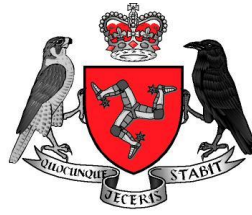


Statutory Document 2014/0344



**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**

Laid before Tynwald on 9th December 2014 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))

STATEMENT OF CHANGES IN IMMIGRATION RULES

The Council of Ministers has made the following changes to the Rules laid down by it as to the practice to be followed in the administration of the Immigration Act 1971¹ (of Parliament) as it has effect in the Isle of Man² for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17th May 2005³.

The changes in this Statement shall take effect on 10th November 2014. However, if an applicant has made an application for entry clearance or leave before 10th November 2014 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 9th November 2014.

1. Delete paragraph 245CB(a) and (b) and substitute:
“(a) Leave to remain will be granted for:
 (i) a period of 3 years, or
 (ii) the period the applicant needs to take his total leave granted in this category to 5 years, whichever is the longer.
(b) DELETED.”.
2. In paragraph 245DB(h), delete "28 working days" and substitute "28 calendar days".
3. In paragraph 245DC (iii), after “taken over,” insert “but working for such business(es) does not include anything undertaken by the applicant pursuant to a contract of service or apprenticeship, whether express or implied and whether oral or written, with another business,”.
4. In paragraph 245DD(j), delete "28 working days" and substitute "28 calendar days".
5. In paragraph 245DE(b)(iii), after “taken over,” insert “but working for such business(es) does not include anything undertaken by the applicant pursuant to a contract of service or apprenticeship, whether express or implied and whether oral or written, with another business,”.
6. In paragraph 245EB(b), delete “paragraphs 54 to 65 of Appendix A” and substitute “paragraphs 54 to 65-SD of Appendix A”.

¹ 1971 c. 77

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

³ 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, 2014/314 and 2014/324.

7. After paragraph 245EB(f), insert:

“(g) The Entry Clearance Officer must not have reasonable grounds to believe that:

(i) notwithstanding that the applicant has provided the relevant specified documents required under Appendix A, the applicant is not in control of and at liberty to freely invest the money specified in their application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules (where relevant); or

(ii) any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules held by:

(1) the applicant; or

(2) where any of the specified money has been made available to the applicant by another party, that party,

has been acquired by means of conduct which is unlawful in the Isle of Man, or would constitute unlawful conduct if it occurred in the Isle of Man; or

(iii) where any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good,

and where the Entry Clearance Officer does have reasonable grounds to believe one or more of the above applies, no points from Table 7 (where relevant) will be awarded.”.

8. In paragraph 245ED(b), delete “paragraphs 54 to 65 of Appendix A” and substitute “paragraphs 54 to 65-SD of Appendix A”.

9. After paragraph 245ED(h), insert:

“(i) The Lieutenant Governor must not have reasonable grounds to believe that:

(i) notwithstanding that the applicant has provided the relevant specified documents required under Appendix A, the applicant is not in control of and at liberty to freely invest the money specified in their application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules (where relevant); or

(ii) any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules held by:

(1) the applicant; or

(2) where any of the specified money has been made available to the applicant by another party, that party,

has been acquired by means of conduct which is unlawful in the Isle of Man, or would constitute unlawful conduct if it occurred in the Isle of Man; or

(iii) where any of the money specified in the application for the purposes of meeting the requirements of Table 7 of Appendix A to these Rules has been made available by another party, the character, conduct or associations of that party are such that approval of the application would not be conducive to the public good,

and where the Lieutenant Governor does have reasonable grounds to believe one or more of the above applies, no points from Table 7 (where relevant) will be awarded.”.

10. In paragraph 245EE(c)(i), delete “£750,000 of his capital” and substitute “the amount of capital specified in paragraph (e)”.

11. In paragraph 245EE(c)(ii), delete “the applicant does not maintain the investment” and substitute “the applicant does not maintain at least the level of investment”.

12. Delete paragraph 245EE(e) and substitute:

“(e) The amount of capital referred to in paragraph (c) is:

(i) at least £2 million if the applicant was last granted leave under the Rules in place from 10 November 2014 and was awarded points as set out in Table 7 or Table 8A of Appendix A to these Rules in that last grant, or

(ii) at least £750,000 if the applicant was last granted leave under the Rules in place before 10 November 2014 or was awarded points as set out in Table 8B of Appendix A to these Rules in his last grant.

(f) Paragraph 245EE(c) does not apply where the applicant's two most recent grants of leave were either as a Tier 1 (Investor) Migrant and / or as an Investor.”.

13. In paragraph 245EF(c), delete “paragraphs 54 to 65 of Appendix A” and substitute “paragraphs 54 to 65-SD of Appendix A”.

14. In paragraph 276A delete “and 399A”.

15. After paragraph 276A0 insert:

“276A00. Where leave to remain is granted under paragraphs 276ADE-276DH, or where an applicant does not meet the requirements in paragraph 276ADE(1) but the Lieutenant Governor grants leave to remain outside the rules on Article 8 grounds, (and without prejudice to the specific provision that is made in paragraphs 276ADE-276DH in respect of a no recourse to public funds condition), that leave may be subject to such conditions as the Lieutenant Governor considers appropriate in a particular case.”.

