



**STATEMENT OF**  
**CHANGES**  
**IN IMMIGRATION RULES**

Laid before Tynwald on 20<sup>th</sup> March 2012 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 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 1<sup>st</sup> March 2012.

1. In paragraph 6, after the definition of “A-rated sponsor” insert - “Under Part 6A and Appendix A of these Rules, a **“B-rated Sponsor”** is a sponsor which is recorded as being “B-rated” on the register of licensed sponsors maintained by the Department of Economic Development.”.

2. In paragraph 6, after the definition of “Certificate of Sponsorship” insert –

“Under Part 6A and Appendix A of these Rules, **“Visa letter”** means a Confirmation of Acceptance for Studies letter containing a unique reference number electronically issued by a Sponsor to an applicant for entry clearance, leave to enter or remain as a Tier 4 Migrant in accordance with these Rules.”.

3. In paragraph 6, after the definition of “Certificate of Sponsorship Checking Service” insert –

“Under Part 6A and Appendix A of these Rules, **“length of the period of engagement”** is the period beginning with the employment start date as recorded on the Certificate of Sponsorship Checking Service entry which relates to the Certificate of Sponsorship reference number for which the migrant was awarded points under Appendix A and ending on the employment end date as recorded in the same entry.

Under Part 6A and Appendix A of these Rules, **“working for the same employer”** includes working for the business or concern in respect of which employment the earlier grant of leave was granted where that business or concern has, since that date, merged with, or been taken over by, another entity.

---

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

<sup>2</sup> See the Immigration (Isle of Man) Order 2008 (S.I. 2008 No 680 amended by S.I. 2011 No 1408)

<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 and SD 518/11.

For the purpose of paragraph 320(7B) of these Rules “Removal Decision” means

(a) a decision to remove in accordance with section 10 of the Immigration and Asylum Act 1999 or

(b) a decision to remove an illegal entrant by way of directions under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971.

Pending appeal has the same meaning as in section 104 of the Nationality, Immigration and Asylum Act 2002.”.

4. In paragraph 6, in the definition of “Senior Care Worker”, delete (a) and (b) and substitute –

“ (a) the Certificate of Sponsorship Checking service entry to which the applicant’s Certificate of Sponsorship reference number relates records that the applicant is being sponsored in an occupation which is defined in the codes of practice for Tier 2 sponsors published by the UK Border Agency as being a senior care worker role,

(b) the applicant’s last grant of leave was:

(i) as a Qualifying Work Permit Holder, or

(ii) leave to remain as a Tier 2 (General) Migrant or a Tier 2 (Intra-Company Transfer) Migrant provided (in either case):

(1) he previously had leave as a Qualifying Work Permit Holder, and

(2) he has not been granted entry clearance in this or any other route since his last grant of leave as a Qualifying Work Permit Holder.”.

5. In paragraph 6, after the definition of “United Kingdom passport” insert –

““unspent conviction” means a conviction which is not spent for the purposes of the Rehabilitation of Offenders Act 2001<sup>4</sup>”.

6. In paragraph 33B, after the words “for the purpose of an application for indefinite leave to remain under these Rules” insert - “(unless paragraph 33BA applies)”.

7. After paragraph 33B insert –

---

<sup>4</sup> 2001 c. 6

“33BA. (a) subject to sub-paragraph (b), for the purposes of an application for indefinite leave to remain under these Rules, where a person is making an application for indefinite leave to remain as:

- (i) a work permit holder under paragraph 134;
- (ii) a Highly Skilled Migrant under paragraph 135G;
- (iii) NOT USED
- (iv) NOT USED
- (v) NOT USED
- (vi) a Minister of Religion, Religious Missionary or Member of a Religious Order under paragraph 176;
- (vii) NOT USED
- (viii) a person established in business under paragraph 209;
- (ix) NOT USED
- (x) a person established in business under the provisions of EC Association agreements under paragraph 222;
- (xi) an investor under paragraph 230;
- (xii) a writer, composer or artist under paragraph 238;
- (xiii) a Tier 1 (Exceptional Talent) Migrant under paragraph 245BF;
- (xiv) a Tier 1 (General) Migrant under paragraph 245CD;
- (xv) a Tier 1 (Entrepreneur) Migrant under paragraph 245DF;
- (xvi) a Tier 1 (Investor) Migrant under paragraph 245EF;
- (xvii) a Tier 2 (Intra-Company Transfer) under paragraph 245GF;
- (xviii) a Tier 2 (General), Tier 2 (Minister of religion) and Tier 2 (Sportsperson) Migrant under paragraph 245HF,

that person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, only if they have passed the test known as the “Life in the UK Test” administered by an educational institution or other person approved for this purpose by the Lieutenant Governor.

(b) This sub-paragraph makes provision for transitional arrangements with regards to the requirement to pass the Life in the UK Test for those people applying for indefinite leave to remain in one of the categories listed in 33BA(i)–(xviii):

(i) Where an applicant enrolled on an ESOL course, which he attended and completed, or gained an ESOL qualification prior to 30<sup>th</sup> January 2012, that applicant will be able to rely on an ESOL qualification to meet the requirement to demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for any future application for indefinite leave to remain under one of the categories listed in 33BA.

(ii) an applicant who enrolled on an ESOL course after 30<sup>th</sup> January 2012 and applies for indefinite leave to remain in one of the categories listed in 33BA after 1<sup>st</sup> March 2012 will have to pass the life in the UK Test.

8. After paragraph 56M, insert –

“56N to 56Q [Not Used]”.

9. At the end of paragraph 134(iii), delete “and”.

10. Delete paragraph 134(iv) and substitute –

“(iv) his employer certifies that he is paid at or above the appropriate rate for the job as stated in the codes of practice for Tier 2 sponsors published by the Department of Economic Development,

(v) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with paragraph 33BA of these Rules, unless he is under the age of 18 or aged 65 or over at the date of his application; and

(vi) he does not have one or more unspent convictions.”.

11. In paragraph 135G(iv); 176(iv); 209(iv); 222(vii); 230(iii) and 238(iii); after the words “he has sufficient knowledge of the English language and sufficient knowledge

about life in the United Kingdom and Islands,” insert - “in accordance with paragraph 33BA of these Rules,”.

12. After paragraph 135G(iv); 159G(iv); 176(iv) and 209(iv) insert –

“; and

(v) he does not have one or more unspent convictions.”.

13. After paragraph 192(iii); 230(iii) and 238(iii), insert -

“; and

(iv) he does not have one or more unspent convictions.”.

14. In paragraph 196B(1), delete “degree” and substitute - “primary degree”.

15. Delete paragraph 196B(2), and substitute -

“(2) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or

(3) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training.”.

16. After paragraph 196D(v) and 242D(v), insert –

“; and

(vi) does not have one or more unspent convictions.”.

17. After paragraph 222(vii) insert –

“; and

(viii) he does not have one or more unspent convictions.”.

18. Renumber paragraph 245AA as 245A.

19. After new paragraph number 245A, insert -  
“245B to 245BF [Not Used]”.

20. Renumber paragraph 245A as 245C .

21. Renumber paragraphs 245B to 245E as 245 CA to 245CD.
22. Renumber paragraph 245H as paragraph 245D.
23. In new paragraph 245D, delete “paragraphs 245G to 245N” and insert - “paragraphs 245D to 245DF” and delete “paragraphs 32 to 41 of Appendix A” and insert - “paragraphs 35 to 53 of Appendix A”.
24. Renumber paragraphs 245I to 245M as paragraphs 245DA to 245DE.
25. In new paragraph number 245DB(b), delete “paragraphs 32 to 41 of Appendix A” and substitute - “paragraphs 35 to 53 of Appendix A”.
26. In new paragraph number 245DC, after “3 years” insert - “and four months”.
27. At the end of new paragraph number 245DC(iii), delete “.” and insert - “, and”.
28. After new paragraph number 245DC(a)(iii), insert –  
“(iv) no employment as a professional sportsperson (including as a sports coach).”.
29. In new paragraph number 245DD(b), delete “paragraphs 32 to 41 of Appendix A” and substitute - “paragraphs 35 to 53 of Appendix A”.
30. At the end of new paragraph number 245DE(a)(iii), delete “.” and insert - “, and”.
31. After new paragraph number 245DE(a)(iii), insert -  
“(iv) no employment as a professional sportsperson (including as a sports coach).”.
32. In new paragraph number 245DE(c) delete “3 months” and insert - “6 months”.
33. In new paragraph number 245DE(e), delete “paragraph 245M(c)” and substitute - “paragraph 245DE(c)”.
34. Delete paragraph 245N and substitute -

**“245DF. Requirements for indefinite leave to remain**

To qualify for indefinite leave to remain as a Tier 1 (Entrepreneur) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not have one or more unspent convictions.
- (b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (c) The applicant must have a minimum of 75 points under paragraphs 35 to 53 of Appendix A.
- (d) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with paragraph 33BA, unless the applicant is under the age of 18 or aged 65 or over at the date the application is made.”.

- 35. Renumber paragraph 245O as paragraph 245E.
- 36. Renumber paragraphs 245P to 245T as paragraphs 245EA to 245EE.
- 37. In new paragraph number 245EB(b), delete “paragraphs 42 to 50 of Appendix A” and substitute - “paragraphs 54 to 65 of Appendix A”.
- 38. In new paragraph number 245EC, after “3 years” insert - “and four months”.
- 39. In new paragraph number 245ED(b), delete “paragraphs 42 to 50 of Appendix A” and substitute - “paragraphs 54 to 65 of Appendix A”.
- 40. In new paragraph 245EC((b)iii), delete “degree” and substitute - “primary degree”.
- 41. Delete new paragraph number 245EE(b)(iii)(2) and substitute -  
“(2) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or  
  
(3) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training.”.
- 42. Delete paragraph 245U and substitute -



## **245EF. Requirements for indefinite leave to remain**

To qualify for indefinite leave to remain, a Tier 1 (Investor) Migrant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not have one or more unspent convictions.
- (b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (c) The applicant must have a minimum of 75 points under paragraphs 54 to 65 of Appendix A
- (d) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with paragraph 33BA, unless the applicant is under the age of 18 or aged 65 or over at the date the application is made.”.

- 43. Renumber paragraph 245V as paragraph 245F.
- 44. Renumber paragraphs 245W to 245ZA as paragraphs 245FA to 245FE.
- 45. In new paragraph numbers 245FB(c), 245FB(f)(i), 245FD(c) and 245FD(h)(i), delete each instance of “paragraphs 51 to 58 of Appendix A” and substitute - “paragraphs 66 to 72 of Appendix A”.
- 46. In new paragraph number 245FD, delete “paragraph 245ZA(i)” and substitute - “paragraph 245FE(a)(i)”.
- 47. In new paragraph 245FE(b)(iii)(1), delete “degree” and substitute - “primary degree”.
- 48. Delete new paragraph number 245FE(b)(iii)(2) and substitute -

“(2) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or

(3) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training.”.

49. Delete paragraphs 245ZB to 245ZH and substitute -

### **“Tier 2 (Intra-Company Transfer) Migrants**

#### **245G. Purpose of this route and definitions**

This route enables multinational employers to transfer their existing employees from outside the EEA to their Isle of Man branch for training purposes or to fill a specific vacancy that cannot be filled by a Manx, British or EEA worker. There are four sub-categories in this route:

(i) Short Term Staff: for established employees of multi-national companies who are being transferred to a skilled job in the Isle of Man for 12 months or less that could not be carried out by a new recruit from the resident workforce;

(ii) Long Term Staff: for established employees of multi-national companies who are being transferred to a skilled job in the Isle of Man which will, or may, last for more than 12 months and could not be carried out by a new recruit from the resident workforce;

(iii) Graduate Trainee: for recent graduate recruits of multi-national companies who are being transferred to the Isle of Man branch of the same organisation as part of a structured graduate training programme, which clearly defines progression towards a managerial or specialist role;

(iv) Skills Transfer: for overseas employees of multi-national companies who are being transferred to the Isle of Man branch of the same organisation in a graduate occupation to learn the skills and knowledge they will need to perform their jobs overseas, or to impart their specialist skills to the Isle of Man workforce.

#### **245GA. Entry clearance**

All migrants arriving in the Isle of Man and wishing to enter as a Tier 2 (Intra-Company Transfer) Migrant must have a valid entry clearance for entry under this route. If they do not have a valid entry clearance, entry will be refused.

## **245GB. Requirements for entry clearance**

To qualify for entry clearance as a Tier 2 (Intra-Company Transfer) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal.
- (b) The applicant must have a minimum of 50 points under paragraphs 73 to 75E of Appendix A.
- (c) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.
- (d) The applicant must not have had entry clearance or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant at any time during the 12 months immediately before the date of the application, regardless of whether he was in the Isle of Man during that time, unless paragraph (e) below applies.
- (e) Paragraph (d) above does not apply to an applicant who 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 June 2011.
- (f) an applicant who has, or was last granted, leave as a Student, a Student Nurse, a Student Re-Sitting an Examination, a Student Writing-Up a Thesis, a Postgraduate Doctor or Dentist or a Tier 4 Migrant and:
  - (i) is currently being sponsored by a government or international scholarship agency, or
  - (ii) was being sponsored by a government or international scholarship agency, and that sponsorship came to an end 12 months ago or less,must provide the unconditional written consent of the sponsoring Government or agency to the application and must provide the specified documents to show that this requirement has been met.
- (g) The applicant must be at least 16 years old.

(h) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by one parent if that parent has sole legal responsibility for the child.

(i) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just one parent if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the Isle of Man.

#### **245GC. Period and conditions of grant**

(a) If the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in either of the Short Term Staff or Graduate Trainee sub-categories, entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 1 year, whichever is the shorter.

(b) If the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer sub-category, entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 6 months, whichever is the shorter.

(c) If the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 3 years and 1 month, whichever is the shorter.

(d) Entry clearance will be granted with effect from 14 days before the date that the Certificate of sponsorship Checking service records as the start date for the applicant's employment in the Isle of Man, unless entry clearance is being granted less than 14 days before that date, in which case it will be granted with immediate effect.

(e) Entry clearance will be subject to the following conditions:

(i) no recourse to public funds,

(ii) registration with the police, if this is required by paragraph 326, and

(iii) no employment except:

(1) working for the sponsor in the employment that the Certificate of Sponsorship Checking service records that the migrant is being sponsored to do, subject to any notification of a permissible change to the details of that employment as defined in guidance published by the Department of Economic Development.

(2) supplementary employment, and

(3) voluntary work.

#### **245GD. Requirements for leave to remain**

To qualify for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant under this rule, an applicant must meet the requirements listed below. If the applicant meets these requirements, leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

(a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.

(b) If the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as either:

(1) a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, or

(2) a Tier 2 (Intra-Company Transfer) Migrant in the Established Staff sub-category under the Rules in place before 6 June 2011, or

(3) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 26 July 2010, or

(4) a Qualifying Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an intra-company transfer, or

(5) NOT USED

(ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(c) If the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Short Term Staff sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Short Term Staff sub-category, and

ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(d) If the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Graduate Trainee sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Graduate Trainee sub-category, and

(ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(e) If the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer sub-category:

(i) the applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer sub-category, and

(ii) the applicant must still be working for the same employer as he was at the time of that earlier grant of leave.

(f) in all cases the applicant must have a minimum of 50 points under paragraphs 73 to 75e of Appendix A.

(g) If the applicant is seeking a grant of leave to remain that would extend his total stay as a Tier 2 (Intra-Company Transfer) Migrant beyond 3 years, the applicant must have a minimum of 10 points under paragraphs 5 to 10 of Appendix B.

(h) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.

(i) The applicant must be at least 16 years old.

(j) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by one parent if that parent has sole legal responsibility for the child.

(k) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or one parent if that parent has sole legal responsibility for the child, must confirm that they consent to the arrangements for the applicant's care in the isle of Man.

#### **245GE. Period and conditions of grant**

(a) If the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in either the Short Term staff or Graduate Trainee sub-categories, leave to remain will be granted for:

(i) the length of the period of engagement plus 14 days, or

(ii) the difference between the period of leave that the applicant has already been granted, beginning with his last grant of entry clearance as a Tier 2 (Intra-Company Transfer) Migrant, and 12 months, whichever is the shorter. If the calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

(b) If the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer sub-category, leave to remain will be granted for:

(i) the length of the period of engagement plus 14 days, or

(ii) the difference between the period of leave that the applicant has already been granted, beginning with his last grant of entry clearance as a Tier 2 (Intra-Company Transfer) Migrant, and 6 months, whichever is the shorter. If the calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

(c) In the cases set out in paragraph (d) below, leave to remain will be granted for:

(i) subject to paragraph (ii) below, a period equal to 5 years less X, where X is the continuous period of time that the applicant has already spent in the Isle of Man with entry clearance, leave to enter or remain in any combination of the categories set out in paragraph 245GD(b), and where X commences on the date on which the applicant was granted entry clearance, leave to enter or leave to remain at the start of the continuous period;

(ii) where the calculation in paragraph (1) would lead to a period of leave of less than 2 years or a period of leave longer than the length of the period of engagement plus 14 days, a period equal to:

(1) the length of the period of engagement plus 14 days, or

(2) 2 years, whichever is the shorter.

