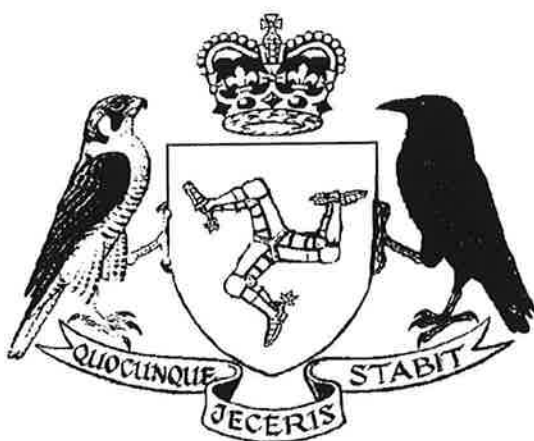


**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**



Laid before Tynwald on 20th March 2007 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 1991 (SI 1991 no. 2630) and the Immigration (Isle of Man) Order 1997 (SI 1997 no. 275)

Price: £1.75p

STATEMENT OF CHANGES IN IMMIGRATION RULES

His Excellency the Lieutenant Governor has made the changes hereinafter stated in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 (an Act of Parliament as it has effect in the Isle of Man) ^(a) for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17th May 2005 ^(b)

These changes take effect on 14th November 2006].

1. Delete paragraphs 135D-135F.

2. In paragraph 6, after the definition of ‘United Kingdom passport’, insert:

“ ‘a UK Bachelors degree’ means –

(a) A programme of study or research which leads to the award, by or on behalf of a university, college or other body which is authorised by Royal Charter or by or under an Act of Parliament to grant degrees, of a qualification designated by the awarding institution to be of Bachelors degree level; or

(b) A programme of study or research, which leads to a recognised award for the purposes of section 214(2)(c) of the Education Reform Act 1988, of a qualification designated by the awarding institution to be of Bachelors degree level.”

3. In paragraph 135B, after “is met”, insert:

“and that the application does not fall for refusal under paragraph 135HA”.

4. In paragraph 135C, after “is met”, insert:

“or if the application falls for refusal under paragraph 135HA”.

5. After paragraph 135C, insert:

“Requirements for an extension of stay as a highly skilled migrant

135D. The requirements for an extension of stay as a highly skilled migrant for a person who has previously been granted entry clearance or leave in this capacity, are that the applicant:

(i) entered the Isle of Man with a valid Isle of Man entry clearance as a highly skilled migrant, or has previously been granted leave in accordance with paragraphs 135DA-135DG of these Rules; and

(ii) has achieved at least 75 points in accordance with the criteria specified in Appendix 4 of these Rules, having provided all the documents which are set out in Appendix 5 (Part I) of these Rules which correspond to the points which he is claiming; and

(iii) (a) has produced an International English Language Testing System certificate issued to him to certify that he has achieved at least band 6 competence in English; or

(b) has demonstrated that he holds a qualification which was taught in English and which is of an equivalent level to a UK Bachelors degree by providing both documents which are set out in Appendix 5 (Part II) of these Rules; and

(iv) meets the requirements of paragraph 135A(ii)-(iii).

135DA The requirements for an extension of stay as a highly skilled migrant for a work permit holder are that the applicant:

(i) entered the Isle of Man or was given leave to remain as a work permit holder in accordance with paragraphs 128 to 132 of these Rules; and

(ii) meets the requirements of paragraph 135A (i)-(iii).

135DB The requirements for an extension of stay as a highly skilled migrant for a student are that the applicant:

(i) entered the Isle of Man or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and

(ii) has obtained a degree qualification on a recognised degree course at either a United Kingdom publicly funded further or higher education institution or a bona fide United Kingdom private education institution which maintains satisfactory records of enrolment and attendance; and

(iii) has the written consent of his official sponsor to remain as a highly skilled migrant if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and

(iv) meets the requirements of paragraph 135A(i)-(iii).

