

# **Explanatory Memorandum to the Statement of Changes In Immigration Rules SD 2016/0211**

## **1. Purpose of this Statement of Changes**

The purpose of these changes is to introduce Tier 1 (Exceptional Talent) Limits to the Isle of Man Immigration Rules.

## **2. Policy Background**

2.1 On the 17<sup>th</sup> March 2016 the Council of Ministers approved a Statement of Changes in Immigration Rules that introduced the Tier 1 (Exceptional Talent) Route to the Isle of Man.

2.2 This immigration category is aimed at exceptionally talented people who wish to work in the Isle of Man in specific recognised fields of arts, humanities, science, engineering and digital technology. Individuals eligible for this route are internationally recognised as world leaders in their particular field.

2.3 The Home Office agreed prior to the introduction of Route in March that Stage of this particular application process would be carried out by Designated Competent Bodies (DCB) approved by the Secretary of State.

2.4 In order to facilitate this process the Council of Ministers has approved the inclusion of the Tier 1 (Exceptional Talent) Limits to the Isle of Man Immigration Rules.

Statutory Document 2016/0211



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 19<sup>th</sup> July 2016 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>.

The changes in this Statement shall take effect on 24<sup>th</sup> June 2016. However, if an applicant has made an application for entry clearance or leave before 24<sup>th</sup> June 2016 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 23<sup>rd</sup> June 2016.

### **Changes to the Introduction**

I1. In paragraph 6 delete the definition for “Tier 1 (exceptional Talent) Unique Reference Number and substitute:

“Under Part 6A and Appendix A of these Rules, “**Tier 1 (Exceptional Talent) Unique Reference Number**” means a unique reference number issued for the purposes of managing the Tier 1 (Exceptional Talent) Limit and provided by the UK Border Agency to an applicant prior to making his application as a Tier 1 (Exceptional Talent) Migrant.”

### **Changes to Appendix A**

A1. After Table 1 delete: “**Tier 1 (Exceptional Talent) Limit** Paragraph 4 to 5 [Not Used]” and substitute:

#### **“Tier 1 (Exceptional Talent) Limit**

4. (a) The Secretary of State shall be entitled to limit the total number of Tier 1 (Exceptional Talent) endorsements Designated Competent Bodies may make in support of successful applications, for entry clearance and leave to remain in a particular period, to be referred to as the Tier 1 (Exceptional Talent) Limit.

(b) The Tier 1 (Exceptional Talent) Limit is 1,000 endorsements in total per year (beginning on 6 April and ending on 5 April) which will be allocated to the Designated Competent Bodies as follows:

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

<sup>2</sup> See the Immigration (Isle of Man) Order 2008 (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, 2014/314 , 2014/324 and 2015/0265.

- (i) 250 endorsements to The Arts Council for the purpose of endorsing applicants with exceptional talent in the fields of arts and culture;
- (ii) 250 endorsements to The Royal Society for the purpose of endorsing applicants with exceptional talent in the fields of natural sciences and medical science research;
- (iii) 150 endorsements to The Royal Academy of Engineering for the purpose of endorsing applicants with exceptional talent in the field of engineering;
- (iv) 150 endorsements to The British Academy for the purpose of endorsing applicants with exceptional talent in the fields of humanities and social sciences; and
- (v) 200 endorsements to Tech City UK for the purpose of endorsing applicants with exceptional talent in the field of digital technology.

(c) The Tier 1 (Exceptional Talent) Limit will be operated according to the practice set out in paragraph 5 below.

(d) If a Designated Competent Body chooses to transfer part of its unused allocation of endorsements to another Designated Competent Body by mutual agreement of both bodies and the Secretary of State, the allocations of both bodies will be adjusted accordingly and the adjusted allocations will be published on the visas and immigration pages of the gov.uk website.

5. (a) Before an applicant applies for entry clearance or leave to remain (unless he has, or last had, leave as a Tier 1 (Exceptional Talent) Migrant), he must make an application for a Designated Competent Body endorsement, and this application must:

- (i) be made to the UK Border Agency using the specified form,
- (ii) state which Designated Competent Body he wishes to endorse his application, and
- (iii) provide the specified evidence set out in Appendix L.

(b) A number of endorsements will be made available for each Designated Competent Body, as follows:

- (i) From 6 April to 30 September each year, half that body's allocated endorsements under paragraph 4 above.
- (ii) From 1 October to 5 April each year, that body's remaining unused allocated endorsements under paragraph 4 above.

- (c) Unused endorsements will not be carried over from one year to the next.
- (d) If a Designated Competent Body endorses an application for an endorsement, the applicant subsequently uses that endorsement to make an application for entry clearance or leave to remain which is refused, and that refusal is not subsequently overturned, the used endorsement will be returned to the number of endorsements available for the relevant Designated Competent Body, providing the end of the period (6 April to 5 April) to which it relates has not yet passed.
- (e) An application for a Designated Competent Body endorsement will be refused if the Designated Competent Body has reached or exceeded the number of endorsements available to it.
- (f) The number of endorsements available for each Designated Competent Body to endorse Tier 1 (Exceptional Talent) applicants in a particular period, will be reduced by one for each Croatian national that body endorses in that period for the purposes of applying to be deemed a highly skilled person under the Accession of Croatia (Immigration and Worker Authorisation) Regulations 2013.”