

Statutory Document 2018/0328



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 19 February 2019 under section 3(2) of the  
Immigration Act 1971 (an Act of Parliament as extended to the Isle of Man by the  
Immigration (Isle of Man) Order 2008 (SI 2008 no. 680))

The Council of Ministers has made the following changes to the Immigration Rules laid down by it as to the practice to be followed in the administration of the Immigration Act 1971<sup>1</sup> (of Parliament) as it has effect in the Isle of Man<sup>2</sup> for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17<sup>th</sup> May 2005<sup>3</sup>.

All changes set out in this statement take effect from 31 January 2019.

### **Changes to Interpretation**

- 1.1 In paragraph 6, amend the heading entry for “civil partner” to “civil partnership” and for “the Civil Partnership Act 2004 (an Act of Parliament)”, substitute “the Civil Partnership Act 2011 (an Act of Tynwald)”.
- 1.2 In paragraph 6, in the entry for “present and settled”, delete “same-sex partner,” on both occasions.
- 1.3 In paragraph 6, in the entry for “sponsor”, delete “or same-sex partner”.

### **Changes to Part 1**

- 1.4 For paragraph 18, substitute “A person may resume their residence in the Isle of Man provided the Immigration Officer is satisfied that the person concerned:
  - (i) had indefinite leave to enter or remain in the Isle of Man when he or she last left; and
  - (ii) has not been away from the Isle of Man for more than 2 years; and
  - (iii) did not receive assistance from public funds towards the cost of leaving the Isle of Man; and
  - (iv) now seeks admission for the purpose of settlement.”.
- 1.5 For paragraph 18A, substitute “Those who qualify to resume their residence in accordance with paragraph 18 do not need a visa to enter the Isle of Man.”.
- 1.6 For paragraph 19, substitute “A person who does not benefit from the preceding paragraph by reason only of having been absent from the Isle of Man for more than two consecutive years, must have applied for, and been granted, indefinite leave to enter by way of entry clearance if the person can

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<sup>1</sup> 1971 c.77

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

<sup>3</sup> S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13 ,SD 2014/0004, SD 2014/0082, SD 2014/241, SD2014/314 , SD2014/324, SD2015/0265, SD2015/0386, SD2016/0092, SD2016/0175, SD5016/0211, SD2017/0066, SD2017/0183, SD2017/0314, SD2018/0084, and SD2018/0134.

demonstrate he or she has strong ties to the Isle of Man and intends to make the Isle of Man his or her permanent home.”.

1.7 After paragraph 19, insert “19A. Sub paragraphs (ii) and (iii) of paragraph 18 shall not apply where a person who has indefinite leave to enter or remain in the Isle of Man accompanies on an overseas posting a parent, a spouse, civil partner or unmarried partner who is:

- (i) a member of HM Forces serving overseas; or
- (ii) a British citizen or is settled in the Isle of Man and
  - (a) a permanent member of HM Diplomatic Service;
  - (b) a comparable Isle of Man or United Kingdom based permanent staff member of the British Council;
  - (c) a permanent staff member of the UK Department for International Development; or
  - (d) a permanent Home Office employee.”.

1.8 In paragraph 20, after “outside the common travel area”, insert “if the leave was given for a period of six months or less or conferred by a visit visa”.

1.9 For paragraph 24 substitute:

“The following:

- (i) a visa national;
- (ii) a non-visa national who is not a British national and is seeking entry for a period exceeding six months, or for a purpose for which prior entry clearance is required under these Rules;
- (iii) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules.

must either:

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

Such a person will be refused leave to enter if they have no such current entry clearance. Any other person who wishes to ascertain in advance whether they

are eligible for admission to the Isle of Man may apply for the issue of an entry clearance.”

1.10 In paragraph 25, after “(for non-visa nationals).”, insert “A visa or an entry certificate may be issued in electronic form.”.

1.11 In paragraph 34A(vi)(b), delete “same-sex partner”.

#### **Changes to Part 4**

4.1 In paragraph 123, after “produce to the Immigration Officer”, for “valid Isle of Man entry clearance for entry in this capacity or,”, substitute “valid passport or other identity document and has entry clearance for entry in this capacity or,”.

4.2 In paragraph 124, after “in relation to an application for leave to enter,”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or,”, substitute “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity or,”.

