

Statutory Document 2020/0088



**STATEMENT OF
CHANGES IN
IMMIGRATION RULES**

Laid before Tynwald on 17 March 2020 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 2008 (SI 2008 no. 680))

The Council of Ministers has made the following changes to the Immigration Rules laid down by it as to the practice to be followed in the administration of the Immigration Act 1971¹ (of Parliament) as it has effect in the Isle of Man² for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17 May 2005³.

All changes set out in this statement take effect from 6 April 2020. However, in relation to those changes, if an application has been made for entry clearance, leave to enter or remain before 6 April 2020, the application will be decided in accordance with the Immigration Rules in force on 5 April 2020.

Changes to the Introduction

Intro1. In paragraph 6, for

““Employment as a Doctor or Dentist in Training” means employment in a medical post or training programme which has been approved by the Postgraduate Medical Education and Training Board, or employment in a postgraduate training programme in dentistry.”,

substitute —

““Employment as a Doctor or Dentist in Training” means employment in a medical post or training programme which has been approved by the General Medical Council, or employment in a postgraduate training programme in dentistry.”.

Intro2. In paragraph 6, after the definition of “Writer, composer or Artist”, insert the following definitions —

““Innovator” (other than references in Part 6 and Appendix F which are no longer in use) means a migrant who is granted leave in the Innovator sub-category under Appendix X of these Rules.

“Start-up Migrant” means a migrant who is granted leave in the Start-up sub-category under Appendix X of these Rules.

“UK Start-up Migrant” means a migrant who is granted leave in the Start-up category under Appendix W of the UK Immigration Rules.

¹ 1971 c. 77

² See the Immigration (Isle of Man) Order 2008 (S.I. 2008 No 680)

³ S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13, SD 2014/0004, SD 2014/0082, SD 2014/241, 2014/314, 2014/324, 2015/0265, 2015/0302, 2015/0386, 2016/0092, 2016/0175, 2016/0211, 2017/0066, 2017/0183, 2017/0314 SD2018/0084, SD2018/0134, SD2018/0328, SD2019/0119, SD2019/0143 SD2019/0330, 2020/0011 and 2020/0070.

“**UK Innovator**” means a migrant who is granted leave in the Innovator category under Appendix W of the UK Immigration Rules.”.

Changes to Part 5

- 5.1 In paragraph 128A(b), for “a writer, composer or artist, an innovator”, substitute “leave granted under Part 6 of these rules”.

Changes to Part 6A

- 6A.1 At the end of paragraph 245BD(c)(ii), delete “or”.
- 6A.2 At the end of paragraph 245BD(c)(iii), delete “or”.
- 6A.3 At the end of paragraph 245BD(c)(iv) for “.”, Substitute “,”.
- 6A.4 After paragraph 245BD(c)(iv), insert —
 “(v) a Start-up Migrant, or
 (vi) an Innovator Migrant.”.
- 6A.5 In paragraph 245BF(c)(ii), for “or as a Worker Migrant (excluding as a Worker (Intra Company Transfer) Migrant)”, substitute “as a Worker Migrant (excluding as a Worker (Intra-Company Transfer) Migrant) or as an Innovator”.
- 6A.6 For paragraph 245D(a), substitute —
 “(a)(i) This category is now closed to new applicants.
 (ii) Individuals who have leave to enter or leave to remain as:
 (1) a Tier 1 (Entrepreneur) Migrant,
 (2) a Tier 1 (Graduate Entrepreneur) Migrant, or
 (3) a Start-up Migrant, having previously held leave as a Tier 1 (Graduate Entrepreneur) Migrant,
 may apply under these rules to extend their stay or for indefinite leave to remain.
 (iii) Other migrants who wish to establish, join or take over one or more businesses in the Isle of Man may apply under the rules for the Start-up or Innovator sub-categories, set out in Appendix X of these Rules.”.
- 6A.7 Delete paragraph 245DB.
- 6A.8 Delete paragraph 245DC.
- 6A.9 For paragraph 245DD(e), substitute —

- “(e) The applicant who is applying for leave to remain must have, or have last been granted leave to enter or remain as:
 - (i) a Tier 1 (Entrepreneur) Migrant,
 - (ii) a Tier 1 (Graduate Entrepreneur) Migrant, or
 - (iii) a Start-up Migrant, having previously held leave as a Tier 1 (Graduate Entrepreneur) Migrant.”.
- 6A.10 Delete paragraph 245DD(f).
- 6A.11 Delete paragraph 245DD(h).
- 6A.12 Delete paragraph 245DD(j).
- 6A.13 In paragraph 245DD(m), for “the assessment in (h) or (k)” substitute “the assessment in (k)”.
- 6A.14 In paragraph 245DD(o), for “the assessment in (h) or (k)” substitute “the assessment in (k)”.
- 6A.15 After paragraph 245DD(s), insert:
 - “(t) The application must have been made:
 - (i) before 6 August 2022, if the applicant has, or was last granted leave to enter or remain as a Tier 1 (Graduate Entrepreneur) Migrant or a Start-up migrant;
 - (ii) before 6 August 2026, if the applicant has, or was last granted leave as a Tier 1 (Graduate Entrepreneur) Migrant and is claiming points for an extension application under Table 5 of Appendix A; or
 - (iii) before 6 April 2024, in all other cases.”.
- 6A.16 In paragraph 245DE(a)(ii), for “to any other applicant”, substitute “to an applicant who has, or was last granted, leave as a Tier 1 (Graduate Entrepreneur) Migrant or a Start-up Migrant”.
- 6A.17 After paragraph 245DF(k), insert —
 - “(l) The application for indefinite leave to remain must have been made:
 - (i) before 6 August 2028, if the applicant has ever previously had leave as a Tier 1 (Graduate Entrepreneur) Migrant; or
 - (ii) before 6 April 2026, in all other cases.”.
- 6A.18 For paragraphs 245F to 245FC, substitute —
 - “245F. This category is now closed and has been replaced by the Start-up category in Appendix X.”.

Changes to Part 8

- 8.1 In Paragraphs A277A to 319K after “Relevant Points Based System Migrant” insert “, Business Migrant” in each place it occurs (including in the plural, “Business Migrants”, where “Relevant Points Based System Migrants” occurs in the plural), except for the occurrences in paragraphs 284(i)(c), 287(a)(i)(d), 287(a)(i)(e), 289A(b), 289A(c), 295D(i)(b), 319AA, 319C(g)-(i), 319D(b), 319E(d)(i), 319H(e), 319H(f)(ii), 319H(g)-(j), 319I(b), 319J(e)(i), 319J(e)(ii).
- 8.2 In paragraphs 284(i)(c), 287(a)(i)(d), 287(a)(i)(e), 289A(b), 289A(c) and 295D(i)(b) after “Relevant Points Based System Migrant” insert “, Business Migrant or Relevant Worker Migrant”.
- 8.3 For paragraph 319AA, including the headings, substitute —
- “Family members of Relevant Points Based System Migrants, Relevant Worker Migrants and Business Migrants**
- Partners of Relevant Points Based System Migrants, Relevant Worker Migrants and Business Migrants**
- 319AA. In paragraphs A277A to 319K, Appendix C and Appendix E:
- (a) **“Relevant Points Based System Migrant”** means a migrant granted leave as a Tier 1 Migrant, a Tier 4 (General) Student, or a Tier 5 (Temporary Worker) Migrant with leave in one of the following subcategories:
 - (i) Tier 5 (Temporary Worker) Creative and Sporting
 - (ii) Tier 5 (Temporary Worker) Charity Worker
 - (iii) Tier 5 (Temporary Worker) Government Authorised Exchange
 - (iv) Tier 5 (Temporary Worker) International Agreement
 - (v) Tier 5 (Temporary Worker) Religious Worker.
 - (b) **“Relevant Worker Migrant”** means a migrant granted or deemed to have been granted leave under Appendix W of these Rules.
 - (c) **“Business Migrant”** means a migrant granted leave under Appendix X of these Rules.”.
- 8.4 In paragraph 319G delete “Relevant Points Based System Migrant” in the second place it occurs.
- 8.5 In paragraph 319H(e) after “Relevant Points Based System Migrant parent” insert “, Business Migrant parent”.
- 8.6 In paragraph 319H(f)(ii) after “Relevant Points Based System Migrant parent” insert “, Business Migrant parent”.

- 8.7 In paragraph 319J(e)(i) after “Relevant Points Based System Migrant” insert “, Business Migrant or Relevant Worker Migrant”.
- 8.8 In paragraph 319J(e)(ii) after “Relevant Points Based System Migrant parent” insert “, Business Migrant parent”.

Changes to Appendix A

A1. For paragraphs 35 to 53 substitute:

“Attributes for Tier 1 (Entrepreneur) Migrants

35. An applicant applying for leave to remain or indefinite leave to remain as a Tier 1 (Entrepreneur) Migrant must score 75 points for attributes.
36. Available points are shown in Table 4 for initial applications for applicants who have leave to enter or leave to remain as a Tier 1 (Graduate Entrepreneur) Migrant or Start-up Migrant.
37. Available points are shown in Table 5 for extension applications for applicants who have leave to enter or leave to remain as a Tier 1 (Entrepreneur) Migrant.
38. Available points for applications for indefinite leave to remain are shown in Table 6.

39. Notes

- (a) In all cases, an applicant cannot score points from any of the following:
- (i) the same money being used to score points for maintenance funds for themselves or their dependents under Appendices C or E,
 - (ii) money made available from a third party, where the third party is another Tier 1 (Entrepreneur) Migrant, or that migrant’s business or close family member,
 - (iii) money invested in their business more than 12 months (or 24 months if the applicant was previously granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of application which led to their first grant of leave as a Tier 1 (Entrepreneur) Migrant,
 - (iv) money invested in the form of a director’s loan unless it is unsecured and subordinated to other creditors’ loans to the business, or
 - (v) investment in any residential accommodation, property development or property management, meaning:

- (1) any development of property owned by the applicant or their business to increase the value of the property with a view to earning a return either through rent or a future sale or both, or
- (2) management of property (whether or not it is owned by the applicant or their business) for the purposes of renting it out or resale.

For the avoidance of doubt, (v) requires that the business income is generated from the supply of goods/or services, and not derived from the increased value of property or any income generated from property, such as rent.

- (b) Points will only be awarded for an applicant's business if it is an Isle of Man business.
- (c) A business will be considered to be an Isle of Man business if the applicant provides the specified evidence in this Appendix to show that:
 - (i) it is trading within the Isle of Man economy,
 - (ii) it has its registered office in the Isle of Man, or, in the case of multinational companies with no Isle of Man registered office, its head office in the Isle of Man, except where the applicant is registered with the Isle of Man Treasury as self-employed and does not have a business office,
 - (iii) it has an Isle of Man bank account, and
 - (iv) it is subject to Isle of Man taxation.
- (d) Points will not be awarded for being a director of a an Isle of Man company or partner of an Isle of Man limited partnership, if the applicant is subject to a disqualification order under the Company Officers (Disqualification) Act 2009⁴ (or if prior to 18 June 2009 the Companies Act 1931⁵ or the Companies Act 1992⁶), or has given a disqualification undertaking under the Company Officers (Disqualification) Act 2009.
- (e) Where evidence from an accountant is required, it will only be accepted if the accountant:
 - (i) is not the applicant,

⁴ AT 4 of 2009.

⁵ XIII p.235.

⁶ AT 4 of 1992.

