

Statutory Document 2023/0068



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 20 June 2023

under section 3(2) of the Immigration Act 1971 (an Act of Parliament as extended to the Isle of Man by the Immigration (Isle of Man) Order 2008 (SI 2008 no. 680))

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

## Commencement

The changes set out in this Statement of Changes in Immigration Rules come into effect on 4 July 2023

## Changes to Introduction

Int 1. In paragraph 6 (interpretation), after the definition of “**Fee**”, insert—

“**Fee Waiver**” means a decision by the Minister for the Cabinet Office to waive the payment of a fee or reduce the amount of a fee in respect of any application, service or process covered by regulations made under section 68 of the Immigration Act 2014.”.

Int 2. In paragraph 6, in sub-paragraph (b) of the definition of “**present and settled**” or “**present and settled in the Isle of Man**” for “a permanent member of HM Diplomatic Service, or a comparable UK or Island based staff member of the British Council, the Department for International Development or the Home Office on a tour of duty outside the UK and Islands”, substitute “an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government, or a comparable UK or Islands based permanent member of the British Council on a tour of duty outside the UK and Islands”.

## Changes to Part 1: General Provisions Regarding Leave to Enter or Remain in

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

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

<sup>3</sup> S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13 ,SD 2014/0004, SD 2014/0082, SD 2014/241, SD2014/314 , SD2014/324, SD2015/0265, SD2015/0386, SD2016/0092, SD2016/0175, SD5016/0211, SD2017/0066, SD2017/0183, SD2017/0314, SD2018/0084, SD2018/0134, SD2018/0328, SD2019/0119, SD2019/0143, SD2019/0330, SD2019/0380, SD2020/0011, SD2020/0070, SD2020/0088, SD2020/0140, SD2020/0316, SD2020/0344 SD2020/0467, SD2020/0497, SD2021/0002, SD2021/0155, SD2021/0216, SD2021/0304, SD2021/0358, SD2022/0052, SD2022/0083, SD2022/0155 and SD2022/0325

## **the Isle of Man**

1.1 Omit paragraphs 31, 31A and 33A.

1.2 In paragraph 34, in sub-paragraph (3) after “the application form” insert –  
“unless a fee waiver which has been granted in whole or in part applies.”.

1.3 For paragraph 34BB, substitute –

“34BB Except where one or more applications have been made under Appendix EU (see paragraph EU10 of Appendix EU):

- (1) Where an applicant has an outstanding application for entry clearance or permission to stay which has not been decided (“the previous application”), any further application for entry clearance or permission to stay will be treated as an application to vary the previous application and only the most recent application will be considered.
- (2) An application to vary a previous application must comply with the requirements of paragraph 34, or the validity requirements for the route applied for or, subject to paragraph 34B, the application to vary will be invalid and will not be considered.
- (3) Any valid application to vary a previous application will be decided in accordance with the immigration rules in force at the date the application to vary is made.
- (4) Where an application to vary a previous application has been made, the Minister will contact the applicant to notify them that the application is being treated as an application to vary and that any previous application will have been varied.
- (5) Where more than one application to vary has been made, or where it is not clear which is the most recent application, the Minister will request that the applicant confirm which application they want to be considered.
- (6) If the applicant does not provide confirmation within 14 days of the request, the most recent application will be considered and any other applications will be treated as varied, unless it is not clear which is the most recent application, in which case all applications

will be treated as invalid.

- (7) Where a human rights claim is made as part of an application and a subsequent application is made which varies that application under paragraph 34BB(1), if the applicant is then granted entry clearance or permission to stay, any outstanding human rights claim will be treated as withdrawn, but where any subsequent application is refused, the human rights claim, if not already decided, remains outstanding and will be considered at a time decided by the Minister.”.

1.4 For the heading “**Dependent applicants applying at the same time as the main applicant**”, above paragraph 34C, substitute “**Applications made by dependants**”.

1.5 After paragraph 34C, insert:

“34DA. An applicant applying as a dependent partner or dependent child must be applying as the partner or child of a person (P) where:

- (i) P has made a valid application for entry clearance, permission to enter, permission to stay or settlement and that application has not been decided; or
- (ii) P has entry clearance, permission to enter, or permission to stay; or
- (iii) P is settled or a British citizen, providing the applicant had permission as their partner or child at that time.”.

1.6 Omit the heading “**Variation of applications or claims for leave to remain**” above paragraph 34E.

1.7 Omit paragraphs 34E, 34F and 34FA.

1.8 In paragraph 34G for “paragraph 34E” substitute “paragraph 34GA”.

1.9 After paragraph 34G insert —

“34GA. Where a variation application is made in accordance with paragraph 34BB, the date the variation application (the new application) is made is deemed to be the date the previous application was made prior to it being varied (the old application).

34GB. Where a partner, child or other dependent is included in the variation application (the new application) and was not included in the

application which has been varied (the old application) the date of application for the dependant's application is the date the variation application (the new application) was made.”.

## **Changes to Part 5**

5.1. In paragraph 145, omit sub-paragraph (ii).

5.2. For paragraph 148, substitute —

“148. An extension of stay as a representative of an overseas business may be granted provided the Minister is satisfied that each of the requirements of paragraph 147 is met. The extension of stay will be granted for a period not exceeding 2 years, and will be subject to the following conditions:

(i) no recourse to public funds,

(ii) [omitted]

(iii) no employment other than working for the business which the applicant has been admitted to represent; and

(iv) study subject to the conditions set out in Part 15 of these Rules.

## **Changes to Part 6A**

6A.1 In paragraph 245BC(b), omit sub-paragraph (ii).

6A.2 In paragraph 245BE(b), omit sub-paragraph (ii).

6A.3 In paragraph 245DE(b), omit sub-paragraph (ii).

6A.4 In paragraph 245EE(b), omit sub-paragraph (ii).

6A.5 In paragraph 245ZL, omit sub-paragraph (b).

6A.6 In paragraph 245ZP(f), omit sub-paragraph (ii).

6A.7 In paragraph 245ZR(h), omit sub-paragraph (ii).

6A.8 In paragraph 245ZW(c), omit sub-paragraph (ii).

6A.9 In paragraph 245ZY(c), omit sub-paragraph (ii).

6A.10 In paragraph 245ZZB(c), omit sub-paragraph (ii).

6A.11 In paragraph 245ZZD(c), omit sub-paragraph (ii).

## **Changes to Part 8**

8.1 In paragraph 319C(k)(1)(c) after “codes listed below:” insert—

“1181 - Health services and public health managers and directors

1184 - Social services managers and directors

1241 - Health care practice managers

1242 - Residential, day and domiciliary care managers”.