135DC. The requirements for an extension of stay as a highly skilled migrant for a postgraduate doctor or postgraduate dentist are that the applicant:

(i) entered the Isle of Man or was given leave to remain as a postgraduate doctor or a postgraduate dentist in accordance with paragraphs 70 to 75 of these Rules; and

(ii) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and

(iii) meets the requirements of paragraph 135A(i)-(iii).

135DD The requirements for an extension of stay as a highly skilled migrant for a working holidaymaker are that the applicant:

(i) entered the Isle of Man as a working holidaymaker in accordance with paragraphs 95 to 96 of these Rules; and

(ii) meets the requirements of paragraph 135A(i)-(iii).

135DE [Not Used]

135DF. [Not Used]

135DG. Deleted.

135DH. [Not Used]

Extension of stay as a highly skilled migrant

135E. An extension of stay as a highly skilled migrant may be granted for a period not exceeding 3 years, provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 135D, 135DA, 135DB, 135DC, or 135DD is met and that the application does not fall for refusal under paragraph 135HA.

Refusal of extension of stay as a highly skilled migrant

135F. An extension of stay as a highly skilled migrant is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 135D, 135DA, 135DB, 135DC or 135DD is met or if the application falls for refusal under paragraph 135HA.”

6. For paragraphs 135G and 135H, substitute:

“Requirements for indefinite leave to remain as a highly skilled migrant

135G. The requirements for indefinite leave to remain for a person who has been granted leave as a highly skilled migrant are that the applicant:

(i) has 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 highly skilled migrant (in accordance with paragraphs 135A to 135F of these Rules), and the remainder must be made up of leave as a highly skilled migrant or leave as a work permit holder (under paragraphs 128 to 133 of these Rules), and

(ii) throughout the five years spent in the Isle of Man has been able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and

(iii) is lawfully economically active in the Isle of Man in employment, self-employment or a combination of both.

Indefinite leave to remain as a highly skilled migrant

135GA. Indefinite leave to remain may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 135G is met and that the application does not fall for refusal under paragraph 135HA.

Refusal of indefinite leave to remain as a highly skilled migrant

135H. Indefinite leave to remain in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 135G is met or if the application falls for refusal under paragraph 135HA.”

7. After paragraph 135H, add:

“Additional grounds for refusal for highly skilled migrants

135HA. An application under paragraphs 135A-135H of these Rules is to be refused, even if the applicant meets all the requirements of those paragraphs, if:

(i) the applicant submits any document which, whether or not it is material to his application, is forged or not genuine, unless the Immigration Officer or Lieutenant Governor is satisfied that the applicant is unaware that the document is forged or not genuine; or

(ii) the Immigration Officer or Lieutenant Governor has cause to doubt the genuineness of any document submitted by the applicant and, having taken reasonable steps to verify the document, has been unable to verify that it is genuine.”

8. After Paragraph 395 , insert:

“Appendix 1-3 [Not used]

Appendix 4

Points criteria needed to succeed under paragraph 135D(ii) of these Rules

QUALIFICATIONS

Points	Qualifications (can include equivalent level professional qualifications) Applicants may claim points for only one qualification.
50	PhD
35	Masters degree
30	Bachelors degree

PREVIOUS EARNINGS

Points	Applicants whose previous grant of leave to enter/remain under HSMP was for a period of more than 12 months: Previous Earnings from 12 out of the 15 months preceding the application.
5	16 – 17,999 Pounds Sterling (£)
10	18 – 19,999
15	20 – 22,999
20	23 – 25,999
25	26 – 28,999
30	29 – 31,999
35	32 – 34,999
40	35 – 39,999
45	40 +

IoM EXPERIENCE

Points 5	<p>Applicants whose previous grant of leave to enter/remain under HSMP was for a period of more than 12 months: At least £16,000 of the past earnings for which points have been claimed under the previous points scoring section, have been earned in the Isle of Man.</p>
Points 5	<p>Applicants whose previous grant of leave to enter/remain under HSMP was for a period of 12 months or less: At least £10,650 of the past earnings for which points have been claimed under the previous points scoring section, have been earned in the Isle of Man.</p>

