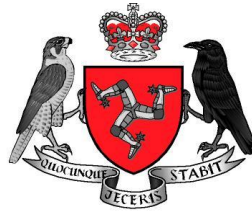


Statutory Document 2014/0004



**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**

Laid before Tynwald on 18th February 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 01 February 2014. However, if an applicant has made an application for entry clearance or leave before 01 February 2014 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 31 January 2014.

Changes

1. In paragraph 6 in the definition of “specified documents” delete “Points-based system Policy Guidance” and substitute “Immigration Rules”.
2. In paragraph 41(ii), after “him,” insert “does not intend to live for extended periods in the Isle of Man through frequent or successive visits,”.
3. In paragraph 41(vi), after “or will, with any dependants, be maintained and” insert “/or ”.
4. In paragraph 41(vi), after “by relatives or friends” insert “ who can demonstrate they are able and intend to do so, and are legally present in the Isle of Man, or will be at the time of their visit,”.
5. In paragraphs 75H and 75L, delete “up to a maximum of 6 weeks at a time” and substitute “up to a maximum of 3 months at a time”.
6. In paragraph 128A(a), insert, after “5 years or 4 years lawfully in the Isle of Man means”, “, subject to paragraph (aa),”
7. In paragraph 128A, insert, after (a):

“(aa) For the purposes of paragraph (a), time spent with valid leave in the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom may be included in the continuous period of 5 or 4 years residence in the Isle of Man , provided that:

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 and SD 345/13

(i) the leave granted in the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom was granted in a category equivalent to those specified in the indefinite leave to remain provisions in this Part; and

(ii) any period of leave granted in the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom as a work permit holder was for employment:

(a) in a job which appears on the list of occupations skilled to National Qualifications Framework level 3 or above, as stated in the Codes of Practice in Appendix J, or

(b) in a job which appears in the Creative Sector Codes of Practice in Appendix J, or

(c) as a professional sportsperson (including as a sports coach); and

(iii) in the case of leave granted in the Bailiwick of Guernsey, Bailiwick of Jersey and the United Kingdom as an overseas domestic worker in a private household, it was granted before 1 February 2014; and

(iv) the most recent period of leave in the relevant continuous period of 5 years or 4 years has been granted in the Isle of Man.”.

8. In paragraph 128A(b), insert, after “UK Ancestry”, “”, and subject to paragraph (ba):”

9. In paragraph 128A, after (b) insert:

“(ba) For the purposes of paragraph (b), continuous employment in the Isle of Man may include employment in the Bailiwick of Guernsey, Bailiwick of Jersey and the United Kingdom under the terms of his work permit or in the employment for which he was given leave to enter or remain, provided that the most recent work permit or period of leave was granted in the Isle of Man; and, in any such case, paragraph (b) shall apply to employment in the Bailiwick of Guernsey, Bailiwick of Jersey and the United Kingdom in the same way as it applies to employment in the Isle of Man.”.

10. In paragraph 134(iv) insert, after “Appendix J”, “or, where the applicant is on maternity, paternity or adoption leave at the time of the application and not being paid the appropriate rate, the date that leave started and that they were paid at the appropriate rate immediately before the start of that leave.”.

11. In paragraph 134-SD Specified documents, delete “A and B below”, and substitute, “A, B and C below”.

12. In paragraph 134-SD Specified documents, insert, after “B”:

“C. Where the applicant is not being paid the appropriate rate in Appendix J due to maternity, paternity or adoption leave:

(a) Payslips must be:

- (i) the applicant's payslip from the month immediately preceding the leave,
- (ii) the applicant's payslips for each month of the period of the leave,
- (iii) as set out in A(a)(iii) above.

(b) Bank or building society statements must be:

- (i) the applicant's statement from the month immediately preceding the leave,
- (ii) the applicant's statement for each month of the period of the leave,
- (iii) as set out in A(b)(iii) above."

13. In paragraph 200A(a), insert, after "5 years lawfully in the Isle of Man means", "subject to paragraph (aa)".

14. In paragraph 200A, insert, after (a):

"(aa) For the purposes of paragraph (a), time spent with valid leave in the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom may be included in the continuous period of 5 years lawful residence in the Isle of Man provided:

- (i) the leave granted in the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom was granted in a category equivalent to those specified in the indefinite leave to remain provisions in this Part; and
- (ii) the most recent period of leave in the relevant continuous period of 5 years was granted in the Isle of Man."

15. In paragraph 200A(b) insert, after "the Isle of Man", "(or the Bailiwick of Guernsey, Bailiwick of Jersey and the United Kingdom, as the case may be)".

16. In paragraph 200A(b), delete "here" after "basis of stay".

17. In paragraph 245AAA(a), insert, after "continuous period of 5 years lawfully in the Isle of Man means", "subject to paragraphs 245CD, 245GF and 245HF,".

18. Delete paragraph 245AAA (b) and substitute:

"(b) Except for periods when the applicant had leave as a Tier 1 (General) Migrant, a Tier 1 (Investor) Migrant, a Tier 1 (Entrepreneur) Migrant, a Tier 1 (Exceptional Talent) Migrant, a highly skilled migrant, a Businessperson, an Innovator, an Investor, a self-employed lawyer or a writer, composer or artist, the applicant must have been employed in the Isle of Man continuously throughout the five years, under the terms of their Certificate of Sponsorship, work permit or in the employment for which they were given leave to enter or remain, except that any breaks in employment in which they applied for leave as a Tier 2 Migrant shall be disregarded, provided this is within 60 days of the end of their employment with their previous employer or Sponsor.

(c) Except for periods where the applicant had leave as a Tier 1(Investor) Migrant, a Tier 1(Entrepreneur) Migrant, a Tier 1(Exceptional Talent) Migrant or a highly skilled migrant, any absences from the Isle of Man during the five years must have been for a purpose that is consistent with the applicant’s basis of stay here, including paid annual leave, or for serious or compelling reasons.”.

19. In paragraph 245CD(j), delete “, where the absence was due to a serious or compelling reason”.

20. In paragraph 245CD insert, after (j):

“(k) For the purposes of sub-paragraph (c), time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom in a category equivalent to those set out in (c)(i) to (viii) may be included in the continuous period of 5 years lawful residence in the Isle of Man, provided that:

(i) the most recent period of leave was granted in the Isle of Man as a Tier 1 (General) Migrant; and

(ii) any period of leave granted in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom as a work permit holder or a Tier 2 Migrant was for employment:

(a) in a job which appears on the list of occupations skilled to National Qualifications Framework level 3 or above (or from 6 April 2011, National Qualifications Framework level 4 or above or from 14 June 2012, National Qualifications Framework level 6 or above), as stated in the Codes of Practice in Appendix J, or

(b) in a job which appears in the Creative Sector Codes of Practice in Appendix J, or

(c) as a professional sportsperson (including as a sports coach).

(iii) In any such case, references to the “Isle of Man” in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom, as the case may be.

(l) [Not used]”.

21. Delete paragraph 245CD- SD and substitute:

“245CD-SD Specified documents

The specified documents referred to in paragraph 245CD(j) are:

(a) For periods where the applicant was in employment in the Isle of Man, a letter from the employer detailing the purpose and period of absences in connection with the employment, including periods of annual leave.

(b) For periods where the applicant was self-employed or in business in the Isle of Man, or looking for work or setting up in business in the Isle of Man, a

personal letter from the applicant detailing the purpose and period of absences in relation to those activities.

(c) A personal letter from the applicant which includes full details of the reason for the absences and all original supporting documents in relation to those reasons – e.g. medical certificates, birth/death certificates, information about the reasons which led to the absence from the Isle of Man.”.

22. After paragraph 245DB(e), insert:

“(f) Except where the applicant has had entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator in the 12 months immediately before the date of application and is being assessed under Table 5 of Appendix A, the Entry Clearance Officer must be satisfied that:

- (i) the applicant genuinely intends and is able to establish, take over or become a director of one or more businesses in the Isle of Man within the next six months;
- (ii) (ii) the applicant genuinely intends to invest the money referred to in Table 4 of Appendix A in the business or businesses referred to in (i);
- (iii) that the money referred to in Table 4 of Appendix A is genuinely available to the applicant, and will remain available to him until such time as it is spent by his business or businesses. ‘Available to him’ means that the funds are:
 - (1) in his own possession,
 - (2) in the financial accounts of a Isle of Man incorporated business of which he is the director, or
 - (3) available from the third party or parties named in the application under the terms of the declaration(s) referred to in paragraph 41-SD(b) of Appendix A; (iv) that the applicant does not intend to take employment in the Isle of Man other than under the terms of paragraph 245DC;

(g) In making the assessment in (f), the Entry Clearance Officer will assess the balance of probabilities. The Entry Clearance Officer may take into account the following factors:

- (i) the evidence the applicant has submitted;
- (ii) the viability and credibility of the source of the money referred to in Table 4 of Appendix A;
- (iii) the viability and credibility of the applicant's business plans and market research into their chosen business sector;

(iv) the applicant's previous educational and business experience (or lack thereof);

(v) the applicant's immigration history and previous activity in the Isle of Man; and

(vi) any other relevant information.

(h) The Entry Clearance Officer reserves the right to request additional information and evidence to support the assessment in (f), and to refuse the application if the information or evidence is not provided. Any requested documents must be received by the Isle of Man Immigration Office at the address specified in the request within 28 working days of the date of the request.

(i) If the Entry Clearance Officer is not satisfied with the genuineness of the application in relation to a points-scoring requirement in Appendix A, those points will not be awarded.

(j) The Entry Clearance Officer will not carry out the assessment in (f) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.”.

23. Delete paragraph 245DD(a) and substitute:

“(a) The applicant must not fall for refusal under the general grounds for refusal, except that paragraph 322(10) shall not apply, and must not be an illegal entrant.”.

24. After paragraph 245DD(g), insert:

“(h) Except where the applicant has, or was last granted, leave as a Tier 1 (Entrepreneur) Migrant, a Businessperson or an Innovator and is being assessed under Table 5 of Appendix A, the Isle of Man Immigration Office must be satisfied that:

(i) the applicant genuinely:

(1) intends and is able to establish, take over or become a director of one or more businesses in the Isle of Man within the next six months, or

(2) has established, taken over or become a director of one or more businesses in the Isle of Man and continues to operate that business or businesses; and

(ii) the applicant genuinely intends to invest the money referred to in Table 4 of Appendix A in the business or businesses referred to in (i);

(iii) that the money referred to in Table 4 of Appendix A is genuinely available to the applicant, and will remain available to him until such time as it is spent by his business or businesses. ‘Available to him’ means that the funds are:

(1) in his own possession,

(2) in the financial accounts of a Isle of Man incorporated business of which he is the director, or

(3) available from the third party or parties named in the application under the terms of the declaration(s) referred to in paragraph 41-SD(b) of Appendix A;

(iv) that the applicant does not intend to take employment in the Isle of Man other than under the terms of paragraph 245DE.