8.2 In paragraph 319C(k)(1)(c) after “2232 - Midwives” omit “2311 - Higher Education teaching professionals”.

8.3 In paragraph 319C(k)(1)(c) after “2315 - Primary and nursery education teaching professionals” insert—

“2316 - Special needs education teaching professionals

2317 - Senior professionals of educational establishments

2318 - Education advisers and school inspectors

2319 - Teaching and other educational professionals not elsewhere classified”.

8.4 In paragraph 319C(k)(1)(c) after “2442 - Social Workers” insert—

“2443 - Probation officers”.

8.5 In paragraph 319C(k)(1)(c) after “3213 - Paramedics” insert—

“3216 - Dispensing opticians

3217 - Pharmaceutical technicians”.

8.6 In paragraph 319C(k)(1)(c) after “3219 - Health Associate Professionals” insert—

“3231 - Youth and community workers

3234 - Housing officers

3235 - Counsellors

3239 - Welfare and housing associate professionals not elsewhere classified

3443 - Fitness instructors

3562 - Human resources and industrial relations officers

6121 - Nursery nurses and assistants

6122 - Childminders and related occupations

6123 - Playworkers

6125 - Teaching assistants

6126 - Educational support assistant”.

8.7 In paragraph 319C(k)(1)(c) omit “3563 - Vocational and industrial trainers and instructors”.

8.8 In paragraph 319C(k)(1)(c) after “6141 - Nursing Auxiliaries and Assistants” insert—

“6143 - Dental nurses

6144 - Houseparents and residential wardens

6145 - Care Workers and home carers

6146 - Senior care workers”.

8.9 In paragraph 319D(b), omit subparagraph (ii).

8.10 In paragraph 319I(b), omit subparagraph (ii).

## **Changes to Part 9**

9.1 For paragraph 9.7.3A substitute —

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

## **Removal of Part 10**

10.1 Omit paragraph 325 and 326.

## **Removal of Appendix 2**

11.1 Omit Appendix 2.

## **Changes to Appendix B**

B.1 In paragraph 1A, in sub-paragraph (vi) for “or” substitute, “, ”

B.2 In paragraph 1A, in sub-paragraph (vi) after “midwife” insert, “or veterinarian”.

## **Changes to Appendix C**

C.1 In paragraph 1A(b), omit “Worker Migrant, Worker (Intra Company Transfer) Migrant”.

C.2 In paragraph 1A(c), after “Tier 4 Migrant”, insert “Worker Migrant, Worker (Intra Company Transfer) Migrant”.

C.3 In paragraph 1A(g), for “Worker Migrant or Worker (Intra Company Transfer) Migrant” substitute “Relevant Worker Migrant”.

C.4 In paragraph 1B(a)(i)(1), omit—

(a) “Worker Migrant, Worker (Intra Company Transfer) Migrant,”; and

(b) “, or the Partner or Child of a Relevant Worker Migrant or Relevant (Intra Company Transfer) Migrant”.

C.5 For paragraph 1B(a)(i)(3), substitute—

“(3) a consecutive 28-day period of time, if the applicant is applying as a Tier 4 Migrant, Worker Migrant, Worker (Intra Company Transfer) Migrant, Worker (Seasonal) Migrant or the Partner or Child of a Relevant Worker Migrant or Tier 4 Migrant;”.

C.6 In paragraph 1B(b)(i)(1), omit—

(a) “Worker Migrant, Worker (Intra Company Transfer) Migrant,”; and



(b) “, or the Partner or Child of a Relevant Worker Migrant or Relevant (Intra Company Transfer) Migrant”.

C.7 For paragraph 1B(b)(i)(3), substitute—

“(3) a consecutive 28-day period of time, if the applicant is applying as a Tier 4 Migrant, Worker Migrant, Worker (Intra Company Transfer) Migrant, Worker (Seasonal) Migrant or the Partner or Child of a Relevant Worker Migrant or Tier 4 Migrant;”.

C.8 In paragraph 1B(b)(iii)(1)iii., omit both instances of “or Relevant Worker (Intra Company Transfer) Migrant”.

C.9 In paragraph 1B(b)(iii)(1)iv., omit “or Relevant Worker (Intra Company Transfer) Migrant”.

C.10 In paragraph 1B(c)(i)(1), omit—

(a) “Worker Migrant, Worker (Intra Company Transfer) Migrant,”; and

(b) “or the Partner or Child of a Relevant Worker Migrant or Relevant (Intra Company Transfer) Migrant”.

C.11 For paragraph 1B(c)(i)(3), substitute—

“(3) a consecutive 28-day period of time, if the applicant is applying as a Tier 4 Migrant, Worker Migrant, Worker (Intra Company Transfer) Migrant, Worker (Seasonal) Migrant or the Partner or Child of a Relevant Worker Migrant or Tier 4 Migrant;”.

C.12 In paragraph 5(a), in column two of the table for all instances of “£945” substitute “£1,270”.

C.13 For paragraph 5(b), substitute—

“(b) where the applicant’s most recent grant of leave requires them to remain in a sponsored employment position (such as a Worker Migrant visa); or”.

C.14 In paragraph 5(c) for “£945” substitute “£1,270”.

## **Changes to Appendix E**

E.1 In the definition of “Relevant Worker Migrant” for “a migrant granted or deemed to have been granted leave under Appendix W of these Rules” substitute “a Worker

Migrant or Worker (Intra Company Transfer) Migrant who has been granted or deemed to have been granted leave under Appendix W to these Rules”.

E.2 In paragraph (b)(ii) omit subparagraph (2).

E.3 After paragraph (ba), insert—

“(bb) where the application is connected to a relevant Worker Migrant—

(1) there must be the following funds—

(i) £285 for a dependent partner,

(ii) £315 for the first dependent child, and

(iii) £200 for any other dependent child”.

E.4 In paragraph (g)(i), omit “Relevant Worker Migrant,”.

E.5 In paragraph (g)(ii), insert “or Relevant Worker Migrant” at the end of the paragraph.

E.6 In paragraph (i)(3), for “£630 per dependent” substitute “to the relevant level of funds set of in sub-paragraphs (b), (ba) and (bb) of this Appendix”.

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

EC.1 In paragraph ECAA 6.4, omit subparagraph (e).

EC.2 In paragraph ECAA 16.2, omit subparagraph (d).

### **Changes to Appendix EU: EU, other EEA and Swiss citizens and family members**

EU.1 For paragraph EU10(2), substitute—

“(2) Paragraph 34BB of these Rules does not apply to applications made under this Appendix. Where a further valid application is made under this Appendix before a previous such application has been decided, the further application will be treated as an application to vary the previous application and only the latest application will be considered.

