



**STATEMENT OF
CHANGES IN
IMMIGRATION RULES**

Laid before Tynwald on 15 June 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 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

The changes set out in this Statement of Changes in Immigration Rules come into operation on 28 June 2021.

Changes to Part 1

1.1 After paragraph 39E(2), insert—

“(3) where the applicant has, or had, permission on the Hong King BN(O) route, the period of overstaying was between 1 July 2020 and 31 January 2021.”.

Changes to Part 8

8.1. In paragraphs 298A(a) and (c), for “322(1C)(iii) or (iv)” substitute “9.4.3. of Part 9 of these Rules”.

Changes to Appendix ECAA: Extension of Stay

ECAA1. For paragraph ECAA 6.1., substitute—

“ECAA 6.1 If the applicant meets the ECAA worker requirement and meets the requirement in ECAA 3.1.(a), but does not meet the requirement in ECAA 3.1.(b), they will be granted permission to stay for up to 12 months.”.

Changes to Appendix EU

EU1. For paragraph EU5, substitute—

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, SD2019/0380, SD2020/0011, SD2020/0070, SD2020/0088, SD2020/0140, SD2020/0316, SD2020/0344 SD2020/0467 and SD2020/0497.

“Paragraphs 18 to 19A of the Immigration Rules (returning residents) do not apply to indefinite leave to enter or remain granted under this Appendix. A person granted such leave may resume their residence in the Isle of Man where, having been absent from the **UK and Islands**, that leave has not lapsed under article 17 of the Immigration (Leave to Enter and Remain) Order 2019⁴.”

EU2. For paragraph EU7.(2), substitute–

“(2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside under the **EEA Regulations** (or under the equivalent provisions in the UK or Channel Islands), on which basis the document, card or other evidence was issued, by virtue of the revocation of those Regulations (or equivalent provisions in the UK or Channel Islands).”

EU3. In paragraph EU11., for sub-paragraph (b)(i)(bb) of condition 7 in the table, substitute–

“(bb) (in the case of an **Irish citizen** who has not made a valid application under this Appendix) would be granted indefinite leave to enter or remain under paragraph EU2 of this Appendix if they made such an application before 1 July 2021; or”.

EU4. In paragraph EU11., for sub-paragraph (b)(ii)(bb) of condition 7 in the table, substitute–

“(bb) sub-paragraph (b)(ii)(aa) (where the relevant EEA citizen is an Irish citizen); or”.

EU5. In paragraph EU15., for sub-paragraph (b), substitute–

“(b) An application made under this Appendix will be refused on grounds of suitability where the applicant’s presence in the Isle of Man is not conducive to the public good because of conduct committed after the specified date.

(c) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision–

(a) the applicant is subject to a **UK or CI deportation order**; or

(b) the applicant is subject to a **UK or CI exclusion order**.”.

EU6. For paragraph EU16, substitute–

“EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Minister is satisfied that–

⁴ SD 2019/0147.

- (a) it is proportionate to refuse the application where, in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or
- (b) it is proportionate to refuse the application where the applicant is subject to a removal decision under the EEA Regulations on the grounds of their non-exercise or misuse of rights, and the date of application under this Appendix is before 1 July 2021; or
- (c) (i) the applicant–
 - (aa) has previously been refused admission to the Isle of Man in accordance with regulation 24(1) of the EEA Regulations; or
 - (bb) had indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.1. or A3.2.(a) of Annex 3 to this Appendix or under paragraph A3.3. or A3.4.(a) to Appendix EU (Family Permit); and
- (ii) the refusal of the application is justified either–
 - (aa) in respect of the applicant's 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 the EEA Regulations apply to that person (except that in regulation 28 “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, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(c) of Appendix EU to the Immigration Rules”), and it is proportionate to refuse the application; or

(bb) in respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good; or

(d) it is proportionate to refuse the application where the applicant is a **relevant excluded person** because of their conduct committed before the specified date and the Minister is satisfied that the decision to refuse the application 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 “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, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph EU16(d) of Appendix EU to the Immigration Rules”); or

(e) the applicant is a relevant excluded person because of conduct committed after the specified date.”.

EU7. In paragraph EU17., for “no longer has effect in respect of the applicant” substitute “revoked”.

EU8. In Annex 1, for sub-paragraph (a) of the definition of “continuous qualifying period” in the table, substitute–

“(a) which, unless the person is a joining family member of a relevant sponsor or is a **specified relevant person of Northern Ireland**, began before the specified date; and”.

EU9. In Annex 1, after sub-paragraph (b)(i)(dd) of the definition of “continuous qualifying period” in the table, insert–

“(ee) any period of absence due directly to an order or decision to which sub-paragraph (b)(iii) below refers, where that order or decision has been set aside or revoked; or”.

EU10. In Annex 1, for sub-paragraph (b)(ii) of the definition of “continuous qualifying period” in the table, substitute–

“(ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands, unless the conviction which led to it has been overturned; or”.

EU11. In Annex 1, in sub-paragraph (b)(iii) of the definition of “continuous qualifying period” in the table, for “any of the following, unless it has been set aside or no longer has effect in respect of the person–” substitute “any of the following in respect of a person, unless it has been set aside or revoked–”.

EU12. In Annex 1, for sub-paragraph (c)(ii) of the definition of “continuous qualifying period” in the table, substitute–

“(ii) (aa) the person acquired the right of permanent residence in the Isle of Man under regulation 17 of the EEA Regulations (or, where there are reasonable grounds for the person’s failure to meet the deadline applicable to them in the entry for “required date” in this table, would have acquired such a right had the EEA Regulations not been revoked), or the right of permanent residence in the UK or Channel Islands through the application there of the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988; or

(bb) the period relates to–

(aaa) a relevant EEA citizen, where, in relation to that EEA citizen, the applicant relies –

(i) for all or part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph EU11 of this Appendix refers (or, as the case may be, for part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph EU12 refers) on having been a family member of a relevant EEA citizen; or

(ii) on being or having been a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, provided (in any case) the period relating to that relevant EEA citizen continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant EEA citizen instead) either, as the case may be, throughout the period the applicant relies on in (i) as having been a family member of a relevant EEA citizen or, as relied on in (ii), until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or

(bbb) a relevant sponsor, where, in relation to that relevant sponsor, the applicant relies for all or part of the period to which sub-paragraph (b) of condition 1 in the table in paragraph EU11A of this Appendix refers on having been (or, as the case may be, relies for all or part of the period to which sub-paragraph (b)(ii) of the condition in the table in paragraph EU14A refers on being) a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, provided (in either case) the period relating to

that relevant sponsor continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant sponsor instead) until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor; or”.

