a qualifying British citizen); and</p> <p>(b) where sub-paragraph (e) above applies, then, where, following the permanent breakdown of the relevant family relationship as a result of domestic violence or abuse, the applicant remains a family member of a relevant EEA citizen (or of a qualifying British citizen), they will be deemed to have ceased to be such a family member for the purposes of this Appendix once the permanent breakdown occurred</p>
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EU.6 In Annex 1, for sub-paragraph (a)(i) of the definition of ‘relevant document’ in the table, substitute—

“(a)(i)(aa) a family permit, document certifying an extended right of residence, document certifying permanent residence or document certifying a derivative right of residence issued by the Isle of Man under the EEA Regulations on the basis of an application made under the EEA Regulations before (in the case of a family permit) 1 July 2021 and otherwise before 1 January 2021; or

(bb) (where the applicant is a family member of a relevant person of Northern Ireland and is a dependent relative or durable partner) other evidence which satisfies the Minister of the same matters under this Appendix concerning the relationship and (where relevant) dependency as a document to which sub-paragraph (a)(i)(aa) above refers; for the purposes of this provision, where the Minister is so satisfied, such evidence is deemed to be the equivalent of a document to which sub-paragraph (a)(i)(aa) above refers; or”.

EU.7 In Annex 1, in sub-paragraph (a)(ii) of the definition of ‘relevant document’ in the table, for “sub-paragraph (a)(i)” substitute “sub-paragraph (a)(i)(aa)”.

EU.8 In Annex 1, in sub-paragraph (d)(i) of the definition of ‘relevant document’ in the table, for “sub-paragraph (a)(i)” substitute “sub-paragraph (a)(i)(aa)”.

EU.9 In Annex 1, after sub-paragraph (c) of the definition of ‘relevant EEA citizen’ in the table, insert

“; or

(d) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table)—

(i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or



(ii) who, having been resident in the UK and Islands as described in sub-paragraph (d)(i) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table)—

(aa) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands); or

(bb) would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; or

(iii) who, having been resident in the UK and Islands as described in sub-paragraph (d)(i) above, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it”.

EU.10 In Annex 1, after the entry for ‘relevant naturalised British citizen’ in the table, insert—

“

relevant person of Northern Ireland	<p>a person who—</p> <p>(a) is—</p> <p>(i) a British citizen; or</p> <p>(ii) an Irish citizen; or</p> <p>(iii) a British citizen and an Irish citizen; and</p> <p>(b) was born in Northern Ireland and, at the time of the person’s birth, at least one of their parents was—</p> <p>(i) a British citizen; or</p> <p>(ii) an Irish citizen; or</p> <p>(iii) a British citizen and an Irish citizen; or</p> <p>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</p>
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EU.11 In Annex 1, after the entry for ‘required biometrics’ in the table, insert—

“

<p>required evidence of being a relevant person of Northern Ireland</p>	<p>(a) the person’s birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and</p> <p>(b) evidence which satisfies the Minister that, at the time of the person’s birth, at least one of their parents was—</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; or</li> <li>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</li> </ul> <p>in addition—</p> <p>(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Minister can require the applicant to submit the original document where the Minister has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Minister can require the applicant to provide a certified English translation of the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain under this Appendix</p>
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EU.12 In Annex 1, in the definition of ‘required evidence of family relationship’ in the table, for sub-paragraph (b)(i) of the provision beginning “in addition”, substitute—

“(i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, or the qualifying British citizen, of whom the applicant is (or, as the case may be, for the relevant period was) a family member—

(aa) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table nor relied on by the applicant as being a relevant person of Northern Ireland, or in the case of a qualifying British citizen) their valid passport; or

(bb) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table nor relied on by the applicant as being a relevant person of Northern Ireland) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table) their valid passport or their valid national identity card as a national of a country listed in sub-paragraph (a)(i) in the entry for ‘EEA citizen’ in this table, and information or evidence which is provided by the applicant, or is otherwise available to the Minister, which satisfies the Minister that the person is a British citizen; or

(dd) (in the case of a relevant EEA citizen who is relied on by the applicant as being a relevant person of Northern Ireland) the **required evidence of being a relevant person of Northern Ireland**, and—

(aaa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the Secretary of State, which satisfies the Secretary of State that the person is a British citizen; or

(bbb) (where they are an Irish citizen) their valid passport or their valid national identity card as an Irish citizen, or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(ccc) (where they are a British citizen and an Irish citizen) the evidence required by sub-paragraph (b)(i)(dd)(aaa) or (b)(i)(dd)(bbb) above,

unless (in any case) the Minister agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; and”.

