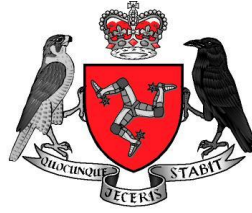


Statutory Document 0302/13



**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**

Laid before Tynwald on 19th November 2013 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))

STATEMENT OF CHANGES IN IMMIGRATION RULES

The Council of Ministers has made the following changes to the Rules laid down by it 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 17th May 2005³.

The changes in this Statement shall take effect on 16th September 2013. However, if an applicant has made an application for entry clearance or leave before 16th September 2013 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 15th September 2013.

Changes

1. In paragraph 245GB(d), delete “regardless of whether he was in the Isle of Man during that time, ”.
2. Delete paragraph 245GB(e) and substitute:

“(e) paragraph (d) above does not apply to an applicant who:

 - (i) was not in the UK with leave as a Tier 2 migrant at any time during the above 12-month period, and provides evidence to show this;
 - (ii) is applying under the Long Term Staff sub-category and who has, or last had entry clearance or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Short Term staff, Graduate Trainee or Skills Transfer sub-categories, or under the Rules in place before 6 April 2011; or
 - (iii) will be paid a gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 75 of Appendix A) of £152,100 or higher.”.
3. Delete paragraph 245HB(g) and substitute:

“(g) The applicant must not have had entry clearance or leave to remain as a Tier 2 Migrant at any time during the 12 months immediately before the date of the application, unless the applicant:

 - (i) was not in the UK with leave as a Tier 2 Migrant during this period, and provides evidence to show this, or

¹ 1971 c. 77

² See the Immigration (Isle of Man) Order 2008 (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 and SD 250/13.

(ii) will be paid a gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 79 of Appendix A) of £152,100 or higher.”.

4. Delete paragraph 245HD(k) and substitute:

“(k) The applicant must not have had entry clearance or leave to remain as a Tier 2 Migrant at any time during the 12 months immediately before the date of the application, unless:

(i) the applicant’s last grant of leave was as a Tier 2 Migrant;

(ii) the applicant was not in the UK with leave as a Tier 2 Migrant during this period, and provides evidence to show this; or

(iii) the applicant will be paid a gross annual salary (as recorded by the Certificate of Sponsorship Checking Service entry, and including such allowances as are specified as acceptable for this purpose in paragraph 79 of Appendix A) of £152,100 or higher.”.

5. In the title and body of paragraph 78A for each occurrence of “£150,000” substitute “£152,100”.

EXPLANATORY NOTE

1. Purpose of the Instrument

1.1 To make changes to Tier 2 of the Points-Based System, to update salary thresholds and to improve flexibility for Intra-Company Transfers (ICTs);

2. Policy Background

What is being done and why

2.1 Tier 2 of the Points-Based System caters for migrant workers with an offer of a skilled job from a licensed employer. There are four overall categories: Intra-Company Transfer, General, Minister of Religion, and Sports person. The following changes are being made to Tier 2:

2.2 Tier 2 migrants who leave the Isle of Man and whose leave expires are subject to a 12 month "cooling off period" before they can return in Tier 2. A change is being made in response to representations from business, to remove the impact of this policy on businesses' ability to recruit and transfer very senior staff. The change means that the "cooling off period" will no longer apply to Tier 2 migrants being sponsored in a job with a salary of £152,100 a year or more.

3. Consultation with Migration Policy Group

3.1 These changes were discussed at the Migration Policy Group meeting on 1st August 2013 where it was agreed that the changes be recommended to Council of Ministers.