- (ii) has prepared and signed off the accounts in accordance with all relevant statutory requirements,
- (iii) has a valid licence to practice or practicing certificate, and
- (iv) is a member of one or more of the following:
 - (1) the Institute of Chartered Accountants in England and Wales,
 - (2) the Institute of Chartered Accountants in Scotland,
 - (3) the Institute of Chartered Accountants in Ireland,
 - (4) the Association of Chartered Certified Accountants,
 - (5) the Association of Authorised Public Accountants,
 - (6) the Chartered Institute of Public Finance and Accountancy,
 - (7) the Institute of Financial Accountants,
 - (8) the Chartered Institute of Management Accountants,
 - (9) the Association of International Accountants, or
 - (10) the Association of Accounting Technicians.
- (f) Where personal or business bank statements are required:
 - (i) The bank or buildings society holding the money must be based in the Isle of Man and regulated by the Isle of Man Financial Services Authority.
 - (ii) Each statement must be on the institution's official stationery showing the institution's name and logo, and confirm the applicant's name (and, where relevant, the applicant's entrepreneurial team partner's name), the account number and the date of the statement.
 - (iii) Each statement must have been issued by an authorised official of that institution.
 - (iv) If the statements are printouts of electronic statements, they must either be accompanied by a supporting letter from the financial institution, on its headed paper, confirming the authenticity of the statements, or bear the official stamp of the institution on each page of the statement.

(g) Further notes to accompany Table 4 and Table 4A appear below Table 4 or Table 4A (as appropriate).

(h) Further notes to accompany Tables 5 and 6 appear below Table 6.

Table 4: Initial applications as referred to in paragraph 36

Row	Investment and business activity	Points
1	At least £50,000 is available to the applicant or their business, or has been invested in their business due to their activity.	25
2	The money is held in one or more financial institutions, which are regulated by the appropriate regulatory body for the country in which they operate.	25
3	The money is disposable in the Isle of Man. If the applicant is applying for leave to remain, the money must be held in the Isle of Man.	25

40. Available money: notes

- (a) Available money must be cash, not individual savings accounts or other assets such as stocks and shares.
- (b) Where multiple documents are provided, they must show the total amount required is available on the same date.
- (c) The money must either be held in an Isle of Man regulated financial institution or be transferable to the Isle of Man and convertible to sterling.
- (d) If the money is available to the applicant's business, rather than to the applicant themselves, the business must be a company or limited partnership and the applicant must be registered as a director, in the case of a company, or partner, in the case of a limited partnership.
- (e) The money must remain available to the applicant or their business until it is spent for the purposes of the applicant's business(es). The Minister reserves the right to request further evidence or otherwise verify that the

money will remain available, and to refuse the application if this evidence is not provided or cannot be satisfactorily verified.

- (f) Money is disposable in the Isle of Man if all of the money is held in an Isle of Man based financial institution and free from sanctions or if the money is freely transferable to the Isle of Man and convertible to sterling. Funds in a foreign currency will be converted to pounds sterling (£) using the spot exchange rate which appeared on www.oanda.com on the date of application.
- (g) No points will be awarded where the money is held in a financial institution with which the Home Office is unable to make satisfactory verification checks, as stated in Appendix P.

41. Available money: Specified Documents

- (a) If all or part of the money has not yet been invested in the applicant’s business, the applicant must provide all of the specified documents set out in the relevant row of Table 4A below. If the applicant is claiming points for available money from more than one source, the applicant must provide the specified documents for each row which applies.

Table 4A: Specified documents showing available money

Row	Available money	Specified documents (see descriptions below this table)
1	<p>Money available as set out in Table 4 from:</p> <ul style="list-style-type: none"> (a) seed funding competitions which are listed as endorsed by the Department for Enterprise, or (b) One or more Isle of Man Government Departments and made available by the Department(s) for the specific purpose of establishing or expanding an Isle of Man business. 	(i)
2	Money available from a third party, other than those in row 1 above, where the money is still held by the third party.	All of (ii)–(iv)

3	Money held by the applicant for less than 90 consecutive days, ending no earlier than 31 days before the date of application, where the source of that money is other than those in row 1 above.	(ii) and (iii), and, either (v) or (vi) as appropriate
4	Money held by the applicant for at least 90 consecutive days, ending no earlier than 31 days before the date of application.	Either (v) or (vi) as appropriate

Specified Documents:

- (i) A letter from an authorised official of the seed funding competition or Isle of Man Government Department confirming:
 - (1) the amount of money available to the applicant, the entrepreneurial team or the applicant’s business, and
 - (2) that it has awarded funds for the specific purpose of establishing or expanding Isle of Man businesses.
- (ii) A written declaration from each third party that they have made the money available to invest in the applicant’s business in the Isle of Man, containing:
 - (1) the names of the third party and the applicant (and their entrepreneurial team partner’s name where relevant), or the name of the applicant’s business,
 - (2) the date of the declaration,
 - (3) the applicant’s signature and the signature of the third party (and the signature of the applicant’s entrepreneurial team partner where relevant),
 - (4) the amount of money available in pounds sterling,
 - (5) the relationship(s) of the third party to the applicant,
 - (6) if the third party is another business in which the applicant is self-employed or a director, evidence of the applicant’s status within that business and that the applicant is the sole controller

of that business's finances, or, where the applicant is not the sole controller, the letter must be signed by another authorised official of that business who is not the applicant, and

- (7) confirmation that the money will remain available until such time as it is transferred to the applicant, the entrepreneurial team or the applicant's business.
 - (iii) A letter (or letters) from one or more legal representatives, who are not the applicant or the third party, which confirm(s) that all letters and declarations in (ii) and (iv) (where required) contain the genuine signatures of the required signatories. The letter(s) must clearly show the registration or authority of the legal representative to practise legally in the country where the third party or the money is.
 - (iv) A letter from each financial institution holding the funds, issued by an authorised official of that institution, confirming in each case the amount of money that the third party intends to make available, and that the institution is not aware of the third party having promised to make that money available to any other person.
 - (v) For money held outside the Isle of Man, a letter from each financial institution holding the funds, issued by an authorised official of that institution, confirming the minimum balance available from the applicant's own funds held in that institution on the date of the letter and, in the case as described in row 4 of Table 4A, during a consecutive 90-day period of time ending on the date of the letter.
 - (vi) For money held in the Isle of Man, recent personal bank or building society statements, with the most recent statement being dated no earlier than 31 days before the date of application, which taken altogether show that the relevant required sum of available money is held in the account(s) on the date of the most recent statement(s). In the case described in row 4 of Table 4A, the statements must show the sum has been held for a consecutive 90 day period of time immediately before the date of the statement.
- (b) Each letter referred to in (a)(i) and (iii) to (v) above must:
- (1) be on the organisation's official headed paper,
 - (2) be dated no earlier than three months (in the case of (i) and (iii) or 31 days (in the case of (iv) and (v)), immediately before the date of application,

- (3) state the applicant's name, and their entrepreneurial team partner's name where relevant, or the name of the applicant's business,
 - (4) include the contact details of the person or (where relevant) an official of the organisation issuing the letter,
 - (5) include (where relevant) the name of the third party providing the money, including their full address, postal code, telephone contact number and any email address,
 - (6) in the case of (iii), include the number of the third party or their authorised representative's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry,
 - (7) in the case of (iv) to (v) , show the account number,
 - (8) in the case of (iv) to (v), confirm that the financial institution is regulated by the appropriate body and, if not regulated by the Isle of Man Financial Services Authority, that the money can be transferred into the Isle of Man.
42. If the money is available to the applicant's business, rather than to the applicant themselves, the applicant must also provide a Companies Registry document showing the address of the business's registered office in the Isle of Man, or head office in the Isle of Man if it has no registered office in the Isle of Man, and that the applicant is a director, in the case of a company, or partner, in the case of a limited partnership.
43. If all or part of the money has been invested in the applicant's business, the applicant must provide:
- (a) all of the specified documents required in paragraph 44 to show the amount of money invested, and
 - (b) all of the specified documents required in paragraph 47 to show that the applicant has established a new Isle of Man business or joined or taken over an existing Isle of Man business, in which the money was invested.

Table 5: Extension applications as referred to in paragraph 37

Row	Investment, business activity and job creation	Points
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1	<p>The applicant has invested or has caused investment to be made by one or more third parties, totaling £200,000 or more (or £50,000 if they were awarded points for £50,000 funding or investment in their last grant of leave) in cash directly into one or more Isle of Man businesses.</p> <p>The applicant does not need to provide evidence of this investment if they were awarded points under Table 5 in their last grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.</p>	20
2	<p>The applicant has:</p> <p>(a) registered with Isle of Man Treasury Income Tax Division as self-employed, or</p> <p>(b) registered with Isle of Man Companies Registry as a director of a Isle of Man company, or a partner of a Isle of Man limited partnership.</p> <p>The applicant must have registered as above within 6 months of entering the Isle of Man (if they were most recently granted entry clearance and there is evidence to establish their date of entry) or, in any other case, within 6 months of the date on which the most recent leave was granted.</p>	20
3	<p>Within the three months before the date of application, the applicant was:</p> <p>(a) registered with Isle of Man Treasury Income Tax Division as self-employed, or</p> <p>(b) registered with Isle of Man Companies Registry as a director of an Isle of Man company or partner of an Isle of Man limited partnership.</p>	15
4	<p>The applicant has:</p> <p>(a) established a new business or businesses that has or have created the equivalent of 2 new full time jobs for settled workers, or</p> <p>(b) taken over or invested in an existing business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for settled workers in the Isle of Man by creating the equivalent of 2 new full time jobs.</p>	20

	The jobs must have existed for 12 months during the applicant's most recent grant of leave as a Tier 1 (Entrepreneur) Migrant or, where that leave was granted less than 12 months ago, for the 12 months immediately before the date of application.	
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Table 6: Applications for indefinite leave to remain as referred to in paragraph 38

Row	Investment, business activity and job creation	Points
1	<p>The applicant has invested or has caused investment to be made by one or more third parties, totaling £200,000 or more (or £50,000 if they were awarded points for £50,000 funding or investment in their last grant of leave) in cash directly into one or more Isle of Man businesses.</p> <p>The applicant does not need to provide evidence of this investment if they were last granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant, having been awarded points under Table 5.</p>	20
2	<p>The applicant was:</p> <p>(a) registered with Isle of Man Treasury Income Tax Division as self-employed, or</p> <p>(b) registered with Companies Registry as a director of a Isle of Man company, or partner of a Isle of Man limited partnership.</p> <p>The above requirement must have been met:</p> <p>(i) within 6 months of entering the Isle of Man (if they were most recently granted entry clearance and there is evidence to establish their date of entry) or, in any other case, within 6 months from the date the most recent leave was granted, and</p> <p>(ii) within the three months before the date of application.</p> <p>The applicant does not need to provide evidence of (i) if they were last granted entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant, having been awarded points under Table 5.</p>	20

3	<p>The applicant has:</p> <p>(a) established a new business or businesses that has or have created the equivalent of 2 new full time jobs for settled workers, or</p> <p>(b) taken over or invested in an existing business or businesses and their services or investment have resulted in a net increase in the employment provided by the business or businesses for settled workers by creating the equivalent of 2 new full time jobs for settled workers.</p> <p>The jobs must have existed for 12 months during the applicant's most recent grant of leave or, where that leave was granted less than 12 months ago, for the 12 months immediately before the date of application.</p>	20
4	<p>(a) The applicant has spent a continuous period of 5 years lawfully in the Isle of Man with leave as a Tier 1 (Entrepreneur) Migrant, or</p> <p>(b) The applicant has spent a continuous period of 3 years lawfully in the Isle of Man as a Tier 1 (Entrepreneur) Migrant, and has:</p> <p>(i) created the equivalent of 10 (including the two jobs already relied upon to score points under row 3) new full time jobs which meet the requirements in row 3 above, or</p> <p>(ii) established a new Isle of Man business or businesses that has or have had a gross income from business activity of £5 million or more during the 3 year continuous period, or</p> <p>(iii) taken over or invested in an existing Isle of Man business or businesses and the applicant's services or investment have resulted in a net increase in gross income from business activity of £5 million during the 3 year continuous period, when compared to the 3 year period immediately before the date the applicant became involved with the business.</p>	15

