



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 16 February 2021 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 Minister for the Cabinet Office has made the following changes to the Immigration Rules laid down as to the practice to be followed in the administration of the Immigration Act 1971<sup>1</sup> (of Parliament) as it has effect in the Isle of Man<sup>2</sup> 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 2005<sup>3</sup>.

## Commencement

The changes at paragraph 1.1 come into operation at 00:01 on 23 December 2020. All other changes come into operation on 02 March 2021.

## Changes to the Introduction

Int.1 In paragraph 6, after the definition of “Business person”, insert—

“**Cabotage operations**” in Appendix Visitor: Permitted Activities means—

- (a) in relation to goods, national carriage for hire or reward carried out on a temporary basis in the Isle of Man; or
- (b) in relation to passengers either—
  - (i) road passenger services for hire and reward carried out on a temporary basis by a carrier in the Isle of Man; or
  - (ii) the picking up and setting down of passengers within the Isle of Man, in the course of a regular international service, provided that it is not the principal purpose of the service.”.

Int.2 In paragraph 6, after the definition of “Intention to live permanently with the other”, insert—

“**International Operator Licence**” in Appendix Visitor: Permitted Activities means—

- (a) a licence issued by the competent authority of a country other than the United Kingdom or the Isle of Man authorising an operator to undertake international carriage of goods or passengers by road in accordance with an international agreement to which the United Kingdom is a party; or

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<sup>1</sup> 1971 c. 77

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

<sup>3</sup> 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, SD2019/0380, SD2020/0011, SD2020/0070, SD2020/0088, SD2020/0140, SD2020/0316, SD2020/0344 SD2020/0467 and SD2020/0497.

- (b) a community licence issued by a Member State of the Union in accordance with Regulation (EC) No 1072/2009 or Regulation (EC) No 1073/2009.”.

Int.3 In paragraph 6, after the definition of “overcrowded”, insert—

“**Own Account**” in Appendix Visitor: Permitted Activities means the transport of goods by a business where the following conditions are fulfilled—

- (a) the goods carried are the property of the business or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the business;
- (b) the purpose of the journey is to carry the goods to or from the premises of the business or to move them, either inside or outside the business for its own requirements;
- (c) the vehicles used for such transport are driven by personnel employed by, or put at the disposal of, the business under a contractual obligation;
- (d) the vehicles carrying the goods are owned by the business, have been bought by it on deferred terms or have been hired; and
- (e) such transport is no more than ancillary to the overall activities of the business.”.

## **Changes to Part 1**

1.1 In paragraph A7, for sub-paragraph (c)(ii), substitute—

“(ii) while the Public Health Protection (Coronavirus) Regulations 2020 are in operation; and”.

## **Changes to Appendix V: Visitor**

V.1 In paragraph V 4.6. after paragraph (a), insert—

“(aa) international drivers undertaking activities permitted under PA 9.2.”.

## **Changes to Appendix Visitor: Permitted Activities**

PA.1 For paragraph PA 9. substitute—

“PA 9.1. Individuals employed outside the Isle of Man may visit the Isle of Man to take part in the following activities in relation to their employment overseas—

- (a) a translator or interpreter may support a business person in the Isle of Man, provided they will attend the same event as the business person and are employed by that business person outside of the Isle of Man;
- (b) personal assistants and bodyguards may support an overseas business person in carrying out permitted activities, provided they will attend the same event as the business person and are employed by them outside the Isle of Man. They must not be providing personal care or domestic work for the business person;
- (c) a tour group courier, contracted to a company with its headquarters outside the Isle of Man, who is entering and departing the Isle of Man with a tour group organised by their company;
- (d) a journalist, correspondent, producer or cameraman gathering information for an overseas publication, programme or film;
- (e) archaeologists taking part in a one-off archaeological excavation; or
- (f) a professor from an overseas academic institution accompanying students to the Isle of Man as part of a study abroad programme, may provide a small amount of teaching to the students at the host organisation (however this must not amount to filling a permanent teaching role for that institution).

