



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 17<sup>th</sup> October 2023  
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 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

The changes set out in this Statement of Changes in Immigration Rules come into effect on the 09 August 2023.

## Changes to Introduction

Int.1 In paragraph 6, for the definition of “visa nationals”, substitute —

“**Visa nationals**” means persons specified in Appendix Visitor: Visa National list as needing an entry clearance (a visa), in advance of travel to the Isle of Man for any purpose and “**Non-visa nationals**” are persons who are not so specified in that Appendix and are required to obtain entry clearance in advance of travel for any purpose other than as a visitor for less than 6 months.”.

## Changes to Part 1: General Provisions Regarding Leave to Enter or Remain in the Isle of Man

1.1 For paragraph 19, substitute —

“19. A person who can demonstrate he has strong ties to the Isle of Man and intends to make the Isle of Man his permanent home but does not benefit from the preceding paragraph by reason only of:

- (a) having been absent from the Isle of Man for more than two consecutive years; or

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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, SD2020/0140, SD2020/0316, SD2020/0344 SD2020/0467, SD2020/0497, SD2021/0002, SD2021/0155, SD2021/0216, SD2021/0304, SD2021/0358, SD2022/0052, SD2022/0083, SD2022/0155, SD2022/0325, and SD2023/0068

- (b) having been absent from the Isle of Man for more than two consecutive years and who, after having indefinite leave to remain in the Isle of Man, had permission as a visitor when they last left (providing they have not had temporary permission in another route between the point where their indefinite leave to enter or remain lapsed and their permission as a visitor was granted),

must have applied for, and been granted, indefinite leave to enter by way of entry clearance.”.

1.2 For paragraph 24, substitute —

“24. The following persons are required to obtain entry clearance in advance of travel to the Isle of Man:

- (i) a visa national;
- (ii) a non-visa national (not a British or Irish national) who is seeking entry for any purpose other than as a visitor seeking entry for 6 months or less, or
- (iii) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules.

Any other person who wishes to ascertain in advance whether they are eligible for admission to the Isle of Man may apply for the issue of an entry clearance.

24A. A person who requires entry clearance must on arrival in the Isle of Man either:

- (i) produce to the immigration officer a valid passport or other identity document endorsed with an entry clearance, issued to them for the purpose for which they seek entry, which is still in force, or
- (ii) where they have been granted entry clearance which was issued to them in electronic form (an eVisa) for the purpose for which they seek entry and which is still in force, produce to the immigration officer a valid passport or other identity document.

24B. A person who requires entry clearance and fails to meet the requirements of 24A must not be granted leave to enter on arrival.”.

## **Changes to Part 8: Family Members**

- 8.1 In paragraph 281(i)(a)(iii), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.2 In paragraph 281(i)(a)(iv), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.3 In paragraph 284(ix)(b), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.4 In paragraph 284(ix)(c), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.5 In paragraph 290(vii)(b), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.6 In paragraph 290(vii)(c), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.7 In paragraph 295A(i)(a)(iii), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.8 In paragraph 295A(i)(a)(iv), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.9 In paragraph 295D(xi)(b), after “Belize” insert —  
“the British Overseas Territories;”.
- 8.10 In paragraph 295D(xi)(c), after “Belize” insert —  
“the British Overseas Territories;”.

## **Changes to Part 9: Grounds for the Refusal**

- 9.1 In paragraph 9.1.1.(b), omit “an application on grounds of private life under”.
- 9.2 Before paragraph 9.2.1. insert as a title —

**“Exclusion, deportation order or travel ban grounds”.**

9.3 After paragraph 9.2.2., insert —

“9.2.3. An application for entry clearance must be refused where the applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.

9.2.4. Entry clearance must be cancelled where the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.”.

9.4 For paragraph 9.7.3A., substitute —

“9.7.3A. Unless 9.7.1. applies, an application for entry clearance, permission to enter or permission to stay may be refused where a person used deception in relation to a previous application (whether or not successfully).”.

9.5 For paragraph 9.12.1., substitute —

“9.12.1. Permission to enter must be refused if the person seeking entry is required under these rules to obtain entry clearance in advance of travel to the Isle of Man, and the person does not hold the required entry clearance.”.

9.6 In paragraph 9.13.2(a) for “Her Majesty” substitute “His Majesty”.

**Changes to Appendix B: English Language**

B.1 In paragraph 6(i) after “Belize” insert —

“The British Overseas Territories”.

B.2 In paragraph 7(i)(3) after “Belize” insert —

“The British Overseas Territories”.

## **Changes to Appendix ECAA Extension of Stay**

EC.1 In paragraph ECAA 3.4, after sub-paragraph (f) insert —

“(g) jury service; and

(h) attending court as a witness.”.

## **Changes to Appendix English Language**

EL.1 In paragraph 4.1 after “Belize” insert —

“The British Overseas Territories”.

## **Changes to Appendix EU: EU, Other EEA and Swiss Citizens and their Family Members**

EU.1 In paragraph EU4., at the end of the first bullet point, omit “and”.

EU.2 In paragraph EU4., after the first bullet point, insert —

“• The Minister may extend that limited leave, regardless of whether the person has made a valid application under this Appendix for such an extension; and”.

EU.3 In paragraph EU9., for sub-paragraphs (c) and (d), substitute —

“(c) the required proof of entitlement to apply from outside the UK and Islands has been provided, where the application is made outside the UK and Islands;

(d) the required biometrics have been provided;

(e) it has been made by the required date, where the date of application is on or after 9 August 2023; and

(f) the applicant, if they rely on being a joining family member of a relevant sponsor and where the date of application is on or after 9 August 2023, is not an illegal entrant.”.

EU.4 In paragraph EU11., omit “and in an application made by the required date”.