Investment: Specified Documents

44. The applicant must provide their business accounts and accompanying evidence of their investment, which must meet the following requirements:
- (a) if the applicant's business is legally required to produce audited accounts, the audited accounts must be provided;
 - (b) if the applicant's business is not legally required to produce audited accounts, unaudited accounts and an accounts compilation report must be provided from an accountant;
 - (c) the audited or unaudited accounts must show the investment in money made directly in the business by:
 - (i) the applicant, in their own name,
 - (ii) one or more seed funding competitions or Isle of Man Government Departments, as set out in Table 4 and Table 4A, and the accounts must be accompanied by a letter from the source, confirming that the investment was made on the applicant's behalf, or
 - (iii) a third party other than those in (ii), and the accounts must either:
 - (1) confirm that the investment was made as a result of the applicant's activity, or
 - (2) be accompanied by a letter from the Department for Enterprise, confirming that the investment was made as a result of the applicant's activity;
 - (d) if the applicant has made the investment in the form of a director's loan:
 - (i) it must be shown in the relevant set of accounts provided,
 - (ii) unless the investment was made on or before 17 June 2016 and the date of application is before 19 November 2021, the investment must be shown through readily identifiable transactions in the applicant's business bank statements, which must clearly show the transfer of this money from the applicant to their business, and
 - (iii) the applicant must provide a legal agreement, between the applicant (in the name that appears on their application) and the business, showing:

- (1) the terms of the loan,
 - (2) any interest that is payable,
 - (3) the period of the loan, and
 - (4) that the loan is unsecured and subordinated to other creditors' loans to the business;
 - (e) if the applicant has made the investment in the form of share capital, the accounts must show the shareholders, the amount and value of the shares (on the date of purchase) in the applicant's name as it appears on their application. If the value of the applicant's share capital is not shown in the accounts, then a printout of the company's register of members from Companies Registry must be provided;
 - (f) the accounts must clearly show the name of the accountant, the date the accounts were produced, and how much the applicant has invested in the business;
 - (g) if the applicant is claiming points for investing £50,000 from a seed funding competition or an Isle of Man Government Department, the applicant must provide the specified evidence in Table 4A above as evidence of the source of the funds, (except that the letter referred to in paragraph 41(a)(i) does not need to be dated within the three months immediately before the date of the application).
45. A business will only be considered to be a "new" business for the purposes of paragraph 43 and Tables 5 and 6 if it was established by the applicant no earlier than 12 months (or 24 months if the applicant was previously granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of the application which led to the applicant's first grant of leave as a Tier 1 (Entrepreneur) Migrant.

Business activity: Specified Documents

46. The applicant must provide the following specified documents, showing that they obtained the necessary business registration within the 6 month period referred to in Table 5 or 6:
- (a) if the applicant was self-employed, evidence of their registration with Isle of Man Treasury Income Tax Division;
 - (b) if the applicant was a director of a Isle of Man company or partner of an Isle of Man limited partnership, a printout from Companies

Registry of the company's filing history page and of the applicant's personal appointments history, showing the date of their appointment as a director or partner.

47. The applicant must provide the following specified documents to show that they have established a new Isle of Man business or joined or taken over an existing business, and that they are engaged in business in the Isle of Man when they make their application:

- (a) if the applicant is self-employed, they must provide:
 - (i) evidence of their registration with Isle of Man Income Tax Division to show that their business is based in the Isle of Man, and such evidence is dated no earlier than three months before the date of application,
 - (ii) Isle of Man Income Tax Division evidence that the applicant is making tax returns within the self-assessment tax system, and
 - (iii) a personal bank statement showing transactions for their business, or a business bank statement, or a letter from an Isle of Man- regulated financial institution, on the institution's headed paper, confirming that the applicant has a business and acts through that bank for the purposes of that business;
- (b) if the applicant is a director of an Isle of Man company or a partner of an Isle of Man limited partnership, they must provide:
 - (i) printouts of Companies Registry documents, dated no earlier than three months before the date of the application, showing all of the following:
 - (1) the address of the registered office in the Isle of Man, or head office in the Isle of Man if it has no registered office,
 - (2) the applicant's name, as a director or member,
 - (3) the date of the applicant's appointment as a director or partner, and
 - (4) that the business is actively trading (not dormant, struck-off, dissolved or in liquidation),
 - (ii) evidence from Isle of Man Income Tax Division confirming that the company is registered for corporation tax (if the applicant is a director of a company) or that the applicant is making tax

returns within the self-assessment tax system (if the applicant is self-employed), and

- (iii) a business bank statement from an Isle of Man account which shows business transactions, or a letter from the Isle of Man bank in question, on its headed paper, confirming that the company or limited partnership has a bank account, that the applicant is a signatory of that account, and that the company or limited partnership uses that account for the purposes of their business.
- (c) regardless of whether the applicant is self-employed, a director or member, they must also provide:
- (i) an overview of the business's activity, including an explanation of the goods or services it provides to its customers or clients; and
 - (ii) the applicant's job title and job description, setting out their role within the company, how they are implementing their business plan and what their main tasks and responsibilities are in running the business on a day-to-day basis.

Job creation: notes

48. (a) A full time job is one involving 30 hours or more of paid work per week.
- (b) "The equivalent of" a full time job means two or more part time jobs that add up to 30 hours per week, if each of the jobs exist for 12 months or more. However, one full time job of more than 30 hours of work per week will not count as more than one full time job.
- (c) A job may count even if it does not last 12 consecutive months (for example it lasts for 6 months in one year and 6 months the following year) provided that it is the same job.
- (d) The jobs need not exist on the date of application, provided that they existed for 12 months or more as specified in Table 5 (row 4) and Table 6 (row 3).
- (e) Different jobs that have existed for less than 12 months cannot be combined together to make up a 12 month job.
- (f) If jobs are being combined the employees being relied upon must be clearly identified by the applicant in their application.
- (g) The jobs must comply with all relevant Isle of Man legislation.

Job creation: specified documents

49. If the applicant is required to score points for job creation in Table 5 or Table 6, they must provide all of the following specified documents:
- (a) evidence to show the applicant is reporting Income Tax Instalment Payments appropriately to the Isle of Man's Income Tax Division, such as printouts of Employee Payment Records, original Income Tax Division T21 or T20, which either together or individually show the total payments made to the settled workers for the full period of employment used to claim points. These must show every payment made to each settled worker as well as any deductions;
 - (b) duplicate payslips or wage slips for each settled worker used to claim points, covering the full period(s) of the employment for which points are being claimed;
 - (c) confirmation of the employment start date, job title, job description, hours paid per pay period and the hourly rate for each settled worker relied upon, including any changes to the same and the dates of those changes;
 - (d) copies of any of the following documents which demonstrate that each employee has settled status:
 - (i) the biometric data page of a British or EEA passport, showing the photograph and personal details of the employee,
 - (ii) a birth certificate, showing the employee was born in the Isle of Man or UK and Colonies before 1 January 1983,
 - (iii) if the employee was born in the Isle of Man, UK Bailiwick of Guernsey or Bailiwick of Jersey on or after 1 January 1983, a birth certificate, together with documentation, such as a passport or naturalisation certificate, which confirms one of their parents had settled status in the UK when the employee was born, and additionally, if the parent is the employee's father, a marriage certificate to the mother,
 - (iv) if the employee is an EEA national, an Isle of Man, Bailiwick of Guernsey or Bailiwick of Jersey or UK registration certificate/permanent residence document,
 - (v) if the employee is the spouse of an EEA national, the biometric data page of their passport, showing their photograph and

personal details, or a residence card, and any of the documents in (i) or (iv) above which relate to the EEA national, together with their marriage certificate to the EEA national, or

- (vi) if the worker is an overseas national with settled status in the Isle of Man, the biometric data page of their passport containing their photograph and personal details, and the pages where an Isle of Man or UK Government stamp or an endorsement appear, or a biometrics residence permit, or official documentation from the Isle of Man Immigration Service or Home Office which confirms their settled status in the Isle of Man or UK;
- (e) if the applicant was self-employed at the time a settled worker was employed by their business, the specified documents in paragraph 47(a) above showing the dates that the applicant became registered with Isle of Man Income Tax Division as self-employed, with the bank statements referred to in 47(a)(iii) showing all the payments made to the settled worker in the full period of employment used to claim points, and the address of the business;
- (f) if the applicant was a director of an Isle of Man company or a partner of an Isle of Man limited partnership at the time the settled worker was employed by their business, a printout from Companies Registry filing history page and of the applicant's personal appointments history, showing this;
- (g) if the applicant took over or joined a business, they must provide a signed and dated letter from an accountant, showing:
 - (i) the name and contact details of the business,
 - (ii) the applicant's status in the business,
 - (iii) the number of jobs created in the business and the hours paid in each of the jobs,
 - (iv) the start dates and end dates (where applicable) of the jobs relied upon,
 - (v) the registration or permission of the accountant to operate in the Isle of Man,
 - (vi) confirmation that the business did not employ any workers before the applicant took over or joined it, if relevant and

- (vii) confirmation that the accountant will verify the contents of the letter to the Isle of Man Immigration Service on request;

This applies regardless of how long the business existed for before the applicant took over or joined it;

- (h) if the business referred to in (g) employed workers before the applicant took over or joined it, they must also provide the following documents for the year immediately before the applicant joined the business and the years that the jobs were created, showing the net increase in employment and signed and dated by the applicant:
 - (i) duplicate Isle of Man Treasury Income Tax Division Employer's Annual Return (T36) or Online Services print out, or
 - (ii) duplicate Isle of Man Treasury Income Tax Division Remittance Card (T35) or Online Services print out.

Settlement on the basis of £5 million business activity: specified documents

- 50. (a) Where Table 6 applies and the applicant is relying on the business activity of a new Isle of Man business or businesses, they must provide audited (if the business is legally required to produce audited accounts) or unaudited accounts which show the gross income resulting from the business' activities and that this reached £5 million or more.
- (b) Where Table 6 applies and the applicant is relying on business activity from an existing Isle of Man business which they have taken over or invested in, they must provide both of the following:
 - (i) audited accounts (if the business is legally required to produce audited accounts) or unaudited accounts clearly showing:
 - (1) the name of the accountant,
 - (2) the date the accounts were produced,
 - (3) the gross income from business activity for the 3 year period immediately before the date on which the applicant became involved with the business, and
 - (4) a net increase of £5 million or more in gross income from business activity during the three year for which the applicant is claiming points under Table 6, row 4;

- (ii) a signed and dated accountant's letter, confirming:
 - (1) the name and contact details of the business,
 - (2) an explanation of the applicant's status in the business,
 - (3) the net increase in business activity,
 - (4) the registration or permission of the accountant to operate in the Isle of Man, and,
 - (5) that the accountant will verify the content of the letter to the Isle of Man Immigration Service on request.