16. In paragraph 276ADE(1)(vi) for “has no ties (including social, cultural or family) with” substitute “there would be very significant obstacles to the applicant’s integration into”.
17. Renumber paragraph 276BE as paragraph 276BE(1).
18. In paragraph 276BE(1) for “paragraph 276BE” substitute “this sub-paragraph”.
19. In paragraph 276BE(1) for “such conditions as the Lieutenant Governor deems appropriate” substitute “a condition of no recourse to public funds unless the Lieutenant Governor considers that the person should not be subject to such a condition”.
20. After paragraph 276BE(1) insert:

“276BE(2). Where an applicant does not meet the requirements in paragraph 276ADE(1) but the Lieutenant Governor grants leave to remain outside the rules on Article 8 grounds, the applicant will normally be granted leave for a period not exceeding 30 months and subject to a condition of no recourse to public funds unless the Lieutenant Governor considers that the person should not be subject to such a condition.”.
21. In paragraph 276DG for “such conditions as the Lieutenant Governor deems appropriate” substitute “a condition of no recourse to public funds unless the Lieutenant Governor considers that the person should not be subject to such a condition”.
22. In paragraph A277C for “paragraph 276BE” substitute “paragraph 276BE(1)”.
23. For paragraph A279 substitute:

“A279. Paragraphs 398-399D apply to all immigration decisions made further to applications under Part 8 and paragraphs 276A-276D where a decision is made on or after 10 November 2014, irrespective of the date the application was made.”.
24. In paragraph A362, for “19 November 2012” substitute “10 November 2014”.
25. Delete paragraphs 393 and 394.
26. After paragraph 395 insert:

Deportation and Article 8

398. Where a person claims that their deportation would be contrary to the Isle of Man's obligations under Article 8 of the Human Rights Convention, and

- (a) the deportation of the person from the Isle of Man is conducive to the public good because they have been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years;

(b) the deportation of the person from the Isle of Man is conducive to the public good because they have been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 4 years but at least 12 months; or

(c) the deportation of the person from the Isle of Man is conducive to the public good because, in the view of the Lieutenant Governor, their offending has caused serious harm or they are a persistent offender who shows a particular disregard for the law,

the Lieutenant Governor in assessing that claim will consider whether paragraph 399 or 399A applies and, if it does not, it will only be in exceptional circumstances that the public good will be outweighed by other factors.

399. This paragraph applies where paragraph 398 (b) or (c) applies if –

(a) the person has a genuine and subsisting parental relationship with a child under the age of 18 years who is in the Isle of Man, and

(i) the child is a British Citizen; or

(ii) the child has lived in the Isle of Man continuously for at least the 7 years immediately preceding the date of the immigration decision; and in either case

(a) it would not be reasonable to expect the child to leave the Isle of Man; and

b) there is no other family member who is able to care for the child in the Isle of Man; or

(b) the person has a genuine and subsisting relationship with a partner who is in the Isle of Man and is a British Citizen, settled in the Isle of Man, or in the Isle of Man with refugee leave or humanitarian protection, and

(i) the person has lived in the Isle of Man with valid leave continuously for at least the 15 years immediately preceding the date of the immigration decision (discounting any period of imprisonment); and

(ii) there are insurmountable obstacles to family life with that partner continuing outside the Isle of Man.

399A. This paragraph applies where paragraph 398(b) or (c) applies if –

(a) the person has lived continuously in the Isle of Man for at least 20 years immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the Isle of Man; or

(b) the person is aged under 25 years, he has spent at least half of his life living continuously in the Isle of Man immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the Isle of Man.

399B. Where paragraph 399 or 399A applies limited leave may be granted for periods not exceeding 30 months. Such leave shall be given subject to such conditions as the Lieutenant Governor deems appropriate. Where a person who has previously been granted a period of leave under paragraph 399B would not fall for refusal under paragraph 322(1C), indefinite leave to remain may be granted.

399C. Not used

400. Where a person claims that their removal under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971 or section 10 of the Immigration and Asylum Act 1999 would be contrary to the Isle of Man's obligations under Article 8 of the Human Rights Convention, the Lieutenant Governor may require an application under paragraph 276ADE (private life) or Appendix FM (family life) of these rules. Where an application is not required, in assessing that claim the Lieutenant Governor or an immigration officer will, subject to paragraph 353, consider that claim against the requirements to be met under paragraph 276ADE or Appendix FM and if appropriate the removal decision will be cancelled.”.

27. In Appendix A, in paragraph 36A, delete “the provisions in (b)” and substitute “the provisions in (b)(ii) or (b)(iii)”.

28. In Appendix A, after paragraph 36A, insert:

“36B. An applicant who is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Post-Study Work) Migrant will only be awarded points under the provisions in (b)(ii), (b)(iii) or (d) in Table 4.”.

29. In Appendix A, in the first row of Table 4, delete paragraph (d)(iii) and substitute:

“(iii) since before 10 November 2014 and up to the date of his application, has been continuously engaged in business activity which was not, or did not amount to, activity pursuant to a contract of service with a business other than his own and, during such period, has been continuously:

(1) registered with isle of Man Treasury as self-employed, or

(2) registered with Companies Registry as a director of a new or an existing business. Directors who are on the list of disqualified directors provided by Financial Services Commission will not be awarded points,”.