EU.13 In Annex 1, in the definition of ‘required evidence of family relationship’ in the table, for sub-paragraphs (c) and (d) of the provision beginning “in addition”, substitute—

“(c) ‘valid’ here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and

(d) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Minister can require the applicant to submit the original document where the Minister has reasonable doubt as to the authenticity of the copy submitted; and

(e) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Minister can require the applicant to provide a certified English translation of the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain under this Appendix”.

EU.14 In Annex 1, after sub-paragraph (b) of the definition of ‘self-employed person’ in the table, insert—

“,

irrespective, in either case, of whether the EEA Regulations apply, or (as the case may be) for the relevant period applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland”.

EU.15 In Annex 1, after sub-paragraph (b) of the definition of ‘worker’ in the table, insert—

“,

irrespective, in either case, of whether the EEA Regulations apply, or (as the case may be) for the relevant period applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland”.

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

EU(FP).1 In Annex 1, in sub-paragraph (b) of the definition of ‘durable partner’ in the table, after “the person held a relevant document as the durable partner of the relevant EEA citizen” insert “or, where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the immigration officer or entry clearance officer that the durable partnership was formed and was durable by the specified date”.

EU(FP).2 In Annex 1, for the entry for ‘EEA citizen’ in the table, substitute—

“

EEA citizen	a person who is—  (a) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they are a <b>relevant naturalised British citizen</b> ) is not also a British citizen; or  (b) a <b>relevant person of Northern Ireland</b>
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EU(FP).3 In Annex 1, for the entry for ‘relevant EEA citizen’ in the table, substitute—

“

relevant EEA citizen	(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who—  (i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules (or under its equivalent in the UK or Channel Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Isle of Man reference number for that grant of leave (or by the equivalent evidence in the UK or Channel Islands); or  (ii) at the date of decision on the application under this Appendix, the immigration officer or entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or  (iii) (in the case of an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the UK or Channel Islands, where the applicant does not rely on that person being a relevant person of Northern Ireland) the immigration officer or entry clearance
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	<p>officer is satisfied, including by the <b>required evidence of qualification</b>, would be granted such leave under that Appendix, if they made a valid application under it; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen; or</p> <p>(c) an EEA citizen (in accordance with sub-paragraph (b) of that entry in this table) who—</p> <p>(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table—</p> <p style="padding-left: 40px;">(aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules (or under its equivalent in the UK or Channel Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Isle of Man reference number for that grant of leave (or by the equivalent evidence in the UK or Channel Islands); or</p> <p style="padding-left: 40px;">(bb) at the date of decision on the application under this Appendix, the immigration officer or entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p style="padding-left: 40px;">(cc) the immigration officer or entry clearance officer is satisfied, including by the required evidence of qualification, would be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it; or</p> <p>(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the immigration officer or entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) be</p>
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	granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it
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EU(FP).4 In Annex 1, after the entry for ‘relevant naturalised British citizen’ in the table, insert—

“

relevant person of Northern Ireland	<p>a person who—</p> <p>(a) is—</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; and</li> </ul> <p>(b) was born in Northern Ireland and, at the time of the person’s birth, at least one of their parents was—</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; or</li> <li>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</li> </ul>
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EU(FP).5 In Annex 1, after the entry for ‘required biometrics’ in the table, insert—

“

required evidence of being a relevant person of Northern Ireland	<p>(a) the person’s birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and</p> <p>(b) evidence which satisfies the immigration officer or entry clearance officer that, at the time of the person’s birth, at least one of their parents was—</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; or</li> </ul>
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	<p>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</p> <p>in addition—</p> <p>(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the immigration officer or entry clearance officer can require the applicant to submit the original document where the immigration officer or entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the immigration officer or entry clearance officer can require the applicant to provide a certified English translation of the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
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EU(FP).6 In Annex 1, in the definition of ‘required evidence of family relationship’ in the table, for the provision beginning “in addition”, substitute—

“in addition—

(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the immigration officer or entry clearance officer can require the applicant to submit the original document where the immigration officer or entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and

(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the immigration officer or entry clearance officer can require the applicant to provide a certified English translation of the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix”.