Entrepreneurial teams: notes

- 51. Two applicants, but no more than two applicants, may claim points for the same investment, available funds, jobs created and business activity in Tables 4, 5 or 6 provided all of the following requirements are met:
 - (a) The applicants have equal level of control over the funds and (where relevant) equal status as owners, directors and/or members of the business or businesses in question.
 - (b) The applicants are both shown by name, passport number and (where relevant) Points-Based System reference number in each other's applications and in the specified evidence required in the relevant table.
 - (c) Neither applicant has previously been granted leave as a Tier 1 (Entrepreneur) Migrant on the basis of investment and/or business activity linked in this way with any applicant other than each other, if the same funds were relied on in a previous application.
- 52. (a) No points will be awarded for money that is made available to any individual other than the applicant, except:
 - (i) under the terms of paragraph 51 above; or
 - (ii) where the money is held in a joint account with the applicant's spouse, civil partner or partner (defined as a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for two years or more prior to the date of application), and that spouse or partner is not (and is not applying to be) another Tier 1 (Entrepreneur) Migrant.

- (b) No points will be awarded for investment, job creation and business activity shared with another Tier 1 (Entrepreneur) applicant, except under the terms of paragraph 51 above.
- (c) If the applicant is not the sole member or director in their business, they must provide confirmation of:
 - (i) the names of the other members or directors,
 - (ii) whether any of the other members or directors are also Tier 1 (Entrepreneur) Migrants, and
 - (iii) if so:
 - (1) the dates they became members or directors,
 - (2) whether they are applying under the provisions in paragraph 51 above, and
 - (3) if they have made (or are making at the same time) an application in which they claimed points for creating jobs, the names of the jobholders in question.”.

A2. For paragraphs 66 to 72, substitute:

“Attributes for Tier 1 (Graduate Entrepreneur) Migrants

66. The attributes for this category have been deleted as the category is now closed and has been replaced by the Business Migrant Start-up category in Appendix X.

67 – 72 Deleted 6 April 2020.”.

Changes to Appendix B

B1. In Table 1, delete row C, containing “Tier 1 (Graduate Entrepreneur”.

B2. Delete paragraph 9.

Changes to Appendix E

E1. For the Heading and the text immediately below the heading substitute:

“Appendix E – Maintenance (funds) for the family of a Relevant Points Based System Migrant, Relevant Worker Migrant or Business Migrant

In this Appendix, Appendix C and in paragraphs A277A to 319K of Part 8 the following definitions apply:

“Relevant Points Based System Migrant” means a migrant granted leave as a Tier 1 Migrant, a Tier 2 Migrant, a Tier 4 (General) Student, or a Tier 5 (Temporary Worker) Migrant with leave in one of the following subcategories:

- (i) Tier 5 (Temporary Worker) Creative and Sporting
- (ii) Tier 5 (Temporary Worker) Charity Worker
- (iii) Tier 5 (Temporary Worker) Government Authorised Exchange
- (iv) Tier 5 (Temporary Worker) International Agreement
- (v) Tier 5 (Temporary Worker) Religious Worker.

“Relevant Worker Migrant” means a migrant granted or deemed to have been granted leave under Appendix W of these Rules.

“Business Migrant” means a migrant granted leave under Appendix X of these Rules.

A sufficient level of funds must be available to an applicant applying as the partner or child of a Relevant Points Based System Migrant, Relevant Worker Migrant or Business Migrant. A sufficient level of funds will only be available if the following requirements are met.”.

E2. After paragraph (ab), insert —

“(ac) Where the application is connected to a Business Migrant, the applicant cannot use the same funds to meet the requirements of this appendix as the Business Migrant used to meet the funds requirements under Appendix X.”.

E3. In paragraph (a)(ii) for “in other cases” substitute “, where the application is connected to a Tier 1 (Entrepreneur) Migrant”.

E4. For paragraph (b)(ii), substitute:

“(ii) the application is connected to:

- (1) a Relevant Points Based System Migrant (who is not a Tier 1 (Investor) Migrant, a Tier 1 (Exceptional Talent) Migrant or a Tier 4 (General) Student),
 - (2) a Relevant Worker Migrant, or
 - (3) a Business Migrant,
- there must be £630 in funds.”.

- E5. In paragraph (c) after “Relevant Points Based System Migrant” in each place it occurs, insert “, Business Migrant”.
- E6. In (d) after “the child of a Relevant Points Based System Migrant”, insert “, the child of a Business Migrant”.
- E7. In (d) for “the relevant points based system migrant”, substitute “the Relevant Points Based System Migrant, Business Migrant”.
- E8. In paragraph (e), after “Relevant Points Based System Migrant,” in each place it occurs, insert “Business Migrant”.
- E9. For paragraph (f)(ii), substitute —
“(ii) where the applicant is applying as the partner of a Relevant Points Based System Migrant, as the partner of a Business Migrant or as the partner of a Relevant Worker Migrant, either:
(1) the applicant,
(2) the Relevant Points Based System Migrant,
(3) the Business Migrant,
(4) the Relevant Worker Migrant,
or”.
- E10. For paragraph (f)(iii), substitute —
“(iii) where the applicant is applying as the child of a Relevant Points Based System Migrant, the child of a Business Migrant or the child of a Relevant Worker Migrant, either
(1) the applicant,
(2) the Relevant Points Based System Migrant,
(3) the Business Migrant,
(4) the Relevant Worker Migrant, or
(5) the child's other parent who is lawfully present in the Isle of Man, or being granted entry clearance, or leave to enter or remain, at the same time.”.
- E11. In paragraph (g)(i) after “Relevant Worker Migrant,”, insert “Business Migrant,”.
- E12. After paragraph (ia), insert —
“(ib) Sufficient funds will be deemed to be available where the application is connect to a Business Migrant, whose Letter of Endorsement confirms that the Department for Enterprise has awarded funding that is at least sufficient to cover:

- (i) the required maintenance funds for the applicable Business Migrant sub category,
- (ii) the applicant,
- (iii) any other dependents, and
- (iv) any investment funds an innovator is required to have in that category.”.

E13. For paragraph (j), substitute —

“(j) In all cases the applicant must provide the specified documents as set out in paragraph 1B of Appendix C, unless:

- (i) the applicant is applying at the same time and location as the Relevant Points Based System Migrant, who is a Tier 4 (General) Student sponsored by a sponsor with Tier 4 Sponsor status, and
- (ii) both the applicant and the Relevant Points Based System Migrant are nationals of one of the countries or the rightful holder of a qualifying passport issued by one of the relevant competent authorities, as appropriate, listed in Appendix H, and
- (iii) the applicant is applying for entry clearance in the country where they are living, or leave to remain in the Isle of Man, and
- (iv) the applicant confirms these requirements are met, in which case the specified documents shall not be required.

E14. After paragraph (j) insert —

“(ja) The Immigration Service reserves the right to request the specified documents from these applicants. The application will be refused if the specified documents are not provided in accordance with the request made.”.

E15. In paragraph (l) after “Relevant Points Based System Migrant,” in each place it occurs, insert “Business Migrant”.

E16. In paragraph (o) for “the Relevant Points Based System Migrant, or the Relevant Worker Migrant,” substitute “the applicant is applying as the Partner or Child of a Relevant Points Based System Migrant, or Relevant Worker Migrant who”.

Changes to Appendix V

V1. In Appendix 3, for paragraph 8, substitute —

“Prospective Entrepreneur

8. A visitor who can show support from the Department for Enterprise for the Start-up or Innovator categories in Appendix X, may come to the Isle of Man for discussions to secure funding from any legitimate source, which they intend to use to set up a business in the Isle of Man.”

Changes to Appendix W

W1. After the definition of “genuine vacancy”, insert

“**“Innovator”** has the same meaning as prescribed in paragraph 6 of these Rules.”.

W2. For the definition of “Settled worker”, substitute —

“a **“settled worker”** means a person who:

- (a) is a British Citizen,
- (b) is a national of the European Economic Area or Switzerland who is exercising a Treaty Right in the Isle of Man,
- (c) is a British overseas territories citizen, except those from Sovereign Base Areas in Cyprus,
- (d) is a Commonwealth citizen with leave to enter or remain granted on the basis of Isle of Man, UK or Channel Islands Ancestry (paragraphs 186 to 193 of these Rules), or
- (e) has both:
 - (i) settled status in the Isle of Man within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002, and
 - (ii) is an Isle of Man worker within the meaning of the Control of Employment Act 2014 (of Tynwald)⁷.”.

W3. After the definition of “Standard Occupational Classification (SOC) Code”, insert —

“**“Start-up Migrant”** has the same meaning as prescribed in paragraph 6 of these Rules.”.

W4. After the definition of “the same employer”, insert —

“**“UK Innovator”** has the same meaning as prescribed in paragraph 6 of these Rules.

⁷ 2014 AT 11.

“UK Start-up Migrant” has the same meaning as prescribed in paragraph 6 of these Rules.”.

- W5. In paragraph 2.3(10)(a)(viii), delete “or”.
- W6. After paragraph 2.3(10)(a)(viii), insert —
“(ix) a Start-up Migrant,
(x) an Innovator,
(xi) a UK Start-up Migrant, or
(xii) a UK Innovator
or”.
- W7. At the end of paragraph 2.4(2)(f), delete “or”.
- W8. At the end of paragraph 2.4(2)(g), for “.”, substitute “,”.
- W9. After paragraph 2.4(2)(g), insert —
“(h) as an Innovator, or
(i) as a UK Innovator.”.
- W10. After Appendix W insert —

“Appendix X: Business Migrant

Part 1: Introduction

A Business Migrant is a person who is coming to the Isle of Man for business related reasons. The Business Migrant rules in this Appendix contain the Start-up and Innovator sub-categories, which were introduced on 6 April 2020.

- (1) On the introduction of this Appendix on 6 April 2020, entry clearance under Part 6A of the Immigration Rules in the following categories are closed to new Migrants;
 - (a) Tier 1 (Entrepreneur) and
 - (b) Tier 1 (Graduate Entrepreneur).
- (2) To qualify for leave under this Appendix in the Start-up or Innovator sub-categories, a Migrant must meet either:
 - (a) the requirements in Part 4 of this Appendix where the application is for entry clearance or leave to remain, or
 - (b) the requirements in Part 5 of this Appendix where the application is for indefinite leave to remain.

- (3) If the Migrant meets the requirements, the application will be granted. If the Migrant does not meet the requirements, the application will be refused.
- (4) The application will be assessed by the Decision Maker based on the information provided by the Migrant, and any other relevant circumstances, at the date of decision.
- (5) The application will be assessed by the Decision Maker based against the Immigration Rules in operation at the **date of application**.
- (6) Unless stated otherwise, all Migrants arriving in the Isle of Man and wishing to enter under this Appendix must have a valid entry clearance for entry under the relevant category. If they do not have a valid entry clearance, entry will be refused.
- (7) Definitions of terms and phrases used in this Appendix are set out in Annex 1 of this Appendix.

Available Categories

This section provides an overview of the title, purpose and main features of each sub-category contained in this Appendix.

Start Up

This sub-category is for individuals seeking to establish a business in the Isle of Man for the first time. Migrants will have an innovative, viable and scalable business idea. This category offers leave for 2 years and 4 months only. This category does not lead to Indefinite Leave to Remain (ILR). Migrants may progress into the Innovator sub-category.

Innovator

This sub-category is for individuals with business experience seeking to establish, join or take over one or more businesses in the Isle of Man. Migrants will have an innovative, viable and scalable business idea. With some exceptions, Migrants will have the required funding to invest in the business. This category may lead to indefinite leave to remain.

Part 2: Endorsement - General

An application for entry clearance, leave to remain or indefinite leave to remain under this Appendix must be submitted with a valid **letter of endorsement** issued by the **Department**.

This section sets out the criteria for, and validity of, a **letter of endorsement**.

2.1 Department for Enterprise responsibilities

The Department will carry out the following responsibilities.