30. In Appendix A, in the first row of Table 4, in paragraph (d)(iv), delete “is working” and substitute “since before 10 November 2014 and up to the date of his application, has continuously been working”.
31. In Appendix A, delete paragraph 41-SD(b) and substitute:
“(b) Where sub-paragraph (a)(iii) above applies and this paragraph refers to the applicant’s business, the business must be a company and the applicant must be registered as a director of that business in the Isle of Man, and provide a Companies Registry document showing the address of the registered office in the Isle of Man, or head office in the Isle of Man if it has no registered office, and the applicant's name, as it appears on the application form, as a director.”.
32. In Appendix A, in paragraph 41-SD(e)(ii), after “the occupation that the applicant” delete “is working in” and substitute “has been working in since before 10 November 2014 up to the date of his application”.
33. In Appendix A, in paragraph 41-SD(e)(iii), after “specified documents” delete “:” and substitute “covering (either together or individually) a continuous period commencing before 10 November 2014 up to no earlier than three months before the date of his application:”.
34. In Appendix A, delete paragraph 41-SD(e)(iv)-(v) and substitute:
“(iv) one or more of the following documents showing trading, which must cover (either together or individually) a continuous period commencing before 10 November 2014 up to no earlier than three months before the date of his application:
(1) one or more contracts for service. If a contract is not an original the applicant must sign each page. Each contract must show:
(a) the applicant's name and the name of the business;
(b) the service provided by the applicant's business;
(c) the name of the other party or parties involved in the contract and their contact details, including their full address, postal code and, where available, landline phone number and any email address; and
(d) the duration of the contract; or
(2) one or more original letters from Isle of Man regulated financial institutions with which the applicant has a business bank account, on the institution’s headed paper, confirming the dates the business was trading during the period referred to at (iv) above;
(v)
(1) if claiming points for being self-employed, the following specified documents to show the applicant’s compliance with National Insurance requirements:

- (a) the original bills covering the continuous billing period during which the applicant claims to have been self-employed, if his Class 2 National Insurance is paid by bill;
- (b) bank statements covering the continuous period during which the applicant claims to have been self-employed, showing the direct debit payment of Class 2 National Insurance to Isle of Man Treasury;
- (c) all original small earnings exception certificates issued to the applicant by Isle of Man Treasury covering the continuous tax period during which the applicant claims to have been self-employed, if he has low earnings; or
- (d) if applying before 31 January 2015, the original, dated welcome letter from Isle of Man Treasury containing the applicant's unique taxpayer reference number, if he has not yet become liable for paying National Insurance, or has not yet received the documents in (c);

Or

(2)

- (a) if claiming points for being a director of an Isle of Man company at the time of his application, a printout of a Current Appointment Report from Companies Registry, dated no earlier than three months before the date of the application, listing the applicant as a director of a company that is actively trading and not dormant, or struck-off, or dissolved or in liquidation, and showing the date of his appointment as a director of that company; and
- (b) if claiming points for being a director of an Isle of Man company other than the company referred to in (a) above, at any time before the date of his application, a printout from Companies Registry of the applicant's appointments history, showing that the applicant has held directorships continuously during the period in which he claims to have been a director;

and the evidence at (1) and (2) above must cover (either together or individually) a continuous period commencing before 10 November 2014 up to no earlier than three months before the date of his application, unless the applicant is claiming points for being self-employed at the time of his application and the evidence consists of documents issued by Isle of Man Treasury referred to at (v)(1)(a), (c) or (d) above, in which case the applicant must submit the most recent document issued before the date of his application;

and”.

35. In Appendix A, after paragraph 41-SD(e)(v), insert:

“(vi) if the applicant is currently a director, the following evidence that his business has business premises in the Isle of Man and is subject to Isle of Man taxation:

(1) a printout of a Companies registry document showing the address of the registered office in the Isle of Man, or head office in the Isle of Man if it has no registered office, and the applicant's name, as it appears on the application form, as a director; and

(2) documentation from Isle of Man Treasury which confirms that the business is registered for corporation tax;

and

(vii) the following evidence that the business has an Isle of Man bank account of which the applicant is a signatory:

(1) if the applicant is currently self-employed, a personal bank statement showing transactions for his business (which must be currently active), or a business bank statement, or a letter from Isle of Man-regulated financial institution, on the institution's headed paper, confirming that he has a business and acts through that bank for the purposes of that business, or

(2) if the applicant is currently a director, a company bank statement showing that the company has an Isle of Man account, or a letter from an Isle of Man-regulated financial institution, on the institution's headed paper, confirming that the company has a bank account and the applicant is a signatory of that account, and the evidence at (vi) and (vii)(2) above must relate to a company that is actively trading and not dormant, or struck-off, or dissolved or in liquidation.”.

36. In Appendix A, at the start of paragraph 42, delete “Points will only be awarded” and substitute “Subject to paragraphs 36A and 36B above, points will only be awarded”.

37. In Appendix A, in the first row of Table 5, delete “as set out in Table 4 above”.

38. In Appendix A, in the second row of Table 5, delete paragraphs (b) and (c) and substitute:

“(b) registered with Companies Registry as a director of a new or an existing business. Directors who are on the list of disqualified directors provided by Financial Supervision Commission will not be awarded points.”.

39. In Appendix A, in the third row of Table 5, delete paragraphs (b) and (c) and substitute:

“(b) registered with Companies Registry as a director of a new or an existing business. Directors who are on the list of disqualified directors provided by Financial Supervision Commission will not be awarded points.”.