(d) The cases referred to in paragraph (c) are those where the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, and was last granted:

(i) entry clearance, leave to enter or leave to remain as a Qualifying Work Permit Holder, or

(ii) leave to remain as a Tier 2 (Intra-Company Transfer) Migrant, provided:

(1) he previously had leave as a Qualifying Work Permit Holder,

(2) at some time during that period of leave as a Qualifying Work Permit Holder he was granted leave to remain as a Tier 2 (Intra-Company Transfer) Migrant,

(3) he has not been granted entry clearance in this or any other route since his last grant of leave as a Qualifying Work Permit Holder, and

(4) he is still working for the same employer named on the Work Permit document which led to his last grant of leave as a Qualifying Work Permit Holder.

(e) In the cases set out in paragraph (f) below, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or



(ii) a period of 2 years, whichever is the shorter.

(f) The cases referred to in paragraph (e) are those where:

(i) the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category, and

(ii) the applicant was last granted entry clearance or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 6 June 2011, and

(iii) paragraphs (c) to (d) do not apply.

(g) If the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term Staff sub-category and paragraphs (c) to (f) do not apply, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or

(ii) a period of 2 years,

(iii) the difference between the period that the applicant has already spent in the Isle of Man since his last grant of entry clearance as a Tier 2 (Intra-Company Transfer) Migrant and 5 years,

whichever is the shorter. If the calculation of period of leave comes to zero or a negative number, leave to remain will be refused.

(h) In addition to the periods in paragraphs (a) to (g), leave to remain will be granted for the period between the date that the application is decided and the date that the Certificate of Sponsorship Checking service records as the start date of employment in the Isle of Man, provided this is not a negative value.

(i) leave to remain will be granted subject to the following conditions:

(i) no recourse to public funds,

(ii) registration with the police, if this is required by paragraph 326, and

(iii) no employment except:

(1) working for the sponsor in the employment that the Certificate of sponsorship Checking service records that the migrant is being

sponsored to do, subject to any notification of a permissible change to the details of that employment as defined in Department of Economic Development guidance,

(2) supplementary employment, and

(3) voluntary work.

#### **245GF. Requirements for indefinite leave to remain**

To qualify for indefinite leave to remain as a Tier 2 (Intra-Company Transfer) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

(a) The applicant must not have one or more unspent convictions.

(b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.

(c) 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 leave as a Tier 2 (Intra-Company Transfer) Migrant, in any combination of the following categories:

(i) as a Tier 2 (Intra-Company Transfer) Migrant, or

(ii) as a Qualifying Work Permit Holder.

(iii) NOT USED

(d) The continuous period of 5 years referred to in paragraph (b) must include a period of leave as:

(i) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 26 July 2010, or

(ii) a Qualifying Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an intra-company transfer.

(e) The sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing that:

- (i) he still requires the applicant for the employment in question, and
- (ii) his employer certifies that he is paid at or above the appropriate rate for the job as stated in the codes of practice for Tier 2 sponsors published by the Department of Economic Development.

(f) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the date the application is made.

### **Tier 2 (General) Migrants, Tier 2 (Minister of Religion) Migrants and Tier 2 (Sportsperson) Migrants**

#### **245H. Purpose of these routes and definitions**

These routes enable Isle of Man employers to recruit workers from outside the EEA to fill a particular vacancy that cannot be filled by a British or EEA worker.

#### **245HA. Entry clearance**

All migrants arriving in the Isle of Man and wishing to enter as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant must have a valid entry clearance for entry under the relevant one of these routes. If they do not have a valid entry clearance, entry will be refused.

#### **245HB. Requirements for entry clearance**

To qualify for entry clearance as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal.
- (b) If applying as a Tier 2 (General) Migrant, the applicant must have a minimum of 50 points under paragraphs 76 to 84A of Appendix A.

(c) If applying as a Tier 2 (Minister of Religion) Migrant, the applicant must have a minimum of 50 points under paragraphs 85 to 92 of Appendix A.

(d) If applying as a Tier 2 (Sportsperson) Migrant, the applicant must have a minimum of 50 points under paragraphs 93 to 100 of Appendix A.

(e) The applicant must have a minimum of 10 points under paragraphs 5 to 10 of Appendix B.

(f) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.

(g) An applicant who has, or was last granted, leave as a Student, a Student Nurse, a Student Re-Sitting an Examination, a Student Writing-Up a Thesis, a Postgraduate Doctor or Dentist or a Tier 4 Migrant and:

(i) is currently being sponsored by a government or international scholarship agency, or

(ii) was being sponsored by a government or international scholarship agency, and that sponsorship came to an end 12 months ago or less

must provide the unconditional written consent of the sponsoring Government or agency to the application and must provide the specified documents to show that this requirement has been met.

(h) The applicant must be at least 16 years old.

(i) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by one parent if that parent has sole legal responsibility for the child.

(j) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or one parent if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the UK.

(k) If the sponsor is a limited company, the applicant must not own more than 10% of its shares.

#### **245HC. Period and conditions of grant**

(a) Entry clearance will be granted for:

(i) a period equal to the length of the period of engagement plus 1 month, or

(ii) a period of 3 years and 1 month, whichever is the shorter.

(d) Entry clearance will be granted with effect from 14 days before the date that the Certificate of Sponsorship Checking Service records as the start date for the applicant's employment in the Isle of Man, unless entry clearance is being granted less than 14 days before that date, in which case it will be granted with immediate effect.

(e) Entry clearance will be subject to the following conditions:

(i) no recourse to public funds,

(ii) registration with the police, if this is required by paragraph 326 of these Rules, and

(iii) no employment except:

(1) working for the sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, subject to any notification of a permissible change to the details of that employment as defined in Department of Economic Development guidance,

(2) supplementary employment,

(3) voluntary work, and

(4) if the applicant is applying as a Tier 2 (Sportsperson) Migrant, employment as a sportsperson for his national team while his national team is in the Isle of Man.

(f) (i) Applicants who meet the requirements for entry clearance and who obtain points under paragraphs 76 to 79D of Appendix A shall be granted entry clearance as a Tier 2 (General) Migrant.

(ii) Applicants who meet the requirements for entry clearance and who obtain points under paragraphs 85 to 92 of Appendix A shall be granted entry clearance as a Tier 2 (Minister of Religion) Migrant.

(iii) Applicants who meet the requirements for entry clearance and who obtain points under paragraphs 93 to 100 of Appendix A shall be granted entry clearance as a Tier 2 (Sportsperson) Migrant.

#### **245HD. Requirements for leave to remain**

To qualify for leave to remain as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion Migrant or Tier 2 (Sportsperson) Migrant under this rule, an applicant must meet the requirements listed below. If the applicant meets these requirements, leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

(a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.

(b) The applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain:

(i) as a Tier 1 Migrant,

(ii) as a Tier 2 (General) Migrant,

(iii) as a Tier 2 (Minister of Religion) Migrant,

(iv) as a Tier 2 (Sportsperson) Migrant,

(v) as a Highly Skilled Migrant,

(vi) NOT USED

(vii) NOT USED

(viii) NOT USED

(ix) as a Minister of Religion, Missionary or Member of a Religious order,

(x) as an Overseas Qualified Nurse or Midwife,

(xi) NOT USED

(xii) NOT USED

- (xiii) as a Person Writing Up a Thesis,
- (xiv) as a Postgraduate Doctor or Dentist,
- (xv) as a Qualifying Work Permit Holder,
- (xvi) NOT USED
- (xvii) NOT USED
- (xviii) as a Student,
- (xix) as a Student Re-Sitting an Examination,
- (xx) as a Student Nurse,
- (xxi) as a Student Union Sabbatical officer,
- (xxii) as a Tier 4 Migrant,
- (xxiii) as a Tier 5 (Temporary Worker) Migrant, or
- (xxiv) as the partner of a Relevant Points Based System Migrant if the Relevant Points Based system Migrant is a Tier 4 Migrant.

(f) An applicant who has, or was last granted, leave as a Person Writing up a Thesis or a Postgraduate Doctor or Dentist and:

- (i) is currently being sponsored by a government or international scholarship agency, or
- (ii) was being sponsored by a government or international scholarship agency, and that sponsorship came to an end 12 months ago or less,

must provide the unconditional written consent of the sponsoring Government or agency to the application and must provide the specified documents to show that this requirement has been met.

(g) An applicant who was last granted leave as a Student, a Student Re-Sitting an Examination, a Student Nurse, a Student Union Sabbatical Officer, or a Tier 4 Migrant must have completed studying a course of study of at least one academic year in duration during that period of leave.

(h) An applicant who was last granted leave as a Tier 5 (Temporary Worker) Migrant must have been granted such leave in the Creative and Sporting sub-category of Tier 5 in order to allow the applicant to work as a professional footballer, and the applicant must provide the specified documents to show that this requirement has been met.

(i) If applying as a Tier 2 (General) Migrant, the applicant must have a minimum of 50 points under paragraphs 76 to 79D of Appendix A.

(j) If applying as a Tier 2 (Minister of Religion) Migrant, the applicant must have a minimum of 50 points under paragraphs 85 to 92 of Appendix A.

(k) If applying as a Tier 2 (Sportsperson) Migrant, the applicant must have a minimum of 50 points under paragraphs 93 to 100 of Appendix A.

(l) The applicant must have a minimum of 10 points under paragraphs 5 to 10 of Appendix B.

(m) The applicant must have a minimum of 10 points under paragraphs 4 to 5 of Appendix C.

(n) The applicant must be at least 16 years old.

(o) Where the applicant is under 18 years of age, the application must be supported by the applicant's parents or legal guardian, or by just one parent if that parent has sole legal responsibility for the child.

(p) Where the applicant is under 18 years of age, the applicant's parents or legal guardian, or just one parent if that parent has sole legal responsibility for the child, must confirm that they consent to the arrangements for the applicant's care in the Isle of Man.

(q) If the sponsor is a limited company, the applicant must not own more than 10% of its shares.

#### **245HE. Period and conditions of grant**

(a) in the cases set out in paragraphs (b) and (c) below, leave to remain will be granted for:

(i) subject to paragraph (ii), a period equal to 5 years less X, where X is the period of time that the applicant has already spent in the Isle of Man with



entry clearance, leave to enter or remain in any combination of the categories set out in paragraph (b), and where X commences on the date on which the applicant was granted entry clearance, leave to enter or leave to remain at the start of the continuous period;

(ii) where the calculation in paragraph (i) would lead to a period of leave of less than 2 years or a period of leave longer than the length of the period of engagement plus 14 days, a period equal to:

(1) the length of the period of engagement plus 14 days, or

(2) 2 years, whichever is the shorter

(b) The cases referred to in paragraph (a) are those where the applicant was last granted:

(i) NOT USED

(ii) NOT USED

(iii) entry clearance, leave to enter or leave to remain as a Minister of Religion, Missionary or Member of a Religious Order,

(iv) entry clearance, leave to enter or leave to remain as a Qualifying Work Permit Holder,

(v) NOT USED

(vi) leave to remain as a Tier 2 (Minister of Religion) Migrant, provided:

(1) he previously had leave as a Minister of Religion, Missionary or Member of a Religious Order, and received his last grant of entry clearance or leave in one of those categories,

(2) at some time during that period of leave as a Minister of Religion, Missionary or Member of a Religious order he was granted leave to remain as a Tier 2 (Minister of Religion) Migrant, and

(3) he has not been granted entry clearance in these or any other route since his last grant of leave in one of the categories in (1) above,

(vii) leave to remain as a Tier 2 (Sportsperson) Migrant, provided:

- (1) he previously had leave as a Work Permit Holder,
- (2) at some time during that period of leave as a Work Permit Holder he was granted leave to remain as a Tier 2 (Sportsperson) Migrant,
- (3) he has not been granted entry clearance in these or any other route since his last grant of leave as a Work Permit Holder, or

(viii) leave to remain as a Tier 2 (General) Migrant, provided:

- (1) he previously had leave in one of the categories in (i) to (v) above,
- (2) at some point during the period of leave referred to in (1) he was granted leave to remain as a Tier 2 (General) Migrant, and
- (3) he has not been granted entry clearance in these or any other route since his last grant of leave in one of the categories in (i) to (v) above.

and paragraph (c) below applies.

(c) in order for paragraph (a) to apply, in respect of all criteria in paragraph (b) the sponsor must be the same employer:

- (i) as the sponsor on the previous application that was granted, in the case of an applicant whose last grant of leave was as a Tier 2 (General) Migrant,
- (ii) that the work permit was issued to, in the case of an applicant whose last grant of leave was as a Qualifying Work Permit Holder,
- (iii) NOT USED

(d) Where:

- (i) paragraphs (a) to (c) do not apply,
- (ii) the applicant has, or was last granted, entry clearance, leave to enter or leave to remain as a Tier 2 Migrant, and
- (iii) the applicant is working for the same employer doing the same job as he was at the time of that earlier grant, leave to remain will be granted for a period equal to the length of the period of engagement plus 14 days, or for a period of 2 years, whichever is the shorter.

(e) In all other cases, leave to remain will be granted for:

(i) a period equal to the length of the period of engagement plus 14 days, or

(ii) 3 years whichever is the shorter.

(f) In addition to the periods in paragraphs (a), (d) and (e), leave to remain will be granted for the period between the date that the application is decided and the date that the Certificate of Sponsorship Checking service records as the start date of employment in the Isle of Man, provided this is not a negative value.

(g) Leave to remain will be granted subject to the following conditions:

(i) no recourse to public funds,

(ii) registration with the police, if this is required by paragraph 326 of these Rules, and

(iii) no employment except:

(1) working for the sponsor in the employment that the Certificate of Sponsorship Checking Service records that the migrant is being sponsored to do, subject to any notification of a permissible change to the details of that employment as defined in Department of Economic Development guidance,

(2) supplementary employment,

(3) voluntary work, and

(4) if the applicant is applying as a Tier 2 (Sportsperson) Migrant, employment as a sportsperson for his national team while his national team is in the Isle of Man.

(h) (i) Applicants who meet the requirements for leave to remain and who obtain points under paragraphs 76 to 79D of Appendix A shall be granted leave to remain as a Tier 2 (General) Migrant.

(ii) Applicants who meet the requirements for leave to remain and who obtain points under paragraphs 85 to 92 of Appendix A shall be granted leave to remain as a Tier 2 (Minister of Religion) Migrant.

(iii) Applicants who meet the requirements for leave to remain and who obtain points under paragraphs 93 to 100 of Appendix A shall be granted leave to remain as a Tier 2 (Sportsperson) Migrant.

#### **245HF. Requirements for indefinite leave to remain**

To qualify for indefinite leave to remain as a Tier 2 (General) Migrant, Tier 2 (Minister of Religion) Migrant or Tier 2 (Sportsperson) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not have one or more unspent convictions.
- (b) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (c) 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 leave as a Tier 2 Migrant, in any combination of the following categories:
  - (i) NOT USED,
  - (ii) as a Minister of Religion, Missionary or Member of a Religious Order,
  - (iii) as a Qualifying Work Permit Holder,
  - (iv) NOT USED,
  - (v) NOT USED,
  - (vi) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant,
  - (vii) as a Highly Skilled Migrant,
  - (viii) NOT USED,
  - (ix) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant, or

(x) as a 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:

(1) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 26 July 2010, or

(2) a Qualifying Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an intra-company transfer.

(d) The sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must certify in writing that:

(i) he still requires the applicant for the employment in question, and

(ii) in the case of a Tier 2 (General) Migrant applying for settlement, that they are paid at or above the appropriate rate for the job as stated in the codes of practice for Tier 2 sponsors published by the Department of Economic Development.

(e) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, in accordance with paragraph 33BA of these Rules, unless the applicant is under the age of 18 or aged 65 or over at the time the application is made."

50. In paragraph 245ZQ(b), delete "The applicant must have, or have last been granted, entry clearance, leave to enter or leave to remain:" and substitute - "The applicant must have, or have last been granted:".

51. Delete paragraph 245ZQ(b)(i) and substitute -

"(i) entry clearance or leave to remain as a Tier 5 (Temporary Worker) Migrant, or".

52. In paragraph 245ZQ(b)(ii), delete "as" and substitute - "entry clearance, leave to enter or leave to remain as".

53. In paragraph 245ZS, before (a) insert -

"(aa) The applicant must not have one or more unspent convictions.".