(3) Where a valid application is made under this Appendix before a previous

valid application made under another part of or outside the Immigration Rules has been decided (or where a valid application is made under another part of or outside the Immigration Rules, or varied by a further such application, before a previous valid application made under this Appendix has been decided), both applications will be considered.

- (4) Where both applications considered in accordance with sub-paragraph (3) above fall to be granted, the Minister will inform the applicant that they satisfy the relevant criteria in respect of both applications and ask them to confirm which application they want to be decided and which they want to be treated as withdrawn. If the applicant does not so confirm within 14 days, the latest application will be decided and the other treated as withdrawn.”.

EU.2 In paragraph EU11, for sub-paragraph (c) of condition 1 in the table, substitute—

“(c) Since they did, no supervening event has occurred in respect of the applicant”.

EU.3 In paragraph EU11, for sub-paragraph (c) of condition 3 in the table, substitute—

“(c) since then no supervening event has occurred in respect of the applicant”

EU.4 In paragraph EU11, for sub-paragraph (f) of condition 5 in the table, substitute—

“(f) since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred in respect of the applicant”

EU.5 In paragraph EU11A, for sub-paragraph (c) of condition 1 in the table, substitute—

“(c) since then no supervening event has occurred in respect of the applicant”

EU.6 In paragraph EU11A, for sub-paragraph (f) of condition 2 in the table, substitute—

“(f) since the relevant sponsor became a person who has ceased activity, no supervening event has occurred in respect of the applicant”.

EU.7 In paragraph EU12, for sub-paragraph (c) of condition 1 in the table, substitute—

“(c) no supervening event has occurred in respect of the applicant”.

EU.8 In paragraph EU12, for sub-paragraph (d) of condition 3 in the table, substitute—

“(d) since completing the continuous qualifying period of five years, no supervening event has occurred in respect of the applicant”.

EU.9 In paragraph EU14, after sub-paragraph (b) of condition 1 in the table, insert—

“(c) where the applicant is a family member of a relevant EEA citizen, there has been no supervening event in respect of the relevant EEA citizen”.

EU.10 In paragraph EU14A, after sub-paragraph (b) of the condition in the table, insert—

“(c) where the applicant is a joining family member of a relevant sponsor, there has been no supervening event in respect of the relevant sponsor”.

EU.11 In paragraph EU15, in sub-paragraph (b), after “where the”, insert “Minister deems the”.

EU.12 In paragraph EU16(c)(ii) for sub-paragraph (bb), substitute—

“(bb) in respect of conduct committed after the specified date, where the Minister deems the applicant’s presence in the Isle of Man is not conducive to the public good; or”.

EU.13 In Annex 1, in sub-paragraph (a) of the definition of “continuous qualifying period” in the table, after “relevant sponsor” insert “is a **relevant EEA family permit case**”.

EU.14 In Annex 1, for sub-paragraph (b)(ii) of the definition of “deportation order” in the table, for “who meets the requirements” substitute “who, but for the making of the deportation order, meets the requirements”.

EU.15 In Annex 1, for sub-paragraph (b) of the definition of “exclusion decision” in the table, for “who meets the requirements of paragraph EU11” substitute “who, but for the making of the exclusion direction, meets the requirements of paragraph EU11, EU11A”.

EU.16 In Annex 1, for sub-paragraph (a)(i)(aa) of the definition of “relevant document” in the table, substitute—

“(aa) a family permit, registration certificate, document certifying an extended right of residence, document certifying permanent residence, or document certifying a derivative right of residence issued by the Isle of Man, under the EEA Regulations on the basis of an application made under the EEA Regulations before (in the case, where the applicant is not a dependent relative, of a family permit) 1 July 2021 and otherwise before the specified date (or, in any case, a letter from the Minister, issued after 30 June 2021, confirming their qualification for such a document, had the route not closed

after 30 June 2021)”.

EU.17 In Annex 1, after the definition of “relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)” in the table, insert—

“

relevant EEA family permit case	<p>(a) family member of a relevant EEA citizen who is:</p> <ul style="list-style-type: none"><li>(i) a dependent relative or a durable partner who (in either case) arrived in the UK and Islands after the specified date and by 30 June 2021 with a valid EEA family permit issued under the EEA Regulations on the basis of a valid application made under the EEA Regulations before the specified date; or</li><li>(ii) a dependent relative or (on the basis of a valid application made under the EEA Regulations before the specified date) a durable partner who (in either case) arrived in the UK and Islands after the specified date with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met the definition in Annex 1 to that Appendix of ‘specified EEA family permit case’; or</li></ul> <p>(b) a person with a derivative right to reside or a person with a Zambrano right to reside who (in either case) arrived in the UK and Islands after the specified date and by 30 June 2021 with a valid EEA family permit issued under the EEA Regulations on the basis of a valid application made under the EEA Regulations before the specified date; or</p> <p>(c) a person with a derivative right to reside or a person with a Zambrano right to reside who (in either case) arrived in the UK and Islands after the specified date with an entry clearance in the form of an EU Settlement Scheme Family Permit granted under Appendix EU (Family Permit) to these Rules on the basis they met the definition in Annex 1 to that Appendix of ‘specified EEA family permit case’</p> <p>in addition, where sub-paragraph (b) or (c) above applies, the reference to ‘specified date’ in the entry for (as the case may be) ‘person with a derivative right to reside’ or ‘person with a Zambrano right to reside’ in this table is to be read as meaning the date on which the person made a valid application under the EEA Regulations on the basis of which</p>
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	the family permit referred to in (as the case may be) sub-paragraph (b) or (c) above was issued
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EU.18 In Annex 1, for the definition of “required date” in the table, substitute—

