



**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 Cabinet Office 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.

Commencement

All changes set out in this Statement take effect on 31 March 2020.

Changes to Part 5

- 5.1 In sub-paragraph 144(vi)(b)(1), for “approved by the Minister for these purposes, as listed in Appendix O”, substitute “approved by the Secretary of State for these purposes, as published on the UK Visas and Immigration pages of Gov.uk”.

Changes to Part 8

- 8.1 In paragraph A281, for ““English language test provider approved by the Minister” means a provider specified in Appendix O”, substitute ““English language test provider approved by the Secretary of State” means a provider published on the UK Visas and Immigration pages of Gov.uk for this purpose”.
- 8.2 In sub-paragraph 281(a)(ii), for “English language test provider approved by the Minister”, substitute “English language test provider approved by the Secretary of State”.
- 8.3 In sub-paragraph 284(ix)(a), for “English language test provider approved by the Minister”, substitute “English language test provider approved by the Secretary of State”.
- 8.4 In sub-paragraph 290(vii)(a), for “English language test provider approved by the Minister”, substitute “English language test provider approved by the Secretary of State”.
- 8.5 In sub-paragraph 295A(a)(ii), for “English language test provider approved by the Minister”, substitute “English language test provider approved by the Secretary of State”.

¹ 1971 c. 77

² See the Immigration (Isle of Man) Order (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, SD2014/314 , SD2014/324, SD2015/0265, SD2015/0386, SD2016/0092, SD2016/0175, SD5016/0211, SD2017/0066, SD2017/0183, SD2017/0314, SD2018/0084, SD2018/0134, SD2018/0328, SD2019/0119, SD2019/0143, SD2019/0330 and SD2019/0380.

Changes to Part 9

9.1 In paragraph 320, for sub-paragraph (7B)(ii), substitute—

“(ii) used Deception in an application for entry clearance, leave to enter or remain, or in order to obtain documents from the Minister or a third part required in support of the application more than 10 years ago;”.

9.2 In paragraph 322, for sub-paragraph (3), substitute—

“(3) failure to comply with any conditions attached to the current or a previous grant of leave to enter or remain, unless leave has been granted in the knowledge of a previous breach;”.

Changes to Appendix A

A1. In paragraph 118,—

(i) in sub-paragraph (b)(ii)(6), for “as listed in Appendix O”, substitute “as published on the UK Visas and Immigration pages of Gov.uk”;

(ii) in sub-paragraph (b)(iii)(5), for “approved by the Minister for these purposes as listed in Appendix O”, substitute “approved by the Secretary of State for these purposes as published on the UK Visas and Immigration pages of Gov.uk”;

(iii) in sub-paragraph (v), for “approved by the Minister”, substitute “approved by the Secretary of State”.

Changes to Appendix EU

EU1. For paragraph EU10, substitute—

“EU10 (1) An application will be rejected as invalid where it does not meet the requirements in paragraph EU9.

(2) In paragraph 34BB of these Rules, sub-paragraphs (3) to (5) do not apply to applications made under this Appendix.”.

EU2. In paragraph EU16—

(a) in sub-paragraph (c)(i)(bb), after “had indefinite leave to enter or remain”, insert “or limited leave to enter or remain”; and

(b) at the beginning of sub-paragraph (c)(ii)(aa), insert, “in respect of conduct committed before the specified date,”.

EU3. In Annex 1, in the definition of “dependent parent”, in sub-paragraph (b), after “sub-paragraph (a)(i)”, insert “or (a)(ii)”.

EU4. In Annex 1, in the definition of “deportation order”, for sub-paragraph (b), substitute—

“(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act in respect of—

(i) conduct after the specified date; or

(ii) conduct committed before the specified date, where the Minister has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulation 17” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”).

EU5. In Annex 1, in the definition of “evidence of birth”, in sub-paragraph (a), after “in sub-paragraph (a)(i)”, insert “or (a)(ii)”.

EU6. In Annex 1, in the definition of “exclusion decision”, in sub-paragraph (b), for the words “irrespective” to the end, substitute “irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulation 17” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”).

EU7. In Annex 1, in the definition of “family member of a qualifying British citizen”, after sub-paragraph (b), insert—

“(c) (where the applicant does not rely on having a documented right of permanent residence, on having completed a continuous qualifying period in the UK and Islands of 5 years, or on being a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen) the family relationship continues to exist at the date of application”.

EU8. In Annex 1, in the definition of “person with a derivative right to reside”, omit the first occurrence of “in the Isle of Man”.