54. In paragraph 245ZV(c), delete "13" and substitute - "14".

55. After paragraph 245ZV(c), insert –

“(ca) Where an applicant has been issued with a Confirmation of Acceptance for Studies on or after 27th June 2011 the applicant must, if required to do so on examination or interview, be able to demonstrate without the assistance of an interpreter English language proficiency of a standard to be expected from an individual who has reached the standard specified in a Confirmation of Acceptance for Studies assigned in accordance with Appendix A paragraph 118(c) (for the avoidance of doubt, the applicant will not be subject to a test at the standard set out in Appendix A, paragraph 118(c)).”.

56. In paragraph 245ZW(c)(iv)(1), after “visa letter” insert –

“unless the migrant is studying at an institution which is a partner institution of the migrant’s sponsor,”.

57. In paragraph 245ZX(d), delete “13” and substitute - “14”.

58. In paragraph 245ZX(l), after “current entry clearance or leave to remain”, insert - “granted under these Rules”.

59. In paragraph 245ZY(c)(iv)(1), after “visa letter” insert –

“unless the migrant is studying at an institution which is a partner institution of the migrant’s sponsor,”.

60. In paragraph 245ZZA(c), delete “14 to 18” and substitute - “15 to 22”.

61. In paragraph 245ZZC(b)(i), delete “(Child) student” and substitute - “Migrant”.

62. In paragraph 245ZZC(d), delete “14 to 18” and substitute - “15 to 22”.

63. In paragraph 245ZZC(j), after “current entry clearance or leave to remain”, insert – “granted under these Rules”.

64. After paragraph 248D(vii) delete the full stop and insert –

“; and

(viii) The applicant must not have one or more unspent convictions.”.

65. At the end of paragraph 269(ii) delete the full stop and insert –

“; and

(iii) The applicant must not have one or more unspent convictions.”.

66. After paragraph 273D(v), insert -  
“; and  
(vi) does not have one or more unspent convictions.”.
67. In paragraph 276B(ii), delete “(e) previous criminal record and the nature of any offence of which the person has been convicted; and”.
68. Renumber paragraph 276B(ii)(f) as 276B(ii)(e).
69. Renumber paragraph 276B(ii)(g) as 276B(ii)(f).
70. Renumber paragraph 276B(iii) as 276B(iv).
71. After the renumbered paragraph 276B(ii)(f) insert –  
“; and  
(iii) the applicant does not have one or more unspent convictions.”.
72. In paragraph 277, for “21” substitute “18”.
73. After paragraph 281(i)(b)(ii), insert –  
“(b)(iii) the applicant does not have one or more unspent convictions; and”.
74. At paragraph 282(b), replace the word “both” with the word “all”.
75. In paragraph 284(i), delete “or unless the leave in question was granted to the applicant as the spouse, civil partner, unmarried or same-sex partner of a Tier 1 Migrant and that spouse or partner is the same person in relation to whom the applicant is applying for an extension of stay under this rule”.
76. In paragraph 287(a)(i)(c), delete “and” and substitute - “or”.
77. In paragraph 287(a)(i)(d), delete “Tier 1 Migrant” and insert - “Relevant Points Based System Migrant”.
78. In paragraph 287(a)(i)(e), delete “Tier 1 Migrant” and insert - “Relevant Points Based System Migrant”.
79. At the end of paragraph 287 (a)(i)(e), delete “; and” and replace with - “; or”.

80. After paragraph 287(a)(vi), insert –  
“; and (vii) the applicant does not have one or more unspent convictions.”.
81. After paragraph 287(b)(iv) and 289A(iv), insert –  
“; and (v) the applicant does not have one or more unspent convictions.”.
82. In paragraph 289AA, for “21” substitute “18”.
83. In paragraph 295AA, for “21” substitute “18”.
84. After paragraph 295A(i)(b)(ii), insert –  
“  
(iii) the applicant does not have one or more unspent convictions and,”.
85. At paragraph 295B(b), replace the word “both” with the word “all”.
86. In paragraph 295G(i)(b), delete “Tier 1 Migrant” and insert - “Relevant Points Based System Migrant”.
87. After paragraph 295G(vi), insert -  
  
“; and  
  
(vii) the applicant does not have one or more unspent convictions.”.
88. Delete paragraph 295K and substitute -  
  
“295K. Leave to enter as the unmarried or same-sex partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; may be granted provided that a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Leave to remain as the unmarried partner or same-sex of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 295J is met. If the applicant is seeking leave to enter or remain as the unmarried or same-sex partner of a Highly Skilled Migrant, any leave which is granted will be subject to a condition prohibiting Employment as a Doctor or Dentist in Training, unless the applicant:



(1) has obtained a primary degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System; or

(2) is applying for leave to remain and has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or

(3) is applying for leave to remain and has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training. “.

89. After paragraph 295M(iv), insert –

“; and

(v) the applicant does not have one or more unspent convictions.”.

90. After paragraph 297(vi) and 317(vi) insert –

“; and

(vii) does not have one or more unspent convictions.”.

91. After paragraph 298(v), insert –

“; and

(vi) does not have one or more unspent convictions.”.

92. After paragraph 310(xii), insert –

“; and

(xiii) does not have one or more unspent convictions.”.

93. After paragraph 311(xi), insert –

“; and

(xii) does not have one or more unspent convictions.”.

94. In paragraph 319AA, delete “Tier 4 Migrant” and substitute - “Tier 4 (General) Student”.
95. In paragraph 319C(i); 319D(b)(iv); 319D(b)(v); 319H(i); 319I(b)(iii) and 319I(b)(iv) delete “Tier 4 Migrant”, wherever occurring, and substitute in each instance - “Tier 4 (General) Student”.
96. Delete paragraph 319D(b)(iii) and substitute -
- “ (iii) no Employment as a Doctor or Dentist in Training, unless the applicant:
- (1) has obtained a primary degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System; or
- (2) is applying for leave to remain and has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, and has been employed during that leave as a Doctor in Training; or
- (3) is applying for leave to remain and has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Dentist in Training, and has been employed during that leave as a Dentist in Training.”.
97. After paragraph 319E(g), insert –
- “; and
- (h) The applicant does not have one or more unspent convictions.”.
98. Delete paragraph 319H(h) and substitute –
- “(h) an applicant who is applying for leave to remain must have, or have last been granted leave as the child of a parent who had leave under any category of these Rules.”.
99. After paragraph 319J(f), insert –
- “; and
- (g) The applicant does not have one or more unspent convictions.”.

100. In paragraph 319K(a), delete “the Relevant Points-Based System Migrant’s (Dependants) Policy Guidance” and substitute - “the Points Based System (Dependants) Policy Guidance”.

101. Delete paragraphs 320(7B)(iv) and (v) and insert –

“(iv) left the Isle of Man voluntarily, at the expense (directly or indirectly) of the Lieutenant Governor, more than 2 years ago; and the date the person left the Isle of Man was no more than 6 months after the date on which the person was given notice of the removal decision, or no more than 6 months after the date on which the person no longer had a pending appeal; whichever is the later;

(v) left the Isle of Man voluntarily, at the expense (directly or indirectly) of the Lieutenant Governor, more than 5 years ago; or

(vi) was removed or deported from the Isle of Man more than 10 years ago.”.

102. After paragraph 323 insert –

**“Curtailed of leave or alteration of duration of leave in relation to a Tier 2 Migrant, a Tier 5 Migrant or a Tier 4 Migrant**

323A. In addition to the grounds specified in paragraph 323, the leave to enter or remain of a Tier 2 Migrant, a Tier 4 Migrant or a Tier 5 (Temporary Worker) Migrant may be curtailed, or its duration altered, if:

(a) the migrant's Sponsor ceases to have a sponsor licence (for whatever reason)

(b) the migrant's Sponsor transfers the business for which the migrant works or at which the migrant is studying to another person, that person does not have a sponsor licence and that person:

(i) fails to apply for a sponsor licence within 28 days of the date of the transfer of the business,

(ii) applies for a sponsor licence but is refused, or

(iii) applies for a sponsor licence and is granted one, but not in a category that would allow it to issue a Certificate of Sponsorship to the migrant,

(c) the migrant fails to commence, or ceases, working for the Sponsor, or

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

- (i) the migrant fails to commence studying with the Sponsor, or
- (ii) the migrant studies at an institution other than that which issued the visa letter on the basis of which the migrant's current entry clearance, leave to enter or leave to remain was granted unless the Isle of Man Immigration Office has given its written consent for the migrant to transfer to another Sponsor, or
- (iii) the migrant ceases studying with the Sponsor.”.

103. In Appendix A, delete paragraphs 1 to 50 and Tables 1 to 8 and substitute –

“Paragraphs 1 to 6 [Not Used]

**Attributes for Tier 1 (General) Migrants**

7. An applicant applying for leave to remain or indefinite leave to remain as a Tier 1 (General) Migrant must score 75 points for attributes, if the applicant has, or has had, leave as a Highly Skilled Migrant, as a Writer, Composer or Artist or as a Tier 1 (General) Migrant under the Rules in place before 28 February 2011, and has not been granted leave in any categories other than these under the Rules in place since 28 February 2011.

8. An applicant applying for leave to remain or indefinite leave to remain as a Tier 1 (General) Migrant who does not fall within the scope of paragraph 7 above or paragraph 9 below must score 80 points for attributes.

9. NOT USED

10. Available points are shown in Table 2 and Table 3 below. Only one set of points will be awarded per column in each table. For example, points will only be awarded for one qualification.

11. Notes to accompany Table 2 and Table 3 appear below Table 3.

**Table 2 – Applications for leave to remain and indefinite leave to remain where the applicant has, or has had, leave as a Highly Skilled Migrant, as a Writer, Composer or Artist, Self-Employed Lawyer, or as a Tier 1 (General) Migrant under the Rules in place before 26<sup>th</sup> July 2010, and has not been granted leave in any categories other than these since 26<sup>th</sup> July 2010**

Qualification	Points	Previous Earnings	Points	Isle of Man Experience	Points	Age (at date of application for first grant)	Points
Bachelor's degree (see paragraph 13 below)	30	£16,000-£17,999.99 (see paragraph 18 below)	5	If £16,000 or more of the previous earnings for which points are being claimed were earned in the Isle of Man.	5	Under 28 years of age	20
Master's degree	35	£18,000-£19,999.99 (see paragraph 18 below)	10			28 or 29 years of age	10
PhD	50	£20,000-£22,999.99	15			30 or 31 years of age	5
		£23,000-£25,999.99	20				
		£26,000-£28,999.99	25				
		£29,000-£31,999.99	30				
		£32,000-£34,999.99	35				
		£35,000-£39,999.99	40				
		£40,000 or more	45				

**Table 3 – All other applications for leave to remain and indefinite leave to remain**

Qualification	Points	Previous earnings	Points	Isle of Man Experience	Points	Age (at date of application for first grant)	Points
Bachelor's degree	30	£25,000-£29,999.99	5	If £25,000 or more of the previous earnings for which points are	5	Under 30 years of age	20
Master's degree	35	£30,000-£34,999.99	15			30 to 34 years of age	10
PhD	45	£35,000-	20			age	

		£39,999.99		claimed were earned in the Isle of Man	35 to 39 years of age	5
		£40,000- £49,999.99	25			
		£50,000- £54,999.99	30			
		£55,000- £64,999.99	35			
		£65,000- £74,999.99	40			
		£75,000- £149,999.99	45			
		£150,000 or more	80			

## Notes

12. Qualifications and/or earnings will not be taken into account if the applicant was in breach of the Isle of Man's immigration laws at the time those qualifications were studied for or those earnings were made.

### Qualifications: notes

13. An applicant will be awarded no points for a Bachelor's degree if:

(a) his last grant of entry clearance was as a Tier 1 (General) Migrant under the Rules in place between 1<sup>st</sup> December 2009 and 26<sup>th</sup> July 2010, or

(b) (i) he has had leave to remain as a Tier 1 (General) Migrant under the Rules in place between 1<sup>st</sup> December 2009 and 26<sup>th</sup> July 2010, and

(ii) his previous entry clearance, leave to enter or leave to remain before that leave was not as a Highly Skilled Migrant, as a Writer, Composer or Artist or as a Tier 1 (General) Migrant.

14. Specified documents must be provided as evidence of the qualification, unless the applicant has, or was last granted, leave as a Highly Skilled Migrant or a Tier 1 (General) Migrant and previously scored points for the same qualification in respect of which points are being claimed in this application.

15. Points will only be awarded for an academic qualification if an applicant's qualification is deemed by the National Academic Recognition Information Centre for the United Kingdom (UK NARIC) to meet or exceed the recognised standard of a Bachelor's or Master's degree or a PhD, as appropriate, in the UK.

16. Points will also be awarded for vocational and professional qualifications that are deemed by UK NARIC or the appropriate UK professional body to be equivalent to a Bachelor's or Master's degree or a PhD in the UK.

17. If the applicant has, or was last granted, leave as a Tier 1 (General) Migrant or a Highly Skilled Migrant and the qualification for which points are now claimed was, in the applicant's last successful application for leave or for a Highly Skilled Migrant Programme Approval Letter, assessed to be of a higher level than now indicated by UK NARIC, the higher score of points will be awarded in this application too.

#### **Previous earnings: notes**

18. An applicant will be awarded no points for earnings of less than £20,000 if:

(a) his last grant of entry clearance was as a Tier 1 (General) Migrant under the Rules in place between 1<sup>st</sup> December 2009 and 26<sup>th</sup> July 2010, or

(b) (i) he has had leave to remain as a Tier 1(General) Migrant under the Rules in place between 1<sup>st</sup> December 2009 and 26<sup>th</sup> July 2010, and

(ii) his previous entry clearance, leave to enter or leave to remain before that leave was not as a Highly Skilled Migrant, as a Writer, Composer or Artist or as a Tier 1 (General) Migrant.

19. Specified documents from two or more sources must be provided as evidence for each source of previous earnings.

#### **Period for assessment**

20. Applicants should indicate in the application form for which 12-month period their earnings should be assessed.

21. (a) For all applicants the period for assessment of earnings must:

(i) consist of no more than 12 months which must run consecutively, and

(ii) fall within the 15 months immediately preceding the application.

(b) If the applicant:

(i) has been on maternity or adoption leave at some point within the 12 months preceding the application, and

(ii) has provided the specified, or where due to exceptional circumstances the specified documents are not available, has provided alternative documents which show that the circumstances provided for in (i) apply,

The applicant may choose for a period of no more than 12 months spent on maternity or adoption leave to be disregarded when calculating both the 12-month and the 15-month period.

22. If the applicant has not indicated a period for assessment of earnings, or has indicated a period which does not meet the conditions in paragraph 21 above, their earnings will be assessed against the 12-month period immediately preceding their application, assuming the specified documents have been provided. Where the specified documents have not been provided, points will not be awarded for previous earnings.

### **Earnings**

23. Earnings include, but are not limited to:

(a) salaries (includes full-time, part-time and bonuses),

(b) earnings derived through self-employment,

(c) earnings derived through business activities,

(d) statutory and contractual maternity pay, statutory and contractual adoption pay,

(e) allowances (such as accommodation, schooling or car allowances) which form part of an applicant's remuneration package and are specified in the applicant's payslips,

(f) dividends paid by a company in which the applicant is active in the day-to-day management, or where the applicant receives the dividend as part or all of their remuneration package,

(g) property rental income, where this constitutes part of the applicant's business, and



(h) payments in lieu of notice.

24. Where the earnings take the form of a salary or wages, they will be assessed before tax (i.e. gross salary).

25. Where the earnings are the profits of a business derived through self-employment or other business activities:

(a) the earnings that will be assessed are the profits of the business before tax. Where the applicant only has a share of the business, the earnings that will be assessed are the profits of the business before tax to which the applicant is entitled, and

(b) the applicant must be registered as self-employed in the UK, and must provide the specified evidence.

26. Earnings do not include unearned sources of income, such as:

(a) allowances (such as accommodation, schooling or car allowances) which are paid as reimbursement for monies the applicant has previously paid,

(b) any other allowances, unless part of the applicant's remuneration package and specified in the applicant's payslips,

(c) dividends, unless paid by a company in which the applicant is active in the day-to-day management, or unless the applicant receives the dividend as part or all of their remuneration package,

(d) property rental income, unless this constitutes part of the applicant's business,

(e) interest on savings and investments,

(f) funds received through inheritance,

(g) monies paid to the applicant as a pension,

(h) expenses where the payment constitutes a reimbursement for monies the applicant has previously outlaid,

(i) redundancy payment,

(j) sponsorship for periods of study,

(k) state benefits, or

(l) prize money or competition winnings, other than where they are directly related to the applicant's main profession or occupation.