PA 9.2. Drivers on a genuine international route between the Isle of Man and a country outside the Isle of Man may –

- (a) deliver or collect goods or passengers from a country outside the Isle of Man to the Isle of Man; and
- (b) undertake cabotage operations.

Drivers must be employed or contracted to an operator registered in a country outside the Isle of Man or be a self-employed operator and driver based outside the Isle of Man. The operator must hold an International Operators Licence or be operating on an Own Account basis.”.

## **Changes to Appendix W**

W.1 In the list of definitions before Part 1, in the definition of “Eligible Employment”, for “Tables 1 to 7 of Part 7”, substitute “the Tables in Part 7”.

W.2 In the list of definitions before Part 1, for the definition of “Key Employment”, substitute –

“A “**Key Employment**” means an employment identified as such in the Tables in Part 7 or in a letter issued by the Department for Enterprise in accordance with Part 6, paragraph 6.2(10).”.

- W.3 In the list of definitions before Part 1, in the definition of “Sector”, for “Tables 1 to 7”, substitute “the Tables”.
- W.4 In Part 2, in paragraph 2.2(j), omit “The applicant must not be employed by an independent third party which is not the Employer”.
- W.5 In Part 2, in paragraph 2.2(u)(iii), for “the rule against self employment by Worker Migrants or Worker (Intra Company Transfer) Migrants” substitute “paragraph 2.2(j)”.
- W.6 In Part 2, for paragraph 2.3(10)(c) and (d), substitute—
- “(c) where (b) applies, the applicant must provide an original degree certificate, academic transcript or an academic reference on headed paper of the institution, which clearly shows—
- (i) the applicant’s name;
  - (ii) the course title/award;
  - (iii) the course duration (except in the case of a degree certificate); and
  - (iv) unless the course is a PhD course, the date of course completion and pass (or the date of award in the case of a degree certificate).”.
- W.7 In Part 2, in paragraph 2.3(23), omit “The applicant must not be employed by an independent third party which is not the employer”.
- W.8 In Part 2, in paragraph 2.3(25)—
- (a) renumber the second paragraph “(ii)”, “(iii)”;
  - (b) in the renumbered paragraph (iii), for “the rule against self employment by Worker Migrants or Worker (Intra Company Transfer) Migrants”, substitute “paragraph 2.3(23)”.
- W.9 In Part 3, in paragraph 3.2(14), omit “The applicant must not be employed by an independent third party which is not the employer”.
- W.10 In Part 3, in paragraph 3.2(15)(iii), for “the rule against self employment by Worker Migrants or Worker (Intra Company Transfer) Migrants”, substitute “paragraph 3.2(14)”.
- W.11 In Part 3, in paragraph 3.3(13), omit “The applicant must not be employed by an independent third party which is not the Employer”.
- W.12 In Part 3, in paragraph 3.3(14)(iii), for “the rule against self employment by Worker Migrants or Worker (Intra Company Transfer) Migrants”, substitute “paragraph 3.3(13)”.

W.13 In Part 6, omit paragraph 6.1(5).

W.14 In Part 6, in paragraph 6.1(6), for “in any of paragraphs (4) and (5)”, substitute “in paragraph (4)”.

W.15 In Part 6, in paragraph 6.2(1)(b)(i), after “Isle of Man legal entity”, insert “or is registered as a foreign company under the Foreign Companies Act 2014<sup>4</sup>”.

W.16 In Part 6, in paragraph 6.2(1)(b)(iv), omit the words “or partnership”.

W.17 In Part 6, omit paragraph 6.2(6).

W.18 In Part 6, after paragraph 6.2(9), insert—

“(10) If there is no suitable Standard Occupational Classification (SOC) code set out in the Tables in Part 7 (Sectors and Eligible Employments) for the employment, a letter from the Department for Enterprise which endorses the employment may be provided in lieu of a Standard Occupational Classification (SOC) code. The letter from the Department for Enterprise must—

- (a) be an original letter on Department for Enterprise headed paper;
- (b) state the date that the letter was issued;
- (c) state the job title;
- (d) state the job role;
- (e) state the minimum salary that must be paid for the role; and
- (f) state whether or not the employment is to be considered a Key Employment.