(i) In making the assessment in (h), the Isle of Man Immigration Office will assess the balance of probabilities. The Isle of Man Immigration Office may take into account the following factors:

(i) the evidence the applicant has submitted;

(ii) the viability and credibility of the source of the money referred to in Table 4 of Appendix A;

(iii) the viability and credibility of the applicant's business plans and market research into their chosen business sector;

(iv) the applicant's previous educational and business experience (or lack thereof);

(v) the applicant's immigration history and previous activity in the Isle of Man;

(vi) where the applicant has already registered in the Isle of Man as self-employed or as the director of a business, and the nature of the business requires mandatory accreditation, registration and/or insurance, whether that accreditation, registration and/or insurance has been obtained; and

(vii) any other relevant information.

(j) The Isle of Man Immigration Office reserves the right to request additional information and evidence to support the assessment in (h), and to refuse the application if the information or evidence is not provided. Any requested documents must be received by the Isle of Man Immigration Office at the address specified in the request within 28 working days of the date of the request.

(k) If the Isle of Man Immigration Office is not satisfied with the genuineness of the application in relation to a points-scoring requirement in Appendix A, those points will not be awarded.

(l) The Isle of Man Immigration Office will not carry out the assessment in (h) if the application already falls for refusal on other grounds, but reserves the right to carry out this assessment in any reconsideration of the decision.

(m) The applicant must, unless he provides a reasonable explanation, comply with any request made by the Isle of Man Immigration Office to attend for interview.”.

25. Delete paragraph 245DE(c) and substitute:

“(c) Without prejudice to the grounds for curtailment in paragraph 323 of these Rules, leave to enter or remain granted to a Tier 1 (Entrepreneur) Migrant may be curtailed if:

(i) within 6 months of the date specified in paragraph (d), the applicant has not done one or more of the following things:

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

(2) registered a new business in which he is a director, or

(3) registered as a director of an existing business, or

(ii) the funds referred to in the relevant sections of Appendix A cease to be available to him, except where they have been spent in the establishment or running of his business or businesses. ‘Spent’ excludes spending on the applicant’s own remuneration. ‘Available to him’ means that the funds are:

(1) in his own possession,

(2) in the financial accounts of an Isle of Man incorporated business of which he is the director, or

(3) available from the third party or parties named in the application under the terms of the declaration(s) referred to in paragraph 41-SD(b) of Appendix A.”.

26. Delete paragraph 245F(a) and substitute:

“(a) This route is for MBA and other Isle of Man graduates who have been identified by Higher Education Institutions as having developed genuine and credible business ideas and entrepreneurial skills to extend their stay in the Isle of Man after graduation to establish one or more businesses in the Isle of Man.”.

27. In paragraph 245F(b), delete “245FB” and substitute “245FC”.

28. Renumber paragraphs 245FA and 245FB as 245FB and 245FC respectively.

29. Before paragraph 245FB (previously 245FA), insert:

“245FA. Entry to the Isle of Man

All migrants arriving in the Isle of Man and wishing to enter as a Tier 1 (Graduate Entrepreneur) Migrant must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.”.

30. In paragraph 245FB (previously 245FA)delete:

“245FB Requirements for leave to remain

To qualify for leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant, an applicant must meet the requirements listed below. If the applicant meets these

requirements, leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.”

and substitute:

“245FB. Requirements for entry clearance or leave to remain

To qualify for entry clearance or leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance or leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.”.

31. In paragraph 245FB(c) (previously 245FA(c), delete “paragraph 9 of Appendix B” and substitute “paragraphs 1 to 15 of Appendix B”.
32. In paragraph 245FB(e) (previously 245FA(e)), delete “The applicant” and substitute “If applying for leave to remain, the applicant”.
33. At the end of paragraph 245FB(e)(vi) (previously 245FA(e)(vi)), delete “or”.
34. At the end of paragraph 245FB(e)(vii) (previously 245FA(e)(vii)), delete “.” and substitute “, or”.
35. After paragraph 245FB(e)(vii) (previously 245FA(e)(vii)), insert:

“(viii) as a Tier 2 (General) Migrant.

(f) An applicant who has, or was last granted, entry clearance or leave to remain as a Tier 2 (General) Migrant must score points from paragraph (b) in the second row of Table 10 of Appendix A.”.

36. In paragraph 245FB (previously 245FA), renumber subsequent sub-paragraphs (f) to (i) as (g) to (j) respectively.
37. Delete paragraph 245FC (previously 245FB) and substitute:

“245FC. Period and conditions of grant

Entry clearance or leave to remain will be granted for a period of 1 year and will be subject to the following conditions:

- (i) no recourse to public funds,
- (ii) registration with the police, if this is required by paragraph 326 of these Rules,
- (iii) no employment as a Doctor or Dentist in Training, and
- (iv) no employment as a professional sportsperson (including as a sports coach).”.

38. In paragraph 245GD(g), after “3 years,” insert “and his gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including

such allowances as are specified as acceptable for this purpose in paragraph 75 of Appendix A) is below £152,100,”.

39. In paragraph 245GF(e)(ii), insert after “Appendix J”, “or where the applicant is not paid at that rate only due to maternity, paternity or adoption leave, the date that leave started and that the applicant was paid at the appropriate rate immediately before the leave”.

40. In paragraph 245GF, insert, after (h):

“(i) For the purposes of sub-paragraph (c), time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom in a category equivalent to the categories set out in (c)(i) to (iii) above, may be included in the continuous period of 5 years lawful residence, provided that:

(i) the continuous period of 5 years includes a period of leave as a Tier 2 (Intra-Company Transfer) Migrant granted before 6 April 2010, or a Qualifying Work Permit Holder (provided the work permit was granted because the applicant was the subject of an Intra-Company Transfer); and

(ii) any period of leave granted in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom as a work permit holder or as a Tier 2 Migrant was for employment:

(a) in a job which appears on the list of occupations skilled to National Qualifications Framework level 3 or above (or from 6 April 2011, National Qualifications Framework level 4 or above or from 14 June 2012, National Qualifications Framework level 6 or above), as stated in the Codes of Practice in Appendix J, or

(b) in a job which appears in the Creative Sector Codes of Practice in Appendix J, or

(c) as a professional sportsperson (including as a sports coach)

; and

(iii) the most recent period of leave was granted in the Isle of Man as a Tier 2 (Intra-Company Transfer) Migrant.

In such cases, references to the “Isle of Man” in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom, as the case may be.”.

41. In paragraph 245GF-SD Specified documents, delete “A and B below;” and substitute, “A, B and C below;”.

42. In paragraph 245GF-SD, insert , after “B”,

“C. Where the applicant is not being paid the appropriate rate in Appendix J due to maternity, paternity or adoption leave:

(a) Payslips must be:

- (i) the applicant's payslip from the month immediately preceding the leave,
- (ii) the applicant's payslips for each month of the period of the leave,
- (iii) as set out in A(a)(iii) above.

(b) Bank or building society statements must be:

- (i) the applicant's statement from the month immediately preceding the leave,
- (ii) the applicant's statement for each month of the period of the leave,
- (iii) as set out in A(b)(iii) above."

43. In paragraph 245HD(b)(ii), delete "have current entry clearance, leave to enter or leave to remain which has not expired, as:" and substitute "have, or have last been granted, entry clearance, leave to enter or leave to remain as:".

44. In paragraph 245HD(d)(i)(1), delete "bachelor or postgraduate degree" and substitute "bachelor's or master's degree".

45. At the end of paragraph 245HD(d)(iii)(2), after "last grant of leave", insert "(For these purposes continuous leave will not be considered to have been broken if any of the circumstances set out in paragraphs 245AAA(a)(i) to (iii) of these Rules apply.)".

46. In paragraph 245HF(d)(ii) insert, after "Appendix J", "or where the applicant is not paid at that rate only due to maternity, paternity or adoption leave, the date that leave started and that the applicant was paid at the appropriate rate immediately before the leave".

47. In paragraph 245HF, insert, after (g):

"(h) For the purposes of sub-paragraph (c), time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom in a category equivalent to any of the categories set out in (c)(i) to (x), may be included in the continuous period of 5 years lawful residence, provided that:

(i) where the leave is in category (x), the continuous period of 5 years includes a period of leave as a Tier 2 (Intra-Company Transfer) Migrant granted before 26 July 2010, or a Qualifying Work Permit Holder (provided the work permit was granted because the applicant was the subject of an Intra-Company Transfer); and

(ii) any period of leave granted in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom as a work permit holder or as a Tier 2 Migrant was for employment:

(a) in a job which appears on the list of occupations skilled to National Qualifications Framework level 3 or above (or from 20 March 2012, National Qualifications Framework level 4 or above or from 01 October

2012, National Qualifications Framework level 6 or above), as stated in the Codes of Practice in Appendix J, or

(b) in a job which appears in the Creative Sector Codes of Practice in Appendix J, or

(c) as a professional sportsperson (including as a sports coach); and

(iii) the most recent period of leave was granted in the Isle of Man as a Tier 2 Migrant.

In any such case, references to the “Isle of Man” in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom, as the case may be.”.

48. In paragraph 245HF-SD – Specified documents, delete “A and B below;” and substitute, “A, B and C below:”.

49. In paragraph 245 HF-SD – Specified documents, insert , after “B”,

“C. Where the applicant is not being paid the appropriate rate in Appendix J due to maternity, paternity or adoption leave:

(a) Payslips must be:

(i) the applicant’s payslip from the month immediately preceding the leave,

(ii) the applicant’s payslips for each month of the period of the leave,

(iii) as set out in A(a)(iii) above.

(b) Bank or building society statements must be:

(i) the applicant’s statement from the month immediately preceding the leave,

(ii) the applicant’s statements for each month of the period of the leave,

(iii) as set out in A(b)(iii) above.”.

50. Re-number 245ZR(e) to (g) as (f) to (h).

51. In the new paragraph 245ZR(f), delete “in paragraph (f)” and substitute “in paragraph (g)”.

52. In the new paragraph 245ZR(g), delete “in paragraph (e)” and substitute “in paragraph (f)”.

53. After paragraph 245ZW (c) (iv) (3) insert:

“(4) study at the same or a higher level of course as that stated on the confirmation of acceptance for studies, or at a lower level where the same requirements or conditions

of leave would have applied if the application had been to study at that lower level.”.