EU.5 In paragraph EU11A., omit “and by the required date”.

EU.6 In paragraph EU12., omit “and in an application made by the required date”.

EU.7 In paragraph EU14., omit “and in an application made by the required date”.

EU.8 In paragraph EU14A., omit “and by the required date”.

EU.9 For paragraph EU16.(c)(ii)(aa), substitute —

“(aa) in respect of the applicant’s conduct committed before the specified date, on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 “with a right of permanent residence under regulation 17” and “who has a right of permanent residence under regulation 17” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules; and for “an EEA decision” read “a decision under paragraph EU16(c) of Appendix EU to the Immigration Rules”), and it is proportionate to refuse the application; or”.

EU.10 For paragraph EU16.(d), substitute —

“(d) it is proportionate to refuse the application where the applicant is a relevant excluded person because of their conduct committed before the specified date and the Minister is satisfied that the decision to refuse the application is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 “with a right of permanent residence under regulation 17” who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules; and for “an EEA decision” read “a decision under paragraph EU16(d) of Appendix EU to the Immigration Rules”); or”.

EU.11 In Annex 1, in the definition of “dependent relative”, for sub-paragraph (a)(iii) substitute —

“(iii) is a person under the age of 18 years (unless they were previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a dependent relative and were under 18 at the date of application for that leave) who—”.

EU.12 In Annex 1, in the definition of ‘durable partner’, for sub-paragraph (b)(ii)(bb)

substitute —

“(bb) the person:

(aaa) was not resident in the UK and Islands as the durable partner of a relevant EEA citizen (where that relevant EEA citizen is their relevant sponsor) on a basis which met the entry for ‘family member of a relevant EEA citizen’ in this table, or, as the case may be, as the durable partner of the qualifying British citizen, at (in either case) any time before the specified date, unless (in the former case):

- the reason why they were not so resident is that they did not hold a relevant document as the durable partner of that relevant EEA citizen for that period; and

- they otherwise had a lawful basis of stay in the UK and Islands for that period; or

(bbb) was resident in the UK and Islands before the specified date, and one of the events referred to in sub-paragraph (b)(i) or (b)(ii) of the entry for ‘continuous qualifying period’ in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date; or

(ccc) was resident in the UK and Islands before the specified date, and the event referred to in sub-paragraph (a) of the entry for ‘supervening event’ in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date.”.

EU.13 In Annex 1, for sub-paragraph (a) of the definition of ‘EEA Regulations’ in the table, substitute —

“(a) (where relevant to something done before 2300 GMT on 31 December 2020) the Immigration (European Economic Area) Regulations 2019 (as they had effect immediately before that date and time); or”.

EU.14 In Annex 1, in sub-paragraph (b) of the definition of ‘EEA Regulations’ in the table, for “the specified date” substitute “2300 GMT on 31 December 2020”.

EU.15 In Annex 1, after the definition of “exclusion order” in the table, insert —

“exempt person	a person who: (a) has a right to reside under the EEA Regulations, other than under regulation 18 or
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	<p>(b) has the right of abode under section 2 of the Immigration Act 1971; or</p> <p>(c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; or</p> <p>(d) has indefinite leave to enter or remain”.</p>
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EU.16 In Annex 1, for sub-paragraph (a)(iv)(bb) of the definition of ‘family member of a qualifying British citizen’ in the table, substitute —

“(bb) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the qualifying British citizen); or”.

EU.17 In Annex 1, after the entry for ‘GMT’ in the table, insert —

“illegal entrant	has the same meaning as in section 33(1) of the Immigration Act 1971 (and, in respect of the reference there to “deportation order”, the definition of ‘deportation order’ in this table does not apply)”.
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EU.18 In Annex 1, for the definition of ‘person with a derivative right to reside’ in the table, substitute —

