



**STATEMENT OF
CHANGES IN
IMMIGRATION RULES**

Laid before Tynwald on 21 November 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 1971¹ (of Parliament) as it has effect in the Isle of Man² for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17 May 2005³.

Commencement

The changes set out in this Statement of Changes in Immigration Rules come into effect on 24 November 2023.

Changes to Introduction

Int.1 In paragraph 6 (interpretation) the following definitions are omitted —

- (a) “Business person”;
- (b) “Investor”;
- (c) “Tier 1 (Post-Study Work) Migrant”; and
- (d) “Writer, composer or artist”.

Int.2 In paragraph 6 (interpretation), in the “Tier 1 Migrant” definition, omit “or a Tier (Post-Study Work) Migrant”.

Changes to Part 6A Points-Based System: Requirements for indefinite leave to remain

6A.1 In paragraph 245BF.(c)(ii), omit “or Tier 1 (Post-Study Work) Migrant”.

Changes to Part 7: Retired persons of independent means

¹ 1971 c. 77.

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

³ S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13, SD 2014/0004, SD 2014/0082, SD 2014/241, 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, SD2022/0325, SD2023/0068, and SD2023/0202.

7.1 Omit paragraphs 266 to 276.

Changes to Appendix A: Attributes for Tier 1 (General) Migrants

A.1 In paragraph 7., omit “, as a Writer, Composer or Artist”.

A.2 In Table 2, in the title, omit “Writer, Composer or Artist,”.

A.3 In paragraph 13.(b)(ii), omit “, as a Writer, Composer or Artist”.

A.4 In paragraph 18.(b)(ii), omit “, as a Writer, Composer or Artist”.

A.5 In paragraph 33., omit “, Writer, Composer or Artist”.

Changes to Appendix B: Degree taught in English

B.1 In paragraph 11, for (i) substitute —

“(i) has ever been granted leave as a Tier 1 (General) Migrant or a Tier 1 (Entrepreneur) Migrant, or”.

Changes to Appendix ECAA Settlement: Continuous periods lawfully in the Isle of Man

ECAA.1 In paragraph 2.2.(b), omit “, other than a Tier 1 (Post Study Work) Migrant”.

Changes to Appendix F: Immigration rules relating to Business Persons, Investors and Writers, Composers and Artists as at 1 December 2009

F.1 Omit Appendix F.

Changes to Appendix Hong Kong British Nationals (Overseas): Variation of no access to public funds condition

HK.1 For HK 65.1, substitute —

“HK65.1 A person in the Isle of Man with permission on the Hong Kong BN(O) route may have that permission varied to remove a no access to public funds condition where the decision maker is satisfied that —

- (a) the applicant is destitute, or is at risk of imminent destitution;
- or

- (b) there are reasons relating to the welfare of a relevant child which outweigh the considerations for maintaining the condition (treating the best interests of a relevant child as a primary consideration); or
- (c) the applicant is facing exceptional circumstances affecting their income or expenditure.”.

HK.2 After HK 65.2, insert —

“HK 65.3. “relevant child” in HK 65.1, means a person who —

- (a) is under the age of 18 years at the date of application; and
- (b) it is clear from the information provided by the applicant, is a child who would be affected by a decision to impose or maintain the no access to public funds condition.”.

Changes to Appendix U: Ukraine Scheme

UKR.1 In the introduction, for —

“between 18 March 2022 and 16 May 2023, or if their last permission ended after 1 January 2022. Applications to this scheme must be made on or before 16 November 2023.”,

substitute —

“on or between 18 March 2022 and 16 November 2023, or if their last permission ended after 1 January 2022. Applications to this scheme must be made on or before 16 May 2024.”.

UKR.2 In UKR 21.2, for “16 November 2023”, substitute “16 May 2024”.

UKR.3 In UKR 21.3, for “16 May 2023”, substitute “16 November 2023”.

Appendix W: Worker migrants – Requirements for Indefinite Leave to Remain

W.1 In paragraph 2.4(2)(b), omit “a Tier 1 (Post Study Work) Migrant or”.

Appendix X: English language

X.1 In paragraph 4.9(2), in row 4 in the table —

- (a) in item (1), omit “Tier 1 (Post-Study Work)”; and
- (b) in item (2), omit “Tier 1 (Post Study Work)”.

MADE 11 OCTOBER 2023

KATE LORD-BRENNAN
Minister for the Cabinet Office

Explanatory Note
Statement of Changes in Immigration Rules SD 2023/0237
(This note is not part of the Statement of Changes in Immigration Rules)

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

Changes to Introduction

- 1 As a result of the changes some of the definitions are redundant and have been deleted.

Changes to Part 7: Retired Persons of Independent Means

- 2 The Statement of Changes laid before the UK Parliament on 18 October 2022 deleted the Retired Persons of Independent Means route in Part 7.
- 3 The Retired Persons of Independent Means route on the Isle of Man was for people over the age of 60 with close connections to the Isle of Man and the desired income to make the Isle of Man their main home.
- 4 The route was closed to new applicants in the UK in 2008. The entry requirement had been deleted out of the Isle of Man Immigration Rules by 2017 (earliest online records).
- 5 The remaining provisions for extension of stay and settlement applications, and applications by dependants, are being deleted as there are no longer any individuals on the route in the Isle of Man or the United Kingdom, and so these provisions are no longer needed. This will also avoid any confusion around whether the route is still open to new applicants.

Removal of Appendix F: Immigration rules relating to Business Persons, Investors and Writers, Composers and Artists as at 1 December 2009

- 6 The Statement of Changes laid before the UK Parliament on 9 March 2023 deleted Appendix F containing a selection of obsolete immigration routes dated between 2008 and 2013.
- 7 Routes in Appendix F opened on the Isle of Man on 1 December 2009. These related to Business Persons, Investors and Writers, Composers and Artists. In 2017 (earliest online Immigration Rules records) the entry clearance for these routes had already been deleted.
- 8 These routes have since been replaced by similar routes in Appendix V, Appendix W and Tier 1 (which has subsequently been replaced by Appendix X). The exception to this is the Tier 1 (Post-Study Work) migrants. The Isle of Man has no one on this route and those holding a UK Graduate visa are able to work in the Isle of Man.
- 9 All references to the routes under Appendix F have been deleted throughout the Immigration Rules.

Changes to Appendix Hong Kong British Nationals (Overseas): Variation of no access to public funds condition

- 10 The Statement of Changes laid before the UK Parliament on 17 July 2023 amended the relevant Appendix. The Isle of Man Government is committed to align with the UK.
- 11 The British National Overseas (“BN(O)”) route offers a pathway for Hong Kong BN(O)s and their dependant family members.
- 12 The changes being made bring the route into line with the equivalent provisions of Appendix FM in relation to the public funds conditions.

Changes to Appendix U: Ukraine Scheme

- 13 The Statement of Changes laid before the UK Parliament on 17 July 2023 amended the relevant Appendix. The Isle of Man Government is committed to align with the UK.
- 14 The changes made to the eligibility period and the application deadline for the Ukraine Extension Scheme:
 - a. allow Ukrainian nationals who obtain permission to enter or stay in the Isle of Man for any period between 18 March 2022 and 16 November 2023 to apply to the Ukraine Extension Scheme and obtain 36 months permission to stay in the Isle of Man; and
 - b. extend the application deadline for the Ukraine Extension Scheme to 16 May 2024.