54. In paragraph 245ZY (b) (iii) delete ‘entry clearance’ and substitute “ leave to remain”.
55. After paragraph 245ZY (c) (v) (3) insert:

“(4) study at the same or a higher level of course as that stated on the confirmation of acceptance for studies, or at a lower level where the same requirements or conditions of leave would have applied if the application had been to study at that lower level.”.
56. After paragraph 245ZZB (c) (v) (2) insert:

“(3) study at the same or a higher level of course as that stated on the confirmation of acceptance for studies, or at a lower level where the same requirements or conditions of leave would have applied if the application had been to study at that lower level.”.
57. After paragraph 245ZZD (c) (v) (2) insert:

“(3) study at the same or a higher level of course as that stated on the confirmation of acceptance for studies, or at a lower level where the same requirements or conditions of leave would have applied if the application had been to study at that lower level.”.
58. Delete paragraph 257C.
59. Delete paragraph 257D.
60. Delete paragraph 257E.
61. After paragraph 276A insert:

“276A0. For the purposes of paragraph 276ADE the requirement to make a valid application will not apply when the Article 8 claim is raised:

 - (i) [Not used]
 - (ii) where a migrant is in immigration detention;
 - (iii) where removal directions have been set pending an imminent removal;
 - (iv) in an appeal; or
 - (v) in response to a (one stop) notice issued under section 120 of the Nationality, Immigration and Asylum Act 2002.”.
 62. In paragraph 276B(v) delete “.” and insert, after “disregarded”, “, as will any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period.”.

63. Delete paragraph 276ADE(ii) and substitute “has made a valid application for leave to remain on the grounds of private life in the Isle of Man; and”.
64. In paragraph 276DE(b) insert at the end:

“or, in respect of the requirements in paragraph 276ADE(iv) and (v), the applicant met the requirements in a previous application which led to a grant of limited leave to remain under paragraph 276BE;”.
65. In paragraph A277C after “A280” insert “, paragraph 276A0”.
66. In paragraph A280(c)(ii) after “persons” insert “in the Isle of Man”.
67. In paragraph A280(c)(ii) after “and” insert “, where this is a requirement of Part 8,”.
68. In paragraph 284(i)(b) after “Migrant” insert “(excluding a Tier 5 (Temporary Worker) or a Tier 4 (General) Student)”.
69. In paragraph 284(iv) after “laws” insert “, disregarding any period of overstaying for a period of 28 days or less”.
70. Delete paragraph 287(a)(i)(d) and substitute:

“(d) the applicant was admitted to the Isle of Man or given an extension of stay as the spouse or civil partner of a Relevant Points Based System Migrant; and then obtained an extension of stay under paragraphs 281 to 286 of these Rules and has completed a period of 2 years as the spouse or civil partner of the person who is now present and settled here; or”.
71. Delete paragraph 287(a)(i)(e) and substitute:

“(e) the applicant was admitted to the Isle of Man or given an extension of stay as the unmarried or same-sex partner of a Relevant Points Based System Migrant; and during that period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 2 years as the unmarried or same-sex partner and then the spouse or civil partner of the person who is now present and settled in the Isle of Man; or”.
72. In paragraph 295D(i) after “in accordance with these rules;” insert “or, where the leave was granted as the unmarried or same-sex partner of a Relevant Points Based System Migrant, that migrant was not a Tier 5 (Temporary Worker) Migrant or a Tier 4 (General) Student migrant.”.
73. In paragraph 295D(iv) after “laws” insert “, disregarding any period of overstaying for a period of 28 days or less”.
74. Delete paragraph 295G (i)(b) and substitute:

“(b) the applicant was admitted to the Isle of Man or given an extension of stay as the unmarried or same-sex partner of a Relevant Points Based System Migrant; and then obtained an extension of stay under paragraphs 295AA to 295F of these Rules; and the person has completed a period of 2 years as the unmarried or same-sex partner of the person who is now present and settled here; or”.

75. Delete paragraph 319C (i) (3).
76. At the end of paragraph 319H(d), delete “.” and substitute “, and, if he is over the age of 16 on the date the application is made, he must provide the specified documents and information in paragraph 319H-SD to show that this requirement is met.”.
77. After paragraph 319H, insert:
- “319H-SD Specified documents and information
- Applicants who are over the age of 16 on the date the application is made must provide the following specified documents and information:
- (a) The applicant must provide two items from the list below confirming his residential address:
- (i) bank statements,
 - (ii) credit card bills,
 - (iii) driving licence,
 - (iv) NHS Registration document,
 - (v) letter from his current school, college or university, on official headed paper and bearing the official stamp of that organisation, and issued by an authorised official of that organisation.
- (b) The documents submitted must be from two separate sources and dated no more than one calendar month before the date of the application.
- (c) If the applicant pays rent or board, he must provide details of how much this amounts to each calendar month.
- (d) If the applicant is residing separately from the Relevant Points Based System Migrant, he must provide:
- (i) reasons for residing away from the family home. Where this is due to academic endeavours he must provide confirmation from his university or college confirming his enrolment and attendance on the specific course, on official headed paper and bearing the official stamp of that organisation, and issued by an authorised official of that organisation,
 - (ii) the following evidence that he has been supported financially by his parents whilst residing away from the family home:
 - (1) bank statements for the applicant covering the three months before the date of the application clearly showing the origin of the deposits; and

(2) bank statements for the applicant's parent covering the three months before the date of the application also showing corroborating payments out of their account." .

78. Delete paragraph 319H (i) (2) and substitute:

"(ii) the Child must have or have last had entry clearance, leave to enter or leave to remain as the Child of a Tier 4 (General) Student or Student with leave for a course of more than six months duration within the three months immediately preceding the date of the application; and either

(a) the Relevant Points Based System Migrant and Child must be applying at the same time; or

(b) the Relevant Points Based System Migrant must be a Government Sponsored student who is applying for or has entry clearance or leave to remain for a course of study that is longer than six months; or

(c) the Relevant Points Based System Migrant must be undertaking a course which is 12 months or longer in duration, and is of post-graduate level study, sponsored by a Sponsor which is a Recognised Body or a body in receipt of funding as a higher education institution from the Department for Education and Children; and

(d) [Not used]" .

79. Delete paragraph 319H (i) (3).

80. At the end of paragraph 319J(d), delete "." and substitute ", and, if he is over the age of 16 on the date the application is made, he must provide the specified documents and information in paragraph 319H-SD to show that this requirement is met." .

81. In paragraph 320(7B) delete "over 18" and insert "18 or over" .

82. Delete paragraph 323AA and substitute:

"323AA Prohibited changes to employment for Tier 2 Migrants and Tier 5 Migrants

The following are prohibited changes, unless a further application for leave to remain is granted which expressly permits the changes:

(a) The migrant is absent from work without pay for one calendar month or more in total (whether over a single period or more than one period), during any calendar year (1 January to 31 December), unless the absence from work is due solely to:

(i) maternity leave,

(ii) paternity leave,

(iii) adoption leave, or

(iv) long term sick leave of one calendar month or more during any one period.

(b) The employment changes such that the migrant is working for a different employer or Sponsor, unless:

(i) the migrant is a Tier 5 (Temporary Worker) Migrant in the Government Authorised Exchange sub-category and the change of employer is authorised by the Sponsor and under the terms of the work, volunteering or job shadowing that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, or

(ii) the migrant is working for a different Sponsor under arrangements covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006 or similar protection to continue in the same job.

(c) The employment changes to a job in a different Standard Occupational Classification (SOC) code to that recorded by the Certificate of Sponsorship Checking Service.

(d) If the migrant is a Tier 2 (Intra-Company Transfer) Migrant or a Tier 2 (General) Migrant, the employment changes to a different job in the same Standard Occupational Classification code to that recorded by the Certificate of Sponsorship Checking Service, and the gross annual salary (including such allowances as are specified as acceptable for this purpose in Appendix A) is below the appropriate salary rate for that new job as specified in the Codes of Practice in Appendix J.

(e) If the migrant was required to be Sponsored for a job at a minimum National Qualification Framework level in the application which led to his last grant of entry clearance or leave to remain, the employment changes to a job which the Codes of Practice in Appendix J record as being at a lower level.

(f) If the migrant is a Tier 2 (General) Migrant and scored points from the shortage occupation provisions of Appendix A, the employment changes to a job which does not appear in the Shortage Occupation List in Appendix K.

(g) Except where (h) applies, the gross annual salary (including such allowances as are specified as acceptable for this purpose in Appendix A) reduces below:

(i) any minimum salary threshold specified in Appendix A of these Rules, where the applicant was subject to or relied on that threshold in the application which led to his current grant of entry clearance or leave to remain, or

(ii) the appropriate salary rate for the job as specified in the Codes of Practice in Appendix J, or

(iii) in cases where there is no applicable threshold in Appendix A and no applicable salary rate in Appendix J, the salary recorded by the Certificate of Sponsorship Checking Service.

(h) Other reductions in salary are permitted if the reduction coincides with a period of:

- (i) maternity leave,
- (ii) paternity leave,
- (iii) adoption leave,
- (iv) long term sick leave of one calendar month or more, or
- (v) reduced working hours for a temporary period, where:

- (1) the reduced working hours are part of a company-wide policy to avoid redundancies,
- (2) under this policy, the Sponsor is not treating the migrant more, or less, favourably than settled workers,
- (3) the migrant's pay and working hours do not reduce by more than 30%,
- (4) the reduction in pay is proportionate to the reduction in working hours,
- (5) the arrangements will not be in place for more than one year, and
- (6) the migrant's pay will return to at least the level it was before these arrangements were in place, immediately after the arrangements end."

- 83. In paragraph 323C, delete "Higher Education Institution" and substitute "endorsing body".
- 84. In Appendix A, at the end of paragraph 41(b), delete "and".
- 85. In Appendix A, at the end of paragraph 41(c), delete "." and substitute "; and".
- 86. In Appendix A, after paragraph 41(c), insert:

"(d) The money will remain available to the applicant until such time as it is spent in the establishment or running of the applicant's business or businesses. 'Spent' excludes spending on the applicant's own remuneration. The Isle of Man Immigration Office reserves the right to request further evidence or otherwise verify that the money will remain available, and to refuse the application if this evidence is not provided or it is unable to satisfactorily verify. 'Available to him' means that the funds are:

- (1) in his own possession,
- (2) in the financial accounts of an Isle of Man incorporated business of which he is the director, or
- (3) available from the third party or parties named in the application under the terms of the declaration(s) referred to in paragraph 41-SD(b) of Appendix A."