“person with a derivative right to reside	<p>a person who has satisfied the Minister by evidence provided that they are (and for the relevant period have been) or (as the case may be) for the relevant period they were:</p> <p>(a) resident for a continuous qualifying period which began before the specified date and throughout which the following criteria are met:</p> <p>(i) they are not an exempt person; and</p> <p>(ii) they are the primary carer of an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table and, where they are also a British citizen, the EEA citizen falls within sub-paragraphs (c) and (d) of the entry for</p>
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	<p>‘relevant naturalised British citizen’ in this table); and</p> <p>(iii) the EEA citizen is under the age of 18 years and resides in the Isle of Man as a self-sufficient person; and</p> <p>(iv) the EEA citizen would in practice be unable to remain in the Isle of Man if the person in fact left the Isle of Man for an indefinite period; and</p> <p>(v) they are not subject to a decision made under regulation 24(6)(b), 25(1), 26(1), 27(3) or 32(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; or</p> <p>(b) resident for a continuous qualifying period which began before the specified date and throughout which the following criteria are met:</p> <p>(i) they are not an exempt person; and</p> <p>(ii) they are in education in the Isle of Man; and</p> <p>(iii) any of the person’s parents (“PP”) is an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table and, where they are also a British citizen, PP falls within sub-paragraphs (c) and (d) of the entry for ‘relevant naturalised British citizen’ in this table) who resides or has resided in the Isle of Man; and</p> <p>(iv) both the person and PP reside or have resided in the Isle of Man at the same time and during such a period of residence PP has been a worker or self-employed person in the Isle of Man; and</p>
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	<p>(v) they are not subject to a decision made under regulation 24(6)(b), 25(1), 26(1), 27(3) or 32(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; or</p> <p>(c) resident for a continuous qualifying period which began before the specified date and throughout which the following criteria are met:</p> <ul style="list-style-type: none"><li>(i) they are not an exempt person; and</li><li>(ii) they are the primary carer of a person who meets the requirements of subparagraph (b) above (“PPP”); and</li><li>(iii) PPP would in practice be unable to continue to be educated in the Isle of Man if the person in fact left the Isle of Man for an indefinite period; and</li><li>(iv) they are not subject to a decision made under regulation 24(6)(b), 25(1), 26(1), 27(3) or 32(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect; or</li></ul> <p>(d) resident for a continuous qualifying period which began before the specified date and throughout which the following criteria are met:</p> <ul style="list-style-type: none"><li>(i) they are not an exempt person; and</li><li>(ii) they are under the age of 18 years (unless they were previously granted limited leave to enter or remain under paragraph EU3 of this Appendix as a person with a derivative right to reside and were under 18 at the date of application for that leave);and</li></ul>
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	<p>(iii) their primary carer meets the requirements of sub-paragraph (a) or (c) above; and</p> <p>(iv) the primary carer would in practice be prevented from residing in the Isle of Man if the person in fact left the Isle of Man for an indefinite period; and</p> <p>(v) they do not have leave to enter or remain in the Isle of Man, unless this:</p> <ul style="list-style-type: none"><li>(aa) was granted under this Appendix; or</li><li>(bb) is in effect by virtue of section 3C of the Immigration Act 1971; or</li><li>(cc) is leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met sub-paragraph (a)(ii) of the definition of ‘specified EEA family permit case’ in Annex 1 to that Appendix; and</li></ul> <p>(vi) they are not subject to a decision made under regulation 24(6)(b), 25(1), 26(1), 27(3) or 32(1) of the EEA Regulations, unless that decision has been set aside or otherwise no longer has effect</p> <p>in addition:</p> <p>(a) ‘relevant period’ means here the continuous qualifying period in which the person relies on</p>
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	<p>meeting this definition; and</p> <p>(b) unless the applicant relies on being a person who had a derivative or Zambrano right to reside or a relevant EEA family permit case, the relevant period must have been continuing at 2300 GMT on 31 December 2020; and</p> <p>(c) where the role of primary carer is shared with another person in accordance with subparagraph (b)(ii) of the entry for ‘primary carer’ in this table, the reference to ‘the person’ in subparagraphs (a)(iv) and (c)(iii) above is to be read as ‘both primary carers’; and</p> <p>(d) ‘self-sufficient person’ means a person with sufficient resources not to become a burden on the social assistance system of the Isle of Man, regardless of whether they hold comprehensive sickness insurance cover in the Isle of Man; and</p> <p>(e) ‘education in the Isle of Man’ excludes nursery education but does not exclude education received before the compulsory school age where that education is equivalent to the education received at or after the compulsory school age”.</p>
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EU.19 In Annex 1, after the definition of “person with a Zambrano right to reside” in the table, insert —

“primary carer	<p>a person who:</p> <p>(a) is a direct relative or legal guardian of another person (“AP”); and</p> <p>(b) (i) has primary responsibility for AP’s care; or</p> <p>(ii) shares equally the responsibility for</p>
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	<p>AP’s care with one other person, unless that other person had acquired a derivative right to reside in the Isle of Man as a result of regulation 18 of the EEA Regulations, or relied on meeting this definition in being granted the indefinite leave to enter or remain or limited leave to enter or remain they hold under this Appendix, before the person assumed equal care responsibility”.</p>
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EU.20 In Annex 1, for the entry for ‘required date’ in the table, substitute—

<p>“required date</p>	<p>(a) where the applicant does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix:</p> <p>(i) (where sub-paragraphs (a)(ii) to (a)(vii) below do not apply) the date of application is:</p> <p>(aa) before 1 July 2021; or</p> <p>(bb) (where the deadline in sub-paragraph (a)(i)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) on or after 1 July 2021; or</p> <p>(ii) (where the applicant relies on being a joining family member of a relevant sponsor and the applicant arrived in the UK and Islands on or after 1 April 2021, and where sub-paragraph (a)(iii), (a)(viii) or (a)(ix) below does not apply, or the applicant relies on being a child born in the UK and Islands on or after 1 April 2021 or adopted in the UK and Islands on or after that</p>
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date in accordance with a relevant adoption decision, or on becoming on or after 1 April 2021 a child in the UK and Islands within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) the date of application is:

(aa) within 3 months of the date on which they arrived in the UK and Islands (or, as the case may be, of the date on which they were born in the UK and Islands, adopted in the UK and Islands or became a child in the UK and Islands within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or

(bb) (where the deadline in sub-paragraph (a)(ii)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after that deadline; or

(iii) (where the applicant relies on being a joining family member of a relevant sponsor as described in sub-paragraph (b) of that entry in this table and the applicant arrived in the UK and Islands on or after 1 April 2021, and where sub-paragraph (a)(viii) or (a)(ix) below does not apply) the date of application is:

(aa) within 3 months of the date on which they arrived in the UK and Islands, and before 1 January 2026; or