AGE

Points	Age (as at date of posting of application)
20	29 or under
10	30 or 31
5	32 or 33

Appendix 5

**Documents referred to in paragraph 135D(ii) and 135D(iii)b:
Part I**

Qualifications - if achieved after initial HSMP grant

Required evidence for those with an academic qualification
<p>Original academic certificate showing:</p> <ul style="list-style-type: none"> • Title of the award; • Date of award; • Institution; • Name of applicant.
Required evidence for those with a professional/vocational qualification
<p>Original award certificate showing:</p> <ul style="list-style-type: none"> • Title of award; • Date of award; • Institution; • Name of applicant; and <p>Letter from UK professional body confirming qualification's equivalence to UK academic level showing:</p> <ul style="list-style-type: none"> • Name of award including country and awarding body; • Equivalence of award to UK academic levels.

Required evidence for those who have just graduated
<p>Letter from institution on headed paper showing:</p> <ul style="list-style-type: none"> • Name of applicant; • Qualification awarded; • Date of award; • Date certificate will be issued; and <p>Academic transcript showing:</p> <ul style="list-style-type: none"> • Name of applicant; • Institution; • Course details; • Confirmation of award.

Previous Earnings
Required evidence for those who have been in salaried employment
<p>Both the following covering the full period claimed for:</p> <ul style="list-style-type: none"> • Income tax returns; • Wage slips.
Required evidence for those who worked in a country with no tax system
<p>Any two of the following three to cover the full period claimed for:</p> <ul style="list-style-type: none"> • Bank statements; • Wage slips; • Letter from employer stating salary.
Required evidence for independent contractors
<p>All of the following to cover the full period claimed for:</p> <ul style="list-style-type: none"> • Income tax return; • Copies of contracts from employers covering the total amount of earnings claimed; • Invoices covering the full amount claimed; and • Bank statements showing incoming payments covering the full amount claimed.
Required evidence for those who have been self employed
<p>Both the following to cover the full period claimed for:</p> <ul style="list-style-type: none"> • Applicant's individual personal income tax return; and • Applicant's personal bank statements; <p>Plus one of the following combinations of documents covering the full period claimed for:</p> <ul style="list-style-type: none"> • Company audited accounts PLUS Company Tax return (one of these documents must confirm the total payment claimed by the applicant); OR

- Unaudited business/management accounts confirming the total payment claimed by the applicant PLUS either
- Business bank statements AND a business tax return; OR
- Copies of contracts totalling the full amount payable to the individual AND corroborating invoices.

UK Experience

Required evidence for those claiming points for previous earnings

Evidence will be assessed for that sent in to qualify for Previous Earnings criteria. No additional documents required.

Age assessment

Required evidence for those claiming points under the age assessment

The original passport or travel document.

Part II

English Language

Required evidence for those claiming a degree taught in English to fulfil criteria

Both of the following:

Original degree certificate; and

Original letter on headed paper from the institution confirming the degree was taught in English showing:

- Name;
- Qualification awarded;
- Date awarded.

EXPLANATORY NOTE

(This note does not form part of the Statement of Changes)

This Statement of Changes makes the following amendments to the Statement of Rules laid before Tynwald in May 2005 (SD 62/05)

This Statement of Changes in Immigration Rules contains one policy change. It makes a number of changes to the rules relating to the Highly Skilled Migrant Programme (HSMP), to bring the Immigration Rules in the Isle of Man in line with changes which the Home Office is making to this immigration category. This involves changes to the rules for further leave to remain applications, new rules relating to verification of documents and some technical amendments in order to reinforce the Isle of Man's firm but fair immigration policy by ensuring that only those who can benefit the Isle of Man through work or study will be allowed to come here.