40. In Appendix A, in the first row of Table 6, delete paragraphs (b) and (c) and substitute:
- “(b) registered with Companies Registry as a director of a new or an existing business. Directors who are on the list of disqualified directors provided by Financial Supervision Commission will not be awarded points.”.
41. In Appendix A, delete paragraph 46-SD(c)(ii) and substitute:
- “(ii) Evidence that the business has a Isle of Man bank account of which the applicant is a signatory:
- (1) If the applicant is self-employed, a personal bank statement showing transactions for his business, or a business bank statement, or a letter from an Isle of Man-regulated financial institution, on the institution’s headed paper, confirming that he has a business and acts through that bank for the purposes of that business, or
 - (2) If the applicant is a director, a company bank statement showing that the company has an Isle of Man account, or a letter from an Isle of Man-regulated financial institution, on the institution’s headed paper, confirming that the company has a bank account and the applicant is a signatory of that account,
- and”.
42. In Appendix A, in paragraph 46-SD(g)(i)(1), delete “paid by quarterly bill” and substitute “paid by bill”.
43. In Appendix A, in paragraph 46-SD(g)(ii), delete “Directors who are on the list of disqualified directors provided by Financial Supervision Commission will not be awarded points.”.
44. In Appendix A, delete paragraphs 55 to 58 and substitute:
- “55. Except where paragraph 56 applies, available points for applications for entry clearance or leave to remain are shown in Table 7.
56. (a) Available points for entry clearance or leave to remain are shown in Table 8A for an applicant who:
- (i) has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, which was granted under the Rules in place from 10 November 2014, in the 12 months immediately before the date of application, or
 - (ii) is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, which was granted under the Rules in place from 10 November 2014.
- (b) Available points for entry clearance or leave to remain are shown in Table 8B for an applicant who:

(i) has had entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, under the Rules in place before 10 November 2014, or as an Investor, in the 12 months immediately before the date of application;, or

(ii) is applying for leave to remain and has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant, under the Rules in place before 10 November 2014, or as an Investor.

57. (a) Available points for applications for indefinite leave to remain are shown in Table 9A for an applicant who was last granted as a Tier 1 (Investor) Migrant under the Rules in place from 10 November 2014, and was awarded points as set out in Table 7 or Table 8A of Appendix A to these Rules in that last grant.

(b) Available points for applications for indefinite leave to remain are shown in Table 9B for an applicant who was last granted as a Tier 1 (Investor) Migrant under the Rules in place before 10 November 2014, or was awarded points as set out in Table 8B of Appendix A in his last grant.

58. Notes to accompany Tables 7 to Table 9B appear below Table 9B.”.

45. In Appendix A, delete Table 7 and substitute:

“Table 7: Applications for entry clearance or leave to remain referred to in paragraph 55

Money to invest in the Isle of Man	Points
The applicant has money of his own under his control held in a regulated financial institution and disposable in the Isle of Man amounting to not less than £2 million.	75

“.

46. In Appendix A, delete Table 8 and substitute:

“Table 8A: Applications for entry clearance or leave to remain from applicants who initially applied to enter the category from 10 November 2014 as referred to in paragraph 56(a)

Money and investment	Points
The applicant has invested not less than £2 million in the Isle of Man by way of share capital or loan capital in active and trading Isle of Man registered companies, subject to the restrictions set out in paragraph 65 below. The investment referred to above was made: (1) within 3 months of the applicant’s entry to the Isle of Man, if he	75

<p>was granted entry clearance as a Tier 1 (Investor) Migrant and there is evidence to establish his date of entry to the Isle of Man, unless there are exceptionally compelling reasons for the delay in investing, or</p> <p>(2) where there is no evidence to establish his date of entry in the Isle of Man or where the applicant was granted entry clearance in a category other than Tier 1 (Investor) Migrant, within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, unless there are exceptionally compelling reasons for the delay in investing, or</p> <p>(3) where the investment was made prior to the application which led to the first grant of leave as a Tier 1 (Investor) Migrant, no earlier than 12 months before the date of such application,</p> <p>and in each case the level of investment has been at least maintained for the whole of the remaining period of that leave. “Compelling reasons for the delay in investing” must be unforeseeable and outside of the applicant’s control. Delays caused by the applicant failing to take timely action will not be accepted. Where possible, the applicant must have taken reasonable steps to mitigate such delay.</p>	
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Table 8B: Applications for entry clearance or leave to remain from applicants who initially applied to enter the category before 10 November 2014 as referred to in paragraph 56(b)

Money and investment	Points
<p>The applicant:</p> <p>(a) has money of his own under his control in the Isle of Man amounting to not less than £1 million, or</p> <p>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million; and</p> <p>(ii) has money under his control and disposable in the Isle of Man amounting to not less than £1 million which has been loaned to him by an Isle of Man regulated financial institution.</p>	30

<p>The applicant has invested not less than £750,000 of his capital in the Isle of Man by way of share capital or loan capital in active and trading Isle of Man registered companies, subject to the restrictions set out in paragraph 65 below and has invested the remaining balance of £1,000,000 in the Isle of Man by the purchase of assets or by maintaining the money on deposit in an Isle of Man regulated financial institution.</p>	<p>30</p>
<p>(i) The investment referred to above was made:</p> <p>(1) within 3 months of the applicant’s entry to the UK, if he was granted entry clearance as a Tier 1 (Investor) Migrant and there is evidence to establish his date of entry to the UK, unless there are exceptionally compelling reasons for the delay in investing; or</p> <p>(2) where there is no evidence to establish his date of entry in the UK or where the applicant was granted entry clearance in a category other than Tier 1 (Investor) Migrant, within 3 months of the date of the grant of entry clearance or leave to remain as a Tier 1 (Investor) Migrant, unless there are exceptionally compelling reasons for the delay in investing; or</p> <p>(3) where the investment was made prior to the application which led to the first grant of leave as a Tier 1 (Investor) Migrant, no earlier than 12 months before the date of such application, and in each case the level of investment has been at least maintained for the whole of the remaining period of that leave; or</p> <p>(ii) The migrant has, or was last granted, entry clearance, leave to enter or leave to remain as an Investor.</p> <p>“Compelling reasons for the delay in investing” must be unforeseeable and outside of the applicant’s control. Delays caused by the applicant failing to take timely action will not be accepted. Where possible, the applicant must have taken reasonable steps to mitigate such delay.</p>	<p>15</p>

“.