EU9. In Annex 1, in the definition of “required evidence of family relationship”, in sub-paragraph (e)(i), for “(or did so for the period relied upon)”, substitute “(or did so for the period of residence relied upon)”.

EU10. In Annex 1, in the definition of “required proof of entitlement to apply from outside the UK and Islands”—

(a) in sub-paragraph (a), for “Isle of Man”, substitute “UK and Islands”; and

(b) in the paragraph after sub-paragraph (b), omit “obtain or”.

EU11. In Annex 1, for the definition of “UK or CI deportation order”, substitute—

“UK or CI deportation Order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made— (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where the Minister is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulations 17” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”).
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EU12. In Annex 1, for the definition of “UK or CI exclusion decision”, substitute—

“UK or CI exclusion decision	a direction given by the relevant authority in the UK or Channel Islands that a person must be refused entry to the jurisdiction concerned on the grounds that that person’s presence there would not be conducive to the public good— (a) in respect of conduct committed after the specified date; or (b) in respect of conduct committed before the specified date, where the Minister is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulations 17” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”).
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EU13. In Annex 2, in paragraph A2.2—

- (a) in sub-paragraph (a), for “invite the applicant to”, substitute “request that the applicant”;

- (b) in sub-paragraph (b), for “invite P to”, substitute “request that P”;
- (c) in sub-paragraph (c)(i), after “fails”, insert, “within a reasonable timeframe specified in the request”; and
- (d) in sub-paragraph (c)(ii), for “an invitation”, substitute “a request”.

Changes to Appendix EU (Family Permit)

EUFP1. In paragraph FP1., for “apply”, substitute “applies”.

EUFP2. For sub-paragraph FP7(3)(b)(ii)(aa), substitute—

“(aa) in respect of conduct committed before the **specified date**, on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether those Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulation 17” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”, and for “EEA decision” read “a decision under paragraph FP7 of Appendix EU (Family Permit) to the Immigration Rules”); or”.

EUFP3. In Annex 1, in the definition of “deportation order”, for sub-paragraph (b), substitute—

“(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act of that Act in respect of—

- (i) conduct committed after the **specified date**; or
- (ii) conduct committed before the specified date where the Minister has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EA Regulations apply to the person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulation 17” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”)

EUFP4. In Annex 1, in the definition of “exclusion decision”, for sub-paragraph (b), substitute—

“(b) in respect of conduct committed before the specified date, where the Minister is satisfied that the direction is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulation 17” read “who has indefinite leave to enter or remain or who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”)”.

EUFP5. In Annex 1, in the definition of “relevant naturalised British citizen”, in sub-paragraph (c), for “comes within sub-paragraph (b)”, substitute “comes within sub-paragraph (a) or (b)”.

EUFP6. In Annex 1, for the definition of “UK or CI deportation order”, substitute—

<p>“UK or CI deportation Order</p>	<p>a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971 that was made—</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Minister is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulations 17” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a deportation decision”)”.</p>
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EUFP7. In Annex 1, for the definition of “UK or CI exclusion decision”, substitute—

<p>“UK or CI exclusion decision</p>	<p>a direction given by the relevant authority in the UK or Channel Islands that a person must be refused entry to the jurisdiction concerned on the grounds that that person’s presence there would not be conducive to the public good—</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date,</p>
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	<p>where the Minister is satisfied that the order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person (except that in regulation 28 for “with a right of permanent residence under regulation 17” and “has a right of permanent residence under regulations 17” read “who meets the requirements of paragraph EU11 or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “an exclusion direction”).</p>
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EUFP8. In Annex 2, for paragraph A2.2, substitute—

- “A2.2 (1) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the immigration officer, or entry clearance officer may—
- (a) request that the applicant provide further information or evidence that they meet those requirements; or
 - (b) request that the applicant be interviewed by the immigration officer or entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.
- (2) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the immigration officer or the entry clearance officer may—
- (a) request that the relevant EEA citizen on whom the applicant relies as being his or her family member provide information or evidence about his or her relationship with the applicant; or
 - (b) request that the relevant EEA citizen on whom the applicant relies as being his or her family member to be interviewed by the immigration officer or the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.
- (3) If the applicant or (as the case may be) the relevant EEA citizen—
- (a) fails within a reasonable timeframe specified in the request to provide the information or evidence requested; or
 - (b) on at least 2 occasions, fails to comply with a request to attend an interview in person or with other arrangements to be interviewed,

the immigration officer or the entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.

