

Worker Migrant - Leave to Remain Guidance Notes

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Overview

The Worker Migrant route enables non-British and non-Irish nationals to come to the Isle of Man in order to undertake an employment position which cannot be filled by a Settled Worker.

An application made under this route must be supported by a valid Confirmation of Employment ("CoE") provided by the Isle of Man Employer.

Applicants under the Worker Migrant route must meet the appropriate English language requirements.

Leave to Remain Requirements

To qualify for leave to remain applicants must meet the requirements of Part 2.3 of Appendix W to the Immigration Rules.

An overview of the requirements to be met are set out below, however an applicant should satisfy them self that they meet all relevant requirements of the Isle of Man Immigration Rules before applying.

- The applicant must provide a valid Confirmation of Employment.
- The applicant must satisfy the English language requirements. Under most cases required level is B1 of the Common European Framework for Language. Nationals of a majority English speaking country, or those who have completed a degree that was taught in English are considered to have satisfied this requirement - (refer to Appendix B of the Immigration Rules).
- The salary for the employment must meet the Appropriate Salary requirements. A salary will only be considered appropriate where the migrant is to be paid whichever is the higher of:
 1. a minimum of £20,800, or
 2. the appropriate rate for the employment as set out in Part 7 of Appendix W to the Immigration Rules.
- To demonstrate the appropriate salary has been paid applicants must provide:-
 1. an annual tax return(s) for the last full financial year, immediately preceding the date of application;
 2. the applicant's most recent payslip from their employer; and
 3. a personal bank statement for the same 12-month period as the tax return(s) showing payment of salary from the employer to the applicant's bank account (Further details can be found at Part 2.3.1 of Appendix W of the Immigration Rules).
- The applicant must meet a required level of funds as set out in Appendix C of the Immigration Rules.
- The applicant must have been granted entry clearance or leave to remain previously as a Worker Migrant, Worker (ICT) Migrant, Tier 2 Migrant, Tier 2 (ICT) Migrant, Tier

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1 Migrant, Tier 4 Migrant, partner of a Tier 4 migrant, Tier 5 migrant or a representative of an Overseas Business.

- If any changes to the applicant's employment have occurred since the last grant of leave, the CoE previously issued expressly permitting this change must also be submitted as part of the application.
- Excluding SOC Codes, 2413 – Solicitors, or 2211 – Medical practitioners, the applicant must not be self-employed or in a position akin to self-employed. For this reason the Worker Migrant must not:
 - (a) have the final say in the running of the employer's business
 - (b) invest their own money in the employer's business or act as surety or guarantor for the business,
 - (c) be responsible for covering the losses of the business,
 - (d) provide the major items of equipment needed to do his or her employment, although the Worker Migrant may provide small personal tools required for that purpose,
 - (e) be free to hire other people on terms of the applicant's own choice, to do the work for which he or she has himself been employed,
 - (f) pay himself, herself or another employee from the applicant's personal funds,
 - (g) be obliged to correct unsatisfactory work in his or her own time or expense, or
 - (h) be expected to pay his or her own tax and National Insurance.
 - (i) the above restrictions will be construed widely and any arrangement with the Employer's business or any related business, structure or entity which amounts to self-employment will not be permitted. The employer will at all times be required to pay tax and National Insurance on the salary of the Worker Migrant and payment of the Worker Migrant by repayment of shareholder loans or similar arrangements is not permitted.

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Making your application

You must complete the FLR (W) form which is available for download at <https://www.gov.im/categories/travel-traffic-and-motoring/immigration/visa-application-forms/>. Your application must be made before your existing permission to stay expires otherwise you run the risk of being classed as an over stayer. Having adverse immigration history could affect other applications you may make.

The completed form, supporting documentation and the application fee should be submitted to the Isle of Man Immigration Office.

Health and Care Visa Applicants

Individuals applying for the Health and Care Visa will apply using the Worker Migrant application form – FLR(W) – found on the Immigration webpages of the Isle of Man Government website, and will check the box to confirm they are applying for the Health and Care Visa.

Health and Care Visa applicants, as well as their dependants will pay a reduced fee for this application.

You may be eligible to apply for a Health and Care Visa if your CoE confirms that your job is eligible for a Health and Care Visa.

Dependents

Dependants (for example your partner or children) are required to complete form FLR (DEP) and submit the application to the Isle of Man Immigration Office.

General Information

Any documentation missing from your application could result in delay or refusal. An Immigration Officer may contact you and provide additional time to submit any missing documentation.

Your passport will be returned to you once a decision has been made on your application.

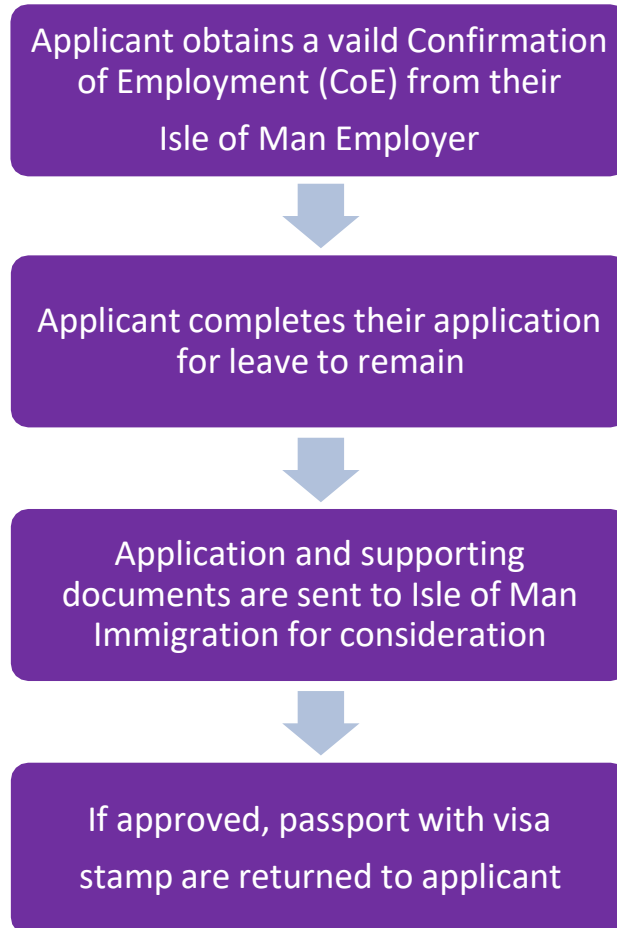
The Immigration Office aims to have all applications processed within 28 days once in possession of the application and supporting documents. **Your passport will be retained by the Isle of Man Immigration Office until a decision has been made on your application. You should not book any travel until you have received a decision on your visa application and have had your passport returned to you. The Isle of Man Immigration Office does not accept any responsibility for travel that is booked by you.**

If the application is successful, a stamp will be placed in your passport. This will state your visa category, visa issue and visa expiry dates.

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Process Flowchart



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