(bb) (where the deadline in sub-paragraph (a)(iii)(aa) above was not met

	<p>and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after that deadline; or</p> <p>(iv) (where the applicant relies on being a family member of a qualifying British citizen and subparagraph (a)(v) below does not apply) the date of application is before 9 August 2023; or</p> <p>(v) (where the applicant relies on being a family member of a qualifying British citizen, and has, or as the case may be had, leave to enter granted by virtue of having arrived in the UK and Islands with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met the definition of 'family member of a qualifying British citizen' in Annex 1 to that Appendix, and that leave has, or had, not been cancelled, curtailed or invalidated) the date of application is:</p> <p>(aa) before the date of expiry of that leave; or</p> <p>(bb) (where the deadline in subparagraph (a)(v)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after the date of expiry of that leave; or</p> <p>(vi) (where the applicant relies on being a person with a Zambrano right to reside and sub-</p>
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	<p>paragraph (a)(vii) below does not apply) the date of application is before 9 August 2023; or</p> <p>(vii) (where the applicant relies on being a person with a Zambrano right to reside, and has, or as the case may be had, leave to enter granted by virtue of having arrived in the UK and Islands with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met sub-paragraph (a)(ii) of the definition of ‘specified EEA family permit case’ in Annex 1 to that Appendix, and that leave has, or had, not been cancelled, curtailed or invalidated) the date of application is:</p> <p style="padding-left: 40px;">(aa) before the date of expiry of that leave; or</p> <p style="padding-left: 40px;">(bb) (where the deadline in sub-paragraph (a)(vii)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after the date of expiry of that leave; or</p> <p>(viii) (in the case of an applicant who has, or as the case may be had, limited leave to enter or remain granted under another part of these Rules or outside the Immigration Rules, which has, or had, not lapsed or been cancelled, curtailed or invalidated, and the date of expiry of that leave is, or was, on or after 1 July 2021, which, notwithstanding the deadline applicable under sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above, the Minister will deem to be</p>
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reasonable grounds for the person's failure to meet that deadline where it applies), the date of application is:

(aa) before the date of expiry of that leave; or

(bb) (where the deadline in sub-paragraph (a)(viii)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their application) after the date of expiry of that leave; or

(ix) (in the case of an applicant who ceases to be exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971 on or after 1 July 2021, which, notwithstanding the deadline applicable under sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above, the Minister will deem to be reasonable grounds for the person's failure to meet that deadline where it applies), the date of application is:

(aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or

(bb) (where the deadline in sub-paragraph (a)(ix)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's delay in making their

	<p>application) after that deadline; or</p> <p>(b) where the applicant has, or as the case may be had, limited leave to enter or remain granted under this Appendix, which has, or had, not lapsed or been cancelled, curtailed or invalidated, the date of application is any date</p> <p>in addition:</p> <p>(a) for the avoidance of doubt, paragraph 39E of these Rules does not apply to applications made under this Appendix; and</p> <p>(b) the deadline in sub-paragraph (a)(i)(aa) above does not apply (and the applicant therefore has to meet no requirement under sub-paragraph (a) above) where the applicant:</p> <ul style="list-style-type: none"> <li>(i) is a joining family member of a relevant sponsor; and</li> <li>(ii) does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix; and</li> <li>(iii) is not caught by the deadline in sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) above; and</li> <li>(iv) does not fall within sub-paragraph (a)(viii) or (a)(ix) above”.</li> </ul>
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EU.21 In Annex 1, for the entry for ‘specified date’ in the table, substitute —

<p>“specified date</p>	<p>(a) (where sub-paragraphs (b) and (c) below do not apply) 2300 GMT on 31 December 2020; or</p> <p>(b) (i) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for</p>
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	<p>‘family member of a qualifying British citizen’ in this table) 2300 GMT on 29 March 2022; or</p> <p>(ii) (where, in the case of a family member of a qualifying British citizen, the Minister is satisfied that there are reasonable grounds for the person’s failure to meet the deadline for returning to the Isle of Man applicable under the entry for ‘family member of a qualifying British citizen’ in this table) 2359 GMT on the date they arrived in the Isle of Man,</p> <p>in (in the case of (b)(i) or (b)(ii)) the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in:</p> <ul style="list-style-type: none"> <li>- condition 3 in the table in paragraph EU12 of this Appendix;</li> <li>- condition 2 in the table in paragraph EU14 of this Appendix;</li> <li>- sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and</li> <li>- sub-paragraph (a) of the entry for ‘supervening event’ in this table; or</li> </ul> <p>(c) (in the case of a relevant EEA family permit case) 2359 GMT on the date they arrived in the Isle of Man, in the reference to specified date in:</p> <p>(i) sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in:</p> <ul style="list-style-type: none"> <li>- condition 3 in the table in paragraph EU11 of</li> </ul>
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	<p>this Appendix;</p> <ul style="list-style-type: none"> <li>- condition 1 in the table in paragraph EU14 of this Appendix;</li> <li>- sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table;</li> <li>- the entry for ‘person with a derivative right to reside’ in this table;</li> <li>- the entry for ‘person with a Zambrano right to reside’ in this table; and</li> <li>- sub-paragraph (a) of the entry for ‘supervening event’ in this table; and</li> </ul> <p>(ii) the entries for ‘person who had a derivative or Zambrano right to reside’, ‘person with a derivative right to reside’ and ‘person with a Zambrano right to reside’ in this table”.</p>
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EU.22 In Annex 3, after paragraph A3.1., insert —

“A3.1A. A person’s indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix must be cancelled where:

- (a) the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of their conduct committed before the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act; and
- (b) the Minister or an Immigration Officer is satisfied that the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain or who would be granted indefinite leave to enter or remain if they made a valid application under

Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph A3.1A. of Annex 3 to Appendix EU to the Immigration Rules”).

A3.1B. A person’s indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix must be cancelled where the person is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of conduct committed after the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.”.

EU.23 In Annex 3, in paragraph A3.2., for sub-paragraph (a), substitute —

“(a) the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain or who would be granted indefinite leave to enter or remain if they made a valid application under Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph A3.2.(a) of Annex 3 to Appendix EU to the Immigration Rules”); or”.

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

FP.1 In paragraphs FP3., for “valid for the relevant period” substitute “valid for a period of 6 months from the date of decision”.

FP.2 In paragraphs FP4., for sub-paragraphs (b) and (c), substitute —

“(b) the required proof of identity and nationality has been provided;

(c) the required biometrics have been provided; and

(d) the date of application is before 9 August 2023, where the applicant relies on meeting the eligibility requirements in paragraph FP6.(2).”.

FP.3 In FP5., for “paragraph FP4(a) and (b)” substitute “paragraph FP4.(a), (b) and (d)”.