EU13. In Annex 1, in the first sub-paragraph (b) of the definition of “dependent relative” in the table, after “and their relevant document is issued on that basis after the specified date” insert–

“(or where the person relies as their relevant document, as described in sub-paragraph (a)(iv) of that entry in this table, on an EU Settlement Scheme Family Permit granted to them under Appendix EU (Family Permit) to these Rules as a “dependent relative of a specified relevant person of Northern Ireland”, as defined in Annex 1 to that Appendix)”.

EU14. In Annex 1, in sub-paragraph (b)(i) of the definition of “deportation order” in the table, after “conduct committed” insert “by the person”.

EU15. In Annex 1, in the entry for “EEA citizen”, after “a person who is” insert “(and, throughout any continuous qualifying period relied upon, was)”.

EU16. In Annex 1, for the entry for “EEA Regulations” in the table, substitute–

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EEA Regulations	<p>(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2019 (as they have effect immediately before that date); or</p> <p>(b) (where relevant to something done after the specified date and before 1 July 2021) the Immigration (European Economic Area) Regulations 2019 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) (Application) Regulations 2020⁵); or</p> <p>(c) (where relevant to something done on or after 1 July 2021) the Immigration (European Economic Area) Regulations 2019 (as they had effect immediately before they were revoked and, where</p>
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⁵ SD 2020/0508.

	the context requires it, on the basis that those Regulations had not been revoked)
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- EU18. In Annex 1, in sub-paragraph (b) of the definition of “exclusion decision” in the table, after “conduct committed” insert “by the person”.
- EU19. In Annex 1, in sub-paragraph (a)(v) of the definition of “family member of a qualifying British citizen” in the table, for “born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became” substitute “born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became”.
- EU20. In Annex 1, in sub-paragraph (a)(vii) of the definition of “family member of a qualifying British citizen” in the table, for “born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became” substitute “born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became”.
- EU21. In Annex 1, in sub-paragraph (a)(i)(aa) of the definition of “relevant document”, in the table, for “(in the case, where the applicant is a durable partner, of a family permit)” substitute “(in the case, where the applicant is not a dependent relative, of a family permit)”.
- EU22. In Annex 1, in sub-paragraph (c) of the definition of “relevant document” in the table, for “(subject to sub-paragraph (d) below)” substitute “(subject to sub-paragraphs (d) and (e) below)”.
- EU23. In Annex 1, after sub-paragraph (d) of the definition of “relevant document” in the table, insert—
- “; and
- (e) the relevant document may have expired, where—
- (i) it is a family permit (as described in sub-paragraph (a)(i)(aa) above) or an equivalent document or other evidence issued by the Islands (as described in sub-paragraph (a)(ii) above); and
- (ii) it expired after the specified date and before the required date; and
- (iii) the applicant arrived in the Isle of Man before 1 July 2021 and (unless they are a durable partner or dependent relative) after the specified date”.
- EU24. In Annex 1, for sub-paragraph (d)(i) of the definition of “relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is before 1 July 2021)” in the table, substitute—

“(i) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; or”.

EU25. In Annex 1, in sub-paragraph (b)(i) of the definition of “relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)” in the table, for “an Irish citizen” substitute “an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table)”.

EU26. In Annex 1, in sub-paragraph (b)(ii) of the definition of “relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)” in the table, for “the Irish citizen” substitute “the EEA citizen”.

EU27. In Annex 1, for sub-paragraph (d)(ii)(aa) of the definition of “relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)” in the table, substitute–

“(aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; and”.

EU28. In Annex 1, below sub-paragraph (e) of the definition of “relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)” in the table, insert–

“in addition, notwithstanding what is said above, in relation to subparagraphs (a) to (e) above, it will suffice that the relevant EEA citizen is (or, as the case may be, for the relevant period was) resident in the UK and Islands for a continuous qualifying period which began before the specified date where the applicant–

(a) (i) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and

(ii) has completed a continuous qualifying period of 5 years under condition 3 in the table in paragraph EU11 of this Appendix; or

(b) (i) is a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and

- (ii) otherwise meets the eligibility requirements for limited leave to enter or remain under condition 1 in the table in paragraph EU14 of this Appendix; or
 - (c) relies on meeting condition 1, 2 or 6 in the table in paragraph EU11 of this Appendix”.
- EU29. In Annex 1, in sub-paragraph (d) of the definition of “relevant naturalised British citizen” in the table, after “this Appendix” insert “and in conditions 2 and 3 in the table in paragraph EU11A”.
- EU30. In Annex 1, for sub-paragraph (a)(iv)(aa) of the definition of “relevant sponsor” in the table, substitute–
- “(aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; or”.
- EU31. In Annex 1, for sub-paragraph (b)(v)(aa) of the definition of “relevant sponsor” in the table, substitute–
- “(aa) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; and”.
- EU32. In Annex 1, in the definition of ‘relevant sponsor’ in the table, for the provision beginning “in addition” substitute–
- “in addition–
- (a) save for the purposes of condition 3 in the table in paragraph EU11A of this Appendix and of sub-paragraphs (a) and (b) of the entry for ‘family member who has retained the right of residence’ in this table, the relevant sponsor has not died; and
 - (b) notwithstanding what is said above, where the date of application by a joining family member of a relevant sponsor is on or after 1 July 2021, it will suffice that the relevant sponsor is or (as the case may be) was resident in the UK and Islands for a continuous qualifying period which began before the specified date where the applicant–
 - (i) on the basis of events which occurred during the period to which sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) of the entry for ‘required date’ in this table refers, relies on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, or has limited leave to enter or remain granted on that basis under paragraph EU3A of this Appendix; or

- (ii) relies on meeting condition 3 in the table in paragraph EU11A of this Appendix; or
- (iii) (aa) has limited leave to enter or remain granted under paragraph EU3A of this Appendix; and
 - (bb) would have been eligible for indefinite leave to enter or remain under condition 1, 2 or 3 in the table in paragraph EU11A of this Appendix, had they made a further valid application under this Appendix (subsequently to that which led to the grant of leave to which sub-paragraph (b)(iii)(aa) immediately above refers) before the indefinite or limited leave to enter or remain granted under paragraph EU2 or (as the case may be) EU3 to their relevant sponsor lapsed or was cancelled, curtailed, revoked or invalidated (or would have done so or been so, where the first sub-paragraph (b)(ii) above or subparagraph (b)(iii), (b)(iv)(bb)(bbb), (b)(iv)(bb)(ddd), (b)(v) or (b)(vi) above applies); for the purposes of this provision, the reference to continuous qualifying period in this sub-paragraph (b) will be treated as a relevant reference for the purposes of sub-paragraph (c)(v) of the entry for ‘continuous qualifying period’ in this table, where sub-paragraph (c)(i), (c)(ii), (c)(iii) or (c)(iv) of that entry does not apply”.