- (1) The Minister for Enterprise will specify the required evidence to be supplied with an endorsement application to evidence the relevant **endorsement criteria**, as set out in this Appendix, is met. The required evidence will be specified in an **endorsement policy** issued by the Department.
- (2) The **Department** will publish an **endorsement policy** specifying the **letter of endorsement** application process that must be followed by a Migrant.
- (3) The **Department** will completely assess the Migrant's business venture(s) against the relevant endorsement criteria set out in this Appendix.
- (4) The **Department** will stay in contact with those they have endorsed at checkpoints of maximum intervals of 6 months from the date the letter of endorsement is issued.
- (5) The **Department** must inform the Immigration Service if, at those checkpoints in (4) above, both of the following apply:
 - (a) the Migrant has not made **reasonable progress** with their original business venture, and
 - (b) the individual is not pursuing a **new business** venture that also meets the endorsement criteria set out in this Appendix.
- (6) The **Department** must inform the Immigration Service if a Migrant misses any of these checkpoints without the **Department's** authorisation.
- (7) The **Department** must withdraw its endorsement if either subparagraphs (4) or (5) apply, unless it is aware of exceptional and compelling reasons not to withdraw its endorsement, and must inform the Immigration Service of those reasons.
- (8) The **Department** must inform the Immigration Service if it has any reason to believe that an individual it has endorsed breaches any of their conditions.
- (9) The **Department** must inform the Immigration Service if it has any reason to believe that an individual it has endorsed in the Innovator sub-category is working outside of their own business venture(s), in breach of their visa conditions.
- (10) The **Department** must be satisfied that the source of funds and nature of the proposed business venture will not cause reputational harm or other detriment to the Isle of Man.

- (11) The **Department** must not deem funds acceptable for endorsement where those funds are held in a financial institution which the Home Office is unable to make satisfactory verification checks with, as listed in Appendix P of the Immigration Rules.
- (12) The **Department** must be satisfied the Migrant will meet the residency criteria at paragraphs 6.2(1)(b), 7.3(1)(b) or 7.5(1)(h) as applicable.

2.2 Application for a letter of endorsement

Before applying for entry clearance, leave to remain or indefinite leave to remain, a Migrant must first make an application to the **Department** for a **letter of endorsement**. The issuance of a **letter of endorsement** does not guarantee the success of a Migrant's visa application.

- (1) An application for a **letter of endorsement** must:
 - (a) be made to the **Department** using the specified application form;
 - (b) meet the requirements specified in this Appendix and in force at the **date of application**; and
 - (c) in order to assess (b) above is met, provide the documentation specified in the **endorsement policy** in force at the **date of application**.
- (2) The **Department** will only consider documents submitted before the date the application is considered.
- (3) If specified evidence is missing, a document is in the wrong format (for example, if a letter is not on letterhead paper as specified), or a document does not contain all of the specified information, the **Department** may contact the Migrant or their representative in writing to request the correct documents. The requested documents must be received at the specified address within 10 **working days** of the date of the request.
- (4) Documents will not be requested where the Department does not think that the submission of missing or correct documents will lead to issuing the **letter of endorsement** because the application will be refused for other reasons.
- (5) If missing information is verifiable from other documents provided with the application or elsewhere, the Department may issue the **letter of endorsement** despite the error or omission, if satisfied that the Migrant meets all the other requirements of this Appendix.

2.3 Letter of Endorsement

- (1) A **letter of endorsement** issued by the **Department** must include all of the following information:
 - (a) the **endorsement reference number**;
 - (b) the date of issue;
 - (c) the Migrant's name, date of birth, nationality and passport number;
 - (d) Where the **letter of endorsement** is for a Start-up application, confirmation that the Migrant has not previously established a business in the UK or Isle of Man (unless the Migrant's last grant of leave was under the Start-up or Tier 1 (Graduate Entrepreneur) category in the UK or Isle of Man);
 - (e) confirmation the **letter of endorsement** is provided for the purpose of an entry clearance, leave to remain or indefinite leave to remain visa application;
 - (f) confirmation the **letter of endorsement** is issued for the purpose of a visa application in one of the following sub-categories:
 - (i) Start-up; or
 - (ii) Innovator.

2.4 Letter of Endorsement validity

- (1) A visa application under this appendix will only be valid where a **letter of endorsement** issued by the Department:
 - (a) contains all information specified in paragraph 2.3 above; and
 - (b) contains the information specified in Part 6 or Part 7 as applicable; and
 - (c) is dated no earlier than 3 calendar months before the **date of application**.
- (2) The Migrant must not have previously made a visa application under this Appendix using the same **letter of endorsement**, if that application was either approved or refused (not rejected as an invalid application, declared void or **withdrawn**).
- (3) The **Department** must not have **withdrawn** the **letter of endorsement** by the time the application is considered by the **decision maker**.
- (4) Following the grant of a visa, the relevant **letter of endorsement** remains valid from the **date of decision** until the expiry date of the visa for which the endorsement was issued unless (5) or (6) below apply.

- (5) At any time a **letter of endorsement** will no longer be valid where the **Department** notifies the Immigration Service that a **letter of endorsement** has been **withdrawn** in accordance with the **endorsement policy**.
- (6) At anytime a letter of endorsement will no longer be valid where the Migrant's leave is curtailed as set out in paragraph 3.3 below.

Part 3: Lengths and conditions of leave and curtailment

This section sets out the lengths of leave that may be granted in each sub-category of this Appendix, including any time limits and timescales for applying for indefinite leave to remain. It also sets out the conditions of that leave and circumstances in which that leave may be curtailed.

3.1 Lengths of Leave

- (1) If an application is successful, leave will be granted for the time stated in the table below:

Sub-Category	Length of Leave, initial application	Length of Leave, extension application	Maximum time permissible in this category
Business Migrant (Start-up)	2 years and 4 months, minus any time already granted in the Start-up sub-category under Appendix W of the UK Immigration Rules	2 years minus the time already granted in the: <ul style="list-style-type: none"> • Tier 1 (Graduate Entrepreneur), • Start-Up sub-category under Appendix W of the UK Immigration Rules, or • Business Migrant (Start-Up) sub-category under the Isle of Man Immigration Rules. 	2 years and 4 months
Business Migrant (Innovator)	3 Years	3 Years	No time limit

- (2) If a Migrant has already been granted the maximum time permissible in the sub-category applied for, the application will be refused.

3.2 Conditions of leave

- (1) If an application for entry clearance or leave to remain is successful, leave will be granted subject to all of the following conditions:
- (a) No recourse to public funds.
 - (b) Registration with the police, if this is required by Part 10 of the Immigration Rules.
 - (c) No employment as a professional sportsperson (including as a sports coach).
 - (d) No Employment as a Doctor or Dentist in Training, unless the Migrant:
 - (i) has obtained a primary degree in medicine or dentistry at bachelor's level or above from a UK institution that is a UK recognised or listed body, or which holds a sponsor licence under Tier 4 of the Points Based System, and provides evidence of this degree; or
 - (ii) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting him from taking employment as a Doctor in Training, has been employed during that leave as a Doctor in Training, and provides a letter from the Postgraduate Deanery or NHS Trust employing them which confirms that they have been working in a post or programme that has been approved by the General Medical Council as a training programme or post; or
 - (iii) has, or has last been granted, entry clearance, leave to enter or leave to remain that was not subject to any condition restricting them from taking employment as a Dentist in Training, has been employed during that leave as a Dentist in Training, and provides a letter from the Postgraduate Deanery or NHS Trust employing them which confirms that they have been working in a post or programme that has been approved by the Joint Committee for Postgraduate Training in Dentistry as a training programme or post.
 - (e) If the Migrant is in the Innovator sub-category, no employment other than working for the business(es) the Migrant has established. Working for such business(es) does not include any work pursuant to a contract of service or apprenticeship, whether express or implied and whether oral or written, with another business. This

means successful Migrants cannot effectively fill a position or hire their labour to another business, even if the work is undertaken through contracting with the Migrant's own business or through a recruitment or employment agency.

- (f) Study is permitted, subject to the conditions set out in Part 15 of the Immigration Rules.

3.3 Curtailment

- (1) A Migrant's leave to enter or leave to remain may be curtailed as set out in paragraph 323 in Part 9 of the Immigration Rules.
- (2) A Migrant's leave to enter or leave to remain in any sub-category of this Appendix may be curtailed where the **Department** withdraws its endorsement of a Migrant.
- (3) A Migrant's leave to enter or leave to remain in any sub-category of this Appendix **may** be curtailed if —
 - (a) the Migrant breaches a condition of his or her visa;
 - (b) to support any assessment of sub-paragraph (a) above, the Minister may require the Migrant to submit additional evidence or attend an interview in order to demonstrate the Migrant has, and is continuing to, meet their visa conditions;
 - (c) in accordance with sub-paragraph (b) above, the visa may be curtailed where the Migrant fails to provide the requested evidence within 28 **working days**, or fails to attend the interview.

Part 4: General requirements – Entry Clearance and Leave to Remain

This section sets out the general requirements that all Migrants in any sub-category of this Appendix must satisfy.

4.1 Endorsement

- (1) All Migrants applying for entry clearance or leave to remain under this Appendix must provide a **letter of endorsement** issued by the **Department** in accordance with Part 2 of this Appendix.
- (2) The **letter of endorsement** must be valid at the time the application is considered by the decision maker.

4.2 Evidence provided with applications

- (1) The **decision maker** will only consider documents submitted before the date the application is considered.

- (2) However if specified evidence is missing, a document is in the wrong format (for example, if a letter is not on letterhead paper as specified), or a document does not contain all of the specified information, the decision maker may contact the Migrant or their representative in writing to request the correct documents. The requested documents must be received at the specified address within 10 **working days** of the date of the request.
- (3) Documents will not be requested where the decision maker does not think that the submission of missing or correct documents will lead to a grant because the application will be refused for other reasons.
- (4) If missing information is verifiable from other documents provided with the application or elsewhere, the decision maker may grant the leave applied for despite the error or omission, if satisfied that the Migrant meets all the other requirements of this Appendix.

4.3 Age

All Migrants in any sub-category of this Appendix must be at least 18 years old.

4.4 Immigration Status in the Isle of Man

If the Migrant is applying for leave to remain, one of the following must apply:

- (1) The Migrant's last grant of leave was in the same category as they are applying in.
- (2) The Migrant's last grant of leave was in an eligible switching category as shown in the table below:

Category the Migrant is applying in	Eligible Switching categories ⁸
Business Migrant (Start-up)	<ul style="list-style-type: none"> • Tier 1 (Graduate Entrepreneur) • UK Tier 2 Migrant • Tier 4 (General) – the restrictions in paragraph 4.5 apply • Worker Migrant⁹

⁸ All categories within this table must be current and valid UK or Isle of Man issued visas (as the case may be).