4.3 In paragraph 126, after “produce to the Immigration Officer” for “a valid Isle of Man entry clearance for entry in this capacity or,”, substitute “a valid passport or other identity document and has entry clearance for entry in this capacity or,”.

4.4 In paragraph 127, after “in relation to an application for leave to enter”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival”, substitute “a valid passport or other identity document is not produced to the Immigration Officer on arrival and the applicant does not have entry clearance for entry in this capacity”.

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

5.1 In paragraph 145, after “produce to the Immigration Officer, on arrival,” for “a valid Isle of Man entry clearance for entry in this capacity” substitute “a valid passport or other identity document and has entry clearance for entry in this capacity”.

5.2 In paragraph 146, after “is to be refused if”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival” substitute “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity”.

5.3 In paragraph 159B, after “produce to the Immigration Officer, on arrival,”, for “a valid Isle of Man entry clearance for entry in this capacity”, substitute “a valid passport or other identity document and has entry clearance for entry in this capacity”.

5.4 In paragraph 159C, after “is to be refused if” for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival”, substitute “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity”.

5.5 In paragraph 187, after “produce to the Immigration Officer, on arrival,” for “a valid Isle of Man entry clearance for entry in this capacity.”, substitute “a valid passport or other identity document and has entry clearance for entry in this capacity.”.

5.6 In paragraph 188, after “is to be refused if”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

5.7 In paragraph 194(i), for “unmarried or same-sex partner”, substitute “or unmarried partner”.

5.8 In paragraph 194(ii), for “if an unmarried or same-sex partner”, substitute “if an unmarried partner”.

5.9 In paragraph 196A, for “unmarried or same-sex partner”, substitute “or unmarried partner”.

5.10 In paragraph 196D, for “unmarried or same-sex partner”, substitute “or unmarried partner”.

5.11 In paragraph 198(a)(i), after “on arrival,” for “a valid Isle of Man entry clearance for entry in this capacity;”, substitute “a valid passport or other identity document and has entry clearance for entry in this capacity;”.

5.12 In paragraph 198A(i), after “leave to enter,” for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival;”, substitute “a valid passport or other identity document is not produced to the Immigration Officer on arrival and the applicant does not have entry clearance for entry in this capacity;”.

## **Changes to Part 6A**

6A.1 In paragraph 245EE(b)(iii)(3), in “approved by the the Joint Committee for Postgraduate Training”, delete the second “the”.

6A.2 In paragraph 245ZY(c)(iii)(8), for “any appeal or administrative reievew”, substitute “any appeal or administrative review”.

## **Changes to Part 7**

7.1 In paragraph 247, after “in the first instance,”, for “provided that a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute “provided that on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

7.2 In paragraph 248, after “is to be refused if”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

7.3 In paragraph 248A(vii), for “unmarried partner or same-sex partner”, substitute “or unmarried partner”.

7.4 In paragraph 271(i), for “unmarried or same-sex partner”, substitute “or unmarried partner”.

7.5 In paragraph 271(ii), delete “or same-sex”.

7.6 In paragraph 273A, for “unmarried or same-sex partner”, substitute “or unmarried partner”.

7.7 In paragraph 273D, for “unmarried or same-sex partner”, substitute “or unmarried partner”.

7.8 In paragraph 275(a)(i), after “leave to enter,”, for “he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity;”, substitute “ on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity;”.

7.9 In paragraph 276, after “application for leave to enter,” for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival,”, substitute “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity,”.