EU32. In Annex 1, for the entry for “required date” in the table, substitute–

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required date	<p>(a) where the applicant does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix)–</p> <ul style="list-style-type: none"> (i) (where sub-paragraph (a)(ii), (a)(iii) or (a)(iv) below does not apply) the date of application is– <ul style="list-style-type: none"> (aa) before 1 July 2021; or (bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(i)(aa) above) on or after 1 July 2021; or (ii) (in the case of a joining family member of a relevant sponsor and that joining family member arrived in the Isle of Man on or after 1 April 2021, and where sub-paragraph (a)(iii) below does not apply, or that joining family member is a child born in the Isle of Man on or after 1 April 2021 or adopted in the Isle of Man on or after that date in
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	<p>accordance with a relevant adoption decision, or on or after 1 April 2021 became a child in the Isle of Man within the meaning of the entry for “child” in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) the date of application is–</p> <p>(aa) within 3 months of the date on which they arrived in the Isle of Man (or, as the case may be, of the date on which they were born in the Isle of Man, adopted in the Isle of Man or became a child in the Isle of Man within the meaning of the entry for “child” in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or</p> <p>(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(ii)(aa) above) after that deadline; or</p> <p>(iii) (in the case of a joining family member of a relevant sponsor as described in sub-paragraph (b) of that entry in this table and that joining family member arrived in the Isle of Man on or after 1 April 2021) the date of application is–</p> <p>(aa) within 3 months of the date on which they arrived in the Isle of Man, and before 1 January 2026; or</p> <p>(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(iii)(aa) above) after that deadline; or</p> <p>(iv) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) the date of application is–</p> <p>(aa) before 2300 GMT on 29 March 2022; or</p> <p>(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(iv)(aa) above) after 2300 GMT on 29 March 2022; or</p> <p>(v) (in the case of an applicant who has limited leave to enter or remain granted under another part of these Rules or outside the Immigration Rules, which has not lapsed or</p>
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	<p>been cancelled, curtailed or invalidated, and the date of expiry of that leave is on or after 1 July 2021, which, notwithstanding the deadline in sub-paragraph (a)(i)(aa) above, the Minister will deem to be reasonable grounds for the person’s failure to meet that deadline), the date of application is–</p> <ul style="list-style-type: none">(aa) before the date of expiry of that leave; or(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(v)(aa) above) after the date of expiry of that leave; or(vi) (in the case of an applicant who ceases to be exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971 on or after 1 July 2021, which, notwithstanding the deadline applicable under sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above, the Minister will deem to be reasonable grounds for the person’s failure to meet that deadline), the date of application is–<ul style="list-style-type: none">(aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (a)(vi)(aa) above) after that deadline; or <p>(b) where the applicant has limited leave to enter or remain granted under this Appendix, which has not lapsed or been cancelled, curtailed or invalidated, the date of application is–</p> <ul style="list-style-type: none">(i) before the date of expiry of that leave; or(ii) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s failure to meet the deadline in sub-paragraph (b)(i) above) after the date of expiry of that leave in addition, for the avoidance of doubt, paragraph 39E of these Rules does not apply to applications made under this Appendix
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EU33. In Annex 1, in the entry for “required evidence of family relationship” in the table, in sub-paragraph (b)(i)(dd)(ccc) of the provision beginning “in addition”, for “(where they are a British citizen and an Irish citizen)” substitute “(where they are a British citizen and an Irish citizen, and are not relied on by the applicant as being a specified relevant person of Northern Ireland)”.

EU34. In Annex 1, after the entry for “specified relevant document” in the table, insert–

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<p>specified relevant person of Northern Ireland</p>	<p>(a) the person is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table;</p> <p>(b) the applicant is a non-EEA citizen; and</p> <p>(c) (i) (aa) the applicant is a joining family member of a relevant sponsor where the person is their relevant sponsor; and</p> <p>(bb) the applicant has satisfied the Minister by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the Isle of Man before the specified date while the applicant remained outside the Isle of Man; or</p> <p>(ii) (aa) the applicant is a dependent relative and the person is their sponsoring person (in the entry for ‘dependent relative’ in this table); and</p> <p>(bb) the applicant relies, as their relevant document as the dependent relative of their sponsoring person (as described in sub-paragraph (a)(iv) of the entry for ‘relevant document’ in this table), on an EU Settlement Scheme Family Permit granted to them under Appendix EU (Family Permit) to these Rules as a “dependent relative of a specified relevant person of Northern Ireland”, as defined in Annex 1 to that Appendix</p>
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EU35. In Annex 1, in sub-paragraph (b) of the entry for “supervening event” in the table, for “any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person– ” substitute “any of the following events has occurred in respect of the person, unless it has been set aside or revoked– ”.

EU36. In Annex 1, in sub-paragraph (b) of the definition of “UK or CI deportation order” in the table, after “conduct committed” insert “by the person”.

EU37. In Annex 1, in sub-paragraph (b) of the definition of “UK or CI exclusion decision” in the table, after “conduct committed” insert “by the person”.

EU38. In Annex 1, in the entry for “visitor” in the table, for “Appendix V: Visitor after 1 January 2021, unless–” substitute –
“Appendix V: Visitor after 1 January 2021, or a person to whom article 4 or 6 of the Immigration (Control of Entry through Republic of Ireland) Order 2016⁶ applies, unless (in either case)–”.

EU39. For Annex 3 substitute–

“Annex 3 – Cancellation, curtailment and revocation of leave to enter or remain

A3.1. A person’s indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix must be cancelled on or before their arrival in the Isle of Man where the person’s presence in the Isle of Man is not conducive to the public good because of conduct committed after the specified date.

A3.2. A person’s indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the Isle of Man where the Minister or an Immigration Officer is satisfied that it is proportionate to cancel that leave where–

(a) the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the Immigration (European Economic Area) Regulations 2019, irrespective of whether the EEA Regulations apply to that person (except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain or who would be granted indefinite leave to enter or remain if they made a valid application under this Appendix”; and for “an EEA decision” read “a decision under paragraph A3.2.(a) of Annex 3 to Appendix EU to the Immigration Rules”); or

(b) the cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant’s knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was

⁶ SD No. 2016/49.

material to the decision to grant the applicant leave to enter or remain under this Appendix.