FP.4 In paragraph FP7., after sub-paragraph (2), insert —

“(2A) An application made under this Appendix will be refused on grounds of suitability where at the date of decision:

- (a) (i) the applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of their conduct committed before the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act; and
- (ii) the entry clearance officer is satisfied that the refusal of the application is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “who has a right of permanent residence under regulation 17”. read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph FP7.(2A)(a) of Appendix EU Family Permit to the Immigration Rules”); or
- (b) the applicant is an excluded person, as defined by section 8B(4) of the Immigration Act 1971, because of conduct committed after the specified date, and the person does not fall within section 8B(5A) or 8B(5B) of that Act.”.

FP.5 In sub-paragraph FP7.(4)(b)(i)(bb), after “paragraph A3.1.” insert “, A3.1A., A3.1B.”.

FP.6 In sub-paragraph FP7.(4)(b)(ii)(aa), for “has a right of permanent residence under regulation 17” substitute ““who has a right of permanent residence under regulation 17””.

FP.7 In Annex 1, in the entry for “relevant EEA citizen (where the date of application under this Appendix is before 1 July 2021)” in the table, after sub-paragraph (e), insert —

“in addition, references in this entry to indefinite leave to enter or remain or limited leave to enter or remain granted under paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the Islands) exclude such leave where it was granted in error”.

## **Changes to Appendix FM: Family Members**

FM.1 In paragraph GEN.1.6., after “Belize” insert —

“the British Overseas Territories;”.

## **Changes to Appendix FM-SE**

FSE.1 In paragraph 32, after “Belize” insert —

“the British Overseas Territories;”.

## **Changes to Appendix Hong Kong British Nationals (Overseas)**

HK.1 For the introductory paragraphs substitute —

“There are 2 Hong Kong British National (Overseas) routes– the BN(O) Status Holder route and the BN(O) Household Member route.

The BN(O) Status Holder route is for a British National (Overseas) status holder who is ordinarily resident in Hong Kong, the Isle of Man, UK or the Channel Islands. A dependent partner and a dependent child of a British National (Overseas) status holder can apply under this route. Other family members with a high degree of dependency may also apply under this route.

The BN(O) Household Member route is for the adult child of a BN(O) status holder or of the partner of a BN(O) status holder who is aged 18 or over and born on or after 1 July 1997. The child of a BN(O) status holder’s dependent partner, dependent child and in exceptional circumstances, other family members with a high degree of dependency may apply under this route. The adult child of the partner of a BN(O) status holder may apply with their dependent partner and dependent child, and they must all form part of the same household as the British National (Overseas) status holder when they apply.

The Hong Kong British National (Overseas) routes allow work and study in the Isle of Man, UK and Channel Islands and are routes to settlement.”.

HK.2 For paragraph HK 13.3., substitute —

“HK 13.3. The applicant must be the partner of a person (P) where one of the



following applies:

- (a) P has permission on the BN(O) Status Holder route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the BN(O) Status Holder route; or
- (c) P is settled or has become a British citizen, providing P had permission on the BN(O) Status Holder route when they settled and the applicant had permission as P's partner at that time.”.

HK.3 For paragraphs HK 15.1., substitute —

“HK 15.1. The applicant must be:

- (a) the child of a parent who:
  - (i) has, or is at the same time being granted, entry clearance or permission as either a BN(O) Status Holder or the partner of a BN(O) Status Holder; or
  - (ii) is settled or has become a British citizen, providing the parent had permission on the BN(O) Status Holder route when they settled and the applicant had permission as their dependent child at that time; or
- (b) the grandchild of a grandparent who:
  - (i) has, or is at the same time being granted, entry clearance or permission as either a BN(O) Status Holder or the partner of a BN(O) Status Holder; or
  - (ii) is settled or has become a British citizen, providing the grandparent had permission on the BN(O) Status Holder route when they settled and the applicant had permission as their dependent grandchild at that time.”.

HK.4 For paragraph HK 23.2.(d), substitute —

“(d) when applying for the first time as a BN(O) Household member, if the applicant is applying as a child of the partner of a BN(O) Status Holder and does not have, or did not last hold, permission as a dependent child on the BN(O) Status Holder route, that partner of a BN(O) Status Holder must have made a valid application for entry clearance or permission to stay in the Isle of Man on the BN(O) Status Holder route at the same time as the applicant.”.

HK.5 For HK 26.2., substitute —

“HK26.2. If the applicant is applying for entry clearance or permission to stay and they do not have permission on the Hong Kong British National (Overseas) route on the date of application, the applicant:

- (a) must be the child of a person who is, or who was prior to their death, a British National (Overseas) under the Hong Kong (British Nationality) Order 1986 (of Parliament)<sup>4</sup>; or
- (b) must:
  - (i) be the child of a person who is at the same time being granted permission as a partner on the BN(O) Status Holder Route; and
  - (ii) form part of the same household as the BN(O) Status holder.”.

HK.6 For HK 27.2., substitute —

“HK 27.2. If the applicant is applying for entry clearance, or is applying for permission to stay and they have been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months leave outside the rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, or a person who has or is being granted permission on the BN(O) Status Holder route, is able to, and will, maintain and accommodate the applicant adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK.7 For HK 31.1., substitute —

“HK 31.1. If the applicant is applying as the child of a BN(O) Status Holder or they already have permission on the Hong Kong British National (Overseas) route on the date of application, they will be granted permission for either:

- (a) a period of 5 years, where the applicant has applied for a period of 5 years; or
- (b) a period of 30 months, where the applicant has applied for a

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<sup>4</sup> SI 1986/948.

period of 30 months.”.