#### Converting foreign currencies

27. Earnings in a foreign currency will be converted to pound sterling (£) using the closing spot exchange rate for the last day of the period for which the applicant has claimed earnings in that currency.

28. If the applicant's earnings fall either side of a period of maternity or adoption leave, earnings in a foreign currency will be converted to pounds sterling (£) using the closing spot exchange rate which exists:

(a) for the earnings earned before maternity or adoption leave, on the last day of the period before maternity leave, and

(b) for the earnings earned after maternity or adoption leave, on the last day of the period after maternity leave.

29. The spot exchange rate which will be used is that which appears on [www.oanda.com](http://www.oanda.com)\*

30. Where the previous earnings claimed are in different currencies, any foreign currencies will be converted before being added together, and then added to any UK earnings, to give a total amount.

#### **Isle of Man experience: notes**

31. Previous earnings will not be taken into account for the purpose of awarding points for Isle of Man experience if the applicant was not physically present in the Isle of Man at the time those earnings were made.

32. Previous earnings will not be taken into account for the purpose of awarding points for Isle of Man experience if the applicant was physically present in the UK or the Channel Islands at the time those earnings were made.

#### **Age: notes**

33. If the applicant was first granted leave in the categories of Highly Skilled Migrant, Writer, Composer or Artist or Tier 1 (General) Migrant and has not been granted leave in any category other than those listed here since the first grant of leave, points will be awarded based on the applicant's age at the date of the

application for that first grant of leave. if the applicant has been granted leave since his first grant of leave in a category not listed in this paragraph, points will be awarded based on his age at the date of application for a grant of leave in a category listed in this paragraph where leave has not been granted in any category not listed in this paragraph between that grant of leave and the current application.

34. Specified documents must be provided as evidence of age.

**Attributes for Tier 1 (Entrepreneur) Migrants**

35. An applicant applying for entry clearance, leave to remain or indefinite leave to remain as a Tier 1 (Entrepreneur) Migrant must score 75 points for attributes.

36. Subject to paragraph 37, available points for applications for entry clearance or leave to remain are shown in Table 4.

37. Available points for an applicant applying for leave to remain who has, or has last been granted entry clearance, leave to enter or remain as:

- (i) a Tier 1 (Entrepreneur),
- (ii) a Businessperson,
- (iii) an Innovator

are shown in Table 5.

38. Available points for applications for indefinite leave to remain are shown in Table 6.

39. (a) Notes to accompany Table 4 appear below Table 4.

(b) Notes to accompany Table 5 and Table 6 appear below Table 6.

(c) Notes on entrepreneurial teams appear below Table 6 and apply to Tables 4, 5 and 6.

**Table 4: Applications for entry clearance or leave to remain referred to in paragraph 36**

<b>Investment</b>	<b>Points</b>
(a) The applicant has access to not less than £200,000, or	<b>25</b>

(b) [Not Used]	
The money is held in one or more regulated financial institutions	25
The money is disposable in the Isle of Man	25

Investment: notes

40. Specified documents as set out in the Tier 1 (Entrepreneur) Guidance, published on the Isle of Man Government website, must be provided as evidence of any investment.

41. An applicant will only be considered to have access to funds if:

(a) The specified documents are provided to show cash money to the amount required (this must not be in the form of assets);

(b) The specified documents are provided to show that the applicant has permission to use the money to invest in a business in the ; and

(c) The money is either held in a Isle of Man regulated financial institution or is transferable to the Isle of Man.

42. Points will only be awarded to an applicant to whom Table 4, paragraph (b) applies if the total sum of those funds derives from one or more of the sources listed in (b)(i) to (iii) in Table 4.

43. A regulated financial institution is one which is regulated by the appropriate regulatory body for the country in which the financial institution operates.

44. Money is disposable in the Isle of Man if all of the money is held in an Isle of Man based financial institution or if the money is freely transferable to the Isle of Man and convertible to sterling. Funds in a foreign currency will be converted to pounds sterling (£) using the spot exchange rate which appeared on [www.oanda.com](http://www.oanda.com) on the date on which the application was made.

45. If the applicant has invested the money referred to in Table 4 in the Isle of Man before the date of the application, points will be awarded for funds available as if the applicant had not yet invested the funds, providing the investment was made no more than 12 months before the date of the application.

**Table 5: Applications for leave to remain referred to in paragraph 37**

Investment and business activity	Points
The applicant has invested, or had invested on his behalf, not less than £200,000 in cash directly into one or more businesses in the Isle of Man.	20
<p>The applicant has:</p> <p>(a) in accordance with regulation 87 of the Social Security (Contributions) Regulations 2001<sup>5</sup> (as applied to the Island)<sup>6</sup>, notified the Treasury of the Isle of Man of his liability to pay Class 2 contributions, or</p> <p>(b) registered a new business in which he is a director, or</p> <p>(c) registered as a director of an existing business.</p> <p>Where the applicant's last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) Migrant, the above condition must have been met within 6 months of his entry to the Isle of Man (if he was granted entry clearance as a Tier 1 (Entrepreneur) Migrant and there is evidence to establish his date of arrival to the Isle of Man), or, in any other case, the date of the grant of leave to remain.</p>	20
<p>On a date no earlier than three months prior to the date of application, the applicant:</p> <p>(a) had, in accordance with regulation 87 of the Social Security (Contributions) Regulations 2001 (as applied to the Island), notified the Treasury of the Isle of Man of his liability to pay Class 2 contributions; or</p> <p>(b) registered a new business in which he is a director, or</p> <p>(c) was registered as a director of an existing business.</p>	15
<p>The applicant has:</p> <p>(a) established a new business or businesses that has or have created the equivalent of at least two new full time jobs for persons settled in the Isle of Man, or</p> <p>(b) taken over or invested in an existing business or businesses and his services or investment have resulted in a net increase in the employment provided by the business or businesses for persons settled in the Isle of Man by creating the equivalent of at least two new full time jobs.</p> <p>Where the applicant's last grant of entry clearance or leave to enter or remain was as a Tier 1 (Entrepreneur) Migrant, the jobs must have existed for at least 12 months of the period for which the previous leave was granted.</p>	20

<sup>5</sup> SI 2001/1004

<sup>6</sup> See Schedule 2 to SD 374/02. The application of regulation 87 was amended by article 2 of the Social Security Legislation (Application) (No. 9) Order 2003 (SD 273/03).

**Table 6: Applications for indefinite leave to remain as referred to in paragraph 38**

Row	Investment and business activity	Points
1.	<p>On a date no earlier than three months prior to the date of application, the applicant:</p> <p>(a) had, in accordance with regulation 87 of the Social Security (Contributions) Regulations 2001 (as applied to the Island), notified the Treasury of the Isle of Man of his liability to pay Class 2 contributions; or</p> <p>(b) registered a new business in which he is a director, or</p> <p>(c) was registered as a director of an existing business.</p>	20
2.	<p>The applicant has:</p> <p>(a) established a new Isle of Man business or businesses that has or have created the equivalent of X new full time jobs for persons settled in the Isle of Man, or</p> <p>(b) taken over or invested in an existing Isle of Man business or businesses and his services or investment have resulted in a net increase in the employment provided by the business or businesses for persons settled in the Isle of Man by creating the equivalent of X new full time jobs where X is at least 2.</p> <p>Where the applicant's last grant of entry clearance or leave to enter or remain was as a Tier 1 (Entrepreneur) Migrant, the jobs must have existed for at least 12 months of the period for which the previous leave was granted.</p>	20
3.	<p>The applicant has spent the specified continuous period lawfully in the Isle of Man, with absences from the Isle of Man of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified period must have been spent with leave as a Tier 1 (Entrepreneur) Migrant or as a Businessperson, of which the most recent period must have been spent with leave as a Tier (1) (Entrepreneur) Migrant.</p> <p>The specified continuous period is:</p> <p>(a) 3 years if the number of new full time jobs, X, referred to in row 2 above is at least 10,</p> <p>(b) 3 years if the applicant has:</p> <p>(i) established a new Isle of Man business that has had an income from business activity of at least £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, or</p> <p>(ii) taken over or invested in an existing Isle of Man business and his</p>	35

<p>services or investment have resulted in a net increase in income from business activity to that business of £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, when compared to the immediately preceding 3 year period, or</p> <p>(c) 5 years in all other cases.</p>	
---	--

### **Investment and business activity: notes**

46. Documentary evidence must be provided in all cases. Specified documents as set out in the Tier 1 (Entrepreneur) Guidance, published on the Isle of Man Government website, must be provided as evidence of any investment and business activity that took place when the applicant had leave as a Tier 1 (Entrepreneur) Migrant.

47. For the purposes of tables 4, 5 and 6, “investment” does not include the value of any residential accommodation, property development or property management and must not be in the form of a director’s loan, unless it is unsecured and subordinated in favour of the business.

48. Points will only be awarded in respect of an Isle of Man business or businesses. A business will be considered to be in the Isle of Man if:

- (i) it is trading within the Isle of Man economy, and
- (ii) it has a registered office in the Isle of Man, except where the applicant has, in accordance with regulation 87 of the Social Security (Contributions) Regulations 2001 (as applied to the Island), notified the Treasury of the Isle of Man of his liability to pay Class 2 contributions and does not have a business office; and
- (iii) it has an Isle of Man bank account, and
- (iv) it is subject to Isle of Man taxation.

Multinational companies that are registered as Isle of Man companies with either a registered office or head office in the Isle of Man are considered to be Isle of Man businesses for the purposes of tables 4, 5 and 6.

49. A full time job is one involving at least 30 hours’ of work a week. Two or more part time jobs that add up to 30 hours a week will count as one full time job but one

full time job of more than 30 hours work a week will not count as more than one full time job.

50. Where the applicant's last grant of entry clearance or leave was as a Tier 1 (Entrepreneur) Migrant, the jobs must have existed for a total of at least 12 months during the period in which the migrant had leave in that category. This need not consist of 12 consecutive months and the jobs need not exist at the date of application, provided they existed for at least 12 months during the period in which the migrant had leave as a Tier 1 (Entrepreneur) Migrant.

51. The jobs must comply with all relevant Isle of Man legislation including, but not limited to, the Minimum Wage Act 2001 and the Control of Employments Act 1975.

### **Entrepreneurial teams: notes**

52. Two applicants may claim points for the same investment and business activity in Tables 4, 5 or 6 providing the following requirements are met.

Requirements:

(a) The applicants have equal level of control over the funds and/or the business or businesses in question;

(b) The applicants are both shown by name in each other's applications and in the specified evidence required in the relevant table; and

(c) Neither applicant has previously been granted leave as a Tier 1 (Entrepreneur) Migrant on the basis of investment and/or business activity linked in this way with any applicant other than each other if the same funds are being relied on as in a previous application.

53. If the two applicants referred to in paragraph 52 above make their applications on different dates, or are granted leave on different dates, where the dates referred to in Table 4, Table 5 and the associated notes relate to investment and/or business activity, the relevant date will be taken as the date of the earlier application or grant of leave of the two, for both applications. The dates referred to in Table 6 will be the date of each individual application.

### **Attributes for Tier 1 (Investor) migrants**

54. An applicant applying for entry clearance, leave to remain or indefinite leave to remain as a Tier 1 (Investor) Migrant must score 75 points for attributes.



55. Subject to paragraph 56, available points for applications for entry clearance or leave to remain are shown in Table 7.

56. Available points for an applicant applying for leave to remain who has, or has last been granted, entry clearance, leave to enter or remain as:

- (i) a Tier 1 (Investor) Migrant, or
- (ii) an Investor are shown in Table 8.

57. Available points for applications for indefinite leave to remain are shown in Table 9.

58. Notes to accompany Table 7, Table 8 and Table 9 appear below Table 9.

**Table 7: applications for entry clearance or leave to remain referred to in paragraph 60**

<b>Assets</b>	<b>Points</b>
<p>The applicant:</p> <p>(a) has money of his own under his control held in a regulated financial institution and disposable in the Isle of Man amounting to not less than £1 million; or</p> <p>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value exceeding £2 million.</p> <p>(ii) has money under his control held in a regulated financial institution and disposable in the Isle of Man amounting to not less than £1 million which has been loaned to him by an Isle of Man regulated financial institution.</p>	75

**Table 8: applications for leave to remain referred to in paragraph 61**

<b>Assets and investment</b>	<b>Points</b>
<p>The applicant:</p> <p>(a) has money of his or her own under his or her control in the Isle of Man amounting to not less than £1 million, or</p> <p>(b) (i) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million, and</p> <p>(ii) has money under his or her control held in a regulated financial institution and disposable in the Isle of Man amounting to not less than £1 million which has been by loaned to him or her a financial institution regulated by the Financial Services Commission.</p>	30

The applicant has invested not less than £750,000 of his or her capital in the Isle of Man by way of share capital or loan capital in active and trading Isle of Man registered companies other than those principally engaged in property investment.	30
The investment referred to above was made within 3 months of obtaining entry clearance, leave to enter or leave to remain as a Tier 1 (Investor) Migrant and the investment has been maintained for the whole of the remaining period of that leave; or The migrant has, or was last granted, entry clearance, leave to enter or leave to remain as an investor.	15

**Table 9: Applications for indefinite leave to remain**

Row	Assets and Investment	Points
1.	<p>The applicant:</p> <p>(a) (i) has money of his own under his control in the Isle of Man amounting to not less than £10 million, or (ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £20 million, and (2) has money under his control and disposable in the Isle of Man amounting to not less than £10 million which has been loaned to him by an Isle of Man regulated financial institution, or (b) (i) has money of his own under his control in the Isle of Man amounting to not less than £5 million, or (ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £10 million, and (2) has money under his control and disposable in the Isle of Man amounting to not less than £5 million which has been loaned to him by an Isle of Man regulated financial institution, or (c) (i) has money of his own under his control in the Isle of Man amounting to not less than £1 million, or (ii) (1) owns personal assets which, taking into account any liabilities to which they are subject, have a value of not less than £2 million, and (2) has money under his control and disposable in the Isle of Man amounting to not less than £1 million which has been loaned to him by a Isle of Man regulated financial institution.</p>	<b>20</b>
2.	The applicant has invested not less than 75% of the specified invested amount of his capital in the by way of share capital or loan capital in active and trading Isle of Man registered companies, subject to the	<b>20</b>

	<p>restrictions set out in paragraph 65 below, and has invested the remaining balance of the specified invested amount in the Isle of Man by the purchase of assets or by maintaining the money on deposit in an Isle of Man regulated financial institution.</p> <p>The specified invested amount is:</p> <p>(a) £10,000,000 if the applicant scores points from row 1(a) above,  (b) £5,000,000 if the applicant scores points from row 1(b) above, or  (c) £1,000,000 if the applicant scores points from row 1(c) above.</p>	
3.	<p>The applicant has spent the specified continuous period lawfully in the Isle of Man, with absences from the Isle of Man of no more than 180 days in any 12 calendar months during that period.</p> <p>The specified continuous period must have been spent with leave as a Tier 1 (Investor) Migrant and/or as an Investor, of which the most recent period must have been spent with leave as a Tier 1 (Investor) Migrant.</p> <p>The specified continuous period is:</p> <p>(a) 2 years if the applicant scores points from row 1(a) above,  (b) 3 years if the applicant scores points from row 1(b) above, or  (c) 5 years if the applicant scores points from row 1(c) above.</p>	20
4	<p>The applicant has maintained the full specified invested amount referred to in the relevant part of row 2 throughout the relevant specified continuous period referred to in row 3, other than in the first 3 months of that period and, in relation to time spent with leave as a Tier 1 (investor) Migrant, has provided specified documents to show that this requirement has been met.</p> <p>When calculating the specified continuous period, the first day of that period will be taken to be the day 3 months before the full specified amount is invested.</p>	15

**Assets and investment: notes**

59. Specified documents are set out in the Tier 1 (Investor) Guidance, published by the Isle of Man Immigration Office, must be provided as evidence of investment.

60. Money is disposable in the Isle of Man if all of the money is held in an Isle of Man based financial institution or of the money is freely transferable to the Isle of Man and convertible to sterling (£) using the spot exchange rate which appeared on [www.oanda.com](http://www.oanda.com) on the date when the application was made.

61. 'Money of his own', 'personal assets' and 'his capital' include money or assets belonging to the applicant's spouse, civil partner or unmarried or same-sex partner, provided that:

(a) the applicant's spouse, civil partner or unmarried or same sex-partner meets the requirements of paragraph 319(c) and (d) of these Rules, and

(b) specified documents are provided to show that the money or assets are under the applicant's control and that he is free to invest them.

62. 'Regulated financial institution' is defined in paragraph 43, Appendix A.

63. In the case of an application where Table 7 applies, where the money or assets referred to in Table 7 have already been invested in the Isle of Man before the date of application, points will only be awarded if they were invested in the Isle of Man no more than 12 months before the date of application.