⁹ With effect from 6 April 2018, the Tier 2 route under the Isle of Man Immigration Rules was closed to new migrants. Those who immediately prior to that date held leave to enter or remain as Tier 2 (General) Migrants, Tier 2 (Minister of Religion) Migrants and Tier 2 (Sportsperson) Migrants were deemed to be Worker Migrants and may apply for leave to remain under Appendix W of the Isle of Man Immigration Rules upon the expiry of

	<ul style="list-style-type: none"> • A visitor who has been undertaking permitted activities as a prospective entrepreneur, as set out in Appendix V
Business Migrant (Innovator)	<ul style="list-style-type: none"> • Business Migrant (Start-up) • UK Start-up Migrant • Tier 1 (Graduate Entrepreneur) • Tier 1 (Entrepreneur) • UK Tier 2 Migrant • Worker Migrant¹⁰ • A visitor who has been undertaking permitted activities as a prospective entrepreneur, as set out in Appendix V

4.5 Restrictions for Tier 4 (General) students applying under this Appendix

If the Migrant's last grant of leave was as a Tier 4 (General) Student, the following restrictions apply:

- (1) If the Migrant's last grant of leave was as a Tier 4 (General) Migrant in the UK under the UK Immigration Rules, the Migrant must have been sponsored as a Tier 4 (General) Student by one of the following:
 - (a) a UK **higher education provider** with a **track record of compliance**,
 - (b) an overseas higher education institution to undertake a short-term study abroad programme in the United Kingdom,
 - (c) an Embedded College offering Pathway Courses, or
 - (d) an independent school

within the meaning of the **UK Immigration Rules**.
- (2) If the Migrant's last grant of leave was as a Tier 4 (General) Migrant in the UK under the **UK Immigration Rules** and the Migrant was sponsored for their studies in the UK by a government or international scholarship agency, and the sponsorship is ongoing or ended less than 12 months before the date of application, the Migrant must:
 - (a) have been granted unconditional written consent to make the application by their sponsoring government or agency, and
 - (b) provide a letter from each sponsoring organization confirming this.

that leave. This variation of leave was made effective by the Immigration (Variation of Leave) Order 2018 (SD 2018/0097)

¹⁰ As per footnote 5

The letter must be issued by an authorised official of that organisation and contain contact details which allow it to be verified.

- (3) If the Migrant's last grant of leave was as a Tier 4 (General) Migrant in the Isle of Man under the Isle of Man Immigration Rules, the Migrant must have been sponsored by a Tier 4 (General) Sponsor Licence holder.

4.6 Breach of Immigration Laws

The Migrant must not be in the UK or Islands in breach of immigration laws, except that any current period of overstaying will be disregarded where any of the exceptions set out in paragraph 39E in Part 1 of the Immigration Rules apply.

4.7 General grounds for refusal

The Migrant must not fall for refusal under the general grounds for refusal set out in Part 9 of the Immigration Rules.

4.8 Credibility Assessment

- (1) The **decision maker** will carry out a credibility assessment as set out in this paragraph.
- (2) The **decision maker** will take into account any **letter of endorsement** held by the Migrant and required under this Appendix, and may also take into account the following factors:
 - (a) the evidence the Migrant has submitted and its credibility;
 - (b) the Migrant's previous educational, work and immigration history;
 - (c) any information received from other government Departments regarding the Migrant's previous employment and other activity in the Isle of Man; and
 - (d) any other relevant information.
- (3) The **decision maker** may request additional information and evidence from the Migrant or (where relevant) the **Department**. The requested documents must be received at the specified address within 10 **working days** of the date of the request.
- (4) The **decision maker** may ask the Migrant to attend an interview. If the Migrant fails to attend the interview without providing a reasonable explanation, the **decision maker** may assess the application based on the information and evidence the Migrant has already provided.
- (5) The **decision maker** may decide not to carry out the credibility assessment if the application already falls for refusal on other grounds.

4.9 English Language

- (1) The Migrant must have a B2 level of English language ability, as defined in the Council of Europe’s common European framework for language and learning.
- (2) The Migrant must show they meet the English language requirement in one of the ways shown in the table below:

Row	Requirement	Evidence Required
1.	The Migrant is a national of a majority English speaking country	<p>(1) The Migrant must provide their current valid passport or travel document for one of the following countries:</p> <ul style="list-style-type: none"> • Antigua and Barbuda • Australia • The Bahamas • Barbados • Belize • Canada • Dominica • Grenada • Guyana • Jamaica • New Zealand • St Kitts and Nevis • St Lucia • St Vincent and the Grenadines • Trinidad and Tobago • United States of America (USA) <p>(2) If the Migrant cannot provide either their current valid original passport or travel document, they must provide all of the following:</p> <ol style="list-style-type: none"> (a) full reasons why they cannot provide the documents (acceptable reasons are because the documents are lost, stolen, or have expired and have been returned to the relevant authorities) (b) a current national identity document (c) an original letter from their home government or embassy, which confirms their full name, date of birth and nationality.

2.	The Migrant has a degree taught in English	<p>(1) The Migrant must have one of the following qualifications:</p> <ul style="list-style-type: none"> (a) a UK Bachelor’s degree, Master’s degree or PhD. (b) a qualification which meets or exceeds the recognised standard of a Bachelor’s degree in the UK, and was taught or researched in English to the relevant level. <p>(2) The following requirements apply in the case of (1)(b):</p> <ul style="list-style-type: none"> (a) The qualification must be an academic qualification, not a professional or vocational qualification. (b) The Migrant must provide evidence from UK NARIC, confirming the qualification meets or exceeds the recognised standard of a Bachelor’s degree in the UK. (c) The evidence from UK NARIC must also confirm the qualification was taught or researched in English to the required level, unless the qualification was awarded in one of the following countries: <ul style="list-style-type: none"> • Antigua and Barbuda • Australia • The Bahamas • Barbados • Belize • Dominica • Grenada • Guyana • Ireland • Jamaica • New Zealand • St Kitts and Nevis • St Lucia • St Vincent and The Grenadines • Trinidad and Tobago • United States of America (USA) <p>(3) The Migrant must provide the certificate of the award, unless either of the following applies:</p>
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		<p>(a) The Migrant is awaiting graduation, having successfully completed the qualification.</p> <p>(b) The Migrant no longer has the certificate and the awarding institution is unable to provide a replacement.</p> <p>(3) If the Migrant cannot provide the certificate of the award, they must provide an academic transcript (or letter in the case of a PhD qualification) from the awarding institution.</p>
3.	The Migrant has passed a Secure English Language Test	<p>(1) The Migrant must have passed a Secure English Language Test taken at a Secure English Language Test centre approved by the Secretary of State. Details of the approved tests and Secure English Language Test centres are published on the UK Visas and Immigration pages of Gov.uk. The provider's online booking system will allow the Migrant to choose the location of the test.</p> <p>(2) The Migrant must have met or exceeded the required level in all four components (reading, writing, speaking and listening), unless they were exempted from sitting a component on the basis of a disability.</p> <p>(3) Where two or more of the components were examined and awarded together, the Migrant must have achieved the required scores in all the relevant components during a single sitting.</p> <p>(4) The Migrant must provide their unique reference number for the test, which allows their score to be verified using the provider's online verification system.</p>
4.	The Migrant met the requirement in a previous successful application	<p>(1) The Migrant must have had a previous grant of entry clearance or leave to remain in any of the following categories under the Isle of Man Immigration Rules:</p> <ul style="list-style-type: none"> • Business Migrant (Start-up) • Business Migrant (Innovator) • Tier 1 (General) • Tier 1 (Post-Study Work) • Tier 1 (Entrepreneur) under the rules in place before 13 December 2012 • Tier 4 (General) • Worker Migrant

		<p>(2) The Migrant must have had a previous grant of entry clearance or leave to remain in any of the following categories under the United Kingdom Immigration Rules:</p> <ul style="list-style-type: none"> • Start-up • Innovator • Tier 1 (General) • Tier 1 (Post Study Work) • Tier 1 (Entrepreneur) under the Immigration Rules in place before 13 December 2012 • Tier 2 (Minister of Religion) • Tier 4 (General), supported by a Confirmation of Acceptance for Studies (CAS) assigned on or after 21 April 2011 <p>(3) The Migrant will not meet the requirement if false information or documents were included in relation to the English language requirement, in the application which led to the above grant in (1) or (2) above, whether it was to their knowledge or not.</p>
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4.10 Maintenance

- (1) The applicant must have at least £945.
- (2) If a **Business Migrant** and their partner or children are applying at the same time, there must be enough maintenance funds in total, as required for all the applications (as specified for the partner and children in Part 8 and Appendix E of these Rules), otherwise all the applications will be refused.
- (3) The funds in (1) above must be held in a personal bank or building society account, where the applicant is the account holder (or one of the account holders in the case of a joint account).
- (4) Where the funds are in one or more foreign currencies, the funds will be converted to pound sterling (£) using the spot exchange rate which appears on oanda.com for the date of application.
- (5) The funds will not meet the maintenance requirement if any of the following apply:
 - (i) The funds are in a financial institution listed in Appendix P of the Immigration Rules.

- (ii) The funds are not in cash. The decision maker will not accept evidence of shares, bonds, credit cards, overdraft facilities or pension funds.
 - (iii) The applicant was in the UK illegally, or in breach of their leave conditions, when they obtained any of the funds.
- (6) The funds must have been held in the account for a consecutive 90 days, ending no earlier than 31 days before the date of application.
- (7) The applicant must provide evidence of the above, which may be in any of the following forms:
 - (i) personal bank or building society statements;
 - (ii) a building society pass book;
 - (iii) a letter from their bank or building society;
 - (iv) a letter from another financial institution regulated by the Isle of Man Financial Services Authority for the purpose of personal savings accounts; or
 - (v) a letter from an overseas financial institution regulated by the official regulatory body for the country in which the institution operates and the funds are located.
- (8) The evidence in (7) must show all of the following:
 - (i) the name of the account holder;
 - (ii) the account number;
 - (iii) the financial institution's name and logo;
 - (iv) that the funds in the account have been at the required level throughout the 90-day period;
 - (v) the date of each document; and
 - (vi) in the case of personal bank or building society statements, any transactions during the 90-day period.
- (9) Bank or building society statements must not be mini-statements from automatic teller machines (ATMs) and must be one of the following:
 - (i) statements printed on the bank's or building society's letterhead;

- (ii) electronic statements, accompanied by a supporting letter from the bank or building society, on company headed paper, confirming the statements are authentic; or
 - (iii) electronic statements, bearing the official stamp of the bank or building society on every page.
- (10) The end date of the 90-day period will be taken as the date of the closing balance on the most recent document provided. Where documents from two or more accounts are submitted, this will be the end date for the account that most favours the applicant.
- (11) If the applicant is applying in the Start-up or Innovator categories, they do not need to provide evidence of maintenance funds if the Letter of Endorsement from the **Department** confirms they have been awarded funding of at least £945. In the case of Innovator applicants, this must be in addition to the £50,000 investment funds required in that category.

Part 5: General Requirements – Indefinite Leave to Remain

This section sets out the general requirements that all Migrants for indefinite leave to remain in this Appendix must satisfy.

5.1 Evidence provided with applications

The requirements set out in paragraph 4.2 (Evidence provided with applications) of this Appendix also apply to applications for indefinite leave to remain.

5.2 Knowledge of Language and Life in the Isle of Man

The Migrant must have sufficient knowledge of English Language and sufficient knowledge about life in the United Kingdom and Islands, as set out in Appendix KoLL of the Immigration Rules.

5.3 Breach of Immigration Laws

The Migrant must not be in the **UK and Islands** in breach of immigration laws, except that any current period of overstaying will be disregarded where any of the exceptions set out in paragraph 39E in Part 1 of the Immigration Rules apply.

5.4 General Grounds for refusal

The Migrant must not fall for refusal under the general grounds for refusal set out in Part 9 of the Immigration Rules.

5.5 Continuous Residence

- (1) The Migrant must have spent a continuous period lawfully in the Isle of Man (or **UK and Islands** as the case may be) counted backwards from whichever of the following dates is most beneficial to the Migrant:
 - (a) the date for indefinite leave to remain;
 - (b) the date of decision;
 - (c) any date up to 28 days after the date of application.
- (2) The length of continuous period for each category is set out in the table below:

Category	Continuous period needed for Indefinite Leave to Remain	Continuous period can include time in the following categories
Business Migrant (Innovator)	3 years	Innovator (under Appendix W of the United Kingdom Immigration Rules). Business Migrant (Innovator)
Business Migrant (Start Up)	Indefinite Leave to Remain applications cannot be made in this sub-category	Not applicable

- (3) The Migrant's most recent grant of leave must have been in the category they are applying for indefinite leave to remain in.
- (4) Time spent in the **UK and Islands** with leave in an equivalent category may also be included in the continuous period.