HK.8 For HK 32.2., substitute —

“HK 32.2. An application for entry clearance or permission to stay as a partner or child on the BN(O) Household Member route must meet the following validity requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality; and
- (d) when applying as a partner on the BN(O) Household Member route, where the applicant does not currently hold, or did not last hold, permission as a partner on the BN(O) Household Member route the applicant must be applying as a partner of a BN(O) Household Member who:
  - (i) where HK 32.2.(d)(ii) does not apply, has made a valid application for entry clearance or permission to stay in the Isle of Man as a BN(O) Household Member that has not been decided; or
  - (ii) where the BN(O) Household Member is the child of a BN(O) Status Holder:
    - (aa) has made a valid application for entry clearance or permission to stay in the Isle of Man as a BN(O) Household Member that has not been decided; or
    - (bb) has entry clearance or permission as a BN(O) Household Member; and
- (e) when applying as a child on the BN(O) Household Member route, the applicant must be applying as a child of a BN(O) Household Member or of the partner of a BN(O) Household Member who:
  - (i) where HK 32.2.(e)(ii) does not apply, has made a valid application for entry clearance or permission to stay in the

Isle of Man as a BN(O) Household Member or as the partner of a BN(O) Household Member that has not been decided; or

- (ii) where the BN(O) Household Member is the child of a BN(O) status holder:
  - (aa) has made a valid application for entry clearance or permission to stay in the Isle of Man as a BN(O) Household Member or as the partner of a BN(O) Household Member that has not been decided; or
  - (bb) has entry clearance or permission as a BN(O) Household Member or as the partner of a BN(O) Household Member.”.

HK.9 For HK 35.3., substitute —

“HK 35.3. The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission on the BN(O) Household Member route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the BN(O) Household Member route; or
- (c) P is settled or has become a British citizen, providing P had permission on the BN(O) Household Member route when they settled and the applicant had permission as P’s partner at that time.”.

HK.10 For HK 35.7., substitute —

“HK 35.7. Where the BN(O) Household Member is the child of a person applying as a partner on the BN(O) Status Holder route, the applicant and the BN(O) Household Member must form part of the same household on the date of application.”.

HK.11 For HK 36.2., substitute —

“HK 36.2. If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous

grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, the BN(O) Household Member or a person being granted permission on the BN(O) Status Holder route is able to maintain and accommodate the applicant adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK.12 For HK 37.1., substitute —

“HK 37.1. The applicant must be the child of a person (P) where one of the following applies:

- (a) P has permission on the BN(O) Household Member route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the BN(O) Household Member route; or
- (c) P is settled or has become a British citizen, providing P had permission on the BN(O) Household Member route when they settled, and the applicant had permission as P’s child at that time.”.

HK.13 For HK 40.2, substitute —

“HK 40.2 If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the Isle of Man with permission for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Household Member, their partner or a person who is being granted permission on the BN(O) Status Holder route is able to and will maintain and accommodate the applicant adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK.14 After HK 44.5., for the heading “Adult Dependent Relative of a BN(O) Status Holder”, substitute —

**“ADULT DEPENDENT RELATIVE ON THE HONG KONG BRITISH**

**NATIONAL (OVERSEAS) ROUTE”.**

HK.15 In paragraph HK45.1., for the wording preceding sub-paragraph (a) substitute —

“HK45.1. A person applying for entry clearance or permission to stay as a BN(O) Adult Dependant Relative on the Hong Kong British National (Overseas) route for:”.

HK.16 For HK45.2, substitute —

“HK45.2 An application for entry clearance or permission to stay as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route must meet all the following validity requirements:

- (a) any fee and Immigration Health Charge must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other travel document which satisfactorily established their identity and nationality.”.

HK.17 For HK 45.4., substitute —

“HK 45.4. The applicant must be the parent, grandparent, brother, sister, son or daughter of a person who is making a valid application for entry clearance or permission to stay at the same time as the applicant as:

- (a) a BN(O) Status Holder, applying on the BN(O) Status Holder route; or
- (b) the partner of a BN(O) Status Holder, applying on the BN(O) Status Holder route; or
- (c) the child of a BN(O) status holder, applying on the BN(O) Household Member route; or
- (d) the partner of a child of a BN(O) status holder, applying on the BN(O) Household Member route.”.

HK.18 For HK 45.5., substitute —

“HK 45.5. An application which does not meet the validity requirements for a

BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route is invalid and may be rejected and not considered.”.

HK.19 After HK 45.5., for the heading “Suitability requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder Route”, substitute —

**“Suitability Requirements for a BN(O) Adult Dependent Relative”.**

HK.20 For HK 47.1, substitute —

“HK 47.1 A person seeking to come to the Isle of Man as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route must apply for and obtain entry clearance as a BN(O) Adult Dependant Relative before they arrive in the Isle of Man.”.

HK.21 For HK 47.2., substitute —

“HK 47.2. A person applying for entry clearance as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route must, if paragraph A39 and Appendix T of these rules apply, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.”.

HK.22 For HK 48.1., substitute —

“HK 48.1. If the applicant is applying for permission to stay and they have permission as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route on the date of application, they will meet the relationship requirement.”.

HK.23 For HK 48.2., substitute —

“HK 48.2. Where the applicant is applying for entry clearance or permission to stay, and they have not previously had permission on the BN(O) Household Member route they must be the parent, grandparent, brother, sister, son or daughter of a person who is making a valid application for entry clearance or permission to stay at the same time as the applicant as:

- (a) a BN(O) Status Holder, applying on the BN(O) Status Holder route; or

- (b) the partner of a BN(O) Status Holder, applying on the BN(O) Status Holder route; or
- (c) the child of a BN(O) status holder, applying on the BN(O) Household Member route; or
- (d) the partner of a child of a BN(O) status holder, applying on the BN(O) Household Member route.”.

