

Statutory Document No. 2018/0097



Immigration Act 1971

IMMIGRATION (VARIATION OF LEAVE) ORDER 2018

Laid before Tynwald: 17 April 2018

Coming into Operation: 6 April 2018

The Council of Ministers makes the following Order under sections 3(3)(a) and 4(1) of the Immigration Act 1971 (of Parliament)¹ as that Act has effect in the Island².

1 Title

This Order is the Immigration (Variation of Leave) Order 2018.

2 Commencement

This Order comes into operation on 6 April 2018.

3 Interpretation

In this Order —

“**1971 Act**” means the Immigration Act 1971 (of Parliament) as that Act has effect in the Island;

“**immigration rules**” means the rules made under section 3(2) of the 1971 Act;

“**relevant date**” means 6 April 2018;

“**Tier 2 (General) Migrant**” means a person who had valid leave to enter or remain as such a migrant under paragraphs 245H to 245HF of the immigration rules immediately prior to the coming into force of this Order;

“**Tier 2 (Intra Company Transfer) Migrant**” means a person who had valid leave to enter or remain as such a migrant under paragraphs 245G to 245F of the immigration rules immediately prior to the coming into force of this Order;

“**Tier 2 (Minister of Religion) Migrant**” means a person who had valid leave to enter or remain as such a migrant under paragraphs 245H to 245HF of

¹ 1971 c.77.

² See Immigration (Isle of Man) Order 2008 (SI 2008/680) as amended.

the immigration rules immediately prior to the coming into force of this Order; and

“**Tier 2 (Sportsperson) Migrant**” means a person who had valid leave to enter or remain as such a migrant under paragraphs 245H to 245HF of the immigration rules immediately prior to the coming into force of this Order.

4 Variation of leave to enter or remain in the Isle of Man: Tier 2 (Intra Company Transfer) Migrants and dependants

- (1) This article applies to any person who immediately prior to the relevant date is —
 - (a) a Tier 2 (Intra Company Transfer) Migrant; or
 - (b) the dependant of a Tier 2 (Intra Company Transfer) Migrant.
- (2) With effect from the relevant date, the conditions of leave of the classes of persons to whom this article applies shall be varied as follows —
 - (a) a Tier 2 (Intra Company Transfer) Migrant shall be deemed to be Worker (Intra Company Transfer) Migrant and that person shall be subject to the conditions of leave set out in Appendix W to the immigration rules; and
 - (b) the dependant of a Tier 2 (Intra Company Transfer) Migrant shall be deemed to be the dependant of a Worker (Intra Company Transfer) Migrant and that person shall be subject to the conditions of leave set out in Part 8 of, and Appendix FM to, the immigration rules.

5 Variation of leave to enter or remain in the Isle of Man: other Tier 2 migrants and dependants

- (1) This article applies to any person who immediately prior to the relevant date is —
 - (a) a Tier 2 (General) Migrant;
 - (b) a Tier 2 (Minister of Religion) Migrant;
 - (c) a Tier 2 (Sportsperson) Migrant; or
 - (d) the dependant of any person in subparagraphs (a) to (c).
- (2) With effect from the relevant date, the conditions of leave of the classes of persons to whom this article applies shall be varied as follows —
 - (a) a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant, or a Tier 2 (Sportsperson) Migrant shall be deemed to be a Worker Migrant and that person shall be subject to the conditions of leave set out in Appendix W to the immigration rules; and
 - (b) the dependant of any person in subparagraph (a) shall be deemed to be the dependant of a Worker Migrant and that person shall be

subject to the conditions of leave set out in Part 8 of, and Appendix FM to, the immigration rules.

6 No reduction of the period of leave to enter or remain in the Isle of Man:

For the sake of clarity, nothing in articles 4 and 5 reduces the period of leave applying immediately prior to the relevant date to those persons affected by this Order.

MADE

W GREENHOW
Chief Secretary

EXPLANATORY NOTE

(This note is not part of the Order)

The Council of Ministers makes this Order under section 4(1) of the Immigration Act 1971 (of Parliament) as that Act has effect in the Island to vary the conditions of leave to enter and remain granted to Tier 2 Migrants³ and their dependants.

Articles 1 to 3 are introductory and deal with the title, commencement and interpretation provisions.

Article 4 varies the conditions of leave of persons who are Tier 2 (Intra Company Transfer) Migrants and the dependants of such persons. With effect from the relevant date, Tier 2 (Intra Company Transfer) Migrants are subject to the conditions of leave set out in Appendix W of the immigration rules applicable to Worker (Intra Company Transfer) Migrants and the dependants of such migrants are subject to the conditions of leave set out in Part 8 of, and Appendix FM to, the immigration rules applicable to the dependants of Worker (Intra Company Transfer) Migrants.

Article 5 varies the conditions of leave of persons who are Tier 2 (General) Migrants, Tier 2 (Minister of Religion) Migrants, and Tier 2 (Sportsperson) Migrants and the dependants of such persons. With effect from the relevant date, Tier 2 (General) Migrants, Tier 2 (Minister of Religion) Migrants, and Tier 2 (Sportsperson) Migrants are subject to the conditions of leave set out in Appendix W of the immigration rules applicable to Worker Migrants and the dependants of such migrants are subject to the conditions of leave set out in Part 8 of, and Appendix FM to, the immigration rules applicable to the dependants of Worker Migrants.

For clarity, article 6 makes it clear that the variation of the conditions of leave effected by articles 4 and 5 does not reduce the length of the period of leave granted to those persons affected by such variation of leave.

³ i.e. a person falling within any of the following categories: Tier 2 (General) Migrant, Tier 2 (Intra Company Transfer) Migrant, Tier 2 (Minister of Religion) Migrant and Tier 2 (Sportsperson) Migrant of Part 6A of the immigration rules.