64. In the case of an application where Table 7 applies, points will only be awarded if the applicant:

(a) has had the money or assets referred to in Table 7 for a consecutive 90-day period of time, ending no earlier than one calendar month before the date of application, and provides the specified evidence; or

(b) provides additional specified evidence of the source of the money or assets.

65. Investment excludes investment by the applicant by way of:

(a) An offshore company or trust

(b) Open-ended investment companies, investment trust companies or pooled investment vehicles,

(c) Companies mainly engaged in property investment, property management or property development,

(d) Deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits,

(e) ISAs, premium bonds and saving certificates issued by the National Savings and Investment agency (NS&I), for an applicant who has, or last had leave as a Tier 1 (investor) Migrant, or

(f) Leveraged investment funds.”.

104. In Appendix A, renumber existing paragraphs 51 to 55 as 66 to 70.
105. In new paragraph number 67, delete “Table 9” and substitute - “Table 10”.
106. In Appendix A, renumber existing Table 9 as Table 10.
107. In Appendix A, delete existing paragraphs 56 and 57, which currently both read “Not Used.” and substitute –

“71. If the institution studied at is removed from one of the relevant lists referred to in Table 10, or from the Tier 4 sponsor register, no points will be awarded for a qualification obtained on or after the date the institution was removed from the relevant list or from the Tier 4 sponsor register.”.

108. In Appendix A, renumber existing paragraph 58 as paragraph 72.
109. In Appendix A, delete existing paragraphs 58a to 84 and pre-existing Tables 10 and 11 and substitute –

**“Attributes for Tier 2 (Intra-Company transfer) migrants**

73. An applicant applying for entry or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant must score 50 points for attributes.

73a. Available points for entry clearance or leave to remain are shown in Table 11.

73B. Notes to accompany Table 11 appear below the table.

**Table 11**

<b>Criterion</b>	<b>Points</b>
Certificate of Sponsorship	30
Appropriate salary	20

**Notes**

**Certificate of Sponsorship**

74. In order to obtain points for a Certificate of Sponsorship, the applicant must produce a valid Certificate of Sponsorship reference number.

74A. A Certificate of Sponsorship reference number will only be considered to be valid if:

(a) the number supplied links to a Certificate of Sponsorship Checking Service entry that names the applicant as the migrant and confirms that the Sponsor is sponsoring him as a Tier 2 (Intra-Company Transfer) Migrant and specifies the sub-category of the Tier 2 (Intra Company Transfer) under which he is applying,

(b) the sponsor assigned the Certificate of Sponsorship reference no more than 3 months before the application for entry clearance or leave to remain is made,

(c) the application for entry clearance or leave to remain is made no more than 3 months before the start of the employment as stated on the Certificate of Sponsorship,

(d) the migrant must not previously have applied for entry clearance or leave to remain using the same Certificate of Sponsorship reference number, if that application was either approved or refused (not rejected as an invalid application or withdrawn),

(e) that reference number must not have been withdrawn or cancelled by the sponsor or by the Department of Economic Development since it was assigned, including where it has been cancelled by the Department of Economic Development due to having been used in a previous application, and

(f) the sponsor is an a-rated sponsor, unless the application is for leave to remain and the applicant has, or was last granted, leave as a Tier 2 (Intra-Company) Migrant or a Qualifying Work Permit Holder.

74B. (a) Except in the cases referred to in paragraph (b) below, no points will be awarded for a Certificate of Sponsorship unless the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of graduate level occupations as stated in the codes of practice for Tier 2 Sponsors published by the Department of Economic Development.

(b) Paragraph (a) does not apply where the applicant is applying for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant in the Long Term staff sub-category, and was last granted entry clearance, leave to enter or leave to remain as:

(i) a Qualifying Work Permit Holder, or

(ii) a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 6 June 2011.

(c) in the cases referred to in paragraph (b) above, no points will be awarded for a Certificate of Sponsorship unless:

(i) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations skilled to National Qualifications Framework level 3 as stated in the codes of practice for Tier 2 sponsors published by Department of Economic Development, or

(ii) the applicant is a Senior Care Worker or an Established Entertainer as defined in paragraph 6 of these Rules.

74C. (a) if the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in either the Short Term Staff or Long Term Staff sub-categories, no points will be awarded for a Certificate of Sponsorship unless:

(i) the applicant has been working for the sponsor for the specified period in paragraph (b) below,

(ii) the applicant has been working for the sponsor outside the Isle of Man and/or in the Isle of Man, provided he had leave to work for the sponsor as:

(1) a Tier 2 (Intra-Company Transfer) Migrant in either of the Short Term Staff or Long Term Staff sub-categories,

(2) a Tier 2 (Intra-Company Transfer) Migrant in the Established Staff sub-category under the Rules in place before 6 June 2011,

(3) a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 6 June 2011,

(4) a Qualifying Work Permit Holder (provided that the work permit was granted because the holder was the subject of an Intra-Company Transfer), and/or

(5) Not Used

(iii) the applicant provides the specified documents as set out in the Tier 2 (Intra-Company Transfer) Guidance published by the Department of Economic Development.

(b) The specified period referred to in paragraph (a)(i) above is:

- (i) a continuous period of 12 months immediately prior to the date of application, or
- (ii) if at some point within the 12 months preceding the date of application, the applicant has been:
  - (1) on maternity, paternity or adoption leave,
  - (2) on long-term sick leave lasting one month or longer, or
  - (3) working for the sponsor in the Isle of Man as a Tier 2 (Intra-Company Transfer) Migrant in either of the Graduate Trainee or Skills Transfer sub-categories,

and provides the specified evidence as set out in the Tier 2 (Intra-Company Transfer) Guidance published by the Department of Economic Development, an aggregated period of at least 12 months within the 24 month period immediately prior to the date of application.

74D. If the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Graduate Trainee sub-category, no points will be awarded for a Certificate of Sponsorship unless:

- (a) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do is part of a structured graduate training programme as defined in Tier 2 (Intra-Company Transfer) Guidance published by the Department of Economic Development,
- (b) the sponsor has assigned Certificates of Sponsorship to 5 applicants or fewer, including the applicant in question, under the Graduate Trainee sub-category in the current year, beginning 6 June 2011 and ending 5 June 2012, and
- (c) the applicant has been working for the sponsor outside the Isle of Man for a continuous period of 3 months immediately prior to the date of application, and must provide the specified documents to prove this.

74E. If the applicant is applying as a Tier 2 (Intra-Company Transfer) Migrant in the Skills Transfer subcategory, no points will be awarded for a Certificate of Sponsorship unless the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do is for the sole purpose of transferring skills to or from the sponsor's Isle of Man work environment. The



appointment must be additional to staffing requirements, that is the role in the Isle of Man would not exist but for the need for skills transfer.

74F. An applicant cannot score points for a Certificate of Sponsorship from Table 11 if the job that the Certificate of Sponsorship Checking Service entry records that he is being sponsored to do is as a Sports person or a Minister of Religion.

### **Appropriate salary**

75. The points awarded for appropriate salary will be based on the applicant's gross annual salary to be paid by the Sponsor, as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, subject to the following conditions:

- (i) Points will be awarded based on basic pay (excluding overtime);
- (ii) Allowances will be included in the salary for the awarding of points where they are part of the guaranteed salary package and:
  - (1) would be paid to a local settled worker in similar circumstances, or
  - (2) are paid to cover the additional cost of living in the Isle of Man;
- (iii) Where allowances are made available solely for the purpose of accommodation, they will only be included up to a value of:
  - (1) 40% of the total salary package for which points are being awarded, if the applicant is applying in either the Short Term Staff, Graduate Trainee or Skills Transfer sub-categories, or
  - (2) 30% of the total salary package for which points are being awarded, if the applicant is applying in the Long Term Staff sub-category;
- (iv) allowances to cover business expenses, including (but not limited to) travel to and from the sending country, will not be included.

75A. No points will be awarded if the salary referred to in paragraph 75 above is less than £40,000 per year where the applicant is applying in the Long Term Staff sub-category, unless the applicant is applying for leave to remain and has, or last had entry clearance, leave to enter or leave to remain as:

- (i) a Qualifying Work Permit Holder, or

(ii) a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 6 June 2011.

75B. No points will be awarded if the salary referred to in paragraph 75 above is less than £24,000 per year where the applicant is applying in the Short Term Staff, Graduate Trainee or Skills Transfer sub-categories, unless the applicant is applying for leave to remain and has, or last had entry clearance, leave to enter or leave to remain as a Tier 2 (Intra-Company Transfer) Migrant under the Rules in place before 6 June 2011.

75C. No points will be awarded if the salary referred to in paragraph 75 above is less than the appropriate rate for the job as stated in the codes of practice for Tier 2 sponsors published by the Department of Economic Development, unless the applicant is an Established Entertainer as defined in paragraph 6 of these Rules.

75D. Where the applicant is paid hourly, the appropriate salary consideration will be based on earnings up to a maximum of 48 hours a week, even if the applicant works for longer than this. For example, an applicant who works 60 hours a week for £8 per hour be considered to have a salary of £19,968 (8x48x52) and not £25,960 (8x60x52), and will therefore not be awarded points for appropriate salary.

75E. No points will be awarded for appropriate salary if the applicant does not provide a valid Certificate of Sponsorship reference number with his application.

### **Attributes for Tier 2 (General) Migrants**

76. An applicant applying for entry or leave to remain as a Tier 2 (General) Migrant must score 50 points for attributes.

76A. Available points for entry clearance or leave to remain are shown in Table 11A.

76B. Notes to accompany Table 11A appear below the table.

**Table 11A**

<b>Certificate of Sponsorship</b>	<b>Points</b>	<b>Appropriate Salary</b>	<b>Points</b>
Shortage Occupation	30	Appropriate Salary	20
Job offer with salary of £150,000 or more	30		
Job offer passes Resident Labour Market Test	30		
Post-Study Work	30		
Continuing to work in the same	30		

job for the same employer			
---------------------------	--	--	--

## Notes

### Certificate of Sponsorship

77. Points may only be scored for one entry in the Certificate of Sponsorship column.

77A. In order to obtain points for a Certificate of Sponsorship, the applicant must provide a valid Certificate of Sponsorship Reference Number.

77B. The only Certificates of Sponsorship to be allocated to Sponsors for applicants to be sponsored as Tier 2 (General) Migrants during the period 6 June 2011 to 5 June 2012 are:

(a) Certificates of Sponsorship to be assigned to applicants for entry clearance as a Tier 2 (General) Migrant, as allocated to sponsors under the Tier 2 (General) limit, which is set out in paragraphs 80 to 84A below.

(b) Certificates of Sponsorship to be assigned to applicants for leave to remain as a Tier 2 (General) Migrant,

(c) Certificates of Sponsorship to be assigned to an applicant to do a job for which the gross annual salary (including such allowances as are specified as acceptable for this purpose in guidance issued by the UK Border Agency) is £150,000 or higher, and

77C. A Certificate of sponsorship reference number will only be considered to be valid if:

(a) the number supplied links to a Certificate of Sponsorship Checking Service entry that names the applicant as the migrant and confirms that the sponsor is sponsoring him as a Tier 2 (General) Migrant,

(b) the Sponsor assigned that reference number to the migrant no more than 3 months after the sponsor was allocated the Certificate of Sponsorship, if the Certificate of Sponsorship was allocated to the sponsor under the Tier 2 (General) limit,

(c) the Sponsor assigned that reference number to the migrant no more than 3 months before the application for entry clearance or leave to remain is made,

(d) the application for entry clearance or leave to remain is made no more than 3 months before the start of the employment as stated on the Certificate of Sponsorship,

(e) the migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Certificate of Sponsorship reference number, regardless of whether that previous application was successful,

(f) that reference number must not have been withdrawn or cancelled by the sponsor or by the Department of Economic Development since it was assigned, including where it has been cancelled by the Department of Economic Development due to having been used in a previous application, and

(g) the sponsor is an A-rated sponsor, unless:

(1) the application is for leave to remain, and

(2) the applicant has, or was last granted, leave as a Tier 2 (General) Migrant or a Qualifying Work Permit Holder, and

(3) the applicant is applying to work for the same employer named on the Certificate of Sponsorship or Work Permit document which led to his last grant of leave.

77D. No points will be awarded for a Certificate of Sponsorship unless:

(a) in the case of a Certificate of Sponsorship which was allocated to the Sponsor under the Tier 2 (General) limit, the number supplied links to a Certificate of Sponsorship Checking Service entry which contains the same job and at least the same salary details as stated in the sponsor's application for that Certificate of Sponsorship,

(b) in the case of a Certificate of Sponsorship which was not allocated to the Sponsor under the Tier 2 (General) limit:

(i) the applicant is applying for leave to remain, or

(ii) the number supplied links to a Certificate of Sponsorship Checking Service entry which shows that the applicant's gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 79 of this Appendix) to be paid by the sponsor is £150,000 or higher.

77E. (a) except in the cases referred to in paragraphs (b) and (c) below, no points will be awarded for a Certificate of Sponsorship unless the job that the Certificate of Sponsorship Checking service entry records that the person is being sponsored to do appears on the list of graduate level occupations as stated in the Codes of Practice for Tier 2 Sponsors published by the Department of Economic Development, or on the list of shortage occupations published by the UK Border Agency.

(b) Paragraph (a) above does not apply to cases where the applicant:

(i) is applying for leave to remain as a Tier 2 (General) Migrant,

(ii) has previously had entry clearance, leave to enter or leave to remain as:

(1) a Qualifying Work Permit Holder,

(2) Not used,

(3) Not Used

(4) Not Used

(5) a Tier 2 (General) Migrant under the Rules in place before 6 June

2011

less than 5 years before the date that the applicant's last grant of entry clearance, leave to enter or leave to remain expires, and

(iii) has not been granted entry clearance as a Tier 2 (General) Migrant or in any other category since his last grant of leave in one of the categories in (ii) above.

(c) Paragraph (a) above also does not apply to cases where:

(i) the applicant is applying for leave to remain,

(ii) the applicant has, or last had, entry clearance, leave to enter or leave to remain as a Tier 2 (General) Migrant or a Qualifying Work Permit Holder,

(iii) at the time the Certificate of Sponsorship or Work Permit which led to the grant of leave in (ii) was issued, the job referred to in that Certificate of Sponsorship or Work Permit appeared on the list of shortage occupations published by the Department of Economic Development, and

(iv) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do in his current application is the same as the job referred to in (iii), for either the same or a different employer.

(d) in the cases referred to in paragraphs (b) and (c) above, no points will be awarded for a Certificate of Sponsorship unless:

(i) the job that the Certificate of Sponsorship Checking Service entry records that the person is being sponsored to do appears on the list of occupations skilled to National Qualifications Framework level 3 as stated in the Codes of Practice for Tier 2 sponsors published by the Department of Economic Development, or

(ii) the applicant is a Senior Care Worker or an Established Entertainer as defined in paragraph 6 of these Rules.

77F. an applicant cannot score points for a Certificate of Sponsorship from Table 11a if the job that the Certificate of Sponsorship Checking Service entry records that he is being sponsored to do is as a Sports person or a Minister of Religion.

### **Shortage occupation**

78. In order for the applicant to be awarded points for a job offer in a shortage occupation:

(a) the job must, at the time the Certificate of Sponsorship was assigned to the applicant, have appeared on the list of shortage occupations published by the United Kingdom Border Agency,

(b) in all cases, contracted working hours must be for at least 30 hours a week, and

(c) Not Used

### **Job offer with a salary of £150,000 or more**

78A. In order for the applicant to be awarded points for a job offer with a salary of £150,000 or more, the Certificate of Sponsorship Checking Service entry must show that the applicant's gross annual salary (including such allowances as are specified as acceptable for this purpose in paragraph 79 of this Appendix) to be paid by the sponsor is £150,000 or higher.

### **Job offer passes Resident Labour Market Test**

78B. In order for the applicant to be awarded points for a job offer that passes the resident labour market test:

(a) the Certificate of Sponsorship Checking Service entry must indicate that the Sponsor has met the requirements of that test, as defined in guidance published by the Department of Economic Development, in respect of the job, and

(b) if the guidance referred to in (a) specifies that the job must have been advertised in Jobcentre Plus or JobCentre online, the Certificate of Sponsorship Checking Service entry must also contain the Jobcentre Plus or JobCentre online vacancy reference number.