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required date	<p>(a) where the applicant does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix:</p> <p>(i) (where sub-paragraph (a)(ii), (a)(iii) or (a)(iv) below does not apply) the date of application is:</p> <p style="padding-left: 20px;">(aa) before 1 July 2021; or</p> <p style="padding-left: 20px;">(bb) (where the deadline in sub-paragraph (a)(i)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) on or after 1 July 2021; or</p> <p>(ii) (in the case of a joining family member of a relevant sponsor and that joining family member arrived in the Isle of Man on or after 1 April 2021, and where sub-paragraph (a)(iii) below does not apply, or that joining family member is a child born in the UK and Islands on or after 1 April 2021 or adopted in the UK and Islands on or after that date in accordance with a relevant adoption decision, or on or after 1 April 2021 became a child in the UK and Islands within the meaning of the entry for ‘child’ in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) the date of application is:</p> <p style="padding-left: 20px;">(aa) within 3 months of the date on which they arrived in the UK and Islands (or, as the case may be, of the date on which they were born in the UK and Islands, adopted in the UK and Islands or became a child in the UK and Islands within the meaning of the entry for ‘child’ in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or</p> <p style="padding-left: 20px;">(bb) (where the deadline in sub-paragraph (a)(ii)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after that deadline; or</p>
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	<p>(iii) (in the case of a joining family member of a relevant sponsor as described in sub-paragraph (b) of that entry in this table and that joining family member arrived in the UK and Islands on or after 1 April 2021) the date of application is:</p> <p>(aa) within three months of the date on which they arrived in the UK and Islands, and before 1 January 2026; or</p> <p>(bb) (where the deadline in sub-paragraph (a)(iii)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after that deadline; or</p> <p>(iv) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) the date of application is: (aa) before 2300 GMT on 29 March 2022; or (bb) (where the deadline in sub-paragraph (a)(iv)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after 2300 GMT on 29 March 2022; or</p> <p>(v) (in the case of an applicant who has limited leave to enter or remain granted under another part of these Rules or outside the Immigration Rules, which has not lapsed or been cancelled, curtailed or invalidated, and the date of expiry of that leave is on or after 1 July 2021, which, notwithstanding the deadline in sub-paragraph (a)(i)(aa) above, the Minister will deem to be reasonable grounds for the person’s failure to meet that deadline), the date of application is:</p> <p>(aa) before the date of expiry of that leave; or</p> <p>(bb) (where the deadline in sub-paragraph (a)(v)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after the date of expiry of that leave; or</p> <p>(vi) (in the case of an applicant who ceases to be exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971 on or after 1 July 2021, which, notwithstanding the deadline applicable under sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above, the Minister will deem</p>
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	<p>to be reasonable grounds for the person’s failure to meet that deadline), the date of application is:</p> <p>(aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or</p> <p>(bb) (where the deadline in sub-paragraph (a)(vi)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after that deadline; or</p> <p>(b) where the applicant has limited leave to enter or remain granted under this Appendix, which has not lapsed or been cancelled, curtailed or invalidated, the date of application is</p> <p>(i) before the date of expiry of that leave; or</p> <p>(ii) (where the deadline in sub-paragraph (b)(i) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after the date of expiry of that leave</p> <p>in addition:</p> <p>(a) for the avoidance of doubt, paragraph 39E of these Rules does not apply to applications made under this Appendix; and</p> <p>(b) the deadline in sub-paragraph (a)(i)(aa) above does not apply (and the applicant therefore has to meet no requirement under subparagraph (a) above) where the applicant:</p> <p>(i) is a joining family member of a relevant sponsor; and</p> <p>(ii) does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix; and</p> <p>(iii) is not caught by the deadline in sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) above; and</p> <p>(iv) does not fall within sub-paragraph (a)(v) or (a)(vi)</p>
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EU.19 In Annex 1, in sub-paragraph (a) of the definition of “supervening event” in the table, for “the applicant” substitute “the person”.

EU.20 In Annex 1, for sub-paragraph (a) of the definition of “UK or CI deportation order” in the table, substitute:

“(a) in respect of conduct committed after the specified date and has effect in



relation to the person, by virtue of paragraph 3 of Schedule 4 to the Immigration Act 1971, as if it was a deportation order made under that Act; or”.

EU.21 In Annex 1, in sub-paragraph (b) of the definition of “UK or CI deportation order” in the table, for “who meets the requirements of paragraph EU11” substitute “who, but for the making of the deportation order, meets the requirements of paragraph EU11, EU11A”.

EU.22 In Annex 1, in sub-paragraph (b) of the definition of “UK or CI exclusion decision” in the table, for “who meets the requirements of paragraph EU11” substitute “who, but for the making of the exclusion direction, meets the requirements of paragraph EU11, EU11A”.

EU.23 In Annex 3, in paragraph A3.1., for “where the person’s presence in the Isle of Man” substitute “where the Minister or an Immigration Officer deems the person’s presence in the Isle of Man”.

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

FP.1 In paragraph FP6.(1), for sub-paragraph (e), substitute—

“(e) the applicant (“A”) is not the **spouse, civil partner or durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, immediately before or since the specified date held a valid document in that capacity issued under the **EEA Regulations** or has been granted leave to enter or remain in the Isle of Man in that capacity under or outside the Immigration Rules.”.

FP.2 In paragraph FP6.(2), for sub-paragraph (e), substitute—

“(e) the applicant (“A”) is not the spouse, civil partner or durable partner of a qualifying British citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, immediately before or since the specified date held a valid document in that capacity issued under the EEA Regulations or has been granted leave to enter or remain in the Isle of Man in that capacity under or outside the Immigration Rules.”.

FP.3 In paragraph FP7.(2), for “where the applicant’s presence in the Isle of Man is not conducive” substitute “where the applicant’s presence in the Isle of Man is deemed

not to be conducive”.

FP.4 In paragraph FP7.(4), for sub-paragraph (b)(ii)(bb), substitute—

“(bb) in respect of conduct committed after the specified date, where the applicant’s presence in the Isle of Man is deemed not to be conducive to the public good.”.

FP.5 After paragraph FP8., insert—

“FP8A. The applicant will be granted an entry clearance under this Appendix, in the form of an EU Settlement Scheme Family Permit, where:

- (a) the entry clearance officer is satisfied that the applicant is a specified EEA family permit case; and
- (b) had the applicant made a valid application under this Appendix, it would not have been refused on grounds of suitability under paragraph FP7.”.

FP.6 In paragraph FP11., after “in respect of the” insert “revocation of an entry clearance that was granted under this Appendix, and of the”.

FP.7 In Annex 1, in sub-paragraph (b)(ii) of the definition of “deportation order” in the table, for “who meets the requirements of” substitute “who, but for the making of the deportation order, meets the requirements of”.

FP.8 In Annex 1, in sub-paragraph (a) of the definition of “durable partner” in the table, for “the person” substitute “the applicant”.

FP.9 In Annex 1, in sub-paragraph (b) of the definition of “durable partner” in the table, for “the person” substitute “the applicant”.

FP.10 In Annex 1, in sub-paragraph (b) of the definition of “exclusion decision” in the table, for “who meets the requirements of” substitute “who, but for the making of the exclusion direction, meets the requirements of”.

FP.11 In Annex 1, at the end of sub-paragraph (a)(viii) of the definition of “family member of a qualifying British citizen” in the table, for “and” substitute—

“or

- (ix) as a person who the entry clearance officer is satisfied by evidence provided by the person that they would, if they made a valid application under

Appendix EU to these Rules in the Isle of Man, be granted (as the case may be) indefinite leave to remain under paragraph EU2 of that Appendix or limited leave to remain under paragraph EU3 as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen (as defined in Annex 1 to Appendix EU); and”.

