

Statutory Document 518/11



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

Laid before Tynwald on 12<sup>th</sup> July 2011 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 27th June 2011.

1. Delete paragraph 245B.
2. In paragraph 245C –
  - (a) delete “entry clearance” wherever occurring;
  - (b) in sub-paragraph (b) delete “if applying for leave to remain, ”;
  - (c) in sub-paragraph (c)(i) delete “is applying for leave to remain and”;
  - (d) for sub-paragraph (f) substitute –

“(f) The applicant must have, or have last been granted, entry clearance, leave to enter or remain –

    - (i) as a Tier 1 (General) Migrant,
    - (ii) as a Highly Skilled Migrant, or
    - (iii) as a Writer, Composer or Artist.”.
3. In paragraph 245D –
  - (a) delete sub-paragraph (a);
  - (b) in sub-paragraph (d) for “Entry clearance and leave to remain” substitute “Leave to remain”.
4. In Appendix 1, paragraph 1(a) –
  - (a) next to the entry “Oman” insert “(except those referred to in sub-paragraph 2(j) of this Appendix)”;
  - (b) next to the entry “Qatar” insert “(except those referred to in sub-paragraph 2(k) of this Appendix)”;
  - (c) next to the entry “United Arab Emirates” insert “(except those referred to in sub-paragraph 2(l) of this Appendix)”.

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

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

<sup>3</sup> S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10 and GC 02/11.

5. After Appendix 1, paragraph 2(i), insert –

“(j) those nationals or citizens of Oman, who hold diplomatic and special passports issued by Oman when travelling to the Isle of Man for the purpose of a general visit in accordance with paragraph 41,

(k) those nationals or citizens of Qatar who hold diplomatic and special passports issued by Qatar when travelling to the Isle of Man for the purpose of a general visit in accordance with paragraph 41,

(l) those nationals or citizens of the United Arab Emirates who hold diplomatic and special passports issued by the United Arab Emirates when travelling to the Isle of Man for the purpose of a general visit in accordance with paragraph 41.”.

6. In Appendix A –

(a) in paragraph 1, delete “entry clearance or”;

(b) in paragraph 1(i), delete “is applying for leave to remain and”;

(c) in Tables 1, 2 and 3 for “Applications for entry clearance and all other applications for leave to remain” substitute “All other applications for leave to remain”;

(d) for paragraph 24 substitute –

“24. Points for Isle of Man Experience will be awarded only for qualifications obtained in the Isle of Man or previous earnings earned in the Isle of Man (but not both).”;

(e) delete paragraph 25;

(f) in Table 4, delete “for entry clearance and”.

## EXPLANATORY MEMORANDUM

### 1. Purpose of the Document

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

- To close the Tier 1 (General) category of the Points Based System to overseas applicants;
- To close the Tier 1 (General) category in-country, other than for extension applications from migrants who are already in the Isle of Man in this category, or one of the categories, now closed, which preceded it before the introduction of the Points-Based System; and
- To exempt diplomatic and special passport holders from Qatar, the United Arab Emirates and Oman from the visa requirement for visitors.

### 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:

- The category is being closed to applications for entry clearance and in-country switching applications. This is in line with the changes made to the UK Immigration Rules on 21<sup>st</sup> December 2010 and 6 April 2011. There has been a noticeable increase in the number of enquiries and applications in the Tier 1 (General) category in the Isle of Man since the United Kingdom announced their intention to close the route. This change is necessary to ensure parity with the United Kingdom and prevent the Isle of Man being used as a way to bypass United Kingdom Rules.

- The category is remaining open in order to enable those in the Isle of Man with existing leave under Tier 1 (General), or one of its pre-Points Based System predecessor categories, to extend their leave. The predecessor categories in question are the Highly Skilled Migrant Programme (HSMP) and Writers, Composers and Artists.

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

- 2.4 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.
- 2.5 These changes bring the Isle of Man visa requirements into line with those of the United Kingdom.