87. In Appendix A, at the end of paragraph 41-SD(b)(i)(8), delete “.” and substitute “, and”.
88. In Appendix A, after paragraph 41-SD(b)(i)(8), insert:
“(9) confirmation that the money will remain available to the applicant until such time as it is transferred to the applicant or the applicant’s business.”.
89. In Appendix A, table 6, line 3, insert new paragraph at the end:
“Time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom 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 (Entrepreneur) 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 United Kingdom (as the case may be) of no more than 180 days in any 12 calendar months during the specified continuous period”.
90. In Appendix A, table 9, line 3, insert new paragraph at the end:
“Time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom 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 United Kingdom (as the case may be) of no more than 180 days in any 12 calendar months during the specified continuous period.”.
91. In Appendix A, delete row 4 of Table 9 and substitute:

4.	<p>The applicant has maintained the full specified invested amount referred to in the relevant part of row 2 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 with leave as a Tier 1 (Investor) Migrant in the Isle of Man.</p> <p>In relation to time spent with leave as a Tier 1 (Investor) Migrant in the Isle of Man, the applicant has provided 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, if this was within three months of the date of entry), or the date the applicant first entered the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom with leave in a category equivalent to Tier 1 (Investor) if this is earlier, or</p>
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	(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 United Kingdom.
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92. In Appendix A, delete paragraph 74B(a)(ii) and substitute:
“(ii) one of the following creative sector occupations skilled to National Qualifications Framework level 4 or above:
- (1) 3411 Artists,
 - (2) 3412 Authors, writers and translators,
 - (3) 3413 Actors, entertainers and presenters,
 - (4) 3414 Dancers and choreographers, or
 - (5) 3422 Product, clothing and related designers,
- or ”.
93. In Appendix A, after paragraph 74B(c)(iii), insert:
- “(d) (i) the applicant was last granted entry clearance or leave as a Tier 2 (Intra-Company Transfer) Migrant,
- (ii) the applicant is applying for leave to remain to work in the same occupation for the same Sponsor as in the application which led to his previous grant of leave,
- (iii) the Certificate of Sponsorship used in support of the applicant’s previous application was assigned by the Sponsor before 6 April 2013, and
- (iv) the occupation fails to meet the required skill level in (a) to (c) above solely due to reclassification from the SOC 2000 system to the SOC 2010 system.”.
94. In Appendix A, at the start of paragraph 74C(a)(i), before “the applicant”, insert “the Certificate of Sponsorship Checking Service entry confirms that”.
95. In Appendix A, delete paragraph 74C(a)(iii) and substitute:
- (iii) “the applicant provides, if requested to do so, the specified documents as set out in paragraph 74C-SD(a) below, unless he was last granted leave to work for the same Sponsor in the same sub-category as he is currently applying under. The application may be granted without these specified documents, but the Isle of Man Immigration Office reserves the right to request the specified documents, and to refuse

applications if these documents are not received at the address specified in the request within 7 working days of the date of the request.”.

96. In Appendix A, at the end of paragraph 74C(b)(ii), delete:

“and provides the specified documents as set out in paragraph 74C-SD(c) below, an aggregated period of at least 12 months within the 24 month period immediately prior to the date of application.”

and substitute:

“and if requested to provide the specified documents set out in paragraph 74C-SD(a) below, also provides, at the same time, the specified documents as set out in paragraph 74C-SD(c) below, an aggregated period of at least 12 months within the 24 month period immediately prior to the date of application.”.

97. In Appendix A, delete paragraph 74D(c) and substitute:

“(c) the Certificate of Sponsorship Checking Service entry confirms that the applicant has been working for the Sponsor outside the Isle of Man for a continuous period of 3 months immediately prior to the date of application and, if requested to do so, the applicant provides the specified documents in paragraph 74C-SD(a) above to prove this. The application may be granted without these specified documents, but the Isle of Man Immigration Office reserves the right to request the specified documents, and to refuse applications if these documents are not received at the address specified in the request within 7 working days of the date of the request.”.

98. In Appendix A, in paragraph 75A, delete “£40,000” and substitute “£40,600”.

99. In Appendix A, in paragraph 75B, delete “£24,000” and substitute “£24,300”.

100. In Appendix A, delete Table 11A and substitute:

“Table 11A

Certificate of Sponsorship	Points	Appropriate salary	Points
Job offer passes Resident Labour Market Test	30	Appropriate salary	20
Resident Labour Market Test exemption applies	30		
Continuing to work in the same occupation for the same Sponsor	30		

101. In Appendix A, delete paragraph 77E(a)(ii) and substitute:

“(ii) one of the following creative sector occupations skilled to National Qualifications Framework level 4 or above:

- (1) 3411 Artists,
- (2) 3412 Authors, writers and translators,
- (3) 3413 Actors, entertainers and presenters,
- (4) 3414 Dancers and choreographers, or
- (5) 3422 Product, clothing and related designers,

or ”

102. In Appendix A, after paragraph 77E(e)(iii), insert:

“(f) (i) the applicant was last granted as a Tier 2 (General) Migrant,
(ii) the applicant is applying for leave to remain to work in the same occupation for the same Sponsor as in the application which led to his previous grant of leave,
(iii) the Certificate of Sponsorship used in support of the applicant’s previous application was assigned by the Sponsor before 01 February 2014, and
(iv) the occupation fails to meet the required skill level in (a) to (e) above solely due to reclassification from the SOC 2000 system to the SOC 2010 system.”.

103. In Appendix A, delete paragraphs 78 to 78C and associated headings and substitute:

“Job offer passes Resident Labour Market Test

78. Points will only be awarded for a job offer that passes the Resident Labour Market Test if:

(a) the Sponsor has advertised (or had advertised on its behalf) the job as set out in Tables 11B and 11C below; and

(b) The advertisements have stated:

- (i) the job title,
 - (ii) the main duties and responsibilities of the job (job description),
 - (iii) the location of the job,
 - (iv) an indication of the salary package or salary range or terms on offer,
 - (v) the skills, qualifications and experience required for the job, and
 - (vi) the closing date for applications, unless it is part of the Sponsor's rolling recruitment programme, in which case the advertisement should show the period of the recruitment programme;
- and

(c) The advertisements were published in English (or Welsh if the job is based in Wales); and

(d) The Sponsor can show that no suitable settled worker is available to fill the job unless the job is in a PhD-level occupation listed in Appendix J. Settled workers will not be considered unsuitable on the basis that they lack qualifications, experience or skills (including language skills) that were not specifically requested in the job advertisement; and

(e) The Certificate of Sponsorship Checking Service entry contains full details of when and where the job was advertised, and any advertisement reference numbers, including the Universal Jobmatch (or other Jobcentre Plus online service) or JobCentre Online vacancy reference number where relevant.

Table 11B: Advertising methods and duration which satisfy the Resident Labour Market Test

Type of job	Methods of advertising / recruitment	Duration / timing of advertising
New graduate jobs or internships	<ul style="list-style-type: none"> • University milkround visits to at least 3 UK universities (or all UK universities which provide the relevant course, whichever is the lower number), • At least one of the following websites: www.jobs.ac.uk, www.milkround.com, www.prospects.ac.uk, or www.targetjobs.co.uk and <p>At least one other medium listed in Table 11C</p>	At least 28 days within the 4 years immediately before the Sponsor assigned the Certificate of Sponsorship to the applicant
Pupillages for trainee barristers	At least two media (or one medium if the job was advertised before 6 April 2013) listed in Table 11C	At least 28 days within the 2 years immediately before the Sponsor assigned the Certificate of Sponsorship to the applicant

<p>Jobs in PhD-level occupations as listed in Appendix J</p>	<p>At least two media (or one medium if the job was advertised before 6 April 2013) listed in Table 11C</p>	<p>At least 28 days within the 1 year immediately before the Sponsor assigned the Certificate of Sponsorship to the applicant</p>
<p>Jobs where the appropriate salary, as determined by paragraphs 79 to 79D of Appendix A, is at least £71,000 per year (or £70,000 per year if the job was advertised before 6 April 2013) or there is a stock exchange disclosure requirement</p>	<p>At least two media (or one medium if the job was advertised before 6 April 2013) listed in Table 11C</p>	<p>At least 28 days within the 6 months immediately before the Sponsor assigned the Certificate of Sponsorship to the applicant</p>
<p>Creative sector jobs covered by Table 9 of Appendix J</p>	<p>As set out in Table 9 of Appendix J</p>	<p>As set out in Table 9 of Appendix J</p>

Orchestral musicians	<ul style="list-style-type: none"> • Universal Jobmatch (or other Jobcentre Plus online service) for jobs based in England, Scotland or Wales, or JobCentre Online for jobs based in Northern Ireland, and • At least one other medium listed in Table 11C. 	At least 28 days within the 2 years immediately before the Sponsor assigned the Certificate of Sponsorship to the applicant
Positions in the NHS where the Resident Labour Market Test includes advertising on NHS Jobs between 19 November 2012 and 1 October 2013	NHS Jobs	At least 28 days within the 6 months immediately before the Sponsor assigned the Certificate of Sponsorship to the applicant
All other jobs	<ul style="list-style-type: none"> • Universal Jobmatch (or other Jobcentre Plus online service) for jobs based in England, Scotland or Wales, or JobCentre Online for jobs based in Northern Ireland, and • At least one other medium listed in Table 11C 	At least 28 days within the 6 months immediately before the Sponsor assigned the Certificate of Sponsorship to the applicant

Table 11C: Advertising media which satisfy the Resident Labour Market Test

Type of medium	Criteria for suitable media
Newspaper	Must be: marketed throughout the UK or throughout the whole of the devolved nation in which the job is located, and published at least once a week

Professional journal	<p>Must be:</p> <p>available nationally through retail outlets or through subscription, published at least once a month, and related to the nature of the job i.e. a relevant trade journal, official journal of a professional occupational body, or subject-specific publication</p>
Website	<p>Must be one of the following:</p> <ul style="list-style-type: none"> • Universal Jobmatch (or other Jobcentre Plus online service), for jobs based in England, Scotland or Wales, • JobCentre Online, for jobs based in Northern Ireland, • an online version of a newspaper or professional journal which would satisfy the criteria above, • the website of a prominent professional or recruitment organisation, which does not charge a fee to jobseekers to view job advertisements or to apply for jobs via those advertisements, or • if the Sponsor is a multinational organisation or has over 250 permanent employees in the UK, the Sponsor's own website

Resident Labour Market Test exemption applies

Shortage occupation

78A. In order for a Resident Labour Market Test exemption to apply for a job offer in a shortage occupation:

- (a) the job must, at the time the Certificate of Sponsorship was assigned to the applicant, have appeared on the shortage occupation list in Appendix K,
- (b) in all cases, contracted working hours must be for at least 30 hours a week, and
- (c) in all cases, if the list of shortage occupations indicates that the job appears on the 'Scotland only' shortage occupation list, the job offer will not be relevant for the Isle of Man.