FP.12 In Annex 1, for sub-paragraph (b)(ii) of the definition of “family member of a qualifying British citizen” in the table, substitute—

“(ii) (save where the date of application is after the specified date and where those conditions concern matters relevant to the dependency referred to in subparagraph (b)(ii)(bb) of the entry for “child” in this table or in subparagraph (b)(ii) of the entry for “dependent parent” in this table, or save where subparagraph (a)(ix) above applies) at the date of application,

in addition, where sub-paragraph (a)(ix) above applies, the requirements in paragraph FP6.(2)(c) and (d) of this Appendix do not apply.”.

FP.13 In Annex 1, in sub-paragraph (f) of the definition of “family member of a relevant EEA citizen” in the table, for “the date of application under this Appendix:” substitute “the date of application under this Appendix (and, in respect of that application, the requirements in paragraph FP6.(1)(c) and (d) of this Appendix do not apply)—”.

FP.14 In Annex 1, in sub-paragraph (d) of the definition of “person exempt from immigration control” in the table, for “**qualification**” substitute “**qualification**,”.

FP.15 In Annex 1, for the entry for “qualifying British citizen” in the table, substitute—

“

qualifying British citizen	<p>a British citizen who:</p> <p>(a) (i) (where sub-paragraph (a)(ii) or (a)(iii) below does not apply) will be returning to the Isle of Man with the applicant before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the British citizen’s failure to meet that deadline); or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for “family member of a qualifying British</p>
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	<p>citizen” in this table) will be returning to the Isle of Man with the applicant and the entry clearance officer is satisfied that there are reasonable grounds why the British citizen did not do so before the specified date; or</p> <p>(iii) is the qualifying British citizen referred to in sub-paragraph (a)(ix) of the entry for “family member of a qualifying British citizen” in this table; and</p> <p>(b) satisfied regulation 10(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer, with the applicant being treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer):</p> <p>(i) before the specified date; and</p> <p>(ii) (save where sub-paragraph (a)(ix) of the entry for ‘family member of a qualifying British citizen’ in this table applies) at the date of application,</p> <p>in addition, for the avoidance of doubt, for the purposes of subparagraph (b) above, service as a member of HM Forces (as defined in the Armed Forces Act 2006 (of Parliament)) in a country listed in subparagraph (a) of the entry for “specified EEA citizen” in this table may satisfy the conditions of being a “worker” for the purposes of the EEA Regulations.</p>
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”.

FP.16 In Annex 1, in sub-paragraph (a)(iv) of the definition of “relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021” in the table, for “(where the date of application under this Appendix is on or after 1 July 2021” substitute “(where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)”.

FP.17 In Annex 1, for sub-paragraph (b) of the definition of “relevant naturalised British citizen” in the table, substitute—

“(b) meets the criteria contained in regulation 11(2) or (3) as the dual national (“DN”) to whom those provisions refer (save for the requirement in regulation 5(1)(c)(ii) and (d)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the Isle of Man and regardless of whether they otherwise remained a qualified person under regulation 7 of the EEA Regulations after they acquired British citizenship); and”.

FP.18 In Annex 1, in sub-paragraph (c) of the definition of “relevant naturalised British citizen” in the table, for “qualification” substitute “qualification,”.

FP.19 In Annex 1, after the entry for “specified EEA citizen” in the table, insert—

“

<p>specified EEA family permit case</p>	<p>a person who:</p> <p>(a) on the basis of a valid application made under the EEA Regulations before the specified date, would, had the route not closed after 30 June 2021, have been issued an EEA family permit under regulation 14 of the EEA Regulations:</p> <ul style="list-style-type: none"> <li>(i) (aa) as an extended family member under regulation 9; and (bb) where the “relevant EEA national” referred to in regulation 14(4) was resident in the Isle of Man in accordance with regulation 14(1)(a)(i) before the specified date; or</li> <li>(ii) (aa) as a person with a derivative right to reside in the Isle of Man by virtue of regulation 18(1); and</li> <li>(bb) where, pursuant to regulation 14(2), any person from whom the right to be admitted to the Isle of Man under the criteria in regulation 13(5) was derived was resident in the Isle of Man before the specified date; or</li> </ul> <p>(b) after the specified date and before 1 June 2021 was issued an EEA family permit under regulation 14 of the EEA Regulations, has contacted the Isle of Man Immigration Service to advise that they were not able to travel to the Isle of Man by 30 June 2021, and the entry clearance officer is satisfied by information or evidence provided by the person that there were compelling practical or compassionate reasons or COVID-19 related reasons why they were not able to travel to the Isle of Man by 30 June 2021; or</p> <p>(c) on or after 1 June 2021 was issued an EEA family permit under regulation 14 of the EEA Regulations with an expiry date of 30 June 2021, and has contacted the Isle of Man Immigration Service to advise that they were not able to travel to the Isle of Man by 30 June 2021,</p> <p>in addition, there must not have been a significant change in circumstances since the date on which the person was issued an EEA family permit under regulation 14 of the EEA Regulations (or, as the case may be, since the date on which the person’s appeal against the refusal of such a family permit was allowed or on which</p>
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	they would otherwise have been issued one, had the route not closed after 30 June 2021), such that it is not appropriate for them to be granted an entry clearance under this Appendix.
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”.

FP.20 In Annex 1, for sub-paragraph (a) of the definition of “UK or CI deportation order” in the table, substitute—

“(a) in respect of conduct committed after the specified date and has effect in relation to the person, by virtue of paragraph 3 of Schedule 4 to the Immigration Act 1971, as if it was a deportation order made under that Act; or”.

FP.21 In Annex 1, in sub-paragraph (b) of the definition of “UK or CI deportation order” in the table, for “who meets the requirements of” substitute “who, but for the making of the deportation order, meets the requirements of”.

FP.22 In Annex 1, in sub-paragraph (b) of the definition of “UK or CI exclusion decision” in the table, for “who meets the requirements of” substitute “who, but for the making of the exclusion direction, meets the requirements of”.

FP.23 In Annex 3, in paragraph A3.1., for “the person’s presence in the Isle of Man is not conducive” substitute “the person’s presence in the Isle of Man is deemed not to be conducive”.

FP.24 In Annex 3, in paragraph A3.3., for “the person’s presence in the Isle of Man is not conducive” substitute “the person’s presence in the Isle of Man is deemed not to be conducive”.

## **Changes to Appendix F**

F.1 In paragraph 245FC., omit sub-paragraph (b).

F.2 In paragraph 245FE., omit sub-paragraph (b)(ii).

