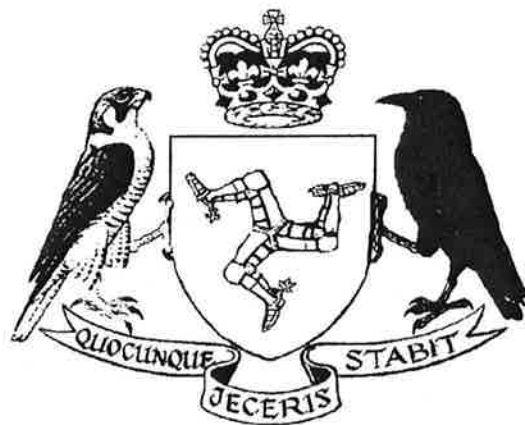


Statutory Document No: 02/08

**STATEMENT OF  
CHANGES  
IN IMMIGRATION RULES**



Laid before Tynwald on 19<sup>th</sup> February 2008 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 1991 (SI 1991 no. 2630) and the Immigration (Isle of Man) Order 1997 (SI 1997 no. 275)

**Price: £1.20**

## STATEMENT OF CHANGES IN IMMIGRATION RULES

His Excellency the Lieutenant Governor has made the changes hereinafter stated in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 (an Act of Parliament as it has effect in the Isle of Man) <sup>(a)</sup> for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17<sup>th</sup> May 2005 <sup>(b)</sup>

These changes take effect on

1. In the definition of “employment” in paragraph 6 after “includes paid and unpaid employment,” there is inserted –

“paid and unpaid work placements undertaken as part of a course or period of study,”.

2. In paragraph 56A(ii) “paragraph 57(i) – (vi)” is deleted and there is inserted – “paragraph 57(i)–(ix)”.

3. In paragraph 57 paragraph (i) is deleted and there is inserted –

“(i) has been accepted for a course of study which is to be provided by or undertaken at an organisation which is included on the Register of Education and Training Providers, and is at either;

(a) a publicly funded institution of further or higher education which maintains satisfactory records of enrolment and attendance of students and supplies these to the Isle of Man Immigration Office when requested; or

(b) a *bona fide* private education institution; or

(c) an independent fee paying school outside the maintained sector which maintains satisfactory records of enrolment and attendance of students and supplies these to the Isle of Man Immigration Office when requested; and”.

4. In paragraph 57 paragraphs (iv)–(vi) are deleted and there is inserted –

“(iv) [Not Used]

(v) [Not Used]

(a) Extended to the Isle of Man by S.I. 1991 No 2630 and S.I. 1997 No 275

(b) S.D. 62/05 amended by 692/05, 442/06, 547/06, 781/06, 871/06, 124/07, 303/07 and 534/07

- (vi) intends to leave the Isle of Man at the end of his studies; and
- (vii) does not intend to engage in business or employment other than
  - (a) work experience forming an integral part of his studies as certified by the educational establishment at which he is studying, or:
  - (b) casual work, for a maximum of 20 hours per week during term time or full time during vacations;

In each case before the student commences the employment referred to in sub-paragraphs (a) or (b) above he must produce a valid document issued by the Department of Trade and Industry confirming that he has been granted permission to work as a student in accordance with the Overseas Student Scheme, and

- (viii) is able to meet the costs of his course and accommodation and the maintenance of himself and any dependants without taking employment or engaging in business or having recourse to public funds, and
- (ix) holds a valid Isle of Man entry clearance for entry in this capacity.”.

5. In paragraph 60(ii) “paragraph 57(i)–(vi)” is deleted and there is inserted – “paragraph 57(i) – (viii)”.

6. In paragraph 69A paragraph (i) is deleted and there is inserted –

- “(i) (a) meets the requirements for admission as a student set out in paragraph 57(i)-(viii); or
- (b) met the requirements for admission as a student set out in paragraph 57 (i)-(iii) in the previous academic year and continues to meet the requirements of paragraph 57 (iv)-(viii); and”.

7. In paragraph 69G paragraph (i) is deleted and there is inserted –

- “(i) (a) meets the requirements for admission as a student set out in paragraph 57(i)-(viii); or
- (b) met the requirements for admission as a student set out in paragraph 57 (i)-(iii) in the previous academic year and continues to meet the requirements of paragraph 57 (iv)-(viii); and”.