### **Post-Study Work**

78C. In order for the applicant to be awarded points for post-study work:

(a) the applicant must be applying for leave to remain,

(b) the applicant must have entry clearance or leave to remain as a Tier 1 (Post Study Work) Migrant, or as a Participant in the International Graduates' scheme (or its predecessor, the Science and Engineering Graduates Scheme) or as a Participant in the Fresh Talent: Working in Scotland scheme,

(c) the applicant must have been working for the Sponsor for the specified period, and must provide the specified documents to prove this. The specified period is:

(i) a continuous period of 6 months immediately prior to the date of application, or

(ii) if at some point within the 6 months preceding the date of application the applicant has been:

(1) on maternity, paternity or adoption leave, or

(2) on long-term sick leave lasting one month or longer

and provides the specified evidence as set out in the Tier 2 (General) Guidance published by the Department of Economic Development, an aggregated period of at least 6 months within the 18 month period immediately prior to the date of application, and

(d) the job the applicant is being sponsored to do must be the same as the one he is doing at the time of his application.

### **Continuing to work in the same job for the same Sponsor**

78D. In order for the applicant to be awarded points for continuing to work in the same job for the same sponsor:

(a) the applicant must be applying for leave to remain,

(b) the applicant must have entry clearance or leave to remain as:

(i) a Tier 2 (General) Migrant,

(ii) a Qualifying Work Permit Holder,

(iii) Not Used,

(iv) Not Used

(v) Not used,

(c) the sponsor must be the same employer:

(i) as the sponsor on the previous application that was granted, in the case of an applicant whose last grant of leave was as a Tier 2 (General) Migrant,

(ii) that the work permit was issued to, in the case of an applicant whose last grant of leave was as a Qualifying Work Permit Holder,

(iii) Not Used.

(d) the job that the Certificate of Sponsorship Checking service entry records the applicant as having been engaged to do must be the same job:

(i) in respect of which the Certificate of Sponsorship that led to the previous grant was issued, in the case of an applicant whose last grant of leave was as a Tier 2 (General) Migrant,

(ii) in respect of which the previous work permit was issued, in the case of an applicant whose last grant of leave was as a Qualifying Permit Holder, or

(iii) Not Used



## Appropriate salary

79. The points awarded for appropriate salary will be based on the applicant's gross annual salary to be paid by the Sponsor, as recorded in the Certificate of Sponsorship Checking Service entry to which the applicant's Certificate of Sponsorship reference number relates, subject to the following conditions:

- (i) Points will be awarded based on basic pay (excluding overtime);
- (ii) Allowances will be included in the salary for the awarding of points where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;
- (iii) Other allowances and benefits, such as bonus or incentive pay, travel and subsistence (including travel to and from the applicant's home country), will not be included.

79A. No points will be awarded if the salary referred to in paragraph 79 above is less than £20,000 per year, unless the applicant is applying for leave to remain and has, or last had entry clearance, leave to enter or leave to remain as:

- (i) a Qualifying Work Permit Holder, or
- (ii) Not Used
- (iii) Not Used
- (iv) Not Used,
- (v) a Tier 2 (General) Migrant under the Rules in place before 6 June 2011.

79B. No points will be awarded for appropriate salary if the salary referred to in paragraph 79 above is less than the appropriate rate for the job as stated in the codes of practice for Tier 2 sponsors published by the Department of Economic Development, unless the applicant is an established entertainer as defined in paragraph 6 of these Rules.

79C. Where the applicant is paid hourly, the appropriate salary consideration will be based on earnings up to a maximum of 48 hours a week, even if the applicant works for longer than this. For example, an applicant who works 60 hours a week for £8 per hour be considered to have a salary of £19,968 (8x48x52) and not £25,960 (8x60x52), and will therefore not be awarded points for appropriate salary.

79D. No points will be awarded for appropriate salary if the applicant does not provide a valid Certificate of Sponsorship reference number with his application.

80. to 84A [Not Used].”.

110. In Appendix A, delete paragraph 89 and substitute –

“89. A Certificate of sponsorship reference number will only be considered to be valid for the purposes of this sub-category if:

(a) the number supplied links to a Certificate of Sponsorship Checking service entry that names the applicant as the Migrant and confirms that the sponsor is sponsoring him as a Tier 2 (Minister of Religion) Migrant, and

(b) the sponsor is an A-rated sponsor, unless:

(1) the application is for leave to remain, and

(2) the applicant has, or was last granted, leave as a Tier 2 (Minister of Religion) Migrant, a Minister of Religion, Missionary or Member of a Religious Order, and

(3) the applicant is applying to work for the same employer named on the Certificate of Sponsorship which led to his last grant of leave or, in the case of an applicant whose last grant of leave was as a Minister of Religion, Missionary or Member of a Religious Order, the same employer for whom the applicant was working or stated he was intending to work when last granted leave.”.

111. In Appendix A, delete paragraph 97 and substitute -

“97. A Certificate of Sponsorship reference number will only be considered to be valid for the purposes of this sub-category if:

(a) the number supplied links to a Certificate of Sponsorship Checking Service entry that names the applicant as the Migrant and confirms that the sponsor is sponsoring him as a Tier 2 (Sportsperson) Migrant, and

(b) the sponsor is an A-rated sponsor, unless:

(1) the application is for leave to remain, and

(2) the applicant has, or was last granted, leave as a Tier 2 (Sportsperson) Migrant or a Qualifying Work Permit Holder, and

(3) the applicant is applying to work for the same employer named on the Certificate of Sponsorship or Work Permit document which led to his last grant of leave.”.

112. In Appendix A, after paragraph 100(b), insert -

“(c) The endorsement referred to in (b) above must confirm that the player or coach is internationally established at the highest level whose employment will make a significant contribution to the development of his sport at the highest level in the Isle of Man, and that the post could not be filled by a suitable settled worker,”.

113. In Appendix A, renumber pre-existing paragraphs 100(c) and 100(d) as 100(d) and 100(e) respectively.

114. In Appendix A, at the end of paragraph 109A(b), delete “and”.

115. In Appendix A, at the end of paragraph 109A(c), delete “.” and substitute - “, and”.

116. In Appendix A, after paragraph 109A(c) insert –

“(d) the sponsor is an A-rated sponsor, unless the application is for leave to remain and the applicant has, or was last granted, leave as a Tier 5 Migrant or a Qualifying Work Permit Holder.”.

117. In Appendix A, delete paragraphs 110 and 111 and substitute –

“110. The migrant must not previously have applied for entry clearance or leave to remain using the same Certificate of Sponsorship reference number, regardless of whether that previous application was successful.

111. In addition, where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in creative and sporting subcategory of a Tier 5 (Temporary Worker) route to enable the applicant to work as a sports person:

(a) The Certificate of Sponsorship Checking service entry must show that the applicant has been endorsed by the Governing Body for his sport (that is, the organisation which is specified in the UK Border Agency’s published guidelines as being the Governing Body for the sport in question), and

(b) The endorsement referred to in (a) above must confirm that the player or coach is internationally established at the highest level and/or will make a significant

contribution to the development of his sport at the highest level in the Isle of Man, and that the post could not be filled by a suitable settled worker.”.

118. In Appendix A, after paragraph 116(e) insert –

“(ea) the migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the Visa letter where that application was either approved or refused (not rejected as an invalid application or withdrawn),”.

119. In Appendix A, paragraph 118(b), delete “one of the requirements in (i) to (viii) below is met:” and substitute –

“for Visa letters assigned on or before 6 June 2011 one of the requirements in (i) to (vii) below is met:”.

120. In Appendix A, at the end of paragraph 118(b)(vii)(4)(ii), insert -

“(c) for Visa letters assigned on or after 1<sup>st</sup> March 2012 one of the requirements in (i) to (iii) below is met:

(i) the course is degree level study and the Visa letter has been assigned by a sponsor which is a recognised Body or a body in receipt of funding as a higher education institution from the Department of Education and Children, and

(1) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America, and provides the specified documents; or

(2) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor’s or Master’s degree or a PhD in the United Kingdom, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the United Kingdom; the United States of America, and provides the specified documents; or

(3) the applicant has successfully completed a course as a Tier 4 (Child) student (or under the student Rules that were in force before 26 July 2010, where the student was granted permission stay whilst he was under 18 years old) which:

i. was at least six months in length, and

ii. ended within two years of the date the sponsor assigned the Confirmation of Acceptance for studies; or

(4) the Visa letter confirms that the applicant has 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.

Or

(ii) the course is degree level study and the Visa letter has been assigned by a sponsor which is not a recognised Body or is not a body in receipt of funding as a Higher Education Institution from the Department of Education and Children and:

(1) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America, and provides the specified documents; or

(2) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or a PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the United Kingdom; the United States of America, and provides the specified documents; or

(3) the applicant has successfully completed a course as a Tier 4 (Child) student (or under the student Rules that were in force before 26 July 2011, where the student was granted permission stay whilst he was under 18 years old) which:

i. was at least six months in length, and

ii. ended within two years of the date the sponsor assigned the Visa letter; or

(4) the applicant provides an original English language test certificate from an English language test provider approved by the Lieutenant Governor for these purposes, which is within its validity date, and clearly shows:

- i. the applicant's name,
  - ii. that the applicant has achieved or exceeded level B2 of the Council of Europe's Common European framework for language learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant's disability, and
  - iii. the date of the award.
- Or

(iii) the course is for below degree level study and:

1) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America, and provides the specified documents; or

(2) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree or a PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the United Kingdom; the United States of America, and provides the specified documents; or

(3) the applicant has successfully completed a course as a Tier 4 (Child) student (or under the student Rules that were in force before 26 July 2010, where the student was granted permission stay whilst he was under 18 years old) which:

- i. was at least six months in length, and
- ii. ended within two years of the date the sponsor assigned the Visa letter; or

(4) the applicant provides an original English language test certificate from an English language test provider approved by the Lieutenant Governor for these purposes, which is within its validity date, and clearly shows:

- i. the applicant's name,

ii. that the applicant has achieved or exceeded level B1 of the Council of Europe's Common European framework for language learning in all four components (reading, writing, speaking and listening), unless exempted from sitting a component on the basis of the applicant's disability, and

iii. the date of the award."

121. In Appendix A, paragraph 120, after "Visa letter" insert - "assigned on or before 6 June 2011".

122. In Appendix A, following paragraph 120(e) insert new paragraph –

"120A. Points will only be awarded for a Visa letter assigned on or after 1<sup>st</sup> March 2012 (even if all the requirements in paragraphs 116 to 119 above are met) if the course in respect of which it is issued meets each of the following requirements:

(a) (i) The course must be at National Qualifications framework (NQF) / Qualifications and Credit Framework (QCF) level 3 or above, or

(ii) the course must be an English language course at level B2 or above of the Common European framework of reference for languages; or

(iii). the course must be a recognised Foundation Programme for postgraduate doctors or dentists;

(b) The Visa letter must be for a single course of study except where the Visa letter is:

(i) issued by a sponsor which is a recognised Body or a body in receipt of funding as a Higher Education institution from the Department of Education and Children to cover both a pre-sessional course of no longer than three months' duration and a course of degree level study at that sponsor; and

(ii) the applicant has an unconditional offer of a place on a course of degree level study at that sponsor; and

(iii) the course of degree level study commences no later than one month after the end date of the pre-sessional course.

(c) The course must, except in the case of a pre-sessional course, lead to an approved qualification as defined in the Tier 4 (Sponsor) guidance published by the Isle of Man Immigration Office.

(d) Other than when the applicant is on a course-related work placement or a pre-session course, all study that forms part of the course must take place on the premises of the sponsoring educational institution or an institution which is a partner institution of the migrant's sponsor.

(e) The course must meet one of the following requirements:

i. be a full time course of degree level study that leads to an approved qualification as defined in Immigration Office guidance;

ii. be an overseas course of degree level study that is recognised as being equivalent to a UK Higher Education course and is being provided by an overseas Higher Education Institution; or

iii. be a full time course of study involving a minimum of 15 hours per week organised daytime study and, except in the case of a pre-session course, lead to an approved qualification, below bachelor degree level as defined in the Tier 4 (Sponsor) guidance published by the Isle of Man Immigration Office.

(f) If the course contains a course-related work placement, any period that the applicant will be spending on that placement must not exceed half of the total length of the course spent in the Isle of Man except where it is a statutory requirement that the placement should exceed half the total length of the course. Where the student is following a course of study below degree level study including a course-related work placement, the course can only be offered if the sponsor is a Highly Trusted sponsor.”.

123. In Appendix A, after paragraph 124(f) insert -

“(fa) the migrant must not previously have applied for entry clearance, leave to enter or leave to remain using the same Visa letter, if that application was either approved or refused (not rejected as an invalid application or withdrawn), and”.

124. In Appendix A, delete paragraph 125(b) and substitute -

“(b) that Visa letter must not have been withdrawn or cancelled by the sponsor or the Isle of Man Immigration Office since it was assigned.”.

125. In Appendix A, after paragraph 126(d) insert -

“(e) is a single course of study, except where the Visa letter is:



(i) issued by an independent school to cover both a pre-sessional course and a course at an independent school; and

(ii) the applicant has an unconditional offer of a place at the independent school; and

(iii) the duration of the pre-sessional course and period of study at the independent school does not exceed the maximum period of entry clearance or leave to remain that can be granted under paragraphs 245ZZB and 245ZZd of the Immigration Rules.”.

126. In Appendix B, delete paragraph 2(a) and substitute -

“(a) has the level of English language shown in the table below and:

(i) provides an original English language test certificate from an English language test provider approved by the Lieutenant Governor for these purposes, which is within its validity date and clearly shows:

(1) the applicant’s name,

(2) the qualification obtained, which must meet or exceed the level shown in the table below in all four components (reading, writing, speaking and listening), unless the applicant was exempted from sitting a component on the basis of his disability, and

(3) the date of the award, or

(ii) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor’s degree in the United Kingdom, and:

(1) provides the specified evidence as set out in the appropriate Tier 1 guidance, published on the Isle of Man Government website, to show he has the qualification, and

(2) UK NARIC has confirmed that the degree was taught or researched in English to level C1 of the Council of Europe’s Common European framework for language learning or above, or”.

<b>Level of English language</b>	<b>Points</b>
A knowledge of English equivalent to level C1 of the Council of	10

Europe's Common European Framework for Language Learning or above

127. In Appendix B, after paragraph 3, insert –

“4. [Not Used]”.

128. In Appendix B, renumber pre-existing paragraph 4 as paragraph 5.

129. In Appendix B, delete pre-existing paragraphs 5 to 6 and Tables 1 to 2 and substitute

-

“6. 10 points will only be awarded to an applicant if:

(a) The applicant has the level of English shown in the table below and:

(i) provides an original English language test certificate from an English language test provider approved by the Lieutenant Governor for these purposes, which is within its validity period and clearly shows:

(1) the applicant's name,

(2) the qualification obtained, which must meet or exceed the level that the Lieutenant Governor specifies in the guidance as being required to meet the standard laid down in the table below in all four components (reading, writing, speaking and listening), and:

(3) the date of the award, or

(ii) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's degree in the UK, and

(1) provides the specified evidence to show he has the qualification, and

(2) UK NARIC has confirmed that the degree was taught or researched in English to level C1 of the Council of Europe's Common European framework for language learning or above, or

(iii) in the cases referred to in row 1 of the table below, the applicant has obtained an academic qualification (not a professional or vocational

qualification) which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree in the UK, and provides the specified evidence to show that:

(1) he has the qualification, and

(2) the qualification was taught or researched in English,

and

(b) one or more of paragraph 2(b)-2(e), 7 or 8 applies to the applicant.

Row	Route	Level of English language	Points
1.	<p>Applications for leave to remain as a Tier 2 (Intra-Company Transfer) Migrant, other than the cases referred to in paragraph 5(b) above</p> <p>Applications for leave to remain as a Tier 2 (General) Migrant where the applicant has, or was last granted, entry clearance, leave to enter or leave to remain as:</p> <p>(i) a Tier 2 (General) Migrant under the Rules in place before 1st March 2012,</p> <p>(ii) a Qualifying Work Permit Holder,</p> <p>And all applications for entry clearance or leave to remain as a Tier 2 (Sportsperson) Migrant.</p>	Competence of English to a basic user standard, including the ability to understand and use familiar everyday expressions, to introduce himself and others and to ask and answer questions about basic personal details.	10
2	<p>Applications for entry clearance and all other applications for leave to remain as a Tier 2 (General) Migrant</p> <p>Applications for leave to remain as a Tier 1 (Exceptional Talent) Migrant</p>	A level of English equivalent to level B1 of the Council of Europe's Common European framework for language learning or above.	10
3.	All applications for entry clearance or leave to remain as a Tier 2 (Minister of Religion) Migrant	A level of English equivalent to level B2 of the Council of Europe's Common European framework for language	10

		learning or above.	
--	--	--------------------	--

7. 10 points will be awarded in the cases referred to in row 1 of the table above if the applicant has ever been granted:

(a) entry clearance, leave to enter or leave to remain as a Minister of Religion, provided that leave was granted on or after 17 May 2005, or

(b) entry clearance, leave to enter or leave to remain as a Tier 2 (General), Tier 2 (Intra-Company Transfer) or Tier 2 (Sportsperson) Migrant, provided that when he was granted that leave he obtained points for English language from paragraph 6(a), 6(b), or

(c) entry clearance, leave to enter or leave to remain as a Tier 2 (Minister of Religion) migrant, provided that when he was granted that leave he obtained points for English language from paragraph 6(a) or (b) above, or paragraph 10 below.