A3.3. A person's limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in the Isle of Man where the Minister or an Immigration Officer is satisfied that it is proportionate to cancel that leave where they cease to meet the requirements of this Appendix.

A3.4. A person's limited leave to enter or remain granted under this Appendix may be curtailed where the Minister is satisfied that it is proportionate to curtail that leave where–

- (a) curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix;
- (b) curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience; or
- (c) the person ceases to meet the requirements of this Appendix.

A3.5. A person's indefinite leave to enter or remain granted under this Appendix may be revoked where the Minister is satisfied that it is proportionate to revoke that leave where–

- (a) the person is liable to deportation, but cannot be deported for legal reasons; or
- (b) the indefinite leave to enter or remain was obtained by deception.”.

Changes to Appendix EU (Family Permit)

EUFP1. In paragraph FP6., in sub-paragraph (3)(c)(ii), after “stolen” insert “or has expired”.

EUFP2. For paragraph FP7., substitute–

- “FP7. (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision –

- (a) the applicant is subject to a deportation order or to a decision to make a deportation order; or
 - (b) the applicant is subject to an exclusion order or exclusion decision.
- (2) An application made under this Appendix will be refused on grounds of suitability where the applicant's presence in the Isle of Man is not conducive to the public good because of conduct committed after the specified date.
- (3) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision–
- (a) the applicant is subject to a UK or CI deportation order; or
 - (b) the applicant is subject to a UK or CI exclusion decision.
- (4) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the immigration officer or entry clearance officer is satisfied that–
- (a) it is proportionate to refuse the application where, in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix; or
 - (b) (i) the applicant–
 - (aa) has previously been refused admission to the Isle of Man in accordance with regulation 24(1) of the EEA Regulations; or
 - (bb) had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix EU to these Rules (or limited leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under this Appendix) which was cancelled under paragraph 321B(b)(i) or 321B(b)(ii) of these Rules, under paragraph A3.3. or A3.4.(a) of Annex 3 to this Appendix or under paragraph A3.1. or A3.2.(a) of Annex 3 to Appendix EU; and
 - (ii) the refusal of the application is justified either–

- (aa) in respect of the applicant’s 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 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, EU11A or EU12 of Appendix EU to the Immigration Rules”; and for “an EEA decision” read “a decision under paragraph FP7(4)(b) of Appendix EU (Family Permit) to the Immigration Rules”), and it is proportionate to refuse the application; or
- (bb) in respect of conduct committed after the specified date, on the ground that the decision is conducive to the public good.

- (5) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or revoked.”.

EUF3. For paragraph FP9., substitute–

- “FP9. (1) Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.
- (2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside under the EEA Regulations (or under the equivalent provision in the UK or Channel Islands), on which basis the document, card or other evidence was issued, by virtue of the revocation of those Regulations (or equivalent provision in the UK or Channel Islands).”.

EUF4. In Annex 1, for the entry for “date of application” in the table, substitute–

“

date of application	the date on which the relevant on-line application form is submitted on-line under the required application process
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”.

EUFP5. In Annex 1, after the entry for “dependent relative of a qualifying British citizen” in the table, insert–

“

dependent relative of a specified relevant person of Northern Ireland	<p>the person–</p> <p>(a) (i) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of a specified relevant person of Northern Ireland or of their spouse or civil partner; and</p> <p>(ii) is a dependant of a specified relevant person of Northern Ireland or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds; or</p> <p>(b) is a person who is subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a specified relevant person of Northern Ireland (substituting “specified relevant person of Northern Ireland” for “qualifying British citizen” in the entry for “person who is subject to a nonadoptive legal guardianship order” in this table); or</p> <p>(c) is a person under the age of 18 years who–</p> <p>(i) is the direct descendant of the durable partner of a specified relevant person of Northern Ireland; or</p> <p>(ii) has been adopted by the durable partner of a specified relevant person of Northern Ireland, in accordance with a relevant adoption decision</p> <p>in addition, “spouse or civil partner” means the person described in sub-paragraph (a) of the entry for “family member of a relevant EEA citizen” in this table</p>
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”.

EUFP6. In Annex 1, for the entry for “EEA Regulations” in the table, substitute–

“

EEA Regulations	(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2019 (as they have effect immediately before that date); or
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	<p>(b) (where relevant to something done after the specified date and before 1 July 2021) the Immigration (European Economic Area) Regulations 2019 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) (Application) Regulations 2020⁷); or</p> <p>(c) (where relevant to something done on or after 1 July 2021) the Immigration (European Economic Area) Regulations 2019 (as they had effect immediately before they were revoked and, where the context requires it, on the basis that those Regulations had not been revoked)</p>
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”.

EUFP7. In Annex 1, in sub-paragraph (b) of the definition of ‘exclusion decision’ in the table, after “conduct committed” insert “by the person”.

EUFP8. In Annex 1, after sub-paragraph (f) of the definition of “family member of a relevant EEA citizen” in the table, insert–

“; or

(g) the dependent relative of a specified relevant person of Northern Ireland”.

EUFP9. In Annex 1, in sub-paragraph (c) of the definition of “relevant document” in the table, before “it has not expired” insert “(in relation to an application for an EU Settlement Scheme Family Permit)”.

EUFP10. In Annex 1, after sub-paragraph (a)(iii) of the definition of “relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)” in the table, insert–

“(iv) the applicant satisfies the immigration officer or entry clearance officer by relevant information and evidence provided with the application (including their valid passport or valid national identity card as an EEA citizen, which is the original document and not a copy) meets subparagraph (a)(i) of the definition of “relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)” in Annex 1 to Appendix EU to these Rules, such that the applicant is a “family member of a relevant EEA citizen” (as defined in Annex 1 to Appendix EU); or”.

EUFP11. In Annex 1, after sub-paragraph (f) of the definition of “required evidence of family relationship” in the table, insert–

“; or

⁷ SD No. 2020/0508.

- (g) a dependent relative of a specified relevant person of Northern Ireland – evidence which satisfies the immigration officer or entry clearance officer that the family relationship and (in sub-paragraph (a)(ii) of the entry for “dependent relative of a specified relevant person of Northern Ireland” in this table) the person’s dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application”.

EUFP12. In Annex 1, in sub-paragraph (c) of the definition of “required evidence of qualification” in the table, for “required evidence of being a relevant person of Northern Ireland, and” substitute “required evidence of being a relevant person of Northern Ireland and (where the relevant EEA citizen is relied on by the applicant as being a specified relevant person of Northern Ireland) information or evidence which satisfies the immigration officer or entry clearance officer that the requirements of that entry in this table are met, and (in all cases)”.