EU(FP).7 In Annex 1, for the entry for ‘required evidence of qualification’ in the table, substitute—



“

<p>required evidence of qualification</p>	<p>(a) (in the case of a relevant EEA citizen who is an Irish citizen who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the UK or Channel Islands, where the applicant does not rely on the relevant EEA citizen being a relevant person of Northern Ireland)—</p> <ul style="list-style-type: none"><li>(i) their passport or national identity card as an Irish citizen, which is—<ul style="list-style-type: none"><li>(aa) valid; and</li><li>(bb) the original document and not a copy; and</li></ul></li><li>(ii) information or evidence which satisfies the immigration officer or entry clearance officer that the person would be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it; or</li></ul> <p>(b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen)—</p> <ul style="list-style-type: none"><li>(i) their passport or national identity card as an EEA citizen, which is—<ul style="list-style-type: none"><li>(aa) valid; and</li><li>(bb) the original document and not a copy; and</li></ul></li><li>(ii) information or evidence which is provided by the applicant, or is otherwise available to the immigration officer or entry clearance officer, which satisfies the immigration officer or entry clearance officer that the relevant EEA citizen is a British citizen; and</li><li>(iii) information or evidence which satisfies the immigration officer or entry clearance officer that the person would (but for the fact that they are a British citizen) be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it; or</li></ul> <p>(c) (in the case of a relevant EEA citizen who is relied on by</p>
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the applicant as being a relevant person of Northern Ireland, and who, where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table, has not been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules or under its equivalent in the UK or Channel Islands) the **required evidence of being a relevant person of Northern Ireland**, and—

(i) (aa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the immigration officer or entry clearance officer, which satisfies the immigration officer or entry clearance officer that the person is a British citizen; or

(bb) (where they are an Irish citizen) their passport or national identity card as an Irish citizen, which is—

(aaa) valid; and

(bbb) the original document and not a copy; or

(cc) (where they are a British citizen and an Irish citizen) the evidence required by sub-paragraph (c)(i)(aa) or (c)(i)(bb) above; and

(ii) information or evidence which satisfies the immigration officer or entry clearance officer that the person would (but for the fact that they are a British citizen, where they are a British citizen in accordance with sub-paragraph (a)(i) or (a)(iii) of the entry for ‘relevant person of Northern Ireland’ in this table) be granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules, if they made a valid application under it

in addition—

(a) ‘valid’ here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and

(b) where, in order to meet the requirements of sub-paragraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa) or (c)(ii) above, the

	<p>applicant submits a copy (and not the original) of a document, the immigration officer or entry clearance officer can require the applicant to submit the original document where the immigration officer or entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(c) where, in order to meet the requirements of subparagraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa) or (c)(ii) above, the applicant submits a document which is not in English, the immigration officer or entry clearance officer can require the applicant to provide a certified English translation of the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
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### **Changes to Appendix FM**

FM.1 In paragraph E-ECP.2.8. after “to take place”, insert “in the Isle of Man”.

FM.2 After paragraph E-LTRP.2.1 insert—

“E-LTRP.2.1A. Paragraph E-LTRP.2.1 does not apply where—

(a) the applicant is in the Isle of Man with valid leave as a visitor; and

(b) the application is made during the period for which the Proclamation of Emergency of 16 March 2020 (as continued or otherwise extended from time to time) is in operation<sup>4</sup>.

E-LTRP.2.1B. Paragraph E-LTRP.2.1A. has effect despite anything to the contrary contained in these Rules.”.

### **Changes to Appendix M**

M.1 In column 1 of row 1 of the table in Appendix M, after “sports”, insert “not”.

**MADE AT 10:17 ON 29 MAY 2020**

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<sup>4</sup> (SD 2020/0162) as continued by the Proclamation of Emergency dated 15 April 2020 (SD 2020/0250), and further continued on 15 May 2020 (SD 2020/0296)

**HOWARD QUAYLE**

*Minister for the Cabinet Office*

## **Explanatory Note**

### **to the Statement of Changes In Immigration Rules SD 2020/0316**

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

This Statement of Changes in Immigration Rules makes several amendments to the European Union Settlement Scheme, and the Representative of an Overseas Business route. These amendments have been made following changes made to the equivalent rules in the United Kingdom made by the Statement of Changes in Immigration Rules (CP 232), published on 14 May 2020.