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

FSE.1 For paragraph 26A., substitute—

“26A. Where—

- (a) an applicant for entry clearance, limited leave to enter or remain or indefinite leave to remain as a partner under Appendix FM (except as a fiancé(e) or proposed civil partner) intends to enter or remain in the Isle of Man to begin their probationary period (or has done so) and then to live outside the UK and Islands for the time being with their sponsor (or is doing so or has done so) before the couple live together permanently in the Isle of Man; and
- (b) the sponsor, who is a British Citizen or settled in the Isle of Man, is an employee of the Isle of Man Government, UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government, or a comparable UK or Island based permanent member of the British Council on a tour of duty outside the UK and Islands,

the applicant must provide a letter on official stationery from the sponsor's head of mission confirming the information at (a) and (b) and confirming the start date and expected end date of the sponsor's tour of duty outside the UK and Islands”.

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

HK.1 For the introductory paragraphs substitute—

“The Hong Kong British National (Overseas) route has two routes – the BN(O) Status Holder route and the BN(O) Household Member route.

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

The BN(O) Household Member route is for the adult child, born on or after 1 July 1997, of a BN(O) status holder. The BN(O) Household Member, and any dependent partner or child applying under this route must form part of the same household as the British National (Overseas) status holder.

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

HK.2 For paragraph HK 10.2., substitute—

“HK 10.2. An application for entry clearance or permission to stay as a partner or BN(O) Household Child on the BN(O) Status Holder route must meet all the following validity requirements—

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

HK.3 In paragraph HK 22.5., omit sub-paragraph (d).

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

- “(c) the applicant must have provided a passport or other travel document which satisfactorily establishes their identity and nationality: and
- (d) when applying for the first time as a BN(O) Household member, the applicant must be applying as a child of a BN(O) Status Holder who has made a valid application for entry clearance or permission to stay in the Isle of Man as a



BN(O) Status Holder that has not been decided.”.

HK.5 In paragraph HK 31.3., omit sub-paragraph (d).

HK.6 For paragraph HK 32.3., substitute—

“HK 32.3. An applicant who is applying as a dependent child must be the child of a person who is making a valid application for entry clearance or permission to stay on the BN(O) Household Member route at the same time as the applicant.”.

HK.7 In paragraph HK 44.5., omit sub-paragraph (d).

HK.8 For HK 45.4, substitute—

“The applicant must be the parent, grandparent, brother, sister, son or daughter of a person who is making a valid application for entry clearance or permission to stay as a BN(O) Status Holder or the partner of a BN(O) Status Holder at the same time as the applicant.”.

HK.9 In paragraph HK 54.3., omit sub-paragraph (d).

HK.10 For paragraph HK 64.1., substitute—

“HK 64.1. If the decision maker is satisfied all the suitability and eligibility requirements for settlement are met the applicant will be granted settlement.

HK 64.1A. If the requirements for settlement are not met, but the decision maker believes the applicant is likely to meet all the suitability and eligibility requirements for permission to stay under Appendix Hong Kong BN(O) (based on the route under which they have or last had permission), the application will be varied by the Minister to an application for permission to stay on that route. Where this happens—

- (a) no additional application fee for permission to stay will be required and the settlement application fee will not be refunded; and
- (b) the Minister will write to the applicant informing them of this variation.

HK 64.1B. Where an applicant is granted permission to stay it will be granted for 30 months and subject to the following conditions—

- (a) no access to public funds;
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sports person (including as a

sports coach); and

- (c) study is permitted, subject to the ATAS condition in Part 15 of the Immigration Rules.

HK 64.1C. If the decision maker is not satisfied that the applicant meets all the suitability and eligibility requirements for settlement or permission to stay, the application for settlement will be refused.”.

## **Changes to Appendix U: Ukraine Scheme**

UKR.1 In Appendix Ukraine, after paragraph UKR 11.3. insert—

“UKR 11.3A. Where an application under the Ukraine Sponsorship Scheme is varied to permission to stay under paragraph UKR 14.1., they must meet all the following requirements:

- (a) the applicant must have provided any required biometrics;
- (b) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality; and
- (c) the applicant must be in the Isle of Man.”.

UKR.2 For paragraph UKR 21.3., substitute—

“UKR 21.3. The applicant must have had permission to enter or stay in the Isle of Man on or between 18 March 2022 and 16 May 2023 (but the permission does not need to cover the whole of that period), unless:

- (a) they had permission to enter or stay in the Isle of Man immediately before 1 January 2022, but that permission has since expired; or
- (b) they are a child born in the Isle of Man to a parent who qualifies under this paragraph.”.

## **Changes Appendix V: Visitors**

V1. In paragraph V 4.4., for “applicant” substitute “visitor”.

V2. In paragraph V 8.3.(c), after “science,” insert “nursing, midwifery”.

## **Changes Appendix V: Visa National List**

VN1. In paragraph VN 1. for—

“A person who meets one or more of the criteria below needs an entry clearance (also referred to as visa) in advance of travel to the Isle of Man as a visitor, or for any other purpose for less than 6 months, unless they meet one of the exceptions set out in VN 2.1., VN 2.2. (subject to VN 2.3.) or VN 3.1.”, substitute—

“A person who meets one or more of the criteria below needs entry clearance (a visa) in advance of travel to the Isle of Man for any purpose, unless they meet one of the exceptions set out in VN 2.1., VN 2.2. (subject to VN 2.3.) or VN 3.1.:”.

## **Changes Appendix Visitor: Permitted Activities**

PA1. In paragraph PA 15.2., delete “, or sports officials,”.

PA2. After paragraph PA 15.2., insert—

“PA 15.3. Sports officials may support a sports tournament or sports event, where they have been invited by either:

- (a) a sports organisation, agent, or broadcaster based in the Isle of Man;  
or
- (b) a sports person with permission as a Visitor undertaking the activities in PA 15.1. or in Appendix V: Visitor at V 12.3.(f), at the same sports tournament or sports event.”.

## **Changes to Appendix W**

W1. In paragraph 1.1.1(4), after “paternity” insert “long term sickness of one calendar month or more”.

W2. In paragraph 1.2(1) omit, sub-paragraph (b).

W3. In paragraph 2.2(1)(m) after “to obtain a certificate from the relevant authority” insert—

“1181 - Health services and public health managers and directors

1184 – Social services managers and directors

1241 – Health care practice managers

1242 - Residential, day and domiciliary care managers”

W4. In paragraph 2.2(1)(m), omit—

“2311 - Higher Education teaching professionals”.