Post-Study Work

78B. In order for a Resident Labour Market Test exemption to apply for post-study work:

- (a) the applicant must be applying for leave to remain,

(b) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as:

- (1) a Tier 1 (Post-Study Work) Migrant,
- (2) a Participant in the International Graduates Scheme (or its predecessor, the Science and Engineering Graduates Scheme),
- (3) a Participant in the Fresh Talent: Working in Scotland Scheme,
- (4) a Tier 4 Migrant,
- (5) a Student,
- (6) a Student Nurse,
- (7) a Student Re-Sitting an Examination,
- (8) a Person Writing Up a Thesis,
- (9) an Overseas Qualified Nurse or Midwife,
- (10) a Postgraduate Doctor or Dentist, or
- (11) a Student Union Sabbatical Officer,

and

(c) Where (b)(4) to (11) apply, the applicant must meet the requirements of paragraph 245HD(d) of these Rules.

Other exemptions

78C. In order for another Resident Labour Market Test exemption to apply, either:

- (a) the Certificate of Sponsorship Checking Service entry must show that the applicant's gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 79 of this appendix) to be paid by the Sponsor is £152,100 (or £150,000, if the recruitment took place before 6 April 2013) or higher; or
- (b) the job offer must be in a supernumerary research position where the applicant has been issued a scientific research Award or Fellowship, meaning that the role is over and above the Sponsor's normal requirements and if the applicant was not there, the role would not be filled by anyone else; or
- (c) the job offer must be to continue working as a Doctor or Dentist in training, under the same NHS Training Number which was assigned to the applicant for previous lawful employment as a Doctor or Dentist in Training in the Isle of Man; or
- (d) the job offer must be as a Doctor in Speciality Training where the applicant's salary and the costs of his training are being met by the government of another country under an agreement with that country and the United Kingdom Government;

and the Certificate of Sponsorship Checking Service entry must provide full details of why an exemption applies.”.

104. In Appendix A, in the heading above paragraph 78D, delete “same job” and substitute “same occupation”.
105. In Appendix A, in paragraph 78D, delete “same job” and substitute “same occupation”.
106. In Appendix A, in paragraph 78D(d), delete “the same job” and substitute “in the same occupation”.
107. In Appendix A, delete paragraph 79A and substitute:
“79A. No points will be awarded if the salary referred to in paragraph 79 above is less than £20,300 per year, unless:
(a) the applicant is applying for leave to remain and has, or last had, entry clearance, leave to enter or leave to remain as:
 - (i) a Qualifying Work Permit Holder,
 - (ii) a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation,
 - (iii) a Member of the operational Ground Staff of an Overseas-owned Airline
 - (iv) a Jewish Agency Employee, or
 - (v) a Tier 2 (General) Migrant under the Rules in place before 6 April 2011or
(b) the Certificate of Sponsorship checking service entry records the applicant is being sponsored as a nurse or midwife, will continue to be sponsored as a nurse or midwife by the Sponsor after achieving Nursing and Midwifery Council registration, and the salary will not be less than £20,300 per year once that registration is achieved.”.
108. In Appendix B, at the end of paragraph 1(iv), delete “.” and substitute “or where his gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 75 of Appendix A) is £152,100 or above.”.
109. In Appendix B, in Row C of Table 1, delete “Leave to remain” and substitute “Entry clearance and leave to remain”.
110. In Appendix C, after paragraph 1A(k), insert:
“(l) Overdraft facilities will not be considered towards funds that are available or under an applicant’s own control.”.
111. In Appendix C, delete paragraph 2 and 3 and substitute:

“2. 10 points will only be awarded if an applicant:

(a) applying for entry clearance, has the level of funds shown in the table below and provides the specified documents in paragraph 1B above, or

Category	Level of funds	Points
Tier 1 (Entrepreneur)	£3,100	10
Tier 1 (Graduate Entrepreneur)	£1,800	10

(b) applying for leave to remain, has the level of funds shown in the table below and provides the specified documents in paragraph 1B above, or

Level of funds	Points
£900	10

3. Where the applicant is applying as a Tier 1 (Entrepreneur) Migrant, he cannot use the same funds to score points for attributes under Appendix A and to score points for maintenance funds for himself or his dependants under this Appendix or Appendix E.”

112. In Appendix C, at paragraph 19 (b) (iii) (2) delete ‘allowed to stay in the Isle of Man’ and substitute “settled in the Isle of Man”.
113. In Appendix E, in paragraph (a), delete “there must be £1800 in funds.” and substitute:
“there must be:
- (i) £1,200 in funds, where the application is connected to a Tier 1 (Graduate Entrepreneur) Migrant;
 - (ii) £1,800 in funds in other cases.”.
114. In Appendix E, after paragraph (o), insert:
“(p) Overdraft facilities will not be considered towards funds that are available or under an applicant’s own control.”.
115. In Appendix FM paragraph E-ECP.4.1.(c) delete “NARIC UK” and substitute “UK NARIC”.
116. In Appendix FM paragraph E-LTRP.4.1.(c) delete “NARIC UK” and substitute “UK NARIC”.
117. In Appendix FM paragraph E-ECPT.4.1.(c) delete “NARIC UK” and substitute “UK NARIC”.

118. In Appendix FM paragraph E-LTRPT.5.1 (c) delete “NARIC UK” and substitute “UK NARIC”.
119. In Appendix FM-SE after paragraph D(e) insert:

“(f) Before making a decision under Appendix FM or this Appendix, the decision-maker may contact the applicant or their representative in writing or otherwise to request further information or documents. The material requested must be received by the Isle of Man Immigration Office at the address specified in the request within a reasonable timescale specified in the request.”.
120. In Appendix FM-SE after paragraph 1(l) insert:

“(m) Cash income on which the correct tax has been paid may be counted as income under this Appendix, subject to the relevant evidential requirements of this Appendix.”.
121. In Appendix FM-SE paragraph 2 after “the Isle of Man” insert “(except where paragraph 9 applies)”.
122. In Appendix FM-SE paragraph 2(a)(i) delete “applicant” and substitute “person”.
123. In Appendix FM-SE paragraph 2(a)(ii) delete “applicant” and substitute “person”.
124. In Appendix FM-SE after paragraph 2(c) insert:

“(d) Where the person is a director of a limited company based in the Isle of Man, evidence that the company is not of a type specified in paragraph 9(a). This can include the latest Annual Return filed at Companies Registry.”.
125. In Appendix FM-SE paragraph 5 after “following” insert “, and in respect of parental leave in the Isle of Man only the evidence at paragraph 5(c),”.
126. In Appendix FM-SE paragraph 5(b)(i) after “prior to” insert “the date of application or to”.
127. In Appendix FM-SE paragraph 5(b)(i) after “at least 6 months” insert “(and where paragraph 13(b) does not apply)”.
128. In Appendix FM-SE paragraph 5(b)(ii) after “prior to” insert “the date of application or to”.
129. In Appendix FM-SE paragraph 5(b)(ii) after “6 months” insert “(or at least 6 months but the person does not rely on paragraph 13(a))”.
130. In Appendix FM-SE paragraph 5(c)(iii) after “paternity” insert “, parental”.
131. In Appendix FM-SE paragraph 5(c)(iv) after “paternity” insert “, parental”.
132. In Appendix FM-SE paragraph 6(b)(i) after “prior to” insert “the date of application or to”.

133. In Appendix FM-SE paragraph 6(b)(ii) after “prior to” insert “the date of application or to”.
134. In Appendix FM-SE paragraph 6(b)(ii) after “6 months” insert “(or at least 6 months but the person does not rely on paragraph 13(a))”.
135. In Appendix FM-SE delete paragraphs 7(g) and 7(h) and substitute:
- “(g) Evidence of ongoing self-employment through evidence of payment of Class 2 National Insurance contributions.
- (h) One of the following documents must also be submitted:
- (i) (aa) If the business is required to produce annual audited accounts, the latest such accounts; or
 - (bb) If the business is not required to produce annual audited accounts, the latest unaudited accounts and an accountant's certificate of confirmation, from an accountant who is a member of an Isle of Man Recognised Supervisory Body);
 - (ii) A certificate of VAT registration and the latest VAT return (a copy or print-out) confirming the VAT registration number, if the turnover requires VAT to be paid.
 - (iii) Evidence to show appropriate planning permission or local planning authority consent is held to operate the type/class of business at the trading address (where this is a local authority requirement); or
 - (iv) A franchise agreement signed by both parties.”.
136. In Appendix FM-SE delete paragraph 9 and substitute:
- “9. In respect of income from employment and/or shares in a limited company based in the Isle of Man of a type specified in paragraph 9(a), the requirements of paragraph 9(b)-(d) shall apply in place of the requirements of paragraphs 2 and 10(b).
- (a) The specified type of limited company is one in which:
- (i) the person is a director of the company (or another company within the same group); and
 - (ii) shares are held (directly or indirectly) by the person, their partner or the following family members of the person or their partner: parent, grandparent, child, stepchild, grandchild, brother, sister, uncle, aunt, nephew, niece or first cousin; and
 - (iii) any remaining shares are held (directly or indirectly) by fewer than five other persons.
- (b) All of the following must be provided:

(i) Company Tax Return R1C3 (a copy or print-out) for the last full financial year and evidence this has been filed with Isle of Man Treasury, such as electronic or written acknowledgment from Isle of Man Treasury.

(ii) Evidence of registration with the Companies Registry.

(iii) If the company is required to produce annual audited accounts, the latest such accounts.

(iv) If the company is not required to produce annual audited accounts, the latest unaudited accounts and an accountant's certificate of confirmation, from an accountant who is a member of an Isle of Man Recognized Supervisory Body.

(v) Corporate/business bank statements covering the same 12-month period as the Company Tax Return R1C3.

(vi) A current Appointment Report from Companies Registry.

(vii) One of the following documents must also be provided:

(1) A certificate of VAT registration and the latest VAT return (a copy or print-out) confirming the VAT registration number, if turnover is sufficient for VAT payment to be required.

(2) Proof of ownership or lease of business premises.

(3) Original proof of registration with Isle of Man Treasury as an employer for the purposes of PAYE and National Insurance, proof of PAYE reference number and Accounts Office reference number. This evidence may be in the form of a certified copy of the documentation issued by Isle of Man Treasury.