5.6 Absences from the Isle of Man

- (1) Absences from the **UK and Islands** will not break the continuous period if they occur while the Migrant had valid leave and they total 180 days or less during any consecutive 12 months.
- (2) Absences which count towards the 180-day limit at paragraph (1) include any of the following:
 - (a) the time between a Migrant's grant of entry clearance and entering the **UK and Islands**;

- (b) trips taken for personal, family or social reasons;
 - (c) business trips, including secondments, training and conferences;
 - (d) absences during annual leave from employment in the Isle of Man; or
 - (e) absences where the Migrant had valid leave when they left the Isle of Man and they submitted a successful application for entry clearance before that leave expired.
- (2) The **decision maker** may exceptionally allow absences which exceed the 180-day limit if the Migrant provides evidence that the reason was due to compelling, compassionate circumstances, such as:
- (a) life-threatening illness of the Migrant or a close family member; or
 - (b) natural disaster.
- (3) Where the purpose of the absence was for the Migrant to assist with a national or international humanitarian or environmental crisis overseas, this will not break the continuous period, regardless of the length of absence.

5.7 Periods without valid leave

Subject to sub-paragraph (1) below, any period without valid leave will break the continuous period:

- (1) If the Migrant had no valid entry clearance or leave to remain at any time during the continuous period, the continuous period will be paused, but not broken, if **any** of the following scenarios apply:
- (a) The Migrant had no valid leave in the **UK or Islands**, but they made a successful leave to remain application and paragraph 39E in Part 1 of the Immigration Rules applied to them.
 - (b) The Migrant left the **UK or Islands** when they had valid leave. They made an application for entry clearance before their previous leave expired. That application was subsequently granted.
 - (c) The Migrant left the **UK or Islands** when they had valid leave. They made an application for entry clearance within 14 days of their previous leave expiring and the **decision maker** considers that there was a good reason why the application could not be made before the previous leave expired. The reason must have been beyond the control of the Migrant or their representative, and an explanation must be provided in or with the application for indefinite leave to remain.

- (d) The Migrant left the **UK or Islands** when they had valid leave. They made an application which would fall into (a) or (b) above, except that it was refused. They then made a further successful application within 14 days of that refusal (or within 14 days of any appeal being concluded, **withdrawn**, abandoned or lapses).
- (2) Time before and after the gap in leave can be combined when counting the continuous period. Time during the gap itself will not, however, count towards the continuous period.

Part 6: Specific Requirements – Business Migrant (Start-up)

This section sets out the specific requirements that Migrants for entry clearance or leave to remain in the Business Migrant Start-up sub-category must satisfy.

Migrants must also satisfy the general requirements in Part 4 of this appendix.

6.1 Endorsement

- (1) All Migrants for entry clearance or leave to remain must have been endorsed in this category by the Department.
- (2) The Migrant must provide a **letter of endorsement** issued by the **Department** which includes all of the following information:
 - (a) the endorsement reference number;
 - (b) the date the **letter of endorsement** was issued, which must be no earlier than 3 months before the **date of application**;
 - (c) the Migrant's name, date of birth, nationality and passport number;
 - (d) confirmation that the Migrant has not previously established any business in the **UK or Isle of Man** which has commenced trading, unless the Migrant's last grant of leave was as any of the following:
 - (i) a Start-up Migrant;
 - (ii) a Tier 1 (graduate Entrepreneur) Migrant; or
 - (iii) a Tier 4 (General) Student on the doctorate extension scheme;
 - (e) a short description of the Migrant's business venture and the main products and services it will provide its customers; and
 - (f) confirmation that the Migrant's business venture meets the endorsement criteria in paragraph 6.2 below.
- (3) The Migrant does not need to be the sole founder of the business and may be a member of an entrepreneurial team.

- (4) The Department must not have **withdrawn** the **letter of endorsement** by the date the application is considered by the **decision maker**.

6.2 Endorsement Criteria

- (1) The **letter of endorsement** must confirm both of the following:
- (a) The Migrant’s business venture meets all of the requirements in the table below:

Innovation	Viability	Scalability
The Migrant has an original business plan that meets new or existing market needs and/or creates a competitive advantage.	The Migrant has, or is actively developing, the necessary skills, knowledge, experience and market awareness to successfully run the business.	There is evidence of structured planning and potential for job creation and growth into national markets.

- (b) The **Department** must be satisfied that the Migrant will spend the majority of their working time managing and developing their business day to day in the Isle of Man.

The requirement in (a) does not apply if the Migrant’s last grant of leave was in the Tier 1 (Graduate Entrepreneur) category. Instead the **letter of endorsement** must confirm that the Migrant’s business venture is genuine and credible.

Part 7: Specific Requirements – Business Migrant (Innovator)

This section sets out the specific requirements that Migrants for entry clearance or leave to remain in the Business Migrant Innovator sub-category must satisfy.

Migrants for entry clearance or leave to remain must also satisfy the general requirements in Part 4 of this Appendix.

Migrants for indefinite leave to remain must also satisfy the general requirements in Part 5 of this Appendix.

7.1 Endorsement

- (1) All Migrants for entry clearance, leave to remain or indefinite leave to remain must have been endorsed by the **Department**.
- (2) The Migrant must provide a letter of endorsement, issued by the **Department**, which includes all of the following information;

- (a) The endorsement reference number;
 - (b) The date the **letter of endorsement** was issued, which must be no earlier than 3 months before the **date of application**;
 - (c) the Migrant’s name, date of birth, nationality and passport number;
 - (d) a short description of the Migrant’s business venture and the main products or services it provides (or will provide) to its customers;
 - (e) Confirmation that the Migrant’s business venture meets the endorsement criteria in paragraph 7.3, 7.5 or 7.6 below (as appropriate);
- (3) If the **letter of endorsement** is under the new business criteria, the **letter of endorsement** must confirm:
- (a) The **Department** is providing the funds;
 - (b) The **Department** has verified the funds are available from other sources (including the Migrant themselves); or
 - (c) The **Department** has verified that the funds have already been invested in the Migrant’s business.
- (4) The Migrant does not need to be the sole founder of the business and may be a member of an entrepreneurial team.
- (5) The **Department** must not have **withdrawn** the **letter of endorsement** by the date the application is considered by the **decision maker**.

7.2 New Business or same business - definitions

- (1) A Migrant may be endorsed under the “**new business**” endorsement criteria if either of the following apply:
- (a) The application is an **initial application**; or
 - (b) The application is an **extension application**, and the Migrant is pursuing a different business venture from the one that was assessed in the endorsement which led to their previous grant of leave.
- (2) A Migrant may be endorsed under the “**same business**” endorsement criteria if both of the following apply:
- (a) The Migrant’s last grant of leave was in the Tier 1 (graduate Entrepreneur), Start-up or Innovator category; and
 - (b) the Migrant is pursuing the same business venture that was assessed in the endorsement which led to that grant of leave.
- (3) A Migrant may be endorsed under the “**new business**” or “**same business**” criteria if both of the following apply:

- (a) The Migrant's last grant of leave was in the Tier 1 (Graduate Entrepreneur) or Start-up category; and
- (b) The Migrant is pursuing the same business venture that was assessed in the endorsement which led to that grant of leave.

7.3 Endorsement Criteria – new business

- (1) If the Migrant is relying on endorsement under the new business criteria, the **letter of endorsement** must confirm both of the following:
 - (a) The Migrant's business venture meets all of the requirements below:
 - (i) has an original business plan that meets new or existing market needs and/or creates a competitive advantage;
 - (ii) has, or is actively developing, the necessary skills, knowledge, experience and market awareness to successfully run the business; and
 - (iii) there is evidence of structured planning and potential for job creation and growth into national markets.
 - (b) The **Department** is satisfied that the Migrant will spend the majority of their working time managing and developing their business day to day in the Isle of Man.
- (2) In addition to (1) above the **letter of endorsement** must also confirm:
 - (a) The Migrant's business plan demonstrates that the proposed business expects to employ:
 - (i) a minimum of 1 full-time, permanent employee in the Island, in addition to the employment of the Migrant, within the first 12 months of the period for which the **letter of endorsement** is issued; and
 - (ii) a minimum of 3 full-time, including (i) above, permanent employees, in addition to the employment of the Migrant, within the first 36 months of the period for which the **letter of endorsement** is issued.
 - (b) The job(s) created in (a) above must:
 - (i) comply with all relevant Isle of Man legislation in effect at the time; and
 - (ii) each job must involve at least 30 hours paid work per week. Two or more part time jobs that add up to 30 hours per week may be combined to represent the equivalent of a single full time job.

7.4 Investment funds – new business

- (1) If the Migrant's **letter of endorsement** was issued under the new business endorsement criteria in paragraph 7.3 above, the **letter of endorsement** must confirm that at least £50,000 funds are available to the Migrant to invest in the business. This may include funds which have already been invested in the business.
- (2) If the business venture has one or more other team members who are applying for, or have been granted, leave in the Business Migrant (Innovator) sub-category they cannot share the same investment funds. There must be at least £50,000 investment funds available for each Innovator team member. These additional funds are not needed for team members who are **settled workers** or who have leave under another category of the Immigration Rules, which allows them to engage in business.

7.5 Endorsement Criteria – same business

- (1) If the Migrant is relying on endorsement under the same business criteria, the **letter of endorsement** must confirm all of the following:
 - (a) The Migrant has shown **reasonable progress**, judged against the business plan assessed in their previous endorsement.
 - (b) The Migrant has fully established their business or businesses as outlined in the initial application for a **letter of endorsement**.
 - (c) The Migrant's business or businesses are actively trading hold all necessary registrations, approvals and permissions as required.
 - (d) The Migrant's business or businesses are compliant with all obligations to the Isle of Man Government in respect of Income Tax, National Insurance and Value Added Tax, if applicable.
 - (e) The Migrant's business or businesses have a realistic prospect of continuing success against the business plan(s) submitted for the **letter of endorsement**.
 - (f) The Migrant's business or businesses employ a minimum of those prescribed at paragraph 7.3(2).
 - (g) The Migrant has demonstrated an active key role in the day to day management and development of the business in the Isle of Man.
 - (h) The Department must be satisfied that the Migrant will spend the majority of their working time managing and developing their business day to day in the Isle of Man.

7.6 Endorsement Criteria – Indefinite Leave to Remain

- (1) If the Migrant is making a Indefinite Leave to Remain application, the **letter of endorsement** must confirm all the following requirements are met:
- (a) The Migrant meets all of the criteria set out in paragraphs 7.5(a)-(h).
 - (b) The Migrant’s business venture meets all of the following requirements:
 - (i) At least £50,000 has been invested into the business and actively spent furthering the business plan assessed in the Migrant’s previous endorsement; and
 - (ii) The business or businesses are actively trading, hold all necessary registrations, approvals and permissions as required; and
 - (iii) The business or businesses are compliant with all obligations to the Isle of Man Government in respect of Income Tax, National Insurance and Value Added Tax, if applicable; and
 - (iv) The business or businesses employ a minimum of 3 full-time, permanent employees in the Island, in addition to the Migrant. Those jobs created must:
 - (aa) have existed for at least 12 months and comply with all relevant Isle of Man legislation in effect at the time; and
 - (bb) involve an average of at least 30 hours paid work per week. Two or more part time jobs that add up to 30 hours per week may be combined to represent the equivalent of a single full time job; and
 - (v) The Migrant intends to continue to operate the business or businesses in the Isle of Man.
 - (c) If the business venture has one or more other team members who are applying for, or have been granted, Indefinite Leave to Remain in the Business Migrant (Innovator) sub-category, they cannot share the same means of meeting these criteria. For example, if two Migrants are both relying on the requirement to have created 3 jobs, 6 jobs must have been created in total.