7.10 In paragraph 276A0(iii), for “Lieutenant Governor”, substitute “Lieutenant Governor”.

## **Changes to Part 8**

8.1 In paragraph A280(d)(i), delete “same sex partner,”.

8.2 In paragraph A280(e), for “unmarried partner or same-sex partner”, substitute “or unmarried partner”.

- 8.3 In paragraph A280(g), delete “same sex partner,”.
- 8.4 In paragraph A280A, for “unmarried partner or same-sex partner”, substitute “or unmarried partner”.
- 8.5 In paragraph 284, for “unmarried or same-sex partner”, substitute “or unmarried partner”.
- 8.6 In paragraph 287, on all occasions, for “unmarried or same-sex partner”, substitute “unmarried partner”.
- 8.7 In paragraph 289A, on all occasions delete “or same-sex partner”.
- 8.8 In paragraph 291, after “to enable the marriage or civil partnership to take place” for “provided a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 8.9 In paragraph 292, after “is to be refused if”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.10 In paragraph 295A(b)(i), for “unmarried or same-sex partner”, substitute “unmarried partner”.
- 8.11 In paragraph 295B, for “unmarried or same-sex partner”, substitute “unmarried partner”.
- 8.12 In paragraph 295D(i)(b), for “unmarried or same-sex partner”, substitute “unmarried partner”.
- 8.13 In paragraph 295G(i)(a), for “unmarried or same-sex partner”, substitute “unmarried partner”.
- 8.14 In paragraph 299, after “may be granted”, for “provided a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “provided that, on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.
- 8.15 In paragraph 300, after “is to be refused if” where it appears for the first time, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.
- 8.16 In paragraph 302, after “able, on arrival, to produce to the Immigration Officer” for “a valid Isle of Man entry clearance for entry in this capacity.”

substitute, “a valid passport or other identity document and the applicant has entry clearance for entry in this capacity.”.

8.17 In paragraph 303, after “is to be refused if”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

8.18 In paragraph 303B, after “provided that”, for “a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

8.19 In paragraph 303C, after “is to be refused if”, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

8.20 In paragraph 312, after “provided”, where it appears for the first time, for “a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

8.21 In paragraph 313, after “is to be refused if”, where it appears for the first time, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

8.22 In paragraph 315, after “able, on arrival, to produce to the Immigration Officer” for “a valid Isle of Man entry clearance for entry in this capacity.” substitute, “a valid passport or other identity document and has entry clearance for entry in this capacity.”.

8.23 In paragraph 316, after “is to be refused if”, where it appears for the first time, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

8.24 In paragraph 316B, after “able, on arrival, to produce to the Immigration Officer” for “a valid Isle of Man entry clearance for entry in this capacity.” substitute, “a valid passport or other identity document and has entry clearance for entry in this capacity.”.



8.25 In paragraph 316C, after “is to be refused if” for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

8.26 In paragraph 316E, after “able, on arrival, to produce to the Immigration Officer” for, “a valid Isle of Man entry clearance for entry in this capacity.” substitute, “a valid passport or other identity document and has entry clearance for entry in this capacity.”.

8.27 In paragraph 316F, after “is to be refused if” for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

8.28 In paragraph 318, after “provided”, where it appears for the first time, for “a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.”, substitute, “on arrival, a valid passport or other identity document is produced to the Immigration Officer and the applicant has entry clearance for entry in this capacity.”.

8.29 In paragraph 319, after “is to be refused if”, where it appears for the first time, for “a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.” substitute, “on arrival, a valid passport or other identity document is not produced to the Immigration Officer and the applicant does not have entry clearance for entry in this capacity.”.

8.30 In paragraph 319A, for “unmarried or same-sex partner”, substitute “or unmarried partner”, and for “unmarried and same-sex partners”, substitute “unmarried partners”.

8.31 In paragraph 319C, for “unmarried or same-sex partner”, substitute “or unmarried partner”.

8.32 In paragraph 319C(c), for “unmarried or same-sex partner”, substitute “unmarried partner”.

8.33 In paragraph 319E, on all occasions for “unmarried or same-sex partner”, substitute “or unmarried partner”.

8.34 For paragraph 319J(e)(ii), substitute “the Relevant Points Based System Migrant parent, or the Relevant Worker Migrant parent, has and has had sole responsibility for the applicant’s upbringing, or”.

## **Changes to Part 9**

9.1 In paragraph 320(5), after “to produce to the Immigration Officer a passport or other identity document” for “endorsed with a valid and current Isle of Man entry clearance issued for the purpose for which entry is sought”, substitute “and to have entry clearance for the purpose for which entry is sought”.

9.2 In paragraph 322 in the second heading, for “United Kingdom”, substitute “Isle of Man”.

9.3 For paragraph 323A(a), substitute “is to be curtailed if:

(i) in the case of a Tier 5 Migrant:

(1) the migrant fails to commence employment with the sponsor named on the Certificate of Sponsorship, or

(2) the migrant ceases, or will cease, the employment, volunteering, training or job shadowing (as the case may be) that the migrant has been sponsored to do, before the end date recorded on the Certificate of Sponsorship.