8. After paragraph 210 there is inserted – “210A – 210H [Not used].”.

9. In paragraph 326(2) paragraphs (i)-(iv) are deleted and there is inserted –

- “(i) [Not used]
- (ii) [Not used]
- (iii) as a minister of religion, missionary or member of a religious order; or
- (iv) on the basis of marriage to or civil partnership with a person settled in the Isle of Man or as the unmarried or same sex partner of a person settled in the Isle of Man; or
- (v) as a person exercising access rights to a child resident in the Isle of Man; or
- (vi) as the parent of a child at school; or
- (vii) following the grant of asylum.”.

## EXPLANATORY NOTE

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

This Statement of Changes contains the following policy changes:

- An amendment to the definition of “Employment” in the Interpretation Section of the rules to prevent student visitors, who are in the United Kingdom under this category in the United Kingdom Immigration Rules, from undertaking a paid or unpaid work placement in the Isle of Man as part of a course of study in the United Kingdom.
- Amendments to the rules relating to Students to rename the DfES’ Register of Education and Training Providers as the Register of Education and Training Providers.
- Amendments to the rules relating to Students to re-number paragraphs following rule changes adopted in the United Kingdom which have not been adopted in the Isle of Man.
- Amendments to the rules relating to the categories of “Re-sits of examinations” and “Writing up a thesis” as a result of the amendments to the rules for Students.
- A consequential amendment to the rules relating to “Parent of a child at school”, necessitated by the changes to the student requirements.
- Amendments to paragraph 326(2) of the Immigration Rules, relating to Registration with the Police, to re-number the paragraphs in line with the United Kingdom Immigration Rules.

A summary of each of the policy changes contained in this Statement of Changes in Immigration Rules follows:

### **The definition of Employment**

The new category of Student Visitors which was introduced in the United Kingdom Immigration Rules in April 2007 and allows for the admission of short term students who wish to study in the UK for six months or less but who do not wish to take part-time employment or seek an extension to their visitor leave. This provision was not extended to the Isle of Man as there were no courses available here which would be suitable for this scheme. As part of some educational and vocational courses students are required to undertake a work placement for which they can receive payment; in other instances no payment is received. The new category was not intended to allow student visitors to undertake such work placements and the amendment to the definition of “Employment” seeks to clarify the position that student visitors are not permitted to undertake a work placement (paid or unpaid) as part of their course. Such students will require prior entry clearance as a student. This amendment has been included in the Isle

of Man Immigration Rules to prevent persons who are in the United Kingdom in this category from undertaking such placements in the Isle of Man.

### **Removal of references to DfES in the rules**

Following changes to the machinery of the United Kingdom government in June 2007 the responsibilities of the former Department for Education and Skills have been re-allocated. The DfES Register of Education and Training Providers, for which this former department had responsibility, has been renamed as the Register of Education and Training Providers. The amendments to the rules relating to Students reflect this change of name for the Register. The amendments have been included in the Isle of Man Immigration Rules in order to ensure that education providers in the Island conform to the same standards as required by the United Kingdom for the purposes of accepting overseas students.

### **Amendments to the Rules for Students**

The United Kingdom has introduced a scheme to help prevent individuals from acquiring or developing knowledge and skills that could be used in the proliferation of weapons of mass destruction.

The scheme, ATAS, makes it a mandatory requirement for those intending to undertake postgraduate studies in the UK which fall within the designated list to obtain an ATAS clearance certificate. The studies included in the list are all Doctorates or Masters by research or Taught Masters and are in subjects which are not available for study in the Isle of Man. This scheme has not, therefore been included in the Isle of Man Immigration Rules at this time.

This omission has made it necessary to amend the Isle of Man rules to re-number some sub-paragraphs so that the rules remain in line with the United Kingdom rules in respect of numbering and has made the subsequent amendments to other categories necessary.

### **Registration with the Police**

An amendment to Part 10 (Registration with the Police) Paragraph 326 of the Rules has been made to allow for the inclusion, by the United Kingdom, of two categories of persons not relevant to the Isle of Man. The sub-paragraphs have been numbered to keep the numbering in line with the United Kingdom rules.