EUFP13. In Annex 1, in sub-paragraph (c)(i)(cc) of the definition of ‘required evidence of qualification’ in the table, for “(where they are a British citizen and an Irish citizen)” substitute “(where they are a British citizen and an Irish citizen, and are not relied on by the applicant as being a specified relevant person of Northern Ireland)”.

EUFP14. In Annex 1, at the end of sub-paragraph (b) of the definition of “required proof of identity and nationality” in the table, insert–

“;

unless (in the case of (a) or (b)) the immigration officer or entry clearance officer agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons”.

EUFP15. In Annex 1, in the definition of “required proof of identity and nationality” in the table, for “in addition, ‘valid’ here means that the document is genuine” substitute “in addition, ‘valid’ here means that, at the date of application, the document is genuine”.

EUFP16. In Annex 1, after the entry for “specified EEA citizen” in the table, insert–

“

specified person of Northern Ireland	relevant of Northern Ireland	(a) the person is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table; and (b) the applicant is a non-EEA citizen; and
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	<p>(c) (i) (aa) the applicant meets the definition of “joining family member of a relevant sponsor” in Annex 1 to Appendix EU to these Rules where the person is their relevant sponsor; and</p> <p>(bb) the applicant has satisfied the immigration officer or entry clearance officer by relevant information or evidence provided with the application that, due to compelling practical or compassionate reasons, it was not possible for the person to return to the Isle of Man before the specified date while the applicant remained outside the Isle of Man; or</p> <p>(ii) (aa) the applicant is a dependent relative of a specified relevant person of Northern Ireland; and</p> <p>(bb) the person–</p> <p>(i) is outside the Isle of Man; or</p> <p>(ii) is in the Isle of Man and has been so for a period not exceeding 3 months; or</p> <p>(iii) is in the Isle of Man and (were they an “EEA national” in accordance with regulation 3(3) of the EEA Regulations) they would be residing in the Isle of Man in accordance with the EEA Regulations (or, where the date of application under this Appendix is on or after 1 July 2021, they were residing in the Isle of Man in accordance with the EEA Regulations on 30 June 2021)</p>
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”.

EUFP17. In Annex 1, in sub-paragraph (b) of the definition of “UK or CI deportation order” in the table, after “conduct committed” insert “by the person”.

EUFP18. In Annex 1, in sub-paragraph (b) of the definition of “UK or CI exclusion decision” in the table, after “conduct committed” insert “by the person”.

EUFP19. For Annex 3, substitute–

“Annex 3 – Cancellation and curtailment of leave to enter

A3.1. A person’s entry clearance granted under this Appendix must be revoked where the person’s presence in the Isle of Man is not conducive to the public good because of conduct committed after the specified date.

A3.2. A person’s entry clearance granted under this Appendix may be revoked where the Immigration officer or entry clearance officer is satisfied that it is proportionate to revoke that entry clearance where–

- (a) in respect of their conduct committed before the specified date, the person is subject to an exclusion decision, an exclusion order or a UK or CI exclusion decision;
- (b) the revocation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or
- (c) since it was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their entry clearance ought to be revoked.

A3.3. A person's leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under this Appendix must be cancelled where, because of conduct committed after the specified date, the person's presence in the Isle of Man is not conducive to the public good.

A3.4. A person's leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under this Appendix may be cancelled where the Minister or an Immigration Officer is satisfied that it is proportionate to cancel that leave where—

- (a) the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the Immigration (European Economic Area) Regulations 2019, irrespective of whether the EEA Regulations apply to that person (except that for "a right of permanent residence under regulation 17" read "indefinite leave to enter or remain or who would be granted indefinite leave to enter or remain if they made a valid application under Appendix EU to the Immigration Rules"; and for "an EEA decision" read "a decision under paragraph A3.4.(a) of Annex 3 to Appendix EU (Family Permit) to the Immigration Rules");
- (b) the cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was

material to the decision to grant the applicant an entry clearance under this Appendix; or

- (c) since the entry clearance under this Appendix was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled.

A3.5. A person's leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under this Appendix may be curtailed where the Minister is satisfied that it is proportionate to curtail that leave where—

- (a) curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or
- (b) curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience.”.

Changes to Appendix FM-SE

FMSE1. For paragraph 27, substitute—

“27. The evidence required of passing an English language test in speaking and listening (at a minimum of level A1 or A2 (as the case may be) of the Common European Framework of Reference for Languages) with a provider approved by the Secretary of State, where the applicant relies on that pass to meet an English language requirement, is confirmation on the on-line verification system operated by an approved English language test provider and at an approved Secure English Language Test centre that—

- (i) the applicant has passed such a test; and
- (ii) that test was an English language test in speaking and listening which is approved by the Secretary of State and was taken no more than 2 years before the date of application and at a test centre approved by the Secretary of State as a Secure English Language Test Centre or if they

have already shown they met the requirement in this manner at the level required for their current application, in a previous successful application for entry clearance or permission to stay.”

FMSE2. For paragraph 32D(d), substitute–

“(d) past its validity date (if a validity date is required), provided that it is at or above the requisite level of the Common European Framework of Reference for Languages and when the subsequent application is made the award to the applicant does not fall within the circumstances set out in paragraph 32B of this Appendix.”.

Changes to Appendix Hong Kong British National (Overseas)

HK1. For paragraph HK 6.1., substitute–

“If the applicant is applying for permission to stay and has been living in the Isle of Man for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

HK2. For paragraph HK 6.2., substitute–

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant can adequately maintain and accommodate themselves without recourse to public funds for at least 6 months.”.

HK3. For paragraph HK 14.1., substitute–

“If the applicant is applying for permission to stay and has been living in the Isle of Man with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

HK4. For paragraph HK 14.2., substitute–

“If the applicant is applying for entry clearance or is applying for permission to stay and has been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National

(Overseas) route, the decision maker must be satisfied that the applicant or the BN(O) Status Holder are able to maintain and accommodate the applicant adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK5. For paragraph HK 16.1., substitute–

“The applicant must intend to live with a parent who has permission on the BN(O) status holder route during their stay in the Isle of Man, unless they can demonstrate a valid reason why they should not live with that parent.”.