- (4) The immigration officer or the entry clearance officer may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for entry clearance.
- (5) The immigration officer or the entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or the relevant EEA citizen failed on at least 2 occasions to comply with an invitation to be interviewed.”.

Changes to Appendix W

W1. In Table 1 of Part 7, in the row beginning with SOC code 2425, in the final column, insert “Yes”.

W2. In Table 4 of Part 7, for the row beginning with SOC code 5434, substitute—

“5434	Chefs	<ul style="list-style-type: none"> • Head Chef • Sous Chef • Chef de Partie / Pastry Chef • Commis Chef 	<ul style="list-style-type: none"> • Requisitions or purchases and examines foodstuffs from suppliers to ensure quality; • plans menus, prepares, seasons and cooks foodstuffs or oversees their preparation and monitors the quality of finished dishes; • supervises, organises and instructs kitchen staff and manages the whole kitchen or an area of the kitchen; • ensures relevant hygiene and health and safety standards are maintained within the kitchen; • plans and co-ordinates kitchen work such as fetching, clearing and cleaning of equipment and utensils. 	<p>Head Chef: £29,570</p> <p>Sous Chef: £25,500</p> <p>Chef de Partie / Pastry Chef: £23,000</p> <p>Commis Chef: £21,000</p>	Yes”.
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W3. In Table 5 of Part 7, after the row beginning with SOC code 3413, insert—

<p>“3531</p>	<p>Estimators, valuers and assessors</p>	<ul style="list-style-type: none"> • Claims investigator • Loss adjuster • Marine surveyor • Engineering surveyor 	<ul style="list-style-type: none"> • Examines plans, drawings, specifications, parts lists, etc. and specifies the materials and components required; • assesses condition, location, desirability and amenities of property to be valued; • surveys vessels to ensure compliance with legal and regulatory requirements and international standards; • prepares comprehensive estimates of time and costs and presents these in report or tender form; • examines insurance documents to assess extent of liability and gathers information about incident from police, medical records, ship’s logs etc. and investigates potential fraudulent claims. 	<p>£23,100</p>	<p>£27,500</p>	<p>Yes”.</p>
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W4. In Table 5 of Part 7, after the row beginning with SOC code 4161, insert—

"5119	Agricultural and fishing trades n.e.c.	<ul style="list-style-type: none"> • Trawler skipper • Share fisherman • Fish processor 	<ul style="list-style-type: none"> • Harvests oysters, mussels, scallops and clams from artificial or sea beds; • Navigates and maintains shipping vessels, assists with the shooting, hauling and repairing of fishing nets, prepares, lays and empties baited pots, and guts, sorts and stows fish; • Processes fish and shellfish by sorting, cleaning, gutting and separating product from waste material. 	£20,800	Yes".
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MADE 24 February 2020

HOWARD QUAYLE
Minister for the Cabinet Office

Explanatory Note
to the Statement of Changes In Immigration Rules SD 2020/0070
(This note is not part of the Statement of Changes in Immigration Rules)

The changes made by this Statement of Changes in Immigration Rules are as follows—

1. English language test centres

Amendments have been made to various parts of the Rules in order to reflect the fact that the test centres are approved by the Secretary of State, rather than the Minister.

Additional amendments have been made omitting remaining references to the list of approved English language test providers located in Appendix O. Appendix O was omitted in the Statement of Changes in Immigration Rules (SD No. 2019/0380). The full published list of approved English language test providers is located on the Visas and Immigration pages of the GOV.UK website.

2. European Union Settlement Scheme

Amendments have been made to Appendix EU and Appendix EU (Family Permit), which reflect amendments made to the United Kingdom's equivalent appendices by a Statement of Changes in Immigration Rules (HC170) made on 24 October 2019.

The amendments made to these appendices contain no changes to the requirements of the European Union Settlement Scheme and simply reflect minor technical refinements.

3. Standard Occupational Classification codes

Changes have been made to the lists of eligible employments in Appendix W, setting out the positions in which Isle of Man employers may employ migrants.

Two new Standard Occupational Classification codes (SOC codes) have been added to these lists—

- Estimators, valuers and assessors, SOC code 3531; and
- Agricultural and fishing trades, SOC code 5119.

Amendments have been made to the SOC code 5434 for Chefs, to better reflect the range of skills and experience required by this industry, including job titles and salary ranges. An amendment has also been made to SOC code 2425 for actuaries, economists and statisticians, in order to list it as a Key Employment, meaning that employers will no longer need to complete a resident labour market test in order to hire migrants under this code.