#### **Changes to Part 5**

The following changes are being made to the Representative of an Overseas Business route—

- An amendment is being made to prevent an overseas business sending a representative to facilitate their entry to the Isle of Man when there is no genuine intention for them to establish a branch or subsidiary in the Isle of Man.
- Clarification is being added to reflect that overseas businesses must be active and trading and intend to maintain their principal place of business outside the Isle of Man and United Kingdom.
- An amendment is being made to reflect that applicants must have the skills, experience, knowledge and authority to represent the overseas business in the Isle of Man.
- Clarification is being added to reflect that applicants must be senior employees and cannot engage in their own business or represent any other business in the Isle of Man or United Kingdom.
- An amendment is being made to reflect that the ownership of overseas businesses is not limited to businesses that issue shares.
- An amendment is being made to prevent majority owners from entering as the dependent spouse, civil partner, unmarried or same-sex partner of a representative of their own business. This will prevent owners circumventing the rules intended to prevent them relocating their business to the Isle of Man under this route.
- An amendment is being made to the extension criteria to clarify that the branch or subsidiary must have been established in the Isle of Man, and not overseas.

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

The main changes in respect of the European Union Settlement Scheme (EUSS) and the EUSS family permit and travel permit are as follows—

- In line with ‘New Decade, New Approach’ published by the UK and Ireland on 9 January 2020 ahead of the restoration of devolved government in Northern Ireland, to bring family members of the people of Northern Ireland within the scope of the EUSS (and of the EUSS family permit and travel permit). This will mean that eligible family members of the people of Northern Ireland will be able to apply for an Isle of Man immigration status, under the EUSS, on the same terms as the family members of Irish citizens. This immigration status will be available to the family members of all the people of Northern Ireland, no matter whether the person of Northern Ireland holds British or Irish citizenship or both, and no matter how they identify.
- To extend the scope for victims of domestic violence or abuse to apply for status under the EUSS. This is currently limited to a former spouse or civil partner whose marriage or civil partnership has been legally terminated and who was a victim of domestic violence or abuse while the marriage or civil partnership was subsisting. The changes will mean that any family member within the scope of the EUSS (a spouse, civil partner, durable partner, child, dependent parent or dependent relative) whose family relationship with a relevant EEA citizen (or with a qualifying British citizen) has broken down permanently as a result of domestic violence or abuse will have a continued right of residence where this is warranted by domestic violence or abuse against them or another family member. They will be able to rely on this, together with their own continuous residence in the Isle of Man, in applying for status under the EUSS.
- To provide scope, for children and other family members, as well as spouses or civil partners, to have a continued right of residence in particular circumstances following the legal termination of the marriage or civil partnership of a relevant EEA citizen (or of a qualifying British citizen). Those circumstances will include where the marriage or civil partnership had lasted for at least three years prior to the initiation of proceedings for its termination and the couple had lived together in the Isle of Man for at least a year during its duration. The family member will be able to rely on this continued right of residence, together with their own continuous residence in the Isle of Man, in applying for status under the EUSS.
- To provide scope for a family member applying under the EUSS or for an EUSS family permit, where this is necessary for the purposes of deciding whether they meet the eligibility requirements, to be required to provide a certified English translation of a document submitted as required evidence of the family relationship (or as certain required evidence of qualification for an EUSS family permit) on which their application relies.

- To clarify the circumstances in which a continuous qualifying period of residence on which an applicant relies for their eligibility for status under the EUSS does not have to be continuing at the date of application.

### **Change to Appendix FM**

A technical amendment to clarify that leave as a fiancé(e) or proposed civil partner is to enable the marriage or civil partnership to take place in the Isle of Man.

Appendix FM has also been amended to enable those with valid leave as a visitor in the Isle of Man to apply for leave to remain in the Isle of Man under Appendix FM as the partner of a British Citizen or someone present and settled in the Isle of Man. The application must be made during the period for which the Proclamation of Emergency of 16 March 2020 (as continued or otherwise extended from time to time) is in operation.

### **Change to Appendix M**

An amendment has been made to insert a missing word.