47. In Appendix A, delete Table 9 and substitute:

“Table 9A: Applications for indefinite leave to remain from applicants who initially applied to enter the category from 10 November 2014 as referred to in paragraph 57(a)

Row	Money and investment	Points
1.	<p>The applicant has invested money of his own under his control amounting to at least:</p> <p>(a) £10 million; or</p> <p>(b) £5 million; or</p> <p>(c) £2 million in the Isle of Man by way of share capital or loan capital in active and trading Isle of Man registered companies, subject to the restrictions set out in paragraph 65 below.</p>	40
2.	<p>The applicant has spent the specified continuous period lawfully in the Isle of Man, with absences from the Isle of Man of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant.</p> <p>The specified continuous period is:</p> <p>(a) 2 years if the applicant scores points from row 1(a) above;</p> <p>(b) 3 years if the applicant scores points from row 1(b) above; or</p> <p>(c) 5 years if the applicant scores points from row 1(c) above.</p> <p>Time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the UK in a category equivalent to the categories set out above may be included in the continuous period of lawful residence, provided the most recent period of leave was as a Tier 1 (Investor) Migrant in the Isle of Man. In any such case, the applicant must have absences from the Bailiwick of Guernsey, the Bailiwick of Jersey or the UK (as the case may be) of no more than 180 days in any 12 calendar months during the specified continuous period.</p>	20

3.	<p>The investment referred to above was made no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 (Investor) Migrant.</p> <p>The level of investment has been at least maintained throughout the relevant specified continuous period referred to in row 2, other than in the first 3 months of that period, and the applicant has provided the specified documents to show that this requirement has been met.</p> <p>When calculating the specified continuous period, the first day of that period will be taken to be the later of:</p> <p>(a) the date the applicant first entered the Isle of Man as a Tier 1 (Investor) Migrant, (or the date entry clearance was granted as a Tier 1 (Investor) Migrant) or the date the applicant first entered the Bailiwick of Guernsey, the Bailiwick of Jersey or the UK with leave in a category equivalent to Tier 1 (Investor) if this is earlier; or</p> <p>(b) the date 3 months before the full specified amount was invested in the Isle of Man, or before the full required amount in an equivalent category was invested in the Bailiwick of Guernsey, the Bailiwick of Jersey or the UK.</p>	15
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Table 9B: Applications for indefinite leave to remain from applicants who initially applied to enter the category before 10 November 2014 as referred to in paragraph 57(b)

Row	Money and investment	Points
1.	<p>The applicant:</p> <p>(a) (i) has money of his own under his control in the Isle of Man amounting to not less than £10 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £20 million; and</p> <p>(2) has money under his control and disposable in the Isle of Man amounting to not less than £10 million which has been loaned to him by an Isle of Man regulated financial institution, or</p> <p>(b) (i) has money of his own under his control in the Isle of Man amounting to not less than £5 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any</p>	20

	<p>liabilities to which they are subject, have a value of not less than £10 million; and</p> <p>(2) has money under his control and disposable in the Isle of Man amounting to not less than £5 million which has been loaned to him by an Isle of Man regulated financial institution; or</p> <p>(c) (i) has money of his own under his control in the Isle of Man amounting to not less than £1 million; or</p> <p>(ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million; and</p> <p>(2) has money under his control and disposable in the Isle of Man amounting to not less than £1 million which has been loaned to him by an Isle of Man regulated financial institution.</p>	
2.	<p>The applicant has invested not less than 75% of the specified invested amount of his capital in the Isle of Man by way of share capital or loan capital in active and trading Isle of Man registered companies, subject to the restrictions set out in paragraph 65 below, and has invested the remaining balance of the specified invested amount in the Isle of Man by the purchase of assets or by maintaining the money on deposit in an Isle of Man regulated financial institution.</p> <p>The specified invested amount is:</p> <p>(a) £10,000,000 if the applicant scores points from row 1(a) above,</p> <p>(b) £5,000,000 if the applicant scores points from row 1(b) above, or</p> <p>(c) £1,000,000 if the applicant scores points from row 1(c) above.</p>	20
3.	<p>The applicant has spent the specified continuous period lawfully in the Isle of Man, with absences from the Isle of Man of no more than 180 days in any 12 calendar months during that period. The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant and/or as an Investor, of which the most recent period must have been spent with leave as a Tier 1 (Investor) Migrant.</p>	20