(ii) in the case of a Tier 4 Migrant:

(1) the migrant fails to commence studying with the sponsor named on the Confirmation of Acceptance of Studies, or

(2) the sponsor has excluded or withdrawn the migrant, or the migrant has withdrawn, from the course of studies, or

(2A) the migrant’s course of study has ceased, or will cease, before the end date recorded on the Confirmation of Acceptance of Studies, or

(3) the sponsor withdraws their sponsorship of a migrant on the doctorate extension scheme, or

(4) the sponsor withdraws their sponsorship of a migrant who, having completed a pre-sessional course as provided in paragraph 120(b)(i) of Appendix A, does not have a knowledge of English equivalent to level B2 of the Council of Europe’s Common European Framework for Language Learning in all four components (reading, writing, speaking and listening) or above.”

9.4 In paragraph 323A(b)(iii), for “in the case of a Tier 5 Migrant”, substitute “in the case of a Tier 5 Migrant”.

## **Changes to Part 10**

10.1 In paragraph 326(2)(iv), delete “or same sex”.

## **Changes to Appendices**

## **Changes to Appendix A**

A1. In paragraph 5(a)(i), in “made to the the Home Office”, delete the second “the”.

A2. In the first row of Table 4, in paragraph (d)(1), for “activity pursuant to a contract of service with a business other then his own”, substitute “activity pursuant to a contract of service with a business other than his own”.

A3. In the third row of Table 4, for “The money is disposable in the Isle of Man in the applicant is applying for leave to remain, and the money must be held in the Isle of Man,” substitute “The money is disposable in the Isle of Man if the applicant is applying for leave to remain, and the money must be held in the Isle of Man.”.

A4. In paragraph 61, on all occasions for “unmarried or same-sex partner”, substitute “or unmarried partner”.

A5. In paragraph 61-SD, for “as evidence of the relationship nd to show that the money”, substitute “as evidence of the relationship and to show that the money”.

A6. In paragraph 61-SD, on all occasions, for “unmarried or same-sex partner”, substitute “unmarried partner”.

A7. In paragraph 61-SD(a)(ii), for “unmarried nd same-sex relationships”, substitute “unmarried relationships”.

A8. In paragraph 64-SD, on all occasions, for “unmarried or same-sex partner”, substitute “unmarried partner”.

A9. In paragraph 64A-SD, on all occasions, for “unmarried or same-sex partner”, substitute “unmarried partner”.

A10. In paragraph 64A-SD(a)(ii)(7), delete “or same-sex partner”.

A11. In paragraph 65-SD, on all occasions, for “unmarried or same-sex partner”, substitute “unmarried partner”.

## **Changes to Appendix C**

C1. In paragraph 1B(a)(iv), for “the statements must be be either”, substitute “the statements must be either”.

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

FM-SE1. In paragraph S-EC.1.6., for “comply wih a requirement”, substitute “comply with a requirement”.

FM-SE2. In paragraph 11A(d)(iv)(5), for “ubparagraphs”, substitute “subparagraphs”.

FM-SE3. In paragraph 19(b)(ii), for “deductable”, substitute “deductible”.

FM-SE4. In paragraph 32A, on both occasions, for “unmarried partner and same sex partner”, substitute “and unmarried partner”.

### **Changes to Appendix H**

H1. In the list of countries, for “United Arab Emirates”, substitute “United Arab Emirates”.

### **Changes to Appendix J**

J1. In Table 8, in the section for Workers in Film and Television, in the third row of Exemptions from advertising for those deemed to be making an additional contribution to the UK labour market, for “be providing key creative input and have a significant previous working relationship”, substitute “be providing key creative input and have a significant previous working relationship”.

### **Changes to Appendix KoLL**

KoLL1. In paragraph 2.2, delete “(aa) includes speaking and listening;

(bb) is at ESOL Entry level 3, level 1, level 2 or level 3,

(cc) is regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), the Welsh Government, the Council for Curriculum, Examinations and Assessment (CCEA), or the Governments of the Isle of Man or the Channel Islands and

(dd) is listed as an ESOL qualification on the Register of Regulated Qualifications, or

(vii) the applicant has passed in Scotland a National Qualification in English for Speakers of Other Languages at Scottish Credit and Qualifications Framework (SCQF) level 4, 5 or 6 awarded by the Scottish Qualifications Authority; or”.

## **Changes to Appendix N**

N1. In the entry for Hanban Mandarin Teachers Scheme, for “classrooms” substitute “classrooms”.

