

Guidance Notes for Confirmation of Employment for Isle of Man Worker and Worker (ICT) Migrant Routes

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Overview

The Isle of Man Worker Migrant route enables Isle of Man employers to recruit and retain employees from outside the EEA to fill a specific vacancy that cannot be filled by a suitable settled worker.

The Isle of Man Worker (ICT) Migrant 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.

A Confirmation of Employment (CoE) is a document issued to Isle of Man employers wishing to employ or retain a person who is not a settled worker. An employee who is not a settled worker must have a valid CoE which has been issued by the Isle of Man Immigration Office to work in the Isle of Man.

A CoE must be applied for by an Isle of Man employer on behalf of their employee before they start a new job and before the employee can make an application for entry clearance or to extend their leave to remain in the Isle of Man.

Full details can be found at Part 6 of Appendix W of the Immigration Rules which can be found on the Isle of Man Government website at www.gov.im/immigration.

There is no fee charged for an application for Confirmation of Employment.

About the Isle of Man Employer

The following are eligible to apply for a CoE as an Isle of Man employer

- An Isle of Man Government Department, Statutory Board or an office of the Government; or
- An Isle of Man legal entity or those having a registered office or principal place of business in the Isle of Man, who
 - has a current, corporate bank account with a bank licensed by the Isle of Man Financial Services Authority; and
 - is subject to Isle of Man taxation and registered with the Isle of Man Treasury Income Tax Division for income tax and national insurance purposes as an employer; and
 - is not classed as a sole trader or partnership.

About the vacancy

Job Title and Description of Duties

Confirmation of Employment will only be issued if the vacancy falls into one of the Eligible Employment categories set out in the Tables at Part 7 of Appendix W. The tables are divided into Sectors as below. The job description must closely correlate with the example job tasks provided.

Table 1	E-Business & Information Communication Technology
Table 2	Medical & Healthcare
Table 3	Education & Training
Table 4	Hospitality & Catering
Table 5	Non-sector specific
Table 6	Financial & Professional Services
Table 7	Engineering & Manufacturing

Standard Occupational Classification (SOC) codes

When the appropriate job title has been identified, employers must note the relevant SOC code from the table. This is required to establish the appropriate salary and must be recorded on the CoE.

Salary and terms of employment

The gross annual salary offered must be at least £20,800 or the appropriate rate for the employment as set out for the relevant SOC code and shown at Part 7, whichever is the higher. The contracted working hours for the migrant worker must be at least 30 hours per week.

If the vacancy does not meet these criteria, a CoE cannot be issued and an employer must not employ a person who is not a settled worker.

Resident Labour Market Test (RLMT)

Unless the vacancy is exempt because it is identified as a Key employment, or the employer is transferring a current worker as a Worker (ICT) migrant, the Isle of Man employer must ensure that they have carried out the appropriate Resident Labour Market Test demonstrating that settled workers were given priority for the offered job position over any prospective migrant worker before an application for a CoE can be made.

To meet the Resident Labour Market Test, the vacancy must have been advertised to settled workers for at least 14 days within 6 months of the CoE application by the Isle of Man Jobcentre and in at least one other medium. The advertisement must include the employment title, duties, and salary to be offered. Part 6.3 of Appendix W sets out the full requirements for the advertisement content and publication.

Employment exempt from the RLMT

Key employment categories are identified in the Tables at Part 7 of Appendix W. A summary of the current exempt categories are provided below:

SOC code	Description
2134	IT project and programme managers
2135	IT business analysts, architects and systems designers
2136	Programmers and software development professionals
2137	Web design and development professionals
2139	Information technology and telecommunications professionals not elsewhere classified
2423	Management consultants and business analysts
3545	Sales accounts and business development manager
2211	Medical practitioners
2215	Dental practitioners
2216	Veterinarians
2231	Nurses
5434	Chefs
1132	Marketing & Sales Directors
1131	Financial Managers & Directors
2421	Chartered and certified accountants

Making an application

Applications are made using form CoE which can be downloaded from the Gov.im website. There are notes on the reverse of the form to assist.

Employers must complete all sections of the application form.

Evidence to be provided

Employers are not required to submit documents to prove that they are an Isle of Man Employer unless an Immigration Officer requests such evidence during the consideration process. The types of evidence that may be requested is listed at Part 6.2(2) of Appendix W.

Employers must provide an original signed letter on headed paper which must include:

- The migrant workers full name, date of birth and current address,
- the position and duties of the job
- Gross annual salary
- Start date and period of engagement
- Relevant SoC code
- Any additional employment benefits

Unless the vacancy is exempt because it is Key Employment or it is a role offered to a Worker (ICT) migrant, they must also provide:

- A copy of the advertisement
- evidence of publication (including the Job Centre reference number),
- the job specification
- brief details as to why any applications from settled workers received were considered unsuitable

Immigration Officers may request additional information about the recruitment process followed if the above is considered insufficient, as set out at Part 6.3(4)(b) of Appendix W.

Process Flowchart