	<p>The specified continuous period is:</p> <p>(a) 2 years if the applicant scores points from row 1(a) above,</p> <p>(b) 3 years if the applicant scores points from row 1(b) above, or</p> <p>(c) 5 years if the applicant scores points from row 1(c) above.</p> <p>Time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the UK in a category equivalent to the categories set out above may be included in the continuous period of lawful residence, provided the most recent period of leave was as a Tier 1 (Investor) Migrant in the Isle of Man. In any such case, the applicant must have absences from the Bailiwick of Guernsey, the Bailiwick of Jersey or the UK(as the case may be) of no more than 180 days in any 12 calendar months during the specified continuous period.</p>	
4.	<p>The investment referred to above was made no earlier than 12 months before the date of the application which led to the first grant of leave as a Tier 1 (Investor) Migrant.</p> <p>The level of investment has been at least maintained throughout the time spent with leave as a Tier 1 (Investor) Migrant in the Isle of Man in the relevant specified continuous period referred to in row 3, other than in the first 3 months of that period.</p> <p>In relation to time spent with leave as a Tier 1 (Investor) Migrant in the Isle of Man, the applicant has provided the specified documents to show that this requirement has been met. When calculating the specified continuous period, the first day of that period will be taken to be the later of:</p> <p>(a) the date the applicant first entered the Isle of Man as a Tier 1 (Investor) Migrant (or the date entry clearance was granted as a Tier 1 (Investor) Migrant), or the date the applicant first entered the Bailiwick of Guernsey, the Bailiwick of Jersey or the UK with leave in a category equivalent to Tier 1 (Investor) if this is earlier, or</p> <p>(b) the date 3 months before the full specified amount was invested in the Isle of Man, or before the full required amount in an equivalent category was invested in the</p>	15

48. In Appendix A, delete:

“**Assets and investment: notes**” and substitute: “**Money and assets: notes**”.

49. In Appendix A, in paragraph 61A, delete “In Tables 7, 8 and 9” and substitute “In Tables 7 to 9B”.

50. In Appendix A, in paragraph 61A(iii), delete “in paragraph (b) in Table 7, paragraph (b) in Table 8 or row 1 of Table 9” and substitute “in paragraph (b) in Table 8B or row 1 in Table 9B”.

51. In Appendix A, delete paragraph 62A.

52. In Appendix A, delete paragraph 63 and substitute:

“63. In the case of an application where Table 7 applies, where the money referred to in Table 7 has already been invested in the Isle of Man before the date of application, points will only be awarded if it was invested in the Isle of Man no more than 12 months before the date of application.”.

53. In Appendix A, after paragraph 63, insert new sub-heading:

“**Source of money: notes**”.

54. In Appendix A, in paragraph 64(a), delete “or assets”.

55. In Appendix A, in paragraph 64(b), delete “or assets”.

56. In Appendix A, in the opening words of paragraph 64-SD, delete “or assets”.

57. In Appendix A, at the start of paragraph 64-SD(a), delete:

“If the applicant is claiming points from (a) in the first row of Table 7, he must provide:” and substitute: “The applicant must provide:”.

58. In Appendix A, delete paragraph 64-SD(b).

59. In Appendix A, in paragraph 64-SD, renumber sub-paragraph (c) as (b).

60. In Appendix A, in paragraph 64A-SD, delete:

“that the money or assets are under the applicant's control and that he is free to invest them” and substitute:

“that the money is under the applicant's control and that he is free to invest it”.

61. In Appendix A, after paragraph 64A-SD, insert new sub-heading:

“**Source of additional money (Table 9A and Table 9B): notes**”.

62. In Appendix A, delete paragraph 64B-SD and substitute:

“64B-SD. In the case of an application where Table 9A, row 1 (a) or (b), or Table 9B, row 1 (a)(i) or (b)(i) applies, points will only be awarded if the applicant:

- (a) (i) has had the additional money (or the additional assets in respect of an application to which either row 1 (a)(i) or (b)(i) of Table 9B applies) that he was not awarded points for in his previous grant of leave for a consecutive 90-day period of time, ending on the date(s) this additional capital was invested (as set out in row 1 of Table 9A or row 2 of Table 9B), and
- (ii) provides the specified documents in paragraph 64-SD (or the additional assets in respect of an application to which either row 1 (a)(i) or (b)(i) of Table 9B applies), with the difference that references to "date of application" in that paragraph are taken to read "date of investment"; or
- (b) provides the additional specified documents in paragraph 64A-SD of the source of the additional money (with the difference that references to "date of application" in that paragraph are taken to read "date of investment").”.

63. In Appendix A, after paragraph 64B-SD, insert:

“64C-SD. In the case of an application where Table 9B, row 1 (a)(ii) or (b)(ii) applies, points will only be awarded if the applicant provides an original letter of confirmation from each Isle of Man regulated financial institution the applicant has taken out a loan with to obtain the additional funds that he was not awarded points for in his previous grant of leave. The letter must have been issued by an authorised official, on the official letter-headed paper of the institution(s), and confirm:

- (i) the amount of money that the institution(s) has loaned to the applicant,
- (ii) the date(s) the loan(s) was taken out by the applicant, which must be no later than the date(s) this additional capital was invested (as set out in Table 9B, row 2),
- (iii) that the institution is a Isle of Man regulated financial institution for the purpose of granting loans,
- (iv) that the applicant has personal assets with a net value of at least £2 million, £10 million or £20 million (as appropriate), and
- (v) that the institution(s) will confirm the content of the letter to the Isle of Man Immigration Office on request.”.

64. In Appendix A, after paragraph 64C-SD, insert new sub-heading:

“Qualifying investments (Table 8A to Table 9B): notes”.

65. In Appendix A, delete paragraph 65(f) and substitute:

“(f) Leveraged investment funds, except where the leverage in question is the security against the loan referred to in paragraph (b) in Table 8B or row 1 of Table 9B (as appropriate), and paragraph 61A(i)-(iii) apply.”.