## **Changes to Appendix V**

V1. In paragraph V1.2, after “leave to enter.”, insert, “Appendix 1 of Appendix V sets out the format of visit visas that are valid for entry to the Isle of Man.”.

V2. In paragraphs V3.7-V3.8, on all occasions, for “Isle of Man or Isle of Man”, substitute “Isle of Man or United Kingdom”.

V3. In paragraph V3.9, for “Isle of Man or UK”, substitute “Isle of Man or United Kingdom”.

V4. In Paragraph V7.4, after “A visa national must either hold”, insert “a type of visit visa set out in paragraph V1.5(a) or (b) or”.

V5. In Visitors Appendix 1, in the definition of “visit visa”, after “in the holder’s passport”, insert, “but may be issued in electronic form”.

V6. In Visitors Appendix 2, for the paragraph 12, substitute “An EVW Document is only valid if the required information has been submitted at least 48 hours before the holder departs on a flight or ship to the Isle of Man.”

## **Changes to Appendix W**

W1. Before the definition of “Confirmation of Employment”, insert:

““Building society pass books” must:

- (a) clearly show:
  - (i) the applicant's name,
  - (ii) the applicant's account number,
  - (iii) the financial institution's name,
  - (iv) the financial institution's logo, and

(v) transactions by the Employer covering the period no earlier than one calendar year before the date of the application, including receipt of the amount shown on the specified payslip as at (a),

and

(b) be either:

(i) the original pass book, or

(ii) a photocopy of the pass book which has been certified by the issuing building society on headed paper, confirming the pass book provided is authentic.”

W2. At the end of the current definition of “Confirmation of Employment”, insert “Where an applicant was issued a Certificate of Sponsorship prior to 06 April 2018 and has not subsequently been issued a Confirmation of Employment, references to a Confirmation of Employment should be read as if this were a reference to a Certificate of Sponsorship.”.

W3. After the definition of “Confirmation of Employment”, insert “**Continuous period of 5 years in the Isle of Man**” means residence in the Isle of Man for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:

- (a) the applicant has been absent from the Isle of Man for a period of 180 days or less in any of the five consecutive 12 month periods preceding the date of the application for leave to remain, except that any absence from the Isle of Man for the purpose of assisting with the Ebola crisis which began in West Africa in 2014 shall not count towards the 180 days, if the applicant provides evidence that this was the purpose of the absence(s) and that his Employer agreed to the absence(s);
- (b) the applicant has existing limited leave to enter or remain upon their departure and return except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of an application made within that 28 day period shall be disregarded; and
- (c) the applicant has 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 disregarded.
- (d) For the purposes of Appendix W, 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 paragraph 2.4(2)

may be included in the continuous period of 5 years' lawful residence, provided that:

- (i) any such leave as a Work Permit Holder or as a Tier 2 Migrant was for employment, and
- (ii) the most recent period of leave was granted in the Isle of Man as a Worker Migrant. In any such case, references to the "Isle of Man" in paragraph 1.2 of this Appendix shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom, as the case may be."

W4. After the definition for "length of the period of engagement", insert:

"Payslips" must be original formal payslips issued by the employer and showing the employer's name covering the full specified period, including the month preceding the date of application.

"Personal bank" and "building society statements" must:

- (a) be the applicant's most recent statements,
- (b) be dated no earlier than one calendar year before the date of the application,
- (c) clearly show:
  - (i) the applicant's name,
  - (ii) the applicant's account number,
  - (iii) the date of the statement,
  - (iv) the financial institution's name,
  - (v) the financial institution's logo, and
  - (vi) transactions by the Employer covering the period no earlier than one calendar year before the date of the application, including receipt of the amount shown on the payslip provided under paragraph (a),
- (d) be either:
  - (i) printed on the bank's or building society's letterhead,

(ii) electronic bank or building society statements, accompanied by a supporting letter from the bank or building society, on headed paper, confirming the statement provided is authentic, or

(iii) electronic bank or building society statements, bearing the official stamp of the bank or building society on every page.”

W5. In paragraph 1.1(3), for “Where the applicant is applying for Indefinite Leave to Remain under Part 2 or 3”, substitute “Where the applicant it applying for Further Leave to Remain or Indefinite Leave to Remain under Part 2 or 3”.