Where this paragraph applies, the requirement in paragraph 6.2(7)(a)(iv) does not need to be met.”.

W.19 In Part 7, in the second paragraph after the “Occupational Codes” header, omit “The example tasks and related job titles listed in Tables 1 to 4 are taken from guidance published by the Office for National Statistics. Further guidance on jobs in Tables 5 to 6 is available from the guidance published on the Office for National Statistics website.”.

W.20 In Part 7, in paragraph (2) after the “Appropriate Salary Rates” header, omit “in Tables 1 to 3”.

**MADE 12 JANUARY 2021**

**HOWARD QUAYLE**

*Minister for the Cabinet Office*

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<sup>4</sup> AT 3 of 2014.

**Explanatory Note**  
**to the Statement of Changes In Immigration Rules SD 2021/0002**  
*(This note is not part of the Statement of Changes in Immigration Rules)*

This Statement of Changes in Immigration Rules makes the following changes.

1. Changes to the Visitor rules

- 1.1 The following amendments have been made to Appendix V: Visitor and Appendix Visitor: Permitted Activities (Visitor rules).
- 1.2 Changes are being made to the Introduction to insert additional definitions which help clarify the new road transport provisions. Changes are also being made to Appendix V: Visitor to enable payment from an Isle of Man source for road transport operators.
- 1.3 Appendix Visitor: Permitted Activities is being amended to allow visitors who are international drivers to perform cabotage operations (collecting and delivering goods and passengers within the Isle of Man as part of an international journey).
- 1.4 In addition to the existing permitted activities for Visitors, drivers for international road transport operators will also be able to do cabotage in the Isle of Man as well as international point to point services.

2. Changes to Appendix W

- 2.1 The following amendments have been made to Appendix W (Worker Migrant route).
- 2.2 Employers who wish to hire Worker Migrants must meet the employer requirements at paragraph 6.2(1) in order to be issued a Confirmation of Employment. Changes have been made to this paragraph in order to include foreign companies who are registered under the Foreign Companies Act 2014 as well as partnerships as eligible employers who may hire Worker Migrants.
- 2.3 Employers may now hire a Worker Migrant in circumstances where the Worker Migrant will be working either part time or permanently for a third party employer. This is a common business arrangement among companies in the Island, particularly those in the IT/digital sector, and companies will now be permitted to do this with Worker Migrant employees. The Worker Migrant must continue to be employed by the primary employer (who has applied for the Confirmation of Employment).
- 2.4 A change has been made such that the Department for Enterprise may provide a letter to an employer in support of their application for a Confirmation of Employment, in circumstances where the desired job role does not fit within any Standard Occupational

Classification (SOC) codes, within the lists of Eligible Employments (set out in Part 7 of Appendix W). Where the Confirmation of Employment application meets all other eligibility criteria, the application may be granted despite the job role not falling within a SOC code. The intention of this new provision is to provide flexibility to Island employers by allowing them to hire a Worker Migrant in the case where the Eligible Employment lists do not include a job role, which in the view of the Department for Enterprise should be permitted.

2.5 Minor amendments have been made to other parts of Appendix W in order to correct references to the Tables in Part 7, following their substitution in the Statement of Changes in Immigration Rules (SD 2020/0497).

3. Changes to paragraph A7

3.1 Paragraph A7 of Part 1 of the Immigration Rules has been amended. Paragraph A7 allows applicants who would normally be required to make an application for entry clearance from outside of the Isle of Man, to make an application while in the Isle of Man and be assessed against Entry Clearance requirements.

3.2 Paragraph A7 only applies where the applicant either cannot return to their country of ordinary residence due to travel restrictions imposed as the result of the Covid-19 pandemic, or would not be able to re-enter the Island due to domestic restrictions imposed on travel to the Island.

3.3 This paragraph has been amended to refer to the Public Health Protection (Coronavirus) Regulations 2020<sup>5</sup>, which have replaced the Emergency Powers (Coronavirus) (Entry Restrictions) (No.2) Regulations 2020<sup>6</sup> which were previously cited.

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<sup>5</sup> SD (2020/0551).

<sup>6</sup> SD (2020/0279)