HK6. For paragraph HK 27.1., substitute–

“If the applicant is applying for permission to stay and has been living in the Isle of Man with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

HK7. For paragraph HK 27.2., substitute–

“If the applicant is applying for entry clearance, or is applying for permission to stay and they have been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, or a person who is being granted permission on the BN(O) Status Holder route at the same time as the applicant, is able to, and will, maintain and accommodate the applicant adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK8. For paragraph HK 36.1., substitute–

“If the applicant is applying for permission to stay and has been living in the Isle of Man with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

HK9. For paragraph HK 36.2., substitute–

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the applicant, the BN(O) Household Member or a person being granted permission on the BN(O) Status Holder route at the same time as the applicant is being granted permission, is able to

maintain and accommodate the applicant adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK10. For paragraph HK 38.1., substitute–

“The applicant must intend to live with a parent who has permission on the BN(O) Household Member route during their stay in the Isle of Man, unless they can demonstrate a valid reason why they should not live with that parent.”.

HK11. For paragraph HK 40.1., substitute–

“If the applicant is applying for permission to stay and has been living in the Isle of Man for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

HK12. For paragraph HK 40.2., substitute–

“If the applicant is applying for entry clearance, or is applying for permission to stay and has been in the Isle of Man with permission for less than 12 months on the date of application, or where the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Household Member, their partner or a person who is being granted permission on the BN(O) Status Holder route at the same time as the applicant is being granted permission, is able to and will maintain and accommodate the applicant adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK13. For paragraph HK 44.5.(c), substitute –

“(c) study is permitted, subject to the ATAS condition in Part 15 of the Immigration Rules; and”.

HK13. For paragraph HK 50.1., substitute–

“If the applicant is applying for permission to stay and has been living in the Isle of Man with permission for 12 months or more on the date of application, they will meet the financial requirement unless the applicant’s previous grant of permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route.”.

HK14. For paragraph HK 50.2., substitute–

“If the BN(O) Adult Dependent Relative is applying for entry clearance, or is applying for permission to stay and has been in the Isle of Man for less than 12 months on the date of application, or where the applicant’s previous grant of

permission was for 12 months Leave Outside the Rules following an unsuccessful application for the Hong Kong British National (Overseas) route, the decision maker must be satisfied that the BN(O) Status Holder or their partner is able to and will maintain and accommodate the BN(O) Adult Dependent Relative adequately in the Isle of Man without recourse to public funds for at least 6 months.”.

HK15. For paragraph HK 62.1., substitute–

“The applicant must have spent a continuous period of 5 years with permission in the UK and Islands on a route under which a person can settle, of which the most recent grant of permission must have been in the Isle of Man on the Hong Kong BN(O) route.”.

HK16. For paragraph HK 63.1., substitute–

“The applicant must meet the continuous residence requirement as specified in Appendix Continuous Residence during the period in HK 62.1.”.

HK17. After paragraph HK 64.1., insert–

“Variation of no access to public funds condition

HK 65.1 A person in the Isle of Man with permission on the Hong Kong BN(O) route may have that permission varied to remove a no access to public funds condition where they have provided the decision-maker with–

- (a) satisfactory evidence that the applicant is destitute or at imminent risk of destitution; or
- (b) satisfactory evidence that there are particularly compelling reasons relating to the welfare of a child of a parent in receipt of a very low income or the applicant is facing exceptional financial circumstances relating to a very low income.

HK 65.2 “destitute” in HK 65.1 means that –

- (a) the person does not have adequate accommodation or any means of obtaining it (whether or not their other essential living needs are met); or
- (b) the person has adequate accommodation or the means of obtaining it, but cannot meet their other essential living needs.”.

Changes to Appendix V: Visitor

V.1 In paragraph V 4.2.(c), after “route”, insert “as set out at V 12.3 and in Appendix Visitor: Permitted Activities”.

V.2 In paragraph V 4.4.(d), after “civil partnership visit” insert “or are a relevant national as defined in section 24 or 24A of the Immigration and Asylum Act 1999”.

V.3 For paragraph 4.6. substitute—

“V 4.6. The visitor must not receive payment from an Isle of Man source for any activities undertaken in the Isle of Man, except for the following—

- (a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings;
- (b) international drivers undertaking activities permitted under PA 9.2.;
- (c) prize money;
- (d) billing an Isle of Man client for their time in the Isle of Man, where the applicant’s overseas employer is contracted to provide services to an Isle of Man company, and the majority of the contract work is carried out overseas (payment must be lower than the amount of the applicant’s salary);
- (e) multi-national companies who, for administrative reasons, handle payment of their employees’ salaries from the Isle of Man; or
- (f) Permitted Paid Engagements, where the requirements of V 12.1. to V 12.3. are met.”.

V.4 For paragraph V 7.2., substitute—

“V 7.2. The applicant must have arranged their private medical treatment before they travel to the Isle of Man, and must provide either—

- (a) a letter from their doctor or consultant in the Isle of Man detailing—
 - (i) the medical condition requiring consultation or treatment;
 - (ii) the estimated costs and likely duration of any treatment, which must be of a finite duration; and
 - (iii) where the consultation or treatment will take place; or
- (b) if the applicant intends to receive NHS treatment under a reciprocal healthcare arrangement between the Isle of Man and another country, an authorisation form issued by the government of that country.”.

V.5 For paragraphs V 8.1. to V 8.2., substitute—

“V 8.1. Where the applicant is seeking to come to the Isle of Man to study, they must have been accepted onto a course of study that—

- (a) lasts no longer than 6 months; and

- (b) is to be provided by an accredited institution that is not a state funded school or academy.”.

V 8.2. Where the applicant is seeking to come to the Isle of Man to undertake research or be taught about research (research tuition) at an Isle of Man institution for up to 6 months, they must—

- (a) be aged 16 or over on the date of application;
- (b) be enrolled on a course of study abroad equivalent to at least degree level study in the Isle of Man; and
- (c) provide confirmation from the Isle of Man course provider that the research or research tuition is part of or relevant to the course of study they are enrolled on overseas and that they will not be employed at the Isle of Man institution.

V 8.3. Where the applicant is seeking to come to the Isle of Man for up to 6 months to undertake electives relevant to a course of study abroad, they must—

- (a) be aged 16 or over at the date of application;
- (b) be enrolled on a course of study abroad equivalent to at least degree level study in the Isle of Man;
- (c) be studying medicine, veterinary medicine and science, or dentistry as their principle course of study; and
- (d) provide confirmation from the Isle of Man higher education provider that the electives are unpaid and involve no treatment of patients.”.