8. 10 points will be awarded if the applicant:

(a) is applying for leave to remain as a Tier 2 (General) or a Tier 2 (Intra-Company Transfer) Migrant,

(b) has, or was granted entry clearance, leave to enter or leave to remain as:

(i) Not used,

(ii) Not used,

(iii) a Minister of Religion, Missionary or Member of a Religious Order,

(iv) a Qualifying Work Permit Holder,

(v) Not used,

less than 5 years before the date that his last grant of entry clearance, leave to enter or leave to remain expires, and

(c) has not been granted leave in any categories other than those listed in (b) above under the Rules in place since 26 July 2010.

9. 10 points will be awarded in the cases referred to in row 2 of the table above if the applicant has ever been granted:

(i) leave as a Tier 2 (General) Migrant under the Rules in place on or after 6 June 2011, provided that when he was granted that leave he obtained points for the level of English language in row 2 of the table above,

(ii) leave to remain as a Tier 1 (Exceptional Talent) Migrant, or

(iii) leave as a Tier 2 (Minister of Religion) Migrant, provided that when he was granted that leave he obtained points for English language from this paragraph, paragraph 6(a) or 6(b) above, or paragraph 10 below.

10. 10 points will be awarded in the cases referred to in row 3 of the table above if the applicant has ever been granted leave as:

(i) a Minister of Religion, provided the leave was granted on or after 19 April 2007, or

(ii) a Tier 2 (Minister of Religion) Migrant, provided that when he was granted that leave he obtained points for English language from paragraph 6(a), 6(b) or 10(a) above.

11. 10 points will be awarded if the applicant:

(a) is applying for leave to remain as a Tier 2 (Minister of Religion) Migrant,

(b) has been granted entry clearance, leave to enter and/or leave to remain as a Minister of Religion, Missionary or Member of a Religious Order less than 5 years before the date that his last grant of entry clearance, leave to enter or leave to remain expires, and

(c) has not been granted leave in any categories other than those listed in (b) above under the Rules in place since 26 July 2010.”.

130. In Appendix C, at the end of paragraph 1A(d), delete “and”

131. In Appendix C, after paragraph 1A(e), insert -

“(f) Where the funds are in one or more foreign currencies, the applicant must have the specified level of funds when converted to pound sterling (£) using the spot exchange rate which appears on [www.oanda.com](http://www.oanda.com) for the date of the application;

(g) Where the applicant is applying as a Tier 1 Migrant, a Tier 2 Migrant or a Tier 5 Migrant, the funds must have been under his own control on the date of the application and for the period specified in (b) above; and

(h) Where the application is made at the same time as applications by the partner or child of the applicant (such that the applicant is a Relevant Points Based System migrant for the purposes of paragraph 319(AA)), each applicant must have the total requisite funds specified in the relevant parts of appendices C and E. If each applicant does not individually meet the requirements of Appendices C and / or E, as appropriate, all the applications (the application by the Relevant Points Based System Migrant and applications as the partner or child of that Relevant Points Based System Migrant) will be refused.”.

132. In Appendix C, in paragraph 5(c), delete “Table 10 of Appendix A” and substitute - “Table 11A of Appendix A”.

133. In Appendix C, delete paragraph 5(d) and substitute –

“(d) the sponsor is an a rated sponsor and has certified on the Certificate of Sponsorship that, should it become necessary, it will maintain and accommodate the migrant up to the end of the first month of his employment. The sponsor may limit the amount of the undertaking but any limit must be at least £800. Points will only be awarded if the applicant provides a valid Certificate of Sponsorship reference number with his application.”.

134. In Appendix C, in the table following paragraph 9, after “Tier 5 (Temporary Worker) Migrant.” insert –

“Points will only be awarded if the applicant provides a valid Certificate of Sponsorship reference number with his application.”.

135. In Appendix C, after paragraph 12 insert -

“12A. If the length of the applicant’s course includes a part of a month, the time will be rounded up to the next full month. For example, if a course is seven months and two weeks, the applicant must show that he has the specified funds for eight months.”.

136. In Appendix C, delete paragraph 13 and substitute -

“13. Funds will be available to the applicant only where the specified documents show the funds are held or provided by:

- (i) the applicant (whether as a sole or joint account holder); and/or
- (ii) the applicant's parent(s) or legal guardian(s), and the parent(s) or legal guardian(s) have provided written consent that their funds may be used by the applicant in order to study in the Isle of Man; and/or
- (iii) an official financial sponsor which must be the Isle of Man Government, the applicant's home government, the British Council or any international organisation, international company, University or Independent school."

137. In Appendix C, delete paragraph 14 and substitute -

"14. an applicant will have an established presence studying in the Isle of Man if the applicant has current entry clearance, leave to enter or leave to remain as a Tier 4 migrant, student or as a Postgraduate doctor or dentist and at the date of application:

- (i) has finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or
- (ii) is applying for continued study on a single course where the applicant has completed at least six months of that course."

138. In Appendix C, delete paragraph 20 and substitute -

"20. If the length of the applicant's course includes a part of a month, the time will be rounded up to the next full month.

21. Funds will be available to the applicant only where the specified documents show the funds are held or provided by:

- (i) the applicant (whether as a sole or joint account holder); and/or
- (ii) the applicant's parent(s) or legal guardian(s), and the parent(s) or legal guardian(s) have provided written consent that their funds may be used by the applicant in order to study in the Isle of Man; and/or
- (iii) an official financial sponsor which must be the Isle of Man Government, the applicant's home government, the British Council or any international organisation, international company, University or Independent school.

22. An applicant will have an established presence studying in the Isle of Man if the applicant has current entry clearance, leave to enter or leave to remain as a Tier 4 migrant or student and at the date of application:

(i) has finished a single course that was at least six months long within the applicant's last period of entry clearance, leave to enter or leave to remain, or

(ii) is applying for continued study on a single course where the applicant has completed at least six months of that course."

139. In the heading of Appendix E, for "Tier 1 Migrants" substitute – "Relevant Points Based System Migrants".

140. In the opening paragraph of Appendix E, for "Tier 1 Migrant" substitute – "relevant points based system migrant".

141. In Appendix E, after paragraph (b) insert –

"(ba) Where the application is connected to a Tier 4 Migrant:

(1) There must be £400 in funds for each month for which the applicant would, if successful, be granted leave under paragraph 319D(a), up to a maximum of £3,600."

142. In Appendix E, delete paragraph (i)(3) and substitute -

"(3) that Sponsor has certified on the Certificate of Sponsorship that, should it become necessary, it will maintain and accommodate the dependants of the Relevant Points Based System Migrant up to the end of the first month of the Relevant Points Based System Migrant's employment. The undertaking may be limited provided the limit is at least £533 per dependant. If the Relevant Points Based System Migrant is applying at the same time as the applicant, points will only be awarded if the Relevant Points Based System Migrant provides a valid Certificate of Sponsorship reference number with his application."

143. In Appendix E, after paragraph (j) insert –

"(k) Where the funds are in one or more foreign currencies, the applicant must have the specified level of funds when converted to pound sterling (£) using the spot exchange rate which appears on [www.oanda.com](http://www.oanda.com) for the date of the application.



(l) Where the application is one of a number of applications made at the same time as a partner or child of a Relevant Points Based System Migrant (as set out in paragraphs 319A and 319F) each applicant, including the Relevant Points Based System Migrant if applying at the same time, must have the total requisite funds specified in the relevant parts of Appendices C and E. If each applicant does not individually meet the requirements of Appendices C and / or E, as appropriate, all the applications (the application by the Relevant Points Based System Migrant and applications as the partner or child of that Relevant Points Based System Migrant) will be refused.”.

## EXPLANATORY MEMORANDUM

### 1. Purpose of the Document

#### 1.1 The purposes of these changes are:

- To implement changes to the Tier 1 categories for Entrepreneurs and Investors, including provisions for accelerated settlement;
- To implement changes to the Tier 2 (Intra-Company Transfer) category, including differing requirements for transfers depending on whether they are to be for more or less than 12 months;
- To implement changes to the Tier 2 (General) category, including revised minimum skill, salary and English language thresholds;
- To apply a new criminality threshold to settlement applications, requiring applicants to be clear of unspent convictions;
- To apply to settlement applications made by skilled and highly skilled migrants the income criteria that applied when they last extended their permission to stay, and to require such applicants to pass the 'Life in the UK' test prior to gaining settlement, except those applying under transitional arrangements;
- To bring various existing Points-Based System requirements within the Immigration Rules, following legal challenges in the United Kingdom;
- To reduce the re-entry ban for those who voluntarily leave the Isle of Man promptly and at public expense;
- To exempt diplomatic and special passport holders from Qatar, the United Arab Emirates and Oman from the visa requirement for visitors;
- To reduce from 21 to 18 the minimum age at which someone may sponsor or be sponsored for entry clearance etc. as a spouse, fiancé(e), civil partner, proposed civil partner, or unmarried or same-sex partner; and
- To make a small number of corrections and technical changes to the rules.

## 2. Policy Background

2.1 A summary of the policy changes contained in this Statement of Changes in Immigration Rules follows:

### *Amendments to Tier 1 of the Points Based System*

2.2 Tier 1 of the Points-Based System caters for highly skilled workers, and was launched on 1<sup>st</sup> December 2009. Tier 1 consists of four categories: Tier 1 (General), Tier 1 (Entrepreneur), Tier 1 (Investor) and Tier 1 (Post-Study Work).

2.3 The following changes are being made to the Tier 1 (General) category, which caters for migrants who wish to find highly skilled employment or self-employment in the Isle of Man:

- Applicants for indefinite leave to remain as a Tier 1 (General) Migrant will be required to pass the same points test as they had to pass when they applied for further leave to remain. This effectively means that applicants will need to have achieved the same minimum level of earnings as they had to achieve in their previous application.
- The Tier 1 (General) rules were originally constructed to provide for one initial application and one extension per applicant. This does not cater adequately for migrants who wish to apply for a second extension, as they may find themselves subject to new, tighter requirements. Amendments are being made to the Tier 1 (General) points tables to ensure applicants who apply for a second extension continue to be subject to the same points requirements as they had to achieve in their previous application.
- The multipliers for overseas earnings and the transitional provisions for qualifying MBAs are being deleted, as they do not apply to any of the applicants for whom the category is remaining open.

2.4 The following changes are being made to the Tier 1 (Entrepreneur) category, which caters for those investing in the Isle of Man by setting up or taking over, or being actively involved in the running of, a business:

- To allow for flexibility, the current requirement for Tier 1 (Entrepreneur) Migrants to register their business within 3 months of entry is being extended to 6 months.
  - A change is being made to enable pairs of entrepreneurs to be able to access this category without the need for increased levels of funding. Both entrepreneurs will need equal access to the required funds.
  - To prevent controls in Tier 2 of the Points-Based System from being undermined, Tier 1 (Entrepreneur) Migrants will not be able to work as a sportsperson or sports coach.
  - To reward success, an amendment is being made to enable Tier 1 (Entrepreneur) Migrants to qualify for accelerated settlement after 3 years (rather than the usual 5 years). Applicants will qualify if they have created:
    - the equivalent of 10 full-time jobs; or
    - at least £5 million in income from business activity within a 3 year period.
  - To reduce the likelihood of applicants needing to apply for additional extensions in order to reach the qualifying period for settlement, the period of entry clearance in this category is being increased from 3 years to 3 years and 4 months.
  - Tier 1 (Entrepreneur) Migrants will be permitted to be absent from the Isle of Man for up to 180 days in any 12 months, without jeopardising their applications for settlement.
- 2.5 The following changes are being made to the Tier 1 (Investor) category, which caters for high net worth individuals making a substantial financial investment in the Isle of Man:
- An amendment is being made to enable Tier 1 (Investor) Migrants to qualify for accelerated settlement if they have invested:
    - A sum of £10 million or more for two years, or
    - A sum of £5 million or more for three years.
  - Tier 1 (Investor) Migrants continue to qualify for indefinite leave to remain after five years if they have invested £1 million in the UK
  - As with Tier 1 (Entrepreneur), to reduce the likelihood of applicants needing to apply for additional extensions in order to reach the

qualifying period for settlement, the period of entry clearance in this category is being increased from 3 years to 3 years and 4 months.

- Also as with Tier 1 (Entrepreneur), Tier 1 (Investor) Migrants will be permitted to be absent from the Isle of Man for up to 180 days in any 12 months, without jeopardising their applications for settlement.
- 2.6 No changes, other than those set out in 7.16 and 7.17 below, are being made to the Tier 1 (Post-Study Work) category, which caters for international graduates who have studied in the Isle of Man and wish to work following their graduation.

### *Amendments to Tier 2 of the Points Based System*

- 2.7 Tier 2 of the Points-Based System caters for skilled workers with a job offer, and was launched on 26 July 2010. Tier 2 consists of four categories: Tier 2 (General), Tier 2 (Intra-Company Transfer), Tier 2 (Ministers of Religion) and Tier 2 (Sportsperson).
- 2.8 The following changes are being made to the Tier 2 (Intra-Company Transfer) category, which caters for skilled workers moving from an overseas branch of a company to a UK branch:
- The minimum skill threshold of jobs which may be sponsored under this category is being raised from jobs at NQF level 3 (roughly equivalent to A-level) to jobs at graduate level.
  - Applicants will no longer be required to submit evidence of their academic or vocational qualifications.
  - The pre-existing Established Staff sub-category is being split into two new sub-categories: Short Term Staff and Long Term Staff.
  - Short Term Staff applicants may be granted leave in the Isle of Man for a maximum of 12 months, after which time they will be required to spend a minimum 12 months overseas before they can return in this sub-category. A minimum salary threshold of £24,000 will be applied and, in addition, the salary must be equivalent to the Isle of Man appropriate rate for the job.
  - Long Term Staff applicants may be granted leave in the Isle of Man for a maximum of 3 years and 1 month, with a possible extension up to a maximum of 5 years, after which time they will be required to spend a minimum 12 months overseas before they can return as a Tier 2 (Intra-

Company Transfer) Migrant. A minimum salary threshold of £40,000 will be applied and, in addition, the salary must be equivalent to the Isle of Man appropriate rate for the job.

- The pre-existing Graduate Trainee and Skills Transfer sub-categories will continue to exist, and will be subject to the same requirements as the Short Term Staff sub-category in terms of the £24,000 minimum salary threshold and the requirement to spend 12 months overseas before returning in either of these categories or the Short Term Staff sub-category.
- Applicants will not be able to switch between sub-categories while they are in the Isle of Man. However, a Tier 2 (Intra-Company Transfer) migrant who has previously had leave in one of the Short Term Staff, Graduate Trainee or Skills Transfer sub-categories will not be required to spend 12 months overseas before they can return in the Long Term Staff sub-category.
- As a transitional arrangement, Tier 2 (Intra-Company Transfer) Migrants who are already in the Isle of Man under the Rules in place before 1<sup>st</sup> March 2012 will be able to apply to extend their stay without being subject to the new graduate level job requirement or the new salary thresholds. Those who are currently here in the Established Staff sub-category can continue to apply extend their stay beyond five years.
- In the transitional cases where Tier 2 (Intra-Company Transfer) Migrants qualify for indefinite leave to remain, an additional requirement is being introduced to confirm that the applicant continues to earn at least the Isle of Man appropriate rate for the job they are doing.

2.9 The following changes are being made to the Tier 2 (General) category, which caters for skilled workers coming to do jobs that cannot be filled from the resident labour market:

- As with Tier 2 (Intra-Company Transfer), the minimum skill threshold of jobs which may be sponsored under this category is being raised from jobs at NQF level 3 (roughly equivalent to A-level) to jobs at graduate level.
- Also as with Tier 2 (Intra-Company Transfer), applicants will no longer be required to submit evidence of their academic or vocational qualifications.
- A minimum salary threshold of £20,000 is being applied.