(c) Where the person is listed as a director of the company and receives a salary from the company, all of the following documents must also be provided:

(i) Wage slips and P60 (if issued) covering the same period as the Company Tax Return R1C3.

(ii) Personal bank statements covering the same 12-month period as the Company Tax Return R1C3 showing that the salary as a director was paid into an account in the name of the person or in the name of the person and their partner jointly.

(d) Where the person receives dividends from the company, all of the following documents must also be provided:

(i) Dividend vouchers for all dividends declared in favour of the person during or in respect of the period covered by the Company Tax Return R1C3 showing the company's and the person's details with the person's net dividend amount and tax credit.

- (ii) Personal bank statement(s) showing that those dividends were paid into an account in the name of the person or in the name of the person and their partner jointly.”.
137. In Appendix FM-SE paragraph 10(b) after “dividends” insert “(except where paragraph 9 applies)”.
138. In Appendix FM-SE after paragraph 10(b)(iii) insert:
“(iv) Where the person is a director of a limited company based in the Isle of Man, evidence that the company is not of a type specified in paragraph 9(a). This can include the latest Annual Return filed at Companies Registry.”.
139. In Appendix FM-SE paragraph 10(g)(i) insert at the end:
“Where the grant or stipend is or will be paid on a tax-free basis, the amount of the gross equivalent may be counted as income under this Appendix.”.
140. In Appendix FM-SE paragraph 11A insert at the end:
“(c) Funds held as cash savings by the applicant, their partner or both jointly at the date of application can have been transferred from investments, stocks, shares, bonds or trust funds within the period of 6 months prior to the date of application, provided that:
(i) The funds have been in the ownership and under the control of the applicant, their partner or both jointly for at least the period of 6 months prior to the date of application.
(ii) The ownership of the funds in the form of investments, stocks, shares, bonds or trust funds; the cash value of the funds in that form at or before the beginning of the period of 6 months prior to the date of application; and the transfer of the funds into cash, are evidenced by a portfolio report or other relevant documentation from a financial institution regulated by the appropriate regulatory body for the country in which that institution is operating.
(iii) The requirements of this Appendix in respect of the cash savings held at the date of application are met, except that the period of at least 6 months prior to the date of application in paragraph 11(a) will be reduced by the amount of that period in which the relevant funds were held in the form of investments, stocks, shares, bonds or trust funds.”.
141. In Appendix FM-SE paragraph 12A(c) after “sponsor” insert “, or income from employment and/or shares in a limited company based in the Isle of Man of a type to which paragraph 9 applies,”.
142. In Appendix FM-SE paragraph 13(a) delete “and” and substitute “,”.
143. In Appendix FM-SE paragraph 13(a) after “at least 6 months,” insert “and has been paid throughout the period of 6 months prior to the date of application at a level of

gross annual salary which equals or exceeds the level relied upon in paragraph 13(a)(i),”.

144. In Appendix FM-SE for paragraph 13(a)(i) substitute “The level of gross annual salary relied upon in the application”.
145. In Appendix FM-SE paragraph 13(e) insert at the end:
“The relevant financial year(s) cannot be combined with any financial year(s) to which paragraph 9 applies and vice versa.”.
146. In Appendix FM-SE after paragraph 13(g) insert:
“(h) Where the person is the applicant’s partner and is in self-employment outside the Isle of Man at the date of application and is returning to the Isle of Man to take up salaried employment in the Isle of Man starting within 3 months of their return, the person’s gross annual income will be calculated:
 - (i) On the basis set out in paragraph 13(a) but substituting for the gross annual salary at paragraph 13(a)(i) the gross annual salary in the salaried employment in the Isle of Man to which they are returning; and also
 - (ii) On the basis set out in paragraph 13(e).
 - (i) Any period of unpaid maternity, paternity, adoption, parental or sick leave in the 12 months prior to the date of application will not be counted towards any period relating to employment, or any period relating to income from employment, for which this Appendix provides.
 - (j) The provisions of paragraph 13 which apply to self-employment and to a person who is self-employed also apply to income from employment and/or shares in a limited company based in the Isle of Man of a type to which paragraph 9 applies and to a person in receipt of such income.”.
147. In Appendix FM-SE paragraph 15(b)(i) after “employment” insert “in the Isle of Man or overseas”.
148. In Appendix FM-SE paragraph 16 after “sick pay,” insert “or has been so in the 6 months prior to the date of application,”.
149. In Appendix FM-SE paragraph 16(a) delete “and not” and substitute “or”.
150. In Appendix FM-SE paragraph 16(b) delete “and not” and substitute “or to”.
151. In Appendix FM-SE delete paragraph 18(d) and substitute:
“(d) Gross income from non-salaried employment will be calculated on the same basis as income from salaried employment, except as provided in paragraph 18(e) and 18(f), and the requirements of this Appendix for specified evidence relating to salaried employment shall apply as if references to salary were references to income from non-salaried employment. Non-salaried employment includes that paid at an

hourly or other rate or paid an amount which varies according to the work undertaken.

(e) For the purpose of paragraph 13(a)(i), in respect of a person in non-salaried employment at the date of application “the level of gross annual salary relied upon in the application” shall be no greater than the annual equivalent of the person’s average gross monthly income from non-salaried employment in the 6 months prior to the date of application, where that employment was held throughout that period.

(f) For the purpose of paragraph 13(b)(i), “the gross annual salary from employment as it was at the date of application” of a person in non-salaried employment at the date of application shall be considered to be the annual equivalent of the person’s average gross monthly income from non-salaried employment in the 6 months prior to the date of application, regardless of whether that employment was held throughout that period.”.

152. In Appendix FM-SE paragraph 19 after “13(e)” insert “, and in relation to income from employment and/or shares in a limited company, based in the Isle of Man, of a type to which paragraph 9 applies,”.
153. In Appendix FM-SE paragraph 19(a) after “self-employment” insert “, and (where income from salaried employment is also relied upon or where paragraph 9(c) applies) ongoing employment,”.
154. In Appendix FM-SE delete paragraph 19(c).
155. In Appendix FM-SE renumber paragraph 19(d) as paragraph 19(c).
156. In Appendix FM-SE in what now becomes paragraph 19(c) delete “self-employment income” at both places where it appears and substitute at both places “income to which paragraph 19 applies”.
157. In Appendix FM-SE in what now becomes paragraph 19(c) after “ongoing self-employment” insert “, and (where income from salaried employment is also relied upon or where paragraph 9(c) applies) ongoing employment,”.
158. In Appendix FM-SE after what now becomes paragraph 19(c) insert:

“(d) The financial year(s) to which paragraph 7 refers is the period of the last full financial year(s) to which the required Statement(s) of Account relates.

(e) The financial year(s) to which paragraph 9 refers is the period of the last full financial year(s) to which the required Company Tax Return(s) R1C3 relates.”.
159. In Appendix FM-SE paragraph 20(c)(ii) after “residence” insert “and will not be so if the application is granted, except in the circumstances specified in paragraph 20(e)”.
160. In Appendix FM-SE after paragraph 20(d) insert:

“(e) Where the applicant and their partner are resident outside the Isle of Man at the date of application, rental income from a property in the Isle of Man that will

become their main residence if the application is granted may only be counted under paragraph 13(c)(i) and paragraph 13(d)(ii).”.

(f) Any future entitlement to a maintenance grant or stipend of the type specified in paragraph 10(g) may be counted as though the person had received the annual amount of that grant or stipend in the 12 months prior to the date of application.”.

161. In Appendix FM-SE paragraph 31 delete “NARIC UK” and substitute “UK NARIC”.
162. In Appendix I, in paragraphs 245HF(d)(ii)(2), 79E and 100A, after each instance of “£35,000”, insert “(or £35,500 if applying on or after 6 April 2018)”.
163. In Appendix K, delete Tables 1 and 2 and substitute:

“Table 1: United Kingdom Shortage Occupation List

Standard Occupational Classification (SOC) code and description	Job titles included on the United Kingdom Shortage Occupation List and further criteria
Production managers and directors in mining and energy (1123)	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • The following jobs in the decommissioning and waste management areas of the nuclear industry: <ul style="list-style-type: none"> managing director programme director site director • The following jobs in the electricity transmission and distribution industry: <ul style="list-style-type: none"> project manager site manager
2112 Biological scientists and biochemists	<p>ONLY the following job in this occupation code:</p> <p>clinical neurophysiologist</p>
2113 Physical Scientists	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in the construction-related ground engineering industry: engineering geologist Hydrogeologist Geophysicist • the following jobs in the oil and gas industry: <ul style="list-style-type: none"> geophysicist geoscientist geologist geochemist • technical services manager in the decommissioning and waste areas of the nuclear industry • nuclear medicine scientist • radiotherapy physicist • senior resource geologist and staff geologist in the mining sector

2119 Natural and social science professionals not elsewhere classified	<p>ONLY the following jobs in this occupation code:</p> <p>Informatician</p> <p>bio-informatician</p>
2121 Civil engineers	<p>ONLY the following jobs in this occupation code:</p> <p>the following jobs in the construction-related ground engineering industry:</p> <p>geotechnical engineer</p> <p>tunnelling engineer</p> <p>the following jobs in the oil and gas industry:</p> <p>-petroleum engineer</p> <p>-drilling engineer</p> <p>-completions engineer</p> <p>-fluids engineer</p> <p>-reservoir engineer</p> <p>-offshore and subsea engineer</p> <p>-control and instrument engineer</p> <p>-process safety engineer</p> <p>-wells engineer</p> <p>•senior mining engineer in the mining sector</p>
2122 Mechanical engineers	<p>ONLY the following job in this occupation code:</p> <p>mechanical engineer in the oil and gas industry</p>
2123 Electrical engineers	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • electrical engineer in the oil and gas industry • the following jobs in the electricity transmission and distribution industry: power system engineer <p>control engineer</p> <p>protection engineer</p> <ul style="list-style-type: none"> • the following jobs in the aerospace industry: <p>electrical machine design engineer</p> <p>power electronics engineer</p>
2124 Electronics Engineers	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in the railway industry: <p>signalling design manager</p>

2126 Design and development engineers	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • design engineer in the electricity transmission and distribution industry • the following jobs in the automotive design and manufacturing industry: product development engineer product design engineer • the following jobs in the electronics system industry: integrated circuit design engineer integrated circuit test engineer
2127 Production and process engineers	<p>ONLY the following jobs in this occupation code:</p> <p>chemical engineer</p> <p>manufacturing engineer (process planning) in the aerospace industry</p> <p>technical services representative in the decommissioning and waste areas of the nuclear industry</p>
2129 Engineering professionals not elsewhere classified	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in the electricity transmission and distribution industry:project engineer proposals engineer •the following jobs in the aerospace industry: -aerothermal engineer -stress engineer -chief of engineering -advance tool and fixturing engineer •the following jobs in the decommissioning and waste management areas of the civil nuclear industry: -operations manager -decommissioning specialist manager -project/planning engineer -radioactive waste manager -radiological protection advisor