W6. For paragraph 1.1.1(1), substitute “The Specified Documents referred to in paragraph 1.1(3) above to provide evidence that the Worker Migrant or Worker (intra Company Transfer) Migrant will be or has been paid an appropriate salary are:

- (a) all annual self-assessment tax return(s) filed with the Isle of Man Treasury (a copy or print-out) covering the period of the last grant of leave immediately preceding the application being considered;
- (b) where the annual self-assessment tax return is not yet due for filing, original official payslips from their sponsor covering the period of employment from the date of last filed tax return to the date of filing the application are to be provided, clearly showing the salary and tax paid during the period of the last grant of leave; and
- (c) one of the following showing that the income from the Employment recorded in any Confirmation of Employment used in support of the grant of leave immediately before the date of this application has been paid into an account in the name of the applicant, or in the name of the applicant and their partner jointly, for the period immediately before the date of this application:
  - (i) personal bank statements;
  - (ii) building society statements; or
  - (iii) a building society pass book.”.

W7. Delete paragraph 1.1.1(2).

W8. Delete paragraph 1.1.1(3).

W9. For paragraph 1.1.1(4), substitute “Where the applicant is not being paid the appropriate salary in paragraph 1.1 due to the applicant having a period of maternity, paternity, or adoption leave, or other significant period of absence:



- (a) Payslips must be:
  - (i) original formal payslips issued by the employer and showing the employer's name covering the full specified period of employment, including the month preceding the date of application, 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, and
  - (iii) comply with the definition of payslip.
- (b) Personal 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, and
  - (iii) comply with the definitions of personal bank or building society statements."

W10. Delete paragraph 1.2.

W11. After paragraph 2.2.1(4)(c), insert "(d) The applicant must within 10 working days notify the Immigration Service when:

- (i) they cease working for the employer named on the Confirmation of Employment; or
- (ii) any other changes specified in Part 5.1 are made."

W12. In the opening to paragraph 2.3, for "If the applicant meets these requirements, entry clearance will be granted", substitute "If the applicant meets these requirements, further leave to remain will be granted".

W13. For paragraph 2.3(6) substitute "Where renewing leave as a Worker Migrant, or where the applicant's previous leave was as a Worker (Intra Company Transfer) Migrant, the applicant must provide the Specified Documents at paragraph 1.1.1 of this Appendix in order to evidence that they have been paid the salary shown on the Confirmation of Employment, for the whole period of the grant of leave immediately prior to this application. Where an applicant has changed employment through the period of the most recent grant of leave, evidence must be provided to show they

have been paid the salary shown in each Confirmation of Employment used in connection with the most recent grant of leave.”

W14. In paragraph 2.3(7), for “Where any changes to the applicant’s employment have been made”, substitute “Where renewing leave as a Worker Migrant, or where the applicant’s previous leave was as a Worker (Intra Company Transfer) Migrant, any changes to the applicant’s employment have been made”.

W15. In paragraph 2.3(10)(b)(i), insert “or” at the end of subsection (ii), and delete the “or” at the beginning of subsection (iii).

W16. For the wording of paragraph 2.3.1(1), substitute “The Specified Documents required by paragraph 2.3(6) are set out in paragraph 1.1.1.”.

W17 In paragraph 2.3.2, after 2.3.2(4)(d), insert “(e) The applicant must within 10 working days notify the Immigration Service if:

- (i) they cease working for the employer named on the Confirmation of Employment; or
- (ii) any other changes specified in Part 5.1 are made.”

W18. In the first paragraph of 2.4, delete “in addition to the general requirements for indefinite leave to remain set out in paragraph 1.2”.

W19. In paragraph 2.4(3), for the current wording of (a) and (b), substitute “(a) that the employer will continue to employ the applicant in the employment stated in the most recent Confirmation of Employment, for the foreseeable future,

- (b) the amount of gross annual salary that will be paid by the employer and that this salary will be paid to the applicant for the foreseeable future”

W20. For paragraph 2.4(7), substitute “The applicant must provide the Specified Documents at paragraph 1.1.1. of this Appendix in order to evidence that they have been paid the salary shown on the Confirmation of Employment, for the whole period of the grant of leave immediately prior to this application. Where an applicant has changed employment through the period of the most recent grant of leave, evidence must be provided to show they have been paid the salary shown in each Confirmation of Employment used in connection with the most recent grant of leave.”

W21. Delete paragraph 2.4(9).

W22. After paragraph 2.4(9), insert “(10) 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.