V.6 For paragraphs V 14.1. to V 14.4., substitute—

“V 14.1. Where the applicant is applying for permission to stay as a visitor for the purpose of receiving private medical treatment they must also—

- (a) satisfy the decision maker that the costs of any medical treatment received so far; and
- (b) provide a letter from a registered medical practitioner, at a private practice or NHS hospital, who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council, detailing the medical condition requiring further treatment.

V 14.2. Where the applicant applying for permission to stay is an academic visitor (or the accompanying partner or child of such an academic) the academic must—

- (a) continue to intend to do one (or more) of the activities at Appendix Visitor: Permitted Activities at PA 11.2.;
- (b) be highly qualified in their own field of expertise; and

- (c) have been working in that field at an academic institution or institution of higher education overseas prior to their arrival in the Isle of Man.

V 14.3. Where the applicant is applying for permission to stay as a visitor to resit the Professional and Linguistic Assessment Board Test, they must provide written confirmation of this from the General Medical Council.

V 14.4. Where the applicant is applying for permission to stay as a visitor and they are an overseas graduate of a medical, dental or nursing school intending to undertake an unpaid clinical attachment or dental observer post, they must have been successful in the Professional and Linguistic Assessment Board test.”.

V.7 In paragraph V 16.1.(c), for “PA 17.1. to PA 17.3.”, substitute “PA 17”.

V.8 In paragraph V 16.1., after sub-paragraph (c), insert—

- “(d) study or research as part of a permitted activity is subject to the ATAS condition in Part 15 of the Immigration Rules.”.

Changes to Appendix Visitor: Visa national list

VNL.1 For instances of “formally”, substitute “formerly”.

Changes to Appendix Visitor: Permitted Activities

PA.1 In paragraph PA 1.(b), for “PA 17.1. to PA 17.3.”, substitute “PA 17.”.

PA.2 In paragraph PA 1.(c) for “PA 17.1. to PA 17.3.”, substitute “PA 17.”.

PA.3 For paragraph PA 7., substitute—

- “PA.7 An employee of a foreign manufacturer or supplier may install, dismantle, repair, service or advise on equipment, computer software or hardware, where the manufacturer or supplier has a contract of purchase or supply or lease with an Isle of Man company or organisation.”.

PA.4 For paragraphs PA 9.1 and PA 9.2., 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 translate or interpret in the Isle of Man as an employee of an enterprise located overseas;

- (b) personal assistants and bodyguards may support an overseas business person in carrying out permitted activities, provided they will attend the same event(s) 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;
- (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); or
- (g) market researchers and analysts may conduct market research or analysis for an enterprise located outside the Isle of Man.

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.

PA 9.3. Drivers under PA 9.2. 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 and the operator must hold an International Operators Licence or be operating on an own account basis.”.

PA.5 For paragraphs PA 17.1. to PA 17.3., substitute—

“PA 17. A visitor may study for up to 6 months providing the requirements of V 8.1. to V 8.3. are met.”.

Changes to Appendix W

W1. In the introduction to Appendix W, for “recruit workers from outside the European Economic Area”, substitute “employ non-settled workers”.

- W2. In the definitions, for the definition of “Settled worker”, for sub-paragraph (ii), substitute—
- “(ii) is an Irish citizen,”.
- W.3 In the introductory wording directly underneath the “Part 2: Worker Migrant” header, for “recruit workers from outside the European Economic Area”, substitute “employ non-settled workers”.
- W.4 In paragraph 2.2.1(4)(c)(i) of Part 2, after “Confirmation of Employment,” insert, “and for the avoidance of doubt, work done for a third party in accordance with the requirements of paragraph 6.2(6A) will be considered as work done for the Employer,”.
- W.5 In the introductory wording directly underneath the “2.3 Worker Migrants – Requirements for Leave to Remain” header, for “entry clearance”, substitute “leave to remain”.
- W.6 In paragraph 2.3.2(4)(c)(i) of Part 2, for “Part 6 of this Appendix,”, substitute “Part 5 of this Appendix, and for the avoidance of doubt, work done for a third party in accordance with the requirements of paragraph 6.2(6A) will be considered as work done for the Employer,”.
- W.7 In the introductory wording directly underneath the “Part 3: Worker (Intra Company Transfer) Migrants” header, for “from outside the European Economic Area (EEA)”, substitute “from outside the UK and Islands and Ireland”.
- W.8 In paragraph 3.2.1(3)(c)(i) of Part 3, for “Part 5 of this Appendix.”, substitute “Part 5 of this Appendix, and for the avoidance of doubt, work done for a third party in accordance with the requirements of paragraph 6.2(6A) will be considered as work done for the Employer,”.
- W.9 In paragraph 3.3.2(4)(c)(i) of Part 3, after “Part 5 of this Appendix”, insert “and for the avoidance of doubt, work done for a third party in accordance with the requirements of paragraph 6.2(6A) will be considered as work done for the Employer,”.
- W.10 After paragraph 5.1(2)(h) of Part 5, insert—
- “(i) The migrant engages in work for a third party and
- (i) the third party is not recorded on their current, valid Confirmation of Employment as a third party whom they are permitted to undertake work for, or
- (ii) the work done for the third party in any other way does not comply with the requirements at paragraph 6.2(6A).”.
- W.11 For the omitted paragraph 6.2(6) of Part 6, substitute—
- “(6) Unless paragraph 6.2(6A) applies, a Confirmation of Employment will not be issued where the employment the migrant is being hired to do amounts to—

- (a) the hire of the migrant to a third party who is not the employer to fill a position with that party, whether temporary or permanent; or
 - (b) contract work to undertake an ongoing routine employment or to provide an ongoing routine service for a third party who is not the employer, regardless of the nature or length of any arrangement between the employer and the third party.
- (6A) Work for a third party may be permitted where all of the following requirements are met—
- (a) the employer provides the name of the third party that the migrant will be undertaking work for;
 - (b) the work done for the third party must consist of performing any of the job tasks or duties falling within any of the following Standard Occupational Classification (SOC) codes—
 - (i) 2135;
 - (ii) 2136; or
 - (iii) 2137;
 - (c) the third party must be an Isle of Man employer in accordance with either paragraph 6.2(1)(a) or 6.2(1)(b) (except that paragraph 6.2(1)(b)(iv) does not apply), and the employer must provide any of the evidence listed at paragraph 6.2(2) on behalf of the third party if requested to do so by an immigration officer; and
 - (d) the third party must not be responsible for paying the migrant's salary.”.