Annex 1 – Definitions

For the purpose of this Appendix the definitions in the Table below apply.

Term	Definition

Business Migrant	means a Migrant in possession of valid leave granted under any sub-category of this Appendix
date of application	<p>means the date on which the application is submitted under the required application process, which means:</p> <p>(a) in the case of an application made outside of the UK and Islands, the date on which the relevant on-line application form is submitted on line; or</p> <p>(b) in the case of an application made within the Isle of Man:</p> <p>(i) where it is submitted in person to the Immigration Service address specified on the application form, the date on which it is delivered;</p> <p>(ii) where it is sent by pre-paid post, the date as shown on the tracking information provided by the carrier or, if not tracked, by the postmark date on the envelope; or</p> <p>(iii) where it is sent by courier, or other postal services provider, the date on which it is delivered to the Immigration Service address specified on the application form</p>
decision maker	means an entry clearance officer, immigration officer or the Cabinet Office Minister as the case may be
Department	means the Department for Enterprise as established under the Government Departments Act 1987 [AT 13 of 1987]
endorsement	means the endorsement by the Department demonstrated by issuing the letter of endorsement
endorsement policy	means the policy, at the date of application , issued and published by the Department for Enterprise for the purpose of making an application for a letter of endorsement .

	The requirements specified in that policy must be met by a Migrant in order to obtain a letter of endorsement
endorsement reference number	means the reference number stated on the letter of endorsement
extension application	means an application for entry clearance or leave to remain in the same category as the Migrant's most recent grant of leave (other than as a visitor). An entry clearance application will only be considered to be an extension application if it is made within 12 months of the previous leave expiring
higher education provider and track record of compliance	have the same meanings as set out in paragraph 6 of the UK Immigration Rules
initial application	means any application which is not an extension or Indefinite Leave to Remain application. This will normally mean that the Migrant is applying to enter a category for the first time
Innovator	has the same meaning given in paragraph 6 of the Rules
letter of endorsement	means a document issued by the Department as evidence of having met the requirements of the endorsement policy . That document is then submitted in support of a visa application made under this Appendix
reasonable progress	means the progress a Migrant must have achieved and is considered acceptable by the Department under paragraph 11 of the endorsement policy . The Department will consider reasonable progress not to have been made where at least one of the following apply: -the Migrant fails to invest funds in accordance with the proposals for which the letter of endorsement was issued;

	<p>-the Migrant fails to establish the business, or businesses, as outlined in their application for a letter of endorsement;</p> <p>-the Migrant fails to respond within the timeframe specified in the request, to requests for information, invitations to meetings, or clarification on the progress of the planned investment and / or establishment of business, or businesses;</p> <p>-the Migrant fails to adequately demonstrate that they are playing an active role in the day to day management of any businesses established in the Isle of Man, where the letter of endorsement has been issued under the Business Migrant Start Up or Innovator routes</p>
<p>settled worker</p>	<p>a “settled worker” means a person who:</p> <ul style="list-style-type: none"> (a) is a British Citizen, (b) is a national of the European Economic Area or Switzerland who is exercising a Treaty Right in the Isle of Man, (c) is a British overseas territories citizen, except those from Sovereign Base Areas in Cyprus, (d) is a Commonwealth citizen with leave to enter or remain granted on the basis of Isle of Man, UK or Channel Islands Ancestry (paragraphs 186 to 193 of these Rules), or (e) has both: <ul style="list-style-type: none"> (i) settled status in the Isle of Man within the meaning of the Immigration Act 1971, as amended by the Immigration and Asylum Act 1999, and the Nationality, Immigration and Asylum Act 2002, and (ii) is an Isle of Man worker within the meaning of the Control of Employment Act 2014 (of Tynwald)¹¹

¹¹ 2014 AT 11.

Start-up Migrant	has the same meaning given in paragraph 6 of the Rules
Tier 1 (Graduate Entrepreneur) and Tier 1 (Entrepreneur)	means leave granted in either the Graduate Entrepreneur or Entrepreneur sub-category of the Tier 1 Migrant Points Based System of either the UK, or Isle of Man, Immigration Rules as applicable
Tier 4 (General)	means leave granted under the Tier 4 (General) rules of the Points Based System of either the UK, or Isle of Man, Immigration Rules as applicable
UK and Islands or UK or Islands	means the Isle of Man, United Kingdom and Channel Islands taken together
UK Immigration Rules	means the Immigration Rules of United Kingdom, made by the Home Secretary
UK Innovator	has the same meaning given in paragraph 6 of the Rules
UK Start-up Migrant	has the same meaning given in paragraph 6 of the Rules
UK Tier 2 Migrant	means a Migrant who is granted leave in the Tier 2 category of the Points Based System under the UK Immigration Rules
withdrawn	means that a letter of endorsement has been withdrawn by the Department in accordance with the endorsement policy
working day	has the same meaning given in the Interpretation Act 2015 (as amended) ¹²

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¹² AT 11 of 2015.

MADE 24 February 2020

HOWARD QUAYLE

Minister for the Cabinet Office

Explanatory Note
to the Statement of Changes In Immigration Rules SD 2020/0088
(This note is not part of the Statement of Changes in Immigration Rules)

1. Purpose of this Statement of Changes in Immigration Rules

The main changes are to:

- Introduce a new Appendix for Business Migrants wishing to come to the Isle of Man to set up, join or take over one or more businesses in the Isle of Man. This is achieved via two new routes; Start-up and Innovator, replacing the Tier 1 (Graduate Entrepreneur) and (Entrepreneur) immigration routes; and
- Close the existing Tier 1 (Entrepreneur) and Tier 1 (Graduate Entrepreneur) routes. Migrants with existing leave in either of these categories will not be affected by the closure of these routes, and may remain in their current Tier 1 category if they wish. Existing Migrants in these routes may choose to extend their leave in the Tier 1 (Entrepreneur) category or apply under the new Business Migrant routes when they apply for further leave; and
- Consolidate and clarify the rules in Appendix A (attributes) for existing Tier 1 (Entrepreneur) Migrants, making the requirements clearer and easier to follow.

2. Introduction of Appendix X

This Appendix introduces two new categories to the Isle of Man immigration rules; Business Migrant (Start-up) and Business Migrant (Innovator).

The Business Migrant (Start-up) route is for individuals seeking to establish a business in the Isle of Man for the first time. Migrants will have an innovative, viable and scalable business idea. This category offers leave for 2 years and 4 months only and cannot be extended beyond that time. This category does not lead to Indefinite Leave to Remain (ILR), however Migrants may progress into the Innovator sub-category if they wish to extend their leave beyond the 2 years and 4 months. Applicants will not be required to evidence funding, or be a graduate.

The Business Migrant (Innovator) route is for individuals with business experience seeking to establish, join or take over one or more businesses in the Isle of Man and will need to invest at least £50,000 from a legitimate source, into their business. The funding requirement will be waived for those switching from the Start-up category who have made significant achievements against their business plans. This category may lead to indefinite leave to remain.

2.1 Transitional Application Deadlines for Existing Tier 1 (Graduate Entrepreneur) & (Entrepreneur) Migrants

The Tier 1 (Entrepreneur) route is being closed to new applicants. Existing Tier 1 (Entrepreneur) Migrants may continue to apply for further leave to remain until 5 April 2024, and settlement applications until 5 April 2026 under that route. Alternatively, they may apply under the new Business Migrant (Innovator) route.

The Tier 1 (Graduate Entrepreneur) route is being closed. Existing Tier 1 (Graduate Entrepreneur) Migrants will be able to switch into the new Start-up route if they have not yet had their maximum two grants of leave as a Tier 1 (Graduate Entrepreneur). Otherwise, they may switch to either Tier 1 (Entrepreneur) or the new Business Migrant (Innovator) route.

Family members of any existing visa Tier 1 (Entrepreneur) or (Graduate Entrepreneurs) Migrants may still apply to join their family member under that route.

2.2 Endorsement

Applicants to both the Start-up and Innovator routes will require endorsement by the Department for Enterprise. The Department for Enterprise will determine if the business venture will benefit the Isle of Man, assess the source of funds, and monitor the progress of the business venture.

For the endorsement of an extension, applicants must have made reasonable progress judged by the Department for Enterprise against the business plan assessed in their previous endorsement.

Applicants for endorsement for Indefinite Leave to Remain will be assessed against criteria including job creation and investment.

2.3 English Language

The English language level has been set in line with the United Kingdom requirement at the upper intermediate level of B2. This is an increase from the previous requirement of B1 under the Tier 1 (Entrepreneur) and Tier 1 (Graduate Entrepreneur) routes. This ensures applicants have a good command of the English language needed to interact with businesses and potential customers.

2.4 Family members of Business Migrants

Family members of Business Migrants will be able to join their Business Migrant family member in the Isle of Man. They will fall under the requirements at Part

8 of the Rules. They will need to provide evidence of their relationship to the Business Migrant, and will need to meet minimum maintenance requirements as well as English language requirements (if they are over the age of 18).

3. Changes relating to Tier 1 (Entrepreneur) category of the Points Based System

The United Kingdom published a statement of changes in December 2017 (HC 309) rewriting Appendix A (Attributes) relating to Tier 1 (Entrepreneur), making the requirements clearer and easier to follow.

From 6 April 2020, this route will be closed to new applicants. To make the process simpler and easier to follow for existing Tier 1 (Entrepreneur) Migrants, the same simplified approach is being taken in the Isle of Man. The requirements themselves are unchanged, with the exception of the following:

- Following feedback and due to inconsistencies within the immigration rules all references to Venture Capital Firm have been removed.
- A provision allowing the registration of a business within 8 months of arrival is being removed because it contradicts the rule requiring applicants to be registered with Companies Registry within 6 months of the date the applicant entered the category.
- The job creation rules currently require jobs to have existed for at least 12 months during the applicant's most recent period of leave. A change is being made to enable applicants to apply even if their current leave was granted less than 12 months ago; in such cases the jobs must have existed for at least 12 months before the date of the current application.
- Minor changes to the documents required to evidence 'job creation' the confirmation of hourly rate must now also include employment start date, job title, job description, hours paid per pay period and the hourly rate for each settled worker relied upon.
- Removal of redundant references to Tier 1 (Post Study Work).
- Currently the job creation rules require jobs to have existed for at least 12 months during the applicant's most recent period of leave. A change is being made to accommodate applicants where their leave was granted less than 12 months ago the jobs must have existed for at least 12 months immediately before the date of application.

4. Changes relating to visitors

A change is being made to allow visitors who can show support from the Department for Enterprise to come to the Isle of Man to undertake permitted activity as a prospective entrepreneur. Visitors undertaking this permitted activity will be able to apply to switch into either the Start-up or Innovator category within the Isle of Man.

5. Minor corrections and clarifications.

Update to the definition of “Employment as a Doctor or Dentist in Training” Changed from Post Medical Education and Training Board to the General Medical Council as the former was merged with the latter in 2010.

Amendment of the Tier 1 (Exceptional Talent) Route to allow switching from the new Business Migrant (Start-up) and (Innovator) categories into this route.

Amendments to Appendix W to allow Business Migrants to transfer into the Worker Migrant route, and to further clarify the definition of “settled worker”.