(11) The applicant must:

- (a) provide the Specified Documents in paragraph 1.1.1 as evidence of the appropriate salary; and
- (b) if applicable, provide the Specified Documents in paragraph 1.1.1 and give reasons for the absences set out in paragraph (10).”

W23. For paragraph 2.4.1(1)(a), substitute “The Specified Documents required by paragraph 2.4(7) are set out in paragraph 1.1.1.”.

W24. At the end of paragraph 3.1, insert “New entrants to this route cannot gain indefinite leave to remain. Any time spent on this route will not count towards the minimum continuous residence requirements of other routes that do lead to indefinite leave to remain.”

W25. After paragraph 3.2.1(3)(c), insert “(d) the applicant must within 10 working days notify the Immigration Service when:

- (i) they cease working for the employer named on the Confirmation of Employment; or
- (ii) any other changes specified in Part 5.1 are made.”

W26. For paragraph 3.3(4), substitute “The applicant must provide the Specified Documents at paragraph 1.1.1 of this Appendix in order to evidence that they have been paid the salary shown in the Confirmation of Employment for the whole period of the grant of leave immediately prior to this application. Where an applicant has changed employment through the period of the most recent grant of leave, evidence must be provided to show they have been paid the salary shown in each Confirmation of Employment used in connection with the most recent grant of leave.”

W27. For paragraph 3.3.1(1), substitute “The Specified Documents required by paragraph 3.3(4) are set out in paragraph 1.1.1.”

W28. In paragraph 3.3.2(4), after subparagraph (c) insert “(d) the applicant must within 10 working days notify the Immigration Service when:

- (i) they cease working for the employer named on the Confirmation of Employment; or
- (ii) any other changes specified in Part 5.1 are made.”

W29. In the introduction to section 3.4, delete “in addition to the general requirements for indefinite leave to remain set out in paragraph 1.2”.

W30. In paragraph 3.4(5), delete “and to evidence the reason for the absences set out in the General Requirements for Indefinite Leave to Remain under paragraph 1.2”.

W31. After paragraph 3.4(8), insert “(9) 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 relevant qualifying period 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. If applicable, the applicant must provide the Specified Documents in paragraph 1.1.1 and give reasons for the absences.”.

W32. At the end of paragraph 3.4, delete “In such cases, references to the “Isle of Man” in paragraph 1.2 of this Appendix shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom, as the case may be.”

W33. For paragraph 4.1(1)(a), substitute “the migrant fails to commence Employment with the Employer recorded on the Confirmation of Employment”

W34. At the end of paragraph 4.1(1)(b), insert “or”.

W35. After paragraph 4.1(1)(b), insert “(c) the migrant fails to inform the Immigration Service that they have ceased working for the Employer named on the Confirmation of Employment within 10 working days of them being notified of their employment coming to an end or from tendering their resignation.”

W36. For paragraph 4.1(2)(c), substitute “the employment recorded on the Confirmation of Employment-

- (i) undergoes a prohibited change as specified in Part 5 below; and
- (ii) a new Confirmation of Employment allowing the specified change in employment circumstances has not been granted in accordance with paragraph 5.1(1).”

W37. After paragraph 4.1(2)(c), insert “(ca) the migrant fails to notify the Immigration Service of a change made to their employment that is prohibited under Part 5.”

W38. In paragraph 5.2(3), for “paragraph 4.1(2)(c)”, substitute “paragraph 4.1(2)(b)”.

W39. At the end of paragraph 6.1(1)(d), insert “and”.

W40. Delete paragraph 6.1(1)(e).

W41. Delete paragraph 6.1(3).

W42. In paragraph 6.2(7)(a), for “an original offer letter signed by the Employer”, substitute “an original offer of employment letter addressed to the employee signed by the Employer”.

W43. After paragraph 6.2(9), insert paragraph “6.2A Circumstances in which a Confirmation of Employment will cease to be valid

A Confirmation of Employment will cease to be valid where:

- (1) It has been used in support of a previous visa application, whether or not the previous visa application was successful;
- (2) It is later established the requirements set out in section 6.2 were not met;
- (3) It is later established the Confirmation of Employment was issued in error;
- (4) the Confirmation of Employment will not be considered valid where prohibited changes of employment have taken place as set out in Part 5 of this Appendix; or
- (5) if the job the migrant is being employed to do is not deemed Eligible Employment as specified in Tables 1 to 7 of Part 7, unless the exemption in 6.1(4) applies.”