66. In Appendix A, delete paragraph 65A and substitute:

“65A. "Active and trading Isle of Man registered companies" means companies which:

- (a) have a registered office or head office in the Isle of Man;
- (b) have an Isle of Man bank account showing current business transactions; and
- (c) are subject to Isle of Man taxation.

65B. No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Home Office is unable to make satisfactory verification checks.

65C. (a) In the case of an application where Table 8A or Table 9A applies, points for maintaining the level of investment for the specified continuous period of leave will only be awarded:

- (i) if the applicant has maintained a portfolio of qualifying investments for which he paid a total purchase price of at least £2 million (or £5 million or £10 million, as appropriate) throughout such period; and
- (ii) if the applicant sells any part of the portfolio of qualifying investments during the specified continuous period of leave such that the price he paid for the remaining portfolio falls below the purchase price referred to in (i) above, the shortfall is fully corrected within the same reporting period by the purchase of further qualifying investments.

(b) In the case of an application where Table 8B or Table 9B applies, points for maintaining the level of investment for the relevant period of leave will only be awarded if:

- (i) the applicant has maintained a portfolio of qualifying investments with a market value of at least £750,000 (or £3,750,000 or £7,500,000 as appropriate);
- (ii) any fall in the market value of the portfolio below the amount in (i) is corrected by the next reporting period by the purchase of further qualifying investments with a market value equal to the amount of any such fall; and
- (iii) the applicant has maintained a total level of investment (including the qualifying investments at (i) and (ii) above) of £1,000,000.”.

67. In Appendix A, in paragraph 65-SD(a)(i), delete “the third row of Table 8” and substitute “the relevant table”.
68. In Appendix A, in paragraph 65-SD(a)(iv), after “next reporting period” insert “as required by paragraph 65C (a) or (b) as applicable”.
69. In Appendix A, in paragraph 65-SD(b), delete:
 “Where the applicant previously had leave as an Investor and is unable to provide the evidence listed above because he manages his own investments, or has a portfolio manager who does not operate in the Isle of Man”
 and substitute:
 “Where the applicant is applying under Table 8B or Table 9B, previously had leave as an Investor and is unable to provide the evidence listed above because he manages his own investments, or because he has a portfolio manager who does not operate in the Isle of Man”.
70. In Appendix A, in paragraph 65-SD(c), delete “Where the applicant has invested” and substitute “Where the applicant is applying under Table 8B or Table 9B and has invested”.
71. In Appendix A, in paragraph 65-SD(d), delete “the third row of Table 8” and substitute “Table 8A, Table 8B, Table 9A or Table 9B”.
72. In Appendix O, in the table, delete the following rows:
- 73.

Cambridge IGCSE English as a First Language (Syllabus 0500 & 0522)	Cambridge International Examinations	B1 B2	No expiry	Certificate Supplementary Certifying Statement with breakdown of component grades
Cambridge IGCSE English as a Second Language (Syllabus 0510 & 0511)	Cambridge International Examinations	A2 B1 B2	No expiry	Certificate Supplementary Certifying Statement with breakdown of component grades

BULATS Online (certificated version)	Cambridge English	A1 A2	2 years	For tests taken before 6 April 2013: Certificate, Test report form for each component
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Only tests taken with certifying BULATS agents detailed on the BULATS website	(previously known as Cambridge ESOL)	B1 B2 C1 C2		(reading, writing, speaking, listening), Name of test centre, Country where test was taken For tests taken on or after 6 April 2013: no documents required (Scores will be verified using the Cambridge English online system using name, date of birth and passport number)
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Entry Level Certificate in ESOL Skills for Life	Trinity College London	A1 A2 B1	For UK Immigration purposes, the tests are valid for 2 years only	For tests taken before 1 July 2013: Summary slip and certificate For tests taken on or after 1 July 2013: Certificate which must show the candidate's name, qualification, date of award and the candidate Trinity ID
Level 1 Certificate in ESOL Skills for Life	Trinity College London	B2	For UK Immigration purposes, the tests are valid for 2 years only	For tests taken before 1 July 2013: Summary slip and certificate For tests taken on or after 1 July 2013: Certificate which must show the candidate's name, qualification, date of award and the candidate Trinity ID
Level 1 Certificate in ESOL Skills for Life	Trinity College London	C1	For UK Immigration purposes, the tests are valid for 2 years only	For tests taken before 1 July 2013: Summary slip and certificate For tests taken on or after 1 July 2013: Certificate which must show the

				candidate's name, qualification, date of award and the candidate Trinity ID
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Explanatory Note

1. Purpose of the Instrument

2. Policy Background

What is being done and why

Changes relating to Tier 1 (Entrepreneur)

2.1 The Tier 1 (Entrepreneur) category of the Points-Based System caters for those with financial backing (of either £50,000 or £200,000, depending on their circumstances) to set up, take over or otherwise be actively involved in the running of a business in the Isle of Man.

2.2 The rules for the category were tightened by the UK in December 2012 and again in January 2013 to attempt to counter abuse and the Isle of Man extended those changes at a later date. However, UK Visas & Immigration (UKVI) continues to receive very high volumes of applications, around two thirds of which are refused on the basis that UKVI is not satisfied that the applicant genuinely intends to establish a business. Further investigations have identified large numbers of applications under this category to be associated with organised attempts to obtain leave to remain by fraud. In addition UKVI's investigations into those involved in abusing the English language testing regime have identified a significant number of people with invalid or questionable ETS certificates who have either obtained, or sought to obtain leave under the Tier 1 (Entrepreneur) route. UKVI checks on the tax status of those who have previously been granted leave to remain under the route also indicate that a significant number are in employment in breach of their conditions. In order to maintain the integrity of the Common Travel Area, the Isle of Man Immigration Rules need to follow the UK in strengthening the provisions against abuse.