- The English language requirement is being raised from basic user standard to intermediate level (B1 on the Council of Europe's Common European Framework for Language Learning).
- As a transitional arrangement, Tier 2 (General) Migrants, and those in pre-Tier 2 predecessor categories (such as Work Permit Holders) who are already in the Isle of Man under the Rules in place before 1st March 2012 will be able to apply to extend their stay without being subject to the new graduate level job requirement, the new salary threshold, or the new English language level. This applies whether they are extending with the same employer or changing employers.
- For consistency, the pre-existing transitional arrangements for applicants switching into Tier 2 from pre-Tier 2 predecessor categories (such as Work Permit Holders) are being widened to include changes of employment as well as extensions with the same employer. As with other Tier 2 (General) applications, a resident labour market test will be required for all changes of employment where the job is not a current shortage occupation. These applications are not subject to the annual limit.
- The provision for applicants to switch into Tier 2 who have or were last granted leave as a Student, a Student Re-Sitting an Examination, a Student Nurse, a Student Union Sabbatical Officer, or a Tier 4 Migrant is being restricted to applicants who have completed a course of study of at least one academic year in duration during that period of leave. The purpose of this is to ensure that such applicants are genuinely coming to the UK to study, and not simply to facilitate switching into Tier 2.
- An additional requirement is being introduced for indefinite leave to remain applications to confirm that the applicant continues to earn at least the Isle of Man appropriate rate for the job they are doing.

### *Amendments to Tier 2 of the Points Based System*

- 2.10 Tier 4 of the Points-Based System caters for international students who wish to study in the Isle of Man. Tier 4 consists of two categories: Tier 4 (General) Student and Tier 4 (Child) Student.
- 2.11 The UK Government ran a public consultation on reform of the Tier 4 student immigration system from 7 December 2010 to 31 January 2011. This Statement sets out the first set of changes to bring the Isle of Man Rules in line with the United Kingdom's.

2.12 The following changes are being made to the Tier 4 (General) category, which caters for migrants aged 16 years and over who wish to come to the Isle of Man for the purpose of study:

- All Tier 4 Sponsors offering courses at UK Bachelor's degree level and above will need to ensure that their prospective students are proficient in English language at level B2, an upper intermediate level, on the Common European Framework of Reference (CEFR) for languages. Sponsors which are Recognised Bodies or bodies in receipt of funding as higher education institutions from the Department for Education and Children will be able to decide how they wish to undertake this assessment of their prospective students. Students intending to study at all other types of Sponsor will need to provide a Secure English Language Test certificate from an approved test provider to demonstrate their language competence. Exemptions will apply to those who are from a majority English-speaking country, have an academic qualification confirmed by UK NARIC as being equivalent to a UK degree level course from an establishment in a majority English speaking country, and those who have recently studied as a child under the Tier 4 (Child) category and its predecessor route.
- All Tier 4 Sponsors offering courses below UK Bachelor's degree level (including Sponsors which are Recognised Bodies or are in receipt of funding as higher education institutions from the Department for Education and Children) will need to ensure that their prospective students are proficient in English language at level B1, an intermediate level, on the CEFR for languages. All students will need to provide a Secure English Language Test certificate from an approved test provider to demonstrate their language competence unless one of the exemptions outlined above applies.
- All applicants will be required to demonstrate their ability to understand and speak English.
- Visa Letters for applicants commencing a new course of study will only be valid if they have been issued by A-Rated and Highly Trusted Sponsors.

2.13 Some further changes, which clarify measures already contained within the Immigration Rules, but which do not originate from the review of the student route are being made as follows:

- Clarification of the definition of a Confirmation of Acceptance for Studies and definition of a B-Rated Sponsor.



- Greater clarity is being given to the minimum level of course a student may study depending on the rating of their sponsoring education provider.
- These changes make clear that a Confirmation of Acceptance for Studies will only be valid if it has been assigned to cover a single course of study. The only exception to this is where a Recognised Body or a Sponsor in receipt of funding as a higher education institution from the Department for Education and Children may assign a Confirmation of Acceptance for Studies to cover a pre-sessional course of no longer than three months' duration, where the applicant has an unconditional offer of a place on a degree level course of study at that Sponsor. The gap between the end of the pre-sessional course and the start date of the degree level course of study may not be longer than one month.
- Similarly, the changes clarify that Confirmations of Acceptance for Studies assigned by independent schools under the Tier 4 (Child) category will only be valid if assigned to cover a single course of study, except where the Confirmation of Acceptance for Studies also covers a pre-sessional course ahead of the main course of study at the independent school.
- Clarification of the definition of "established presence" which enables certain applicants, who have previously been studying in the Isle of Man, to present lower levels of maintenance funds in order to claim 10 points in Appendix C.

*Amendments to applications for indefinite leave to remain*

- 2.14 In addition to the specific changes to applications for indefinite leave to remain by Tier 1 and Tier 2 Migrants set out above, the following changes are being made:
- As with Tier 2 (General) Migrants, Work Permit Holders applying for indefinite leave to remain will need to provide confirmation that they continue to earn at least the Isle of Man appropriate rate for the job they are doing.
  - A new criminality threshold is being introduced requiring all applicants applying for indefinite leave to remain to be clear of unspent convictions.
  - Skilled and highly skilled migrants will be required to pass the 'Life in the UK and Islands' test prior to gaining indefinite leave to remain.

This applies to the following categories, except where transitional arrangements apply:

- Work Permit Holders
  - Highly Skilled Migrant Programme
  - Ministers of religion, missionaries or members of religious orders
  - Persons intending to establish themselves in business
  - Persons intending to establish themselves in business under provisions of EC Association Agreements
  - Investors
  - Writers, Composers and Artists
  - Tier 1 Migrants (Exceptional talent), Tier 1 (General) Migrants, Tier 1 (Entrepreneur) Migrants, Tier 1 (Investor) Migrants
  - Tier 2 (Intra company transfers) Migrants, Tier 2 (General) Migrants, Tier 2 (Minister of Religion) Migrants, Tier 2 (sportsperson) Migrant
- Transitional arrangements are set out with regards to the requirement to pass the Life in the UK Test for those people applying for indefinite leave to remain in one of the categories listed above. The effect of these is that:
    - Where an applicant had enrolled on an ESOL course or gained an ESOL qualification prior to 30<sup>th</sup> January 2012 (i.e. after the next available ESOL with Citizenship course starts at the Isle of Man College, subsequent to these changes), that applicant will be able to rely on an ESOL qualification to meet the requirement to demonstrate sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom for any future application for indefinite leave to remain under one of the categories listed in 33BA.
    - An applicant who enrolled on an ESOL course after 30<sup>th</sup> January 2012 and applies for indefinite leave to remain in one of the categories listed above after 1<sup>st</sup> March 2012 will have to pass the Life in the UK Test.
  - Technical changes are being made to the provisions for indefinite leave to remain applications by the spouse or civil partner of a person who is

present and settled here. These amendments add other relevant Tiers of the Points-Based System into the rules (the pre-existing rules refer to dependants of Tier 1 Migrants only).

- Technical changes are being made to the provisions for indefinite leave to remain applications by dependants of Points Based System Migrants. These amendments allow dependants who are not applying at the same time as the main applicant to qualify for indefinite leave to remain as dependants of Points Based System Migrants, rather than as dependants of persons present and settled in the UK. This is consistent with indefinite leave to remain provisions for dependants in all other economic migration categories. These amendments also add this provision for other relevant Tiers of the Points-Based System (The pre-existing rules refer to dependants of Tier 1 Migrants only).

#### *Amendments to bring existing requirements into the Immigration Rules*

- 2.15 Legal challenges have been brought against the United Kingdom Government regarding the extent to and manner in which various Points-Based System requirements are specified in Points Based System guidance rather than in the Immigration Rules.
- 2.16 The requirements of the Points Based System that featured in those challenges which the United Kingdom Government was unsuccessful in defending have since been brought within the Immigration Rules.
- 2.17 For the avoidance of any doubt these changes bring the following existing minor details and clarifications, which have previously been specified in Points Based System guidance, within the Immigration Rules:
- Under Tier 1 (General):
    - That points will not be awarded for qualifications obtained while the applicant was in breach of Isle of Man immigration laws;
    - Clarification of the types of dividends which are acceptable for the award of points for previous earnings;
    - Clarification that allowances will only be counted towards previous earnings where they are part of the remuneration package and appear on the applicant's payslips;
    - That specified documents from two or more sources must be provided as evidence for each source of previous earnings;

- That, if an individual is claiming earnings from self-employment in the Isle of Man, they must demonstrate that they are registered for self-employment in the Isle of Man.
- Under Tier 1 (Entrepreneur):
  - That specified evidence that the applicant is engaged in business activity must show that he has been engaged in business activity within the three months before the date of application;
  - The definition of what is accepted to be an Isle of Man business;
  - That jobs created by the entrepreneur must comply with all relevant Isle of Man legislation.
- Under Tier 1 (Investor):
  - That points will only be awarded if the applicant has had the funds for a consecutive 90-day period of time, ending no earlier than one calendar month before the date of application, and provides the specified evidence, or provides additional specified evidence of the source of the money or assets;
  - That funds contributed by the applicant's partner are only acceptable if the partner meets all the requirements for applying as a partner of a Points Based System Migrant;
  - That the investment must have been made in the applicant's name and/or their partner's name, not in the name of an offshore company or trust even if this is wholly owned by the applicant.
  - Clarification of the types of investment which are unacceptable for the award of points.
- Under both Tier 1 (Entrepreneur) and Tier 1 (Investor):
  - That funds that the applicant claims are available but that have not been converted to money will not be accepted for the award of points;
  - That initial leave can only be granted in relation to new investments. If the money has already been invested in the Isle of Man, points will only be awarded if this happened no more than 12 months before the application was made.
- Under Tier 1 (Post-Study Work):

- That, where the institution studied at is removed from one of the relevant lists, points will not be awarded for any award completed after the date the institution was removed from the relevant list.
- Under Tier 2:
  - Clarification that the lists of skilled occupations, shortage occupations, appropriate salary rates and resident labour market test requirements, published by the Department of Economic Development or the United Kingdom Border Agency may be amended from time to time. These amendments are normally made to reflect the latest available labour market evidence;
  - Clarification of the types of allowances that are considered for the award of points for appropriate salary;
  - That a Certificate of Sponsorship which has been used to support an application cannot be re-used to support another application, regardless of whether or not the first application was successful.
- Under Tier 2 and Tier 5, clarification of the minimum skill level for sportspeople.
- Under the Tier 4 (General) and Tier 4 (Child) categories:
 

That only leave granted under the Immigration Rules is considered in cases where the rules require that the new course of an applicant for leave to remain must start within one month of the expiry date of their current entry clearance or leave to remain;

That a Confirmation of Acceptance for Studies which has been used to support an application cannot be re-used to support another application, regardless of whether or not the first application was successful.
- Under Tier 4 (Child):
 

That a Tier 4 (Migrant) is able to apply for leave to remain under the Tier 4 (Child) category.
- Under the maintenance requirement for Tier 4 Migrants:
 

That funds will only be considered to be available to an applicant in the circumstances set out in the amended Rules.

Where the funds required for maintenance depend on the length of the course, the length of the course will be rounded up to the next full month.

- Under the requirements for dependants:

That only Tier 4 (General) Students are eligible to bring their spouses or partners and dependent children with them to the Isle of Man.
- Under the maintenance requirement for Points Based System Migrants and their dependants:
  - That the exchange rate of overseas currency will be made using the rate on [www.oanda.com](http://www.oanda.com) on the date of application.
  - That, if an applicant is claiming points for maintenance because his Sponsor has certified that it will provide support if required, no points will be awarded unless the Sponsor has certified this on the Certificate of Sponsorship, and the Certificate of Sponsorship is valid.
  - That, under Tier 4, where the funds required for maintenance depend on the length of the course, the length of the course will be rounded up to the next full month.

#### *Amendments to the visa requirements for Oman, Qatar and the United Arab Emirates*

- 2.18 The United Kingdom has made amendments to the visa requirements for nationals of the above named countries who are entering as visitors and hold diplomatic and special passports.
- 2.19 These changes bring the Isle of Man visa requirements into line with those of the United Kingdom.

#### *Amendments to the rule for grounds on which entry clearance or leave to enter the Isle of Man is to be refused*

- 2.20 Paragraph 320 of the Immigration Rules sets out the general grounds for the refusal of entry clearance, leave to enter, or variation of leave to enter or remain in the Isle of Man. Under Paragraph 320(7B), a person seeking entry clearance or leave to enter the Isle of Man who has previously broken the law by illegally entering, breaching a condition attached to leave or overstaying for more than 28 days is subject to a

re-entry ban and will be refused entry clearance or leave to enter unless they fall within one of the exceptions set out in the Rules. There are three levels of ban:

- 12 months – for voluntary departures not at public expense;
  - 5 years – where departure was voluntary but was at public expense (including an Assisted Voluntary Return);
  - 10 years – where enforced removal or deportation was carried out.
- 2.21 For those who have left the Isle of Man any subsequent application under the Rules to re-enter the isle of Man within the term of the re-entry ban will fall for mandatory refusal unless they meet one of the exceptions listed in paragraph 320(7C) of the rules. The mechanism is designed to set out a clear period during which a previous immigration offender will have any future applications to come to the Isle of Man refused.
- 2.22 The change to paragraph 320(7B) will add a new intermediate level of entry ban of two years for those who leave the Isle of Man promptly and voluntarily, but at public expense (including those who leave via an Assisted Voluntary Return Programme). Individuals who wish to benefit from the reduced two year ban must depart the Isle of Man voluntarily no more than 6 months from the date on which they were served notice of their removal decision, or no more than 6 months from the date of the exhaustion of their appeal rights against that decision, whichever is the later date. Those who delay their departure (beyond this time) will continue to be subject to the 5 year ban.
- 2.23 This change is designed to encourage compliance and bring cases to a conclusion earlier by providing a clear incentive to depart sooner. This change may increase voluntary departures.

### *Other amendments*

- 2.24 The minimum age at which someone may sponsor, or be sponsored for, an application for entry clearance, leave to enter, leave to remain or variation of leave as a spouse, fiancé(e), civil partner, proposed civil partner or unmarried or same-sex partner was raised from 18 to 21 on 23<sup>rd</sup> July 2009. The policy objective was to tackle the problem of forced marriage, in the light of evidence that the highest number of forced marriage cases involved those in the age group 17 to 20. A judicial review led to the decision of the Supreme Court on 12 October 2011 in the cases of *Quila* and *Bibi* that this rule disproportionately interfered with the Article 8 rights of those who were in genuine marriages. To

comply with this ruling, the minimum marriage visa age is reduced from 21 to 18, and to ensure consistency in the way that that spouses, fiancé(e)s, civil partners, proposed civil partners, and unmarried and same-sex partners are treated under the Immigration Rules, the change has been applied to all those groups (paragraphs 277, 289AA and 295AA).

- 2.25 An amendment is being made to the restriction against working as a doctor or dentist in training which applies in various categories. Previously, an applicant who was previously restricted from working as a doctor in training, but not restricted from working as a dentist in training, would be restricted from working as either in a subsequent application. This amendment corrects that position and ensures that those who were previously working lawfully as a dentist in training in the Isle of Man can continue to do so when they apply to extend their stay in the Isle of Man. It also corrects the exemption from the restrictions for applicants who have obtained degrees in medicine or dentistry obtained to clarify that the provision applies to primary degrees only. The categories affected by these changes are:
- Tier 1 (General)
  - Tier 1 (Investor)
  - Tier 1 (Post-Study Work)
  - Dependents of migrants under the Points Based System and its predecessor economic migration categories.
- 2.26 A correction is being made to the English language requirements for Tier 1 Migrants and Tier 2 Migrants, to take account of the difficulties faced by UK NARIC in verifying whether a Masters degree or PhD from a non-majority English speaking country was taught in English to the required level.
- 2.27 The English language requirement for Tier 1 and Tier 2 is being amended such that, where an applicant uses an approved English language test certificate to meet the requirement, the certificate must be within its validity date and show that the applicant has passed all four components (reading, writing, speaking and listening) to the required standard, unless exempted from sitting a component on the basis of disability. This brings the requirement in line with that for Tier 4.
- 2.28 A correction to the Tier 5 rules is being made to take account of the provision that allows a Certificate of Sponsorship to be re-used for applications for leave to enter (but not for applications where entry



clearance is required). The pre-existing rules do not allow re-use for applications for leave to enter and so this is being corrected.

- 2.29 A correction is being made to remove an unintended restriction which prevented a child, whose parents are a Points Based System migrant and a migrant in another category, from switching their status in the Isle of Man from the dependant of one parent to the dependant of the other parent.
- 2.30 Amendments are being made to the maintenance provisions for families who apply at the same time. Currently, if there are insufficient funds to maintain the whole family, part of the family must have their application(s) granted and the rest of the family must have their application(s) refused. These amendments allow the family to be considered as a unit in terms of maintenance, meaning that they may all be granted together if there are sufficient funds, or all refused together if there are not.
- 2.31 Other minor technical amendments to paragraphs 352AA, 352B, 352BA, 352C, 352CA, 352FD, 352FE and 352FF are being made to ensure the numbering of the new sub-paragraphs is reflected in the Rules.
- 2.32 Technical amendments to Appendix E to rectify previous omissions.