	<ul style="list-style-type: none"> •The following jobs in the civil nuclear industry: -nuclear safety case engineer -mechanical design engineer (pressure vessels) -piping design engineer -mechanical design engineer (stress) -thermofluids/process engineer
2135 IT Business analysts, architects and systems designers	<p>ONLY the following jobs in this occupation code:</p> <p>systems engineer in visual effects and 2D/3D computer animation for the film, television or video games sectors</p>
2136 Programmers and software development professionals	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in visual effects and 2D/3D computer animation for the film, television or video games sectors: software developer shader writer games designer • the following jobs in the electronics system industry: driver developer embedded communications engineer
2142 Environmental Professionals	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in the construction-related ground engineering industry: contaminated land specialist geoenvironmental specialist landfill engineer
2211 Medical practitioners	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • consultant in the following specialities: emergency medicine haematology old age psychiatry

	<ul style="list-style-type: none"> • non-consultant, non-training, medical staff post in the following specialities: <p>anaesthetics</p> <p>general medicine specialities delivering acute care services (intensive care medicine, general internal medicine (acute), emergency medicine (including specialist doctors working in accident and emergency))</p> <p>rehabilitation medicine</p> <p>psychiatry</p>
2217 Medical Radiographers	<p>ONLY the following jobs in this occupation code:</p> <p>HPC registered diagnostic radiographer</p> <p>HPC registered therapeutic radiographer sonographer</p> <p>Sponsors must retain evidence of the individual's HPC registration and provide this to the UK Border Agency on request. (Registration may need to be done after the individual has entered the United Kingdom but must be done before starting work).</p>
2231 Nurses	<p>ONLY the following job in this occupation code:</p> <p>specialist nurse working in neonatal intensive care units</p> <p>Sponsors must retain evidence of the individual's provisional / full NMC registration and provide this to the UK Border Agency on request.</p>
2314 Secondary education teaching professionals	<p>ONLY the following jobs in this occupation code:</p> <p>secondary education teachers in the subjects of maths and science (chemistry and physics only)</p>
2442 Social workers	<p>ONLY the following jobs in this occupation code:</p> <p>social worker working in children's and family services</p>
2461 Quality control and planning engineers	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in the electricity transmission and distribution industry: planning / development engineer <p>quality, health, safety and environment (QHSE) engineer</p>
3113 Engineering technicians	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in the electricity transmission and distribution industry: commissioning engineer <p>substation electrical engineer</p>

3218 Medical and dental technicians	<p>ONLY the following jobs in this occupation code:</p> <p>nuclear medicine technologist</p> <p>radiotherapy technologist</p>
3411 Artist	<p>ONLY the following jobs in this occupation code:</p> <p>Animator in visual effects and 2D/3D computer animation for the film, television or video games sectors</p>
3414 Dancers and choreographers	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • skilled classical ballet dancers who meet the standard required by internationally recognised United Kingdom ballet companies (e.g. Birmingham Royal Ballet, English National Ballet, Northern Ballet Theatre, The Royal Ballet and Scottish Ballet). The company must either: <ul style="list-style-type: none"> have performed at or been invited to perform at venues of the calibre of the Royal Opera House, Sadler’s Wells or Barbican, either in the United Kingdom or overseas; or attract dancers and/or choreographers and other artists from other countries; or be endorsed as being internationally recognised by a United Kingdom industry body such as the Arts Councils (of England, Scotland and/or Wales) skilled contemporary dancers who meet the standard required by internationally recognised United Kingdom contemporary dance companies (e.g. Shobana Jeyasingh Dance Company, Scottish Dance Theatre and Rambert Dance Company). The company must either: <ul style="list-style-type: none"> -have performed at or been invited to perform at venues of the calibre of Sadler’s Wells, the Southbank Centre or The Place, either in the United Kingdom or overseas; or -attract dancers and/or choreographers and other artists from all over the world; or -be endorsed as being internationally recognised by a United Kingdom industry body such as the Arts Councils (of England, Scotland and/or Wales)
3415 Musicians	<p>ONLY the following jobs in this occupation code:</p> <p>skilled orchestral musicians who are leaders or principals and who meet the standard required by internationally recognised UK orchestras (including London Symphony Orchestra, London Philharmonic Orchestra, Philharmonia Orchestra and Royal Philharmonic Orchestra)</p>
3416 Arts officers, producers and directors	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in visual effects and 2D/3D computer animation

	<p>for the film, television or video games sectors:</p> <p>2D supervisor</p> <p>3D supervisor</p> <p>computer graphics supervisor</p> <p>producer</p> <p>production manager</p> <p>technical director</p> <p>visual effects supervisor</p>
3421 Graphic designers	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • the following jobs in visual effects and 2D/3D computer animation for the film, television or video games sectors: <p>compositing artist</p> <p>matte painter</p> <p>modeller</p> <p>rigger</p> <p>stereo artist</p> <p>texture artist</p>
3541 Buyers and purchasing officers	<p>ONLY the following job in this occupation code:</p> <p>manufacturing engineer (purchasing) in the aerospace industry</p>
5215 Welding trades	<p>ONLY the following job in this occupation code:</p> <p>high integrity pipe welder where the job requires three or more years' related on-the-job experience</p> <p>Sponsors must retain references from the individual's past employer(s) detailing three or more years' related on-the-job experience and provide these to the UK Border Agency on request.</p> <p>Sponsors must also retain relevant evidence to enable them to justify the following:</p> <ol style="list-style-type: none"> 1) - Why does the job require someone with three or more years' related on-the-job experience? What elements of the job require this experience and why? 2) - Why could the job not be carried out to the required standard by someone with less experience?

	3) - How would you expect a settled worker to gain this experience before being appointed to the post?
5223 Metal working production and maintenance fitters	ONLY the following jobs in this occupation code: licensed and military certifying engineer/inspector technician
5249 Line repairers and cable jointers	ONLY the following job in this occupation code: overhead linesworker, working on high voltage lines that carry at least 275,000 volts
5434 Chefs	<p>ONLY the following job in this occupation code:</p> <ul style="list-style-type: none"> • skilled chef where: <ul style="list-style-type: none"> the pay is at least £29,570 per year after deductions for accommodation, meals etc; and the job requires five or more years relevant experience in a role of at least equivalent status to the one they are entering; and the job is not in either a fast food outlet, a standard fare outlet, or an establishment which provides a take-away service; and the job is in one of the following roles: <ul style="list-style-type: none"> executive chef – limited to one per establishment head chef – limited to one per establishment sous chef – limited to one for every four kitchen staff per establishment specialist chef – limited to one per speciality per establishment <p>A fast food outlet is one where food is prepared in bulk for speed of service, rather than to individual order.</p> <p>A standard fare outlet is one where the menu is designed centrally for outlets in a chain / franchise, rather than by a chef or chefs in the individual restaurant. Standard fare outlets also include those where dishes and / or cooking sauces are bought in ready-made, rather than prepared from fresh / raw ingredients.</p> <p>Sponsors must retain references from the individual's past employer(s) detailing five or more years' relevant experience in a role of at least equivalent status and provide these to the UK Border Agency on request.</p> <p>Sponsors must also retain relevant evidence to enable them to justify the following:</p> <p>1) - Why does the job require someone with at least five years'</p>

	<p>previous experience in a role of at least equivalent status? What elements of the job require this experience and why?</p> <p>2) - Why could the job not be carried out to the required standard by someone with less experience?</p> <p>3) - How would you expect a settled worker to gain this experience before being appointed to the post?</p>
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Table 2: Scotland Only Shortage Occupation List

Standard Occupational Classification (SOC) code and description	Job titles included on the Scotland Only Shortage Occupation List and further specified criteria
All	ALL job titles and occupations on the United Kingdom Shortage Occupation List
2113 Physical scientists	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • jobs on the United Kingdom Shortage Occupation List • staff working in diagnostics radiology (including magnetic resonance imaging)
2211 Medical practitioners	<p>ONLY the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • jobs on the United Kingdom Shortage Occupation List • ST3, ST4, ST5 and ST6 trainees in paediatrics or anaesthetics • SAS staff doctors in paediatrics or anaesthetics • consultants in paediatrics or anaesthetics • non-consultant, non-training doctors in the specialty obstetrics and gynaecology

164. In the table in Appendix O, delete all references to “Cambridge ESOL” and substitute “Cambridge English (previously known as Cambridge ESOL)”.
165. In Appendix P, after paragraph 7(xii), insert:
“(xiii) Financial institutions in Sri Lanka whose financial statements are accepted, set out in Table 13.”
166. In Appendix P, in Table 11, delete the entries “Dhaka Bank Limited”, “Prime Bank Limited” and “Woori Bank Limited”.

167. In Appendix P, in Table 12, insert new entries “Dhaka Bank Limited”, “Prime Bank Limited”, “Pubali Bank Limited” and “Woori Bank Limited”.

168. In Appendix P, after Table 12, insert new table:

“Table 13: Financial institutions whose financial statements are accepted – Sri Lanka

Name of Financial Institution – Licensed Commercial Banks
Amana Bank Ltd
Axis Bank Ltd
Bank of Ceylon
Citibank, N.A.
Commercial Bank of Ceylon PLC
Deutsche Bank AG
DFCC Vardhana Bank PLC
Habib Bank Ltd
Hatton National Bank PLC
ICICI Bank Ltd
Indian Bank
Indian Overseas Bank
MCB Bank Ltd
National Development Bank PLC
Nations Trust Bank PLC
Pan Asia Banking Corporation PLC
People's Bank
Public Bank Berhad
Sampath Bank PLC

Seylan Bank PLC
Standard Chartered Bank
State Bank of India
The Hongkong & Shanghai Banking Corporation Ltd
Union Bank of Colombo PLC
Name of Financial Institution – Licensed Specialised Banks
DFCC Bank
Housing Development Finance
Lankaputra Development Bank Ltd
MBSL Savings Bank Ltd
National Savings Bank
Pradeshiya Sanwardhana Bank
Sanasa Development Bank Ltd
Sri Lanka Savings Bank Ltd
State Mortgage & Investment Bank

169. In Appendix T Part 1 – applicable countries (in the bullet list) after “Thailand” insert “The Philippines”.

170. In Appendix T Part 2 – list of screening clinics after Malaysia “info@lifecare.com.my” insert

“Kuching:

Normah Medical Specialist Centre

Lot 937, Section 30 KTL D,

Jalan Tun Abdul Rahman,

Petra Jaya,

93050 Kuching, Sarawak

T: +60 82-440055

inquiry@normah.com

Penang:
Penang Adventist Hospital
465 Jalan Burma,
10350 Penang,
Tel (+604) 226 1566 Ext.202
Fax (+604) 229 3037
Website: www.pah.com.my".