2.3 The following changes are being made to this category:

- Tier 1 (Entrepreneur) Migrants are restricted to working only for their own business. A clarification is being made to confirm that this means they cannot claim to be self-employed yet work in a de facto employment relationship with another employer.
- Clarifications are being made to tables in Appendix A that registration as a director must be with Companies Registry. The notes to the tables already made this clear, but the amendments show this more clearly in the tables themselves.

- A clarification is being made to the requirement for an applicant to be a director where the funding they are claiming points for is made available to their business, rather than to the applicant by name.
- A change is being made so that where an applicant is required to provide evidence of a business bank account, they must be a signatory to that account. This is a minor change which all genuine applicants should already satisfy.

Changes relating to Tier 1 (Investor)

2.4 The Tier 1 (Investor) category caters for high net worth individuals making a substantial financial investment to the Isle of Man. This category was recently reviewed by the Migration Advisory Committee in the United Kingdom and their report was published on 28 February 2014. The following changes have been made to this category in the United Kingdom, to come into force on 6th November 2014, partially in response to that report. It is proposed that the Isle of Man Immigration Rules be changed in line as enquiries have already been received from individuals trying to circumvent the changes in the UK by applying to the Isle of Man and the integrity of the Common Travel Area is at risk if the Isle of Man Rules differ greatly from those of the UK.

- The current £1 million minimum investment threshold is being raised to £2 million.
- A change is being made to require the full investment sum to be invested in prescribed forms of investments (share or loan capital in active and trading Isle of Man companies), rather than 75% of the sum as at present).
- The current requirement that the migrant's investment must be "topped up" if its market value falls is being removed; instead Tier 1 (Investor) Migrants will only need to purchase new qualifying investments if they sell part of their portfolios and need to replace them in order to maintain the investment threshold.
- The existing provision under which the required investment sum can be sourced as a loan is being removed.
- Transitional arrangements are being applied, so that Tier 1 (Investor) Migrants who have already entered the route before these changes are introduced will not be subject to these changes when they apply for extensions or for indefinite leave to remain.
- Entry Clearance Officers and Isle of Man Immigration caseworkers are being empowered to refuse a Tier 1 (Investor) application if they have reasonable grounds to believe that

- o the applicant is not in control of the investment funds;
- o the funds were obtained unlawfully (or by means which would be unlawful if they happened in the Isle of Man); or
- o the character, conduct or associations of a party providing the funds mean that approving the application is not conducive to the public good.

Changes relating to Tier 5 (Government Authorised Exchange)

2.5 Tier 5 of the Points-Based System caters for youth mobility and temporary workers coming for primarily non-economic purposes, and consists of two categories: Tier 5 (Youth Mobility Scheme) and Tier 5 (Temporary Workers). The Temporary Workers category consists of five sub-categories: Creative and Sporting, Charity Workers, Religious Workers, Government Authorised Exchange, and International Agreement. Applicants must have a Tier 5 Sponsor, which is usually their Isle of Man employer. The Government Authorised Exchange route enables people to come to the Isle of Man to share knowledge, skills and gain work experience through individual schemes.

2.6 The change adds a new 12 month “Mathematics Teacher Exchange” scheme between England and China to the list of approved schemes under the Tier 5 Government Authorised Exchange route. This scheme is funded by the Department for Education (DfE) and will be run by the National College for Teaching and Leadership which is an executive agency of the DfE. The scheme aims to share learning and best practice regarding the teaching of mathematics in schools in England and China. Including the scheme in the Isle of Man Immigration Rules means that it will be available to Isle of Man Schools, if required.

Changes relating to approved English language tests

2.7 Applicants in various immigration categories are required to prove their English language ability. One way in which they may do so is by passing an English language test approved by the Lieutenant Governor for these purposes. The approved tests, and the levels of English that they are accepted for, are set out in Appendix O to the Immigration Rules.

2.8 Changes are being made to remove all tests provided by Cambridge International Examinations (CIE) from the list of approved English language tests on the date these Rule Changes take effect. This is a scheduled withdrawal at this provider’s request.

2.9 Changes are also being made to remove specific tests provided by Cambridge English (the BULATS Online test) and Trinity College London (ESOL Skills for Life tests) from the list of approved English language tests on the date these Rule Changes take effect. These changes are being made at the providers’ requests. Other listed tests from these two providers will continue to be accepted.

Changes relating to family and private life

2.10 These changes make technical amendments to the Immigration Rules on family and private life in Appendix FM and paragraphs 276ADE-276DH which bring the Isle of Man Immigration Rules in line with the United Kingdom's Rules as they were before the implementation of the Immigration Act 2014 with regard to the qualified right to respect for private and family life under ECHR Article 8.

2.11 These changes also bring the Isle of Man Immigration Rules into line with those of the United Kingdom in respect of the provisions of Article 8 with regards to deportation, in so far as is allowed by the restrictions imposed by UK legislation which has not yet been extended to the Isle of Man.

3. Consultation with Migration Policy Group

3.1 As the effect of these changes does not impact directly on employment in the Isle of Man they have not been subject to consultation with the Migration Policy Group.