W5. In paragraph 2.2(1)(m) after “2315 - Primary and nursery education teaching professionals” insert—

“2316 – Special needs education teaching professionals

2317 – Senior professionals of educational establishments

2318 – Education advisers and school inspectors

2319 – Teaching and other educational professionals not elsewhere classified”

W6. In paragraph 2.2(1)(m) after “2442 - Social Workers” insert—

“2443 – Probation officer”

W7. In paragraph 2.2(1)(m) after “3213 - Paramedics” insert—

“3216 - Dispensing opticians

3217 - Pharmaceutical technicians”

W8. In paragraph 2.2(1)(m) after “3219 -Health Associate Professionals” insert—

3231 – Youth and community workers

3234 – Housing officers

3235 - Counsellors

3239 – Welfare and housing associate professionals not elsewhere classified

3443 – Fitness instructors

3562 – Human resources and industrial relations officers

W9. In paragraph 2.2(1)(m), omit—

“3563 - Vocational and industrial trainers and instructors”.

W10. In paragraph 2.2(1)(m) after “3562 - Human resources and industrial relations officers” insert—

“6121 – Nursery nurses and assistants

6122 – Childminders and related occupations

6125 – Teaching assistants

6126 – Educational support assistants”

W11. In paragraph 2.2(1)(m) after “6141 - Nursing Auxiliaries and Assistants” insert—

“6143 - Dental nurses

6144 – House-parents and residential wardens

6145 - Care Workers and home carers

6146 - Senior care workers”.

W12. In paragraph 2.2.1(4), omit sub-paragraph (b).

W13. In paragraph 2.3 for sub-paragraph (6), substitute—

“(6) Where the applicant’s most recent grant of leave required them to remain in a sponsored employment position (such as a Worker Migrant visa), the applicant must provide the Specified Documents at paragraph 2.3.1 in order to demonstrate they have been paid the appropriate rate for their employment during their most recent grant of leave.”.

W14. In paragraph 2.3(7) for “the grant of entry clearance” substitute “the last grant of permission as a Worker Migrant, Worker (ICT) Migrant or Worker (Seasonal) Migrant”.

W15. For paragraph 2.3(10) substitute—

“(10) The applicant must have, or have last been granted permission in the Isle of Man, which must be current and valid in the Isle of Man.”.

W16. After paragraph 2.3(10) insert—

“(10A) The applicant must not have or have last been granted, permission:

(a) as a Visitor;

- (b) as a Short-term student;
- (c) as a Parent of a Child Student;
- (d) as a Seasonal Worker where this was granted by the UK;
- (e) as a Domestic Worker in a Private Household; or
- (f) outside the Immigration Rules.”.

W17. For Paragraph 2.3.2(4), omit sub-paragraph (b).

W18 For Paragraph 2.4(2) substitute—

“(2) The applicant must have spent a continuous period of 5 years lawfully in the Isle of Man, of which the most recent period must have been spent with permission as a Worker Migrant, in any combination of the following routes:

- (a) Worker Migrant,
- (b) Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant or a Tier 1 (Graduate Entrepreneur) Migrant,
- (c) Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant,
- (d) Tier 2 (Intra-Company Transfer) Migrant, provided the continuous period of 5 years spent lawfully in the Isle of Man includes a period of leave as:
  - (i) Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 26 July 2010, or
  - (ii) Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an Intra-Company Transfer,
- (e) Representative of an Overseas Business,
- (f) Highly Skilled Migrant,
- (g) Work Permit Holder,
- (h) Innovator, or
- (i) On a UK immigration route, that would count towards the continuous period of 5 years under Appendix Skilled Worker of the UK

Immigration Rules.”.

W19. In Paragraph 2A.2.1(1), for “earliest” substitute “latest”.

W20. In Paragraph 2A.2.1(3), omit sub-paragraph (b).

W21. In Paragraph 3.2.1(3), omit sub-paragraph (b).

W22. In Paragraph 3.3.2(4), omit sub-paragraph (b).

W23. In paragraph 4.1—

- (a) for “and Worker (Intra Company Transfer) Migrant”, substitute “Worker (Intra Company Transfer) Migrant and Worker (Seasonal) Migrant”; and
- (b) for “or Worker (Intra Company Transfer) Migrant:”, substitute “, Worker (Intra Company Transfer) Migrant or Worker (Seasonal) Migrant:”.

W24. In paragraph 5.1(1), for “and Worker (ICT) Migrant”, substitute “Worker (ICT) Migrant and Worker (Seasonal) Migrant”.

W25. In Paragraph 6.2(5), substitute “£945” for “£1,270”.

W26. In Paragraph 6.3.1(1)(b) for “column 6 of Tables 1 to 6”, substitute “column 7 of Tables 1 to 15”.

W27. In Table 2 in Part 7 after the entry for the row beginning “3213 Paramedics” insert—

“

32 16	Dispensing opticians	<p>Dispensing optician</p> <p>Optical dispenser</p>	<p>interprets prescription and measures patient’s face to determine distance between pupil centres, height of bridge of nose, etc.;</p> <p>advises patient on lens type and choice of spectacle frames</p> <p>prepares detailed instructions for workshop</p> <p>ensures that completed spectacles conform to specification and fit the patient correctly and comfortably</p> <p>fits spectacles and advises patient on lens care and any other difficulties likely to be experienced</p>	<ul style="list-style-type: none"> <li>• £20,800</li> </ul>	<ul style="list-style-type: none"> <li>• £22,000</li> </ul>	
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## **Changes to Appendix X**

X1. In Paragraph 3.2(1), omit sub-paragraph (b).

X2. In the table underneath paragraph 4.9(2), in Row 1 and Row 2 after “Jamaica” insert—

“• Malta”.

**MADE 27 April 2023**

**KATE LORD-BRENNAN**

*Minister for the Cabinet Office*



## **Explanatory Note**

### **to the Statement of Changes In Immigration Rules SD 2023/0068**

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

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

#### **Ceasing the Police Registration Requirement**

- 1 The Isle of Man Immigration Rules currently require nationals of specified countries whose visas allow them to stay for longer than 6 months to register with the police. This has been a requirement maintained in line with the United Kingdom (UK). The UK ceased their equivalent requirements following their Statement of Changes in Immigration Rules laid before Parliament on the 18 October 2022. This Statement of Changes replicates the removal of this requirement. The Isle of Man Constabulary have been consulted and are supportive of this requirement being removed.

#### **Changes to Interpretation**

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

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

- 4 The Statement of Changes laid before Parliament on the 15 March 2022 made change to Part 1 relating to variation applications, multiple applications and dates of applications. This includes removing Paragraphs 31-33A, 34E & 34F. Paragraphs 31 and 31A are outdated and no longer refer to current practice. Paragraph 33A's deletion removes the ability to apply to vary an application for permission to stay while overseas. There was no obligation to consider such applications and practical difficulties in making them. This deletion creates a more consistent approach when a person outside the Isle of Man needs to vary or extend their permission; they can make an application for entry clearance.
- 5 Paragraph 34BB has been revised; centralising and clarifying the process where multiple applications and variation of applications are received. 33BB also now provides a better description of the exceptions to this process.

