

Statutory Document No. 692/05

**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**



Laid before Tynwald on 18th October 2005 under Section 3(2) of the Immigration Act 1971 (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 Band A : 85p

## 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 as extended to the Isle of Man 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 (Statutory Document No: 62/05)

These changes take effect on the 16<sup>th</sup>. September 2005.

1. In the list of Contents, in **Part 5: Persons seeking to enter or remain in the Isle of Man for employment**, after the entry 'Work permit employment 128-135' insert -

"Highly Skilled Migrant Programme 135A – 135H".

2. For paragraphs 70 to 75, substitute -

**"Requirements for leave to enter the Isle of Man as a postgraduate doctor or dentist**

70. The requirements for leave to enter the Isle of Man for the purpose of training as a doctor or dentist are that the applicant –

- (i) (a) is a graduate from a medical school or dental school who has a confirmed place on a recognised Foundation Programme to continue their training as a doctor or dentist in the Isle of Man; or
- (b) is a doctor or dentist who has full, limited or temporary registration with the General Medical Council or General Dental Council or who is eligible for the same and who intends to undertake basic or higher specialist training in the Isle of Man in a hospital or the Community Health services or in General Practice, or in a combination of these; and
- (ii) holds a letter from the Postgraduate Dean responsible for his training in the Isle of Man approving the applicant's training plan and recommending the duration of leave that should be granted; and
- (iii) is able to maintain and accommodate himself and any dependants without recourse to public funds; and

- (iv) intends to leave the Isle of Man if, on expiry of his leave under this paragraph, he has not been granted leave to remain in the Isle of Man as -
  - (a) a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G to 75M of these Rules; or
  - (b) a work permit holder in accordance with paragraphs 128 to 135 of these Rules; or
  - (c) a highly skilled migrant in accordance with paragraphs 135A to 135H of these Rules; or
  - (d) a person intending to establish themselves in business in accordance with paragraphs 200 to 210 of these Rules.
- (v) if his study at medical school or dental school, or any subsequent studies he has undertaken, were sponsored by a government or international scholarship agency, he has the written consent of his sponsor to enter or remain in the Isle of Man as a postgraduate doctor or dentist; and
- (vi) if he has previously been granted leave as a postgraduate doctor or dentist, is not seeking leave to enter or remain which, when amalgamated with any previous periods of leave in this category, would total more than –
  - (a) 26 months to complete a Foundation Programme; or
  - (b) 3 years to complete basic specialist training, if the applicant has already completed a Foundation Programme; or
  - (c) 4 years to complete basic specialist training, if the applicant has not already completed a Foundation Programme; and
- (vii) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

#### **Leave to enter as a postgraduate doctor or dentist**

71. Leave to enter the Isle of Man as a postgraduate doctor or dentist may be granted -

- (i) to undertake a Foundation Programme, for a period not exceeding 26 months; or
- (ii) to undertake postgraduate training as a doctor or dentist in a hospital or the Community Health services or in General Practice, or in a combination of these, for a period not exceeding 3 years at a time;

provided the Immigration Officer is satisfied that each of the requirements of paragraph 70 is met.

### **Refusal of leave to enter as a postgraduate doctor or dentist**

72. Leave to enter as a postgraduate doctor or dentist is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 70 is met.

### **Requirements for an extension of stay as a postgraduate doctor or dentist**

73. The requirements to be met by a person seeking an extension of stay as a postgraduate doctor or dentist are that the applicant -

- (i) meets the requirements of paragraph 70 (i) to (vi); and
- (ii) has leave to enter or remain in the Isle of Man as either -
  - (a) a student in accordance with paragraphs 57 to 69L of these Rules; or
  - (b) as a postgraduate doctor or dentist in accordance with paragraphs 70 to 75 of these Rules; or
  - (c) as a doctor taking the PLAB Test in accordance with paragraphs 75A to 75F of these Rules; or
  - (d) as a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G to 75M of these Rules; or
  - (e) as a work permit holder in accordance with paragraphs 128 to 135 of these Rules.

### **Extension of stay as a postgraduate doctor or dentist**

74. An extension of stay as a postgraduate doctor or dentist may be granted -

- (i) to undertake a Foundation Programme, for a period not exceeding 26 months; or
- (ii) to undertake postgraduate training as a doctor or dentist in a hospital or the Community Health services or in General Practice, or in a combination of these, for a period not exceeding 3 years at a time;

provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 73 is met.

**Refusal of an extension of stay as a postgraduate doctor or dentist**

75. An extension of stay as a postgraduate doctor or dentist is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 73 is met."

3. For sub-paragraph (x) of paragraph 95, substitute –

“(x) holds a valid Isle of Man entry clearance, granted for a limited period not exceeding 2 years, for entry in this capacity.”.

4. For paragraph 96, substitute -

**”Leave to enter as a working holidaymaker**

96. A person seeking to enter the Isle of Man as a working holidaymaker may be admitted provided he is able to produce on arrival a valid Isle of Man entry clearance granted for a period not exceeding 2 years for entry in this capacity.”.

5. In paragraph 135DA for the word ‘student’ substitute the words ‘work permit holder’.

6. After paragraph 135H insert –

“[135I – 135N Not Used]”.

7. In paragraphs 260 and 261 for ‘222’ wherever occurring substitute ‘259’.

8. For paragraphs 268, 267, and 268, substitute –

**“Refusal of extension of stay as a retired person of independent means**

268. An extension of stay as a retired person of independent means is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 266, 266A, 266B, 266C or 266D is met.”.

9. In sub-paragraph (i) of paragraph 295D, remove quotation marks.

- 10 For sub-paragraph (9) of paragraph 322, substitute -

“(9) Failure by an applicant to produce within a reasonable time information, documents or other evidence required by the Lieutenant Governor to establish his claim to remain under these rules;”.

## **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) -

- (a) New requirements are specified for granting leave to enter the Isle of Man as a postgraduate doctor or dentist.
- (b) The period of validity for an Isle of Man entry clearance for a working holiday maker is limited to 2 years.
- (c) A number of minor changes and corrections are made to bring the Rules into alignment with the equivalent Rules having effect in the United Kingdom.