171. In appendix T Part 2 – list of screening clinics after "Thailand Fax:+66 2 234 7956"
insert

"The Philippines

Manila – International Organization for Migration (IOM)
IOM Health Centre
15th Floor Trafalgar Plaza,
105 H.V. dela Costa Street,
Salcedo Village,
Makati City 1227,
Metro Manila".

EXPLANATORY NOTE

1. Purpose of the Instrument

1.1 The United Kingdom has made changes to the Immigration Rules applicable to the United Kingdom in five sets of Rules changes which were laid before Parliament in January 2013, February 2013 and March 2013. The purpose of this instrument is to bring the Immigration rules for the Isle of Man into line with those of the United Kingdom in those categories which apply in both jurisdictions.

2. Policy Background

What is being done and why

2.1 Points Based System

Tier 2

- Minimum annual salary thresholds are being updated by 1.4%, in line with annual wage inflation recorded by the Average Weekly Earnings Index (AWEI), and rounded to the nearest £100. For example this increases a salary of £20,000 to £20,300.
- The Shortage Occupation List, contained in Appendix K of the Immigration Rules, sets out skilled occupations where there are shortages which can sensibly be filled by migrant workers. There is one list for the whole of the UK and a list of additional occupations for Scotland. Applicants working in shortage occupations are not subject to a Resident Labour Market Test and are exempt from the £35,000 (or £35,500) earnings threshold when they apply for settlement. Changes are being made to update these lists following a review by the Migration Advisory Committee in the United Kingdom.
- To reduce administrative burdens for applicants and sponsoring employers, a change is being made to the requirement for Intra-Company Transferees to provide 12 months' of payslips to prove they have worked for their sponsoring employer's organisation for 12 months. The 12 month prior employment rule will continue to apply but will only need to be confirmed through the provision of payslips where there is any doubt.
- Changes are being made to the post-study work provision for students graduating in the Isle of Man to switch into Tier 2. The existing Rules require such students to still have existing valid leave, and to have graduated during a period of continuous leave which includes their current grant of leave. These requirements are being changed to state that breaks in leave of up to 28 days are acceptable, in line with the policy on overstayers established in previous Statements of Changes). The changes also clarify that undergraduate Masters degrees are eligible under the provisions as well as postgraduate Masters degrees.

- To improve flexibility, we are adjusting the permitted changes to a Tier 2 migrant's salary that may be made without requiring a fresh application. The changes now permit reductions in salary as well as increases, providing the salary does not reduce below the appropriate rate for the occupation or any overall salary threshold in the table above which applies to the applicant. These changes apply in addition to the existing provision for maternity, paternity or adoption leave, long-term sick leave, and company-wide reductions in pay to avoid redundancies.
- A clarification is being made to confirm that Tier 2 (General) migrants may apply for extensions to continue working in the same occupation (not just the same job) with the same Sponsor, without a Resident Labour Market Test being required.

2.2 Visitors

- Changes clarifying the Visitor rules will prevent abuse by visitors who are living in the Isle of Man through frequent, successive visits and will strengthen the Rules for a third party who is providing support to a visitor (either financial support or accommodation) by requiring them to demonstrate they are able and intend to do so, and are legally present in the Isle of Man.
- The period of initial leave granted to graduates undertaking an unpaid clinical attachment or dental observation post is being increased from 6 weeks to 3 months in line with the average length of such postings.

2.3 Parts 5, 6 and 6A of the Immigration Rules – Work Related Settlement

- Parts 5, 6 and 6A of the Immigration Rules include provision for indefinite leave to remain for work and economic activity-related routes of entry - for example work permit holders, businesspersons, investors, Tier 1 and Tier 2 of the Points Based System.
- In the UK's Immigration Rules the requirement for a continuous period of lawful residence in the UK is common to all these routes. There is no definition of UK for the purpose of the Immigration Rules, but the Interpretation Act 1978 (an Act of Parliament) defines the UK as Great Britain and Northern Ireland. This excludes the Crown Dependencies (the Bailiwicks of Guernsey and Jersey and the Isle of Man) and time spent there in a specified category has not counted toward indefinite leave to remain in the UK. The Crown Dependencies are, however, part of the Common Travel Area (CTA). Under Schedule 4 of the Immigration Act 1971, leave granted in the Crown Dependencies is treated as if it has been granted in the UK. The UK's Rules have therefore been amended so as to include time spent in the Crown Dependencies in specified categories in the calculation of the continuous

residence period for indefinite leave to remain in the UK in categories in Parts 5, 6 and 6A.

- Time spent in the UK and the Channel Islands has, historically, been considered to count towards time spent in the Isle of Man for the purposes of Indefinite Leave to Remain. The Isle of Man Immigration Rules are being amended to show that the previously concessional arrangement is now part of the Immigration Rules for the same categories as outlined in the UK Immigration Rules.
- Amendments are being made to the continuous residence requirement for indefinite leave to remain for Tier 1 (General), to clarify that absences from the Isle of Man must be for a specific reason.
- A concession from the requirement to be paid at the appropriate salary rate at the time of the indefinite leave to remain application, owing to a reduction in pay due to maternity, paternity or adoption leave, is being brought into the Rules for work permit holders, Tier 2 (Intra-Company Transfer) and Tier 2 (General).

2.4 Family and Private Life

2.4.1 The following minor changes and clarifications are being made to the Immigration Rules relating to family life:

- To clarify that the transitional provisions for further applications made by those granted entry clearance or limited leave to enter or remain under Part 8 of the Rules before 9 July 2012 can only be accessed by persons in the Isle of Man and subject to the requirements of Part 8 for such applications.
- To provide that a person may apply for further limited leave to remain as a partner under Part 8 within a period of 28 days of the end of their last such leave.
- To provide that the partner of a Points Based System migrant not on a route to settlement cannot switch into the partner route under Part 8 and amalgamate their leave as a partner under both routes towards the qualifying period for settlement.
- To ensure that references to the UK National Recognition Information Centre are correct. (UK NARIC is the agency responsible for providing a comparison of international qualifications against UK qualification framework levels).
- In respect of the financial requirements for partners and dependent children under Appendix FM and Appendix FM-SE:
 - To clarify the basis on which non-salaried employment income at the date of application is calculated. This will be done by calculating that

income on the annualised basis of the gross monthly average in the period of 6 months prior to application.

- To clarify that those working in the Isle of Man at the date of application can include earnings from employment in the Isle of Man and overseas, where they are required to show the amount of their earnings from employment in the 12 months prior to application.
- To clarify the evidence of self-employment to be provided.
- To clarify the company-based evidence to be provided by directors and/or shareholders in companies in sole or limited family ownership.
- To provide greater flexibility in meeting the financial requirements for those who are, or have in the previous 6 months been, in receipt of maternity, paternity, adoption or sick pay. To provide flexibility also for those who are or have been on parental leave.
- To provide that relevant cash savings held at the date of application by the applicant, their partner or the couple jointly can have been held by them as investment funds within the previous 6 months.
- To clarify that, where the applicant and their partner are resident in the Isle of Man at the date of application, rental income from a property in the Isle of Man cannot be counted as income if that property will become their main residence if the application is granted.
- To confirm that cash income on which the correct tax has been paid may be counted as income.
- To confirm that, where an academic stipend or maintenance grant is or will be paid on a tax-free basis, the gross equivalent amount may be counted as income.
- To confirm that the Isle of Man Immigration Office has discretion to contact the applicant to request further information or documents before making a decision on the application.

2.4.2 The following minor changes and clarifications are being made to the Immigration Rules relating to private life:

- To confirm that a valid application is required to be made for leave to remain on the grounds of private life, except in the same specified circumstances as when such a valid application is not required for leave to remain on grounds of family life. For example, those circumstances include when the claim is raised where a migrant is in immigration detention; where removal directions have been set pending an imminent removal; and in an appeal.

- To make a minor clarification to the drafting of the provision relating to applications for Indefinite Leave to Remain on the basis of private life.

2.5 Changes related to EEA rules

Following the European Court of Justice case in *Chen (C-200/02)*, the UK created paragraphs 257C-E of the Immigration Rules to provide for entry as the carer or relative of an EEA national child in the UK, which was also included in the Isle of Man Immigration Rules. In the Upper Tribunal case of *M (Chen parent: source of rights) Ivory Coast [2010] UKUT 277 (IAC)*, the domestic court confirmed that a primary carer of a self-sufficient EEA national child had a directly enforceable EU right to enter and reside in the host state to facilitate the child's free movement rights. This EU right is not subject to any restrictions imposed by the Immigration Rules regime. As a consequence it is no longer appropriate to deal with this category of case within the Rules.

2.6 Tuberculosis Screening

This Statement increases the number of countries in which pre entry screening is required and increases the number of clinics authorised to carry out this screening in accordance with this policy.

2.7 Other cross-cutting amendments

The following cross-cutting changes are being made, which relate to various immigration categories:

- Further to the Supreme Court judgment in *R (on the application of Alvi) (Respondent) v Secretary of State for the Home Department (Appellant)*, an existing requirement (previously set out in guidance published by the Isle of Man Immigration Office) is being added to the Immigration Rules. This sets out the evidence that must be provided by child dependants of Points-Based System migrants, if they are over the age of 16, to show that they are not living an independent life. This was inadvertently overlooked when other requirements from guidance were added to the Immigration Rules .
- A clarification is being made to the rules concerning maintenance funds required for Points-Based System migrants and their dependants to show that they are able to support themselves without access to public funds. The clarification confirms that overdraft facilities cannot be considered towards the level of available funds that is required.
- An update is being made to the list of approved English language test providers for various immigration categories, to reflect the fact that the Cambridge ESOL provider has changed its name to Cambridge English.
- Routine updates are being made to the lists of financial institutions in Bangladesh from which statements are or are not accepted. A new list of

financial institutions in Sri Lanka from which statements are accepted is being added. These changes reflect the UK Border Agency's current intelligence on whether these institutions satisfactorily verify such statements.

- To correct a minor drafting error, a change to 320(7B) ensures that the policy of not applying the grounds for refusal in paragraph 320(7B) where the migrant was under 18 at the time of the breach of immigration laws is reflected in the current version of the Immigration Rules.

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.