MADE 24 May 2021

HOWARD QUAYLE

Minister for the Cabinet Office

Explanatory Note

to the Statement of Changes In Immigration Rules SD 2021/0155

(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 Appendix EU

1.1 The EU Settlement Scheme (EUSS) enables EU, other European Economic Area (EEA) and Swiss citizens living in the Isle of Man by the end of the Transition Period at 23:00 on 31 December 2020 (and referred to collectively here as ‘EEA citizens’), and their family members, to obtain the immigration status they need to continue living in the Isle of Man. The EUSS family permit enables certain family members of such EEA citizens to travel to the Isle of Man.

1.2 The main change in respect of the suitability provisions of the EUSS and the EUSS family permit is to enable an application to the EUSS or for an EUSS family permit to be refused (and the leave or entry clearance granted following such an application to be cancelled) where the applicant’s presence in the Isle of Man is not conducive to the public good because of conduct committed after the end of the Transition Period.

1.3 The main changes in respect of the eligibility requirements for the EUSS are as follows:

- To enable a family member applying to the EUSS to rely on a family permit issued under the Immigration (European Economic Area) Regulations 2019 as a relevant document evidencing that relationship, where the family permit—
 - was issued on the basis of an application made under those Regulations before 1 July 2021; other than where the family member is an extended family member dependent relative, when the application under those Regulations must have been made by the end of the Transition Period; or
 - has expired since the end of the Transition Period and before they apply to the EUSS, where they arrived in the Isle of Man after the end of that period (unless they are an unmarried, durable partner or an extended family member dependent relative) and before 1 July 2021;
- Where the applicant is the family member of a relevant EEA citizen, where both were continuously resident in the Isle of Man before the end of the Transition Period, to enable them to rely, in an application made on or after 1 July 2021, on—
 - the qualification of that EEA citizen for EUSS status if they had made a valid application under Appendix EU before 1 July 2021; or

- that prior residence of the EEA citizen (regardless of whether that EEA citizen has EUSS status or could have qualified for it if they had applied before 1 July 2021), as their family member (or as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen); or where the EEA citizen has died (and was resident in the Isle of Man as a worker or self-employed person at the time of their death); or where the applicant relies on their documented right of permanent residence or existing indefinite leave to enter or remain;
- To enable a person applying to the EUSS on or after 1 July 2021 as the joining family member of a relevant sponsor, who is a relevant EEA citizen continuously resident in the Isle of Man before the end of the Transition Period, to rely on that prior residence of the relevant sponsor (regardless of whether that relevant sponsor has EUSS status or, but for the fact they are a British citizen where they are one, could have qualified for it)—
 - where the joining family member relies on being a family member who has retained the right of residence by virtue of a relationship with the relevant sponsor, on the basis of events which occurred during the period of three months from their arrival in the Isle of Man (or their birth or adoption in the Isle of Man) in which, unless there are reasonable grounds for them to miss that deadline, they are required to apply to the EUSS; or
 - where the relevant sponsor has died (and was resident in the Isle of Man as a worker or self-employed person at the time of their death); or
 - where the joining family member has limited leave to enter or remain granted under Appendix EU and would have been eligible for indefinite 7 leave to enter or remain as a joining family member if they had made a further application for it before the indefinite or limited leave to enter or remain granted under Appendix EU to their relevant sponsor lapsed or was cancelled, curtailed, revoked or invalidated; and
- To enable a person who relies on having reasonable grounds for missing the deadline applicable to them under the Scheme to apply directly to the EUSS, so that the Secretary of State can consider those grounds in assessing their eligibility for EUSS status.

1.4 The other main changes in respect of the EUSS and the EUSS family permit are as follows:

- To bring within the scope of the EUSS and the EUSS family permit, the following family members of the people of Northern Ireland, where the relevant person of Northern Ireland is a British citizen (or a British citizen and an Irish citizen)—

- a non-EEA citizen family member, where, due to compelling practical or compassionate reasons, it was not possible for the relevant person of Northern Ireland to return to the Isle of Man before the end of the Transition Period while the family member (for whom no family permit was then available) remained outside the UK and Islands; and
- a non-EEA citizen extended family member dependent relative, on a basis equivalent to that on which (were the relevant person of Northern Ireland, not a British citizen) the family member could have qualified for a relevant document under the Immigration (European Economic Area) Regulations 2019; and
- To allow an applicant for an EUSS family permit to rely, as they already can under the EUSS, on alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or compelling practical or compassionate reasons.

2. Changes to Appendix W

- 2.1 The Statement of Changes in Immigration Rules (SD 2021/0002) made changes to Appendix W which permitted Confirmations of Employments to be issued where the role would include working for a third party. This change has gone beyond what was intended, and work for third parties is once again being restricted, unless the work done for the third party will meet the requirements at new paragraph 6.2(6A).
- 2.2 A new paragraph 6.2(6A) has been inserted, which sets out the requirements that must be met for work to be done for a third party. The requirements are that the application for the Confirmation of Employment states the name of the third party, that the work done for the third party will fall within a specific range of job tasks and duties, the third party must themselves be an Isle of Man Employer (and evidence of this must be supplied if requested), and finally, the third party must not be responsible for paying the salary of the migrant. Work done for a third party in accordance with the requirements of this new paragraph will be considered as work done for the main employer, for the purposes of the condition restricting employment for Worker Migrants and Worker (ICT) Migrants.
- 2.3 In addition to the new paragraph 6.2(6A) a corresponding paragraph has been inserted at paragraph 5.2(2)(i), which sets out the prohibited changes to employment. The new paragraph (i) means that working for a third party who is not stated on the current valid Confirmation of Employment, or where the work done for the third party in any other way does not meet the requirements of para 6.2(6A) cannot be done and may result in curtailment of that Worker Migrant's visa. A new Confirmation of Employment may be applied for in order to allow work for a new third party for example, however this new

Confirmation of Employment must be approved and issued before work for that new third party begins.

- 2.4 Other minor amendments have been made to remove references to European Economic Area nationals which are no longer applicable following the end of the Transition Period on 31 December 2020.

3. Minor and other consequential amendments

- 3.1 Minor amendments have been made to Part 8 of the Immigration Rules, Appendix ECAA Extension of Stay, Appendix FM-SE, Appendix Hong Kong British National (Overseas), Appendix V: Visitor, Appendix Visitor: Visa National List and Appendix Visitor: Permitted Activities to correct minor drafting and grammatical errors.
- 3.2 A change to Appendix Hong Kong British National (Overseas) as well as paragraph 39E of Part 1 of the Immigration Rules provide for BN(O)'s who have overstayed in the defined period prior to the route opening and then who have successfully applied for the BN(O) route to apply for settlement and not be refused for failing to meet the lawful residence requirement.