HK.24 For HK 48.3., substitute —

“HK 48.3. Where the applicant is the parent or grandparent of a BN(O) Status Holder or of the partner of a BN(O) Status Holder or of the child of a BN(O) status holder applying on the BN(O) Household Member route or of the partner of a child of a BN(O) status holder applying on the BN(O) Household Member route, the applicant must not be in a subsisting relationship with a partner unless:

- (a) that partner is also the parent or grandparent of the BN(O) Status Holder or of the partner of a BN(O) Status Holder or of the child of a BN(O) status holder applying on the BN(O) Household Member route or of the partner of a child of a BN(O) status holder applying on the BN(O) Household Member route; and
- (b) that partner is applying for entry clearance or permission to stay at the same time as the applicant.”.

HK.25 For HK 49.1., substitute —

“HK 49.1. If the applicant is applying for permission to stay and they have permission as a BN(O) Adult Dependent Relative on the Hong Kong British National (Overseas) route on the date of application, they will meet the dependency requirement.”.

HK.26 For HK 49.2., substitute —

“HK 49.2. Where the applicant is applying for entry clearance or permission to stay, and they have not previously had permission on the BN(O) Household Member route the applicant must:

- (a) as a result of age, illness or disability require long-term personal care to perform everyday tasks; and



- (b) form part of the same household as the BN(O) Status Holder or BN(O) Household Member who has, or is at the same time being granted, permission; and
- (c) be unable, even with the practical and financial help of the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member, depending on who they applied with, to obtain the required level of help in Hong Kong, if the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member moves to the Isle of Man, either because the help:
  - (i) is not available, and there is no person in Hong Kong who can reasonably provide it; or
  - (ii) is not affordable.”.

HK.27 For HK 49.3., substitute —

“HK 49.3. In HK 49.2.(b) a person will form part of the same household as the BN(O) Status Holder or the BN(O) Household Member if they normally live with the BN(O) Status Holder or the BN(O) Household Member (as applicable).”.

HK.28 For HK 49.4., substitute —

“HK 49.4. Where the applicant and their partner are the parents or grandparents of the BN(O) Status Holder, or of the partner of the BN(O) Status Holder, or of the BN(O) Household Member, or of the partner of the BN(O) Household Member, the applicant, or their partner, must:

- (a) as a result of age, illness or disability require long-term personal care to perform everyday tasks; and
- (b) be unable, even with the practical and financial help of the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member, depending on who they applied with, to obtain the required level of help in Hong Kong if the BN(O) Status Holder or the partner of the BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member moves to the Isle of Man, either because the help:
  - (i) is not available, and there is no person in Hong Kong who can reasonably provide it; or
  - (ii) is not affordable.”.

Household Member moves to the Isle of Man either because the help:

- (i) is not available and there is no person in Hong Kong who can reasonably provide it; or
- (ii) is not affordable.”.

HK.29 For HK 50.2., substitute —

“HK 50.2. If the BN(O) Adult Dependent Relative is applying for entry clearance, or is applying for permission to stay and has been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months leave outside the rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Status Holder or their partner or the BN(O) Household Member or their partner is able to and will maintain and accommodate the BN(O) Adult Dependent Relative adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK.30 For HK 50.4., substitute —

“HK 50.4. The BN(O) Status Holder or their partner or the BN(O) Household Member or their partner may rely on credible promises of future third party support.”.

HK.31 For HK 50.5., substitute —

“HK 50.5. The BN(O) Status Holder or their partner or the BN(O) Household Member or their partner must show that they have the required funds as specified in Appendix Finance.”.

HK.32 For HK 54.1., substitute —

“HK 54.1. If the applicant does not have permission on the Hong Kong British National (Overseas) route on the date of application, they will be granted permission which ends on the same date as the permission of the BN(O) Status Holder or the BN(O) Household Member who is part of the same household as the applicant, depending on who they applied with.”.

HK.33 For HK 54.2., substitute —

“HK 54.2. If the BN(O) Adult Dependent Relative has permission on the Hong Kong British National (Overseas) route on the date of application, they will be granted permission which ends on the same date as the permission of the BN(O) Status Holder or the partner of a BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member, depending on who they applied with, who has, or is at the same time being granted, permission.”.

HK.34 For HK 59.1., substitute —

“HK 59.1. Where the applicant has or last had permission as an adult dependant relative on the BN(O) Household Member route, they must be the parent, grandparent, brother, sister, son or daughter of a person who:

- (a) last had permission as a BN(O) Status Holder or the partner of a BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member and who is at the same time being granted settlement on that route; or
- (b) is settled and whose last grant of permission prior to settlement was as a BN(O) Status Holder or the partner of a BN(O) Status Holder or the BN(O) Household Member or the partner of the BN(O) Household Member; or
- (c) is a British citizen.”.

## **Changes to Appendix KOLL**

KOL1 In paragraph 2.2.(a)(i), after “Belize” insert —

“The British Overseas Territories”.

KOL2 In paragraph 2.2.(a)(iii), after “Belize” insert —

“The British Overseas Territories;”.

KOL3 In paragraph 3.2.(d), after “Belize” insert —

“The British Overseas Territories”.

KOL4 In paragraph 4.12, after “Belize” insert —

“The British Overseas Territories;”.

**MADE 26 JULY 2023**

**KATE LORD-BRENNAN**  
*Minister for the Cabinet Office*

## **Explanatory Note**

### **to the Statement of Changes In Immigration Rules SD 2023/0202**

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

This Statement of Changes in Immigration Rules makes the following changes:

#### **Changes to the Majority English Speaking Country List**

- 1 The Majority English Speaking Country list has been updated to include the British Overseas Territories. This change has been reflected throughout the Immigration Rules.
- 2 These changes reflect those made by the UK's in their Statement(s) of Changes laid before Parliament on 18<sup>th</sup> October 2022.