### **Changes to Criminal Record Certificate requirement in Part 8 & Appendix W.**

- 6 The Immigration Rules require certain Migrants applying for Entry Clearance (and their partners) employed in a listed occupation (health, education or social care) to provide a Criminal Record Certificate. The list of Standard Occupation Classification (SOC) Codes for this requirement has been updated to align with the UK's equivalent list. By maintaining this alignment, additional safeguards are in place for migrants whose jobs involve working closely with children or vulnerable people.

### **Changes to Maintenance Requirement in Appendix C & Appendix E**

- 7 Migrants applying for leave under Appendix W (Worker Migrants) and their dependants must meet maintenance requirements set out in Appendix C & Appendix E respectively. These changes align the Rules with the UK's equivalents and include:
  - Decreasing the consecutive period that the funds must be held for from 90 days to 28 days,
  - Increasing the level of funds that must be held by main applicants from £945 to £1,270 and
  - Decreasing the funds for dependants from £630 each to £285 for a dependent partner, £315 for the first dependent child and £200 for any other dependent child.
- 8 While the above changes require main applicants to hold a higher level of funds prior to their application this is for a much shorter period. In addition, the level of funds for dependants is now lower. By reducing the time funds must be held scenarios where applicants delay making their applications, despite already having the required level of funds, are avoided.

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

- 9 Appendix EU and Appendix EU (Family Permit) together set out the Island's EU Settlement Scheme (EUSS), which we are committed to keep aligned to the EU Settlement Scheme of the UK. Changes to these Appendices have been made to reflect changes made to the UK's equivalent Appendices in their Statement of Changes laid before Parliament on the 15 March 2022.
- 10 The main changes in respect of Appendix EU and Appendix EU (Family Permit) are as follows—

- Enable EUSS family permit to be issued in place of an EEA family permit where an EEA family permit would have been issued to a dependent relative extended family member, or a person with a derivative right to reside, had the route not closed after 30 June 2021.
- Enabling a person arriving in the IOM with an EUSS family permit issued on the basis of the arrangements referred to in the previous bullet point to start their qualifying period of continuous residence in the IOM after the end of the transition period. These changes are consistent, where extended family members are concerned, with obligations under Article 10(3) of the Withdrawal Agreement.
- Enable a dual British and EEA citizen who exercised free movement rights in the UK before acquiring British citizenship and who has retained their EEA nationality of origin – known as a ‘Lounes dual national’, in line with EU case law – to sponsor relevant family members under the EUSS and the EUSS family permit.
- To make bespoke provision concerning the variation of applications where a valid application has been made but not yet decided under Appendix EU.
- To make minor adjustments and clarifications to the Rules, including in respect of suitability provisions (consistent with primary legislation), requirements for ongoing Isle of Man residence and the deadlines for EUSS applications.

#### **Changes to Appendix: Continuous Residence & Appendix FM: SE**

- 11 Amendments made so that partners of individuals employed on Crown Service will not be prevented from meeting the settlement requirements due to absences if they are accompanying their spouse or partner who is posted overseas.

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

- 12 The British National Overseas (BNO) visa route offers a pathway for Hong Kong BNOs and their dependant family members. We are committed to keep this Appendix aligned with the UK’s equivalent. The changes to this Appendix reflect those made to the UK’s equivalent Appendix in their Statement(s) of Changes laid before Parliament on 15 March 2022. These changes are so that people on the BNO route who apply for settlement and do not meet the settlement requirements will no longer be refused if they appear to continue to meet the requirements for permission to stay. They will instead have their application varied and they will

be granted permission to stay.

### **Changes to Appendix U: Ukraine Scheme**

- 14 Minor technical amendments to the Ukraine Extension Scheme, from the UK's Statement of Changes laid on 11 May 2022, to clarify that a person whose permission expired after 1 January 2022 did not need to be in the Isle of Man at that point, and to clarify when children born in the Isle of Man can qualify.

### **Changes to the Visitor rules**

- 15 Changes made to Appendix V: Visitor move to align with the UK's equivalent Appendix. Changes include allowing nursing and midwifery students studying degree level equivalent courses overseas to come to the Isle of Man as a visitor and undertake electives with an Isle of Man higher education provider, providing these are unpaid and involve no treatment of patients.
- 16 Changes made to Appendix Visitor: Permitted Activities will remove the requirements for sports officials supporting sports tournaments or events in the Isle of Man to be attending the same event as a sports person who is undertaking permitted sporting activities.
- 17 The Island is committed to keep alignment to the UK's list of visa and non-visa nationals and VN 1(a) of the Rules maintains this. In the UK's Statement of Changes laid on 18 October 2022 Citizens of Colombia, Guyana, and Peru were made non-visa nationals. This means they will no longer have to obtain a visit visa before coming to the Isle of Man and can be examined and granted entry on arrival. .

### **Changes to Appendix W: Immigration Rules for Workers**

- 18 Previously Appendix W, paragraph 2.3(10) provided a list of specified visa categories who were eligible to apply for a Worker Migrant visa by undertaking a 'switch in country'. Holders of these specified visas could extend their stay by applying under the Worker Migrant route without having to leave the Island and apply for Entry Clearance. The UK's current Appendix Skilled Worker (1.5) takes a different approach; simplifying the rules to list specified visa categories that are not eligible to "switch in country" instead.
- 19 Appendix W has been changed to mirror the above-mentioned UK provisions and therefore expanding the categories eligible to make the "in country switch" to our Worker

Migrant route. This will remove a clear and obvious barrier to those already on-Island from being able to remain and contribute to the Island's economy.

- 20 Appendix W 1.2(b) sets out that those applying for indefinite leave to remain must have been employed in the IOM continuously throughout the five years immediately preceding the application. However, it is a longstanding position that time lawfully spent in the UK and Channel Islands is recognised as time spent in the Isle of Man for the purposes of indefinite leave to remain and this is currently reflected in paragraph 2.4(2) but not 1.2(b). This disadvantages applicants who switch to the Worker Migrant visa from certain other categories or from equivalent UK visas. Removing this paragraph from the Rules takes away this disadvantage.
- 21 Introduction of Standard Occupation Classification code 3216 "Dispensing Opticians" to Part 7 of Appendix W. This allows an employer to bring a Worker who would fall under this classification to the IOM under the Worker Migrant route.
- 22 Amendments to the Worker Migrant rules have been approved by the Department for Enterprise.