#### **Changes to Interpretation**

- 3 Minor technical amendments and additions to support other changes to the Rules.

#### **Changes to Part 1:**

- 4 The UK's Statement of Changes laid before Parliament on 18<sup>th</sup> October 2022 made a change to Part 1 by amending paragraph 24 to include an evisa when granting entry.
- 5 The Statement of Changes laid before Parliament on 9<sup>th</sup> March 2023 made changes to Part 1 rewording paragraph 19 for clarity on Returning Residents. This change was to update the rules as currently they do not allow someone whose indefinite leave (settlement) has lapsed to apply to resume their settlement as a returning resident if they have subsequently returned as a visitor. To avoid this situation, the rules are being changed to allow someone in this position to resume their settlement.

#### **Changes to Part 9: Simplification of the process for giving effect to travel bans**

- 6 Currently, applications from individuals subject to travel bans, also known as immigration sanctions, are refused under primary legislation (the Immigration Act 1971). However, the legislation does not refer to entry clearance and therefore cancellation of an entry clearance is on the grounds that the person's presence in the Isle of Man is not conducive to the public good.
- 7 Non-conducive covers a broad range of factors and assessments can be complex and time consuming. This technical change will simplify processes.
- 8 The changes to Part 9 reflect those made to the UK's Part 9 in the Statement of Changes laid before Parliament on 18<sup>th</sup> October 2022.

## **Changes to Appendix EU & Appendix EU: Family Permit**

- 9 Appendix EU and Appendix EU (Family Permit) together set out the Island's EU Settlement Scheme (EUSS), which we are committed to keep aligned to the EU Settlement Scheme of the UK.
- 10 Changes to these Appendices have been made to reflect changes made to the UK's equivalent Appendices in their Statement(s) of Changes laid before Parliament on 18th October 2022, 9th March 2023 and 13<sup>th</sup> July 2023.
- 11 The main changes in respect of the Immigration Rules for the EUSS in Appendix EU and for the EUSS family permit in Appendix EU (Family Permit) are as follows:
  - Durable partners – to underline the original policy intent under the EUSS that it is only where they had another lawful basis of stay in the Isle of Man before the end of the transition period that a durable partner who was not documented as such under the EEA Regulations can rely on that residence.
  - Chen (the primary carer of a self-sufficient EU citizen child) and Ibrahim & Teixeira (a child in education in the Isle of Man of an EU citizen former worker or self-employed person in the Isle of Man and the child's primary carer) – to bring within Appendix EU the current concession that relevant cases are not excluded from eligibility by having leave to enter arising from arrival in the Isle of Man with an EUSS family permit.
  - Cancellation – to clarify that, where the relevant threshold is met in respect of a person subject to a travel ban imposed by the UK and island or the United Nations Security Council, their EUSS leave is to be cancelled.
  - Period of validity – to provide for an EUSS family permit to be valid in all cases for six months from the date of decision.
  - Sponsor – to prevent a relevant EEA or Swiss citizen granted pre-settled or settled status under the EUSS in error from sponsoring an EUSS family permit.
  - Valid application – to make meeting the deadline for the application (or, in line with the Citizens' Rights Agreements, having reasonable grounds for the delay in making an application) a validity rather than an eligibility requirement. Consistent with the Agreements, this will enable the Minister to consider whether there are reasonable grounds for a late application as a preliminary issue, before going on to consider whether a valid application meets the relevant eligibility and suitability requirements. We will not reassess the validity of an application which has already been confirmed as valid by the issuing of a Certificate of Application.
  - Valid application – to prevent a valid application to the EUSS as a

joining family member being made by an illegal entrant to the UK and Islands, thereby reinforcing the UK Government's approach to tackling illegal migration.

- Extension of limited leave to enter or remain (pre-settled status) – to reflect that the Minister may extend such leave under the EUSS (under sections 3(3)(a) and 4(1) of the Immigration Act 1971) without a valid application.
- Route closures – to close the EUSS on 9<sup>th</sup> August 2023 to new applications under two routes not covered by the Agreements: family member of a qualifying British citizen (on their return to the UK and Islands having exercised free movement rights in the EEA or Switzerland, known as 'Surinder Singh' cases) and primary carer of a British citizen (known as 'Zambrano' cases). Transitional provisions have been made, enabling such persons to access the EUSS for more than four years. It is now appropriate, as a matter of fairness to other British citizens wishing to sponsor foreign national family members to settle in the UK and Islands that any new applications should have to meet the family Immigration Rules applicable to others. The routes will remain open to those who are already on them (or with a pending application, administrative review or appeal) or who have pending access to them via a relevant EUSS family permit.
- Dependent relatives – to include within the EUSS the child of a durable partner where the child has turned 18 since they were granted pre-settled status under the scheme.

### **Changes to Appendix Hong Kong British Nationals (Overseas); Provisions for adult children**

- 12 The British National Overseas (BNO) visa route offers a pathway for Hong Kong BNOs and their dependant family members. Isle of Man Government are committed to keep this Appendix aligned with the UK's equivalent.
- 13 The changes to this Appendix reflect those made to the UK's equivalent Appendix in their Statement of Changes laid before Parliament on 18<sup>th</sup> October 2022.
- 14 The changes being made to Appendix Hong Kong British National (Overseas) (HK BN(O)) include provision to enable children of BN(O) status holders to apply to the BN(O) route independently (that is, without needing to form part of their parents' household or apply at the same time as them). This change will apply to those who:
  - have at least one BN(O) parent;
  - are aged 18 or over;
  - were born on or after 1 July 1997; and
  - reside in Hong Kong, the Isle of Man, UK or the Channel Islands.

Partners, dependent children, and adult dependent relatives of the adult child may also apply with them.