

Statutory Document 2021/0304



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 16 November 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 set out in this Statement of Changes in Immigration Rules commence as follows—

- (a) Paragraphs 1.3 and 1.4 commence on 1 October 2021;
- (b) Paragraph 9.1, paragraphs EU1. to EU23. and EUFP1. to EUFP10 commence on 6 October 2021; and
- (c) the rest of the changes commence on 30 November 2021.

## **Application**

The changes set out in W3, W10, W11 and W15 (new conditions for grants of limited leave under Appendix W), apply only to leave granted after the changes to Appendix W commence.

## **Changes that apply to all Parts of the Rules**

A1. Throughout the Immigration Rules, for all references to “UK NARIC”, substitute “Ecctis”.

## **Changes to preliminary provisions and Part 1**

1.1 In paragraph 6, after the definition of “UK listed body”, insert—

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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, SD2020/0497, SD 2021/0002, SD2021/0155 and SD2021/0216.

“Ecctis” means the UK regulated body which provides information, advice and opinion on academic, vocational and professional qualifications and skills from all over the world, set out at: <https://www.ecctis.com>”.

1.2 In paragraph 6, omit the definition of “UK NARIC”.

1.3 In paragraph 11—

(a) for “the Immigration Officer” substitute “an Immigration Officer”;

(b) in sub-paragraph (i)—

(i) after “or” insert “subject to paragraph 11A,”; and

(ii) for “his” substitute “their”; and

(c) in sub-paragraph (ii), for “he requires” substitute “they require”.

1.4 After paragraph 11, insert—

“11A. A national identity card is not valid for the purposes of paragraph 11(i), except where the holder is one of the following—

(a) a British citizen of Gibraltar;

(b) a national of one of the countries listed in paragraph 11B with valid indefinite or limited leave to enter or remain granted under Appendix EU to these Rules, or who has made a valid application under that Appendix (other than as a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined;

(c) a national of one of the countries listed at paragraph 11B with a valid entry clearance in the form of an EU Settlement Scheme Family Permit;

(d) a national of one of the countries listed at paragraph 11B who has been granted immigration permission equivalent to that set out in sub-paragraphs (b) and (c) above by the UK or Channel Islands, or who has made a valid application under the equivalent in the UK or Channel Islands of Appendix EU to these Rules (other than as the equivalent of a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined.

11B. For the purposes of sub-paragraphs (b) to (d) of paragraph 11A, the holder must be a national of one of the following countries—

Austria

Belgium  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Italy  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Netherlands  
Norway  
Poland  
Portugal  
Romania  
Slovakia  
Slovenia  
Spain

Sweden

Switzerland.”.

## **Changes to Part 9**

9.1 After paragraph 9.7.3, insert—

“9.7.3A. An application for permission to stay may be refused where a person used deception in relation to a previous application (whether or not successful).”.

## **Changes to Appendix C**

C1. In paragraph 5, for sub-paragraphs (b)(v) and (b)(vi), substitute—

“(v) a Work Permit Holder,

(vi) a UK Tier 2 Migrant,

(vii) a UK Tier 2 (Intra-Company Transfer) Migrant,

(viii) a UK Skilled Worker,

(ix) a UK Intra-company Transfer Migrant, or

(x) a UK Intra-company Graduate Trainee Migrant, or”.

## **Changes to Appendix EU**

EU1. In paragraph EU11., for sub-paragraphs (c)(i)(cc) and (c)(i)(dd) of condition 5 in the table, substitute—

“(cc) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b) and (c) of the relevant definition in Annex 1).”.

EU2. In paragraph EU11., in sub-paragraph (c)(ii) of condition 5 in the table, omit—

“or

(ee) sub-paragraph (e)(ii)(aa);”.

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

“(bb) meets the requirements of sub-paragraph (b)(ii) of the applicable definition of relevant EEA citizen in Annex 1 (where the relevant EEA citizen is an Irish citizen); or”.

EU4. In paragraph EU11A., omit “(i) (in cases where the application is made within the Isle of Man) the applicant is not in the Isle of Man as a **visitor** and (ii)”.

EU5. In paragraph EU11A., for sub-paragraphs (c)(i)(cc) and (c)(i)(dd) of condition 2 in the table, substitute—

“(cc) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in Annex 1); or”.

EU6. In paragraph EU11A., for sub-paragraph (a)(ii)(aa)(bbb) of condition 4 in the table, substitute—

“(bbb) meets the requirements of sub-paragraph (a)(ii)(bb) of the definition of relevant sponsor in Annex 1 (where the relevant sponsor is an Irish citizen); or”.

EU7. In paragraph EU14A., omit “(i) (in cases where the application is made within the Isle of Man) the applicant is not in the Isle of Man as a visitor and (ii)”.

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, is a **specified relevant person of Northern Ireland** (or is the dependent relative of such a person) or relies on sub-paragraph (b)(i)(cc), (b)(i)(dd) or (b)(i)(ee) below, began before the specified date; and”.

EU9. In Annex 1, for sub-paragraph (b)(i) of the definition of “continuous qualifying period” in the table, substitute—

“(i) absence from the UK and Islands which exceeded a total of 6 months in any 12-month period, except for—

(aa) a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting, or because of COVID-19);

(bb) a single period of absence which did not exceed 12 months and which, although the absence was not originally for an important reason, is to be treated as being for an important reason as it exceeded 6 months because of COVID-19;

(cc) (following a period of absence under sub-paragraph (b)(i)(aa) above because of COVID-19 or under sub-paragraph (b)(i)(bb) above) a second period of absence which did not exceed 12 months and was for an important reason (such as described in sub-paragraph (b)(i)(aa) above) which, save for caring

for someone with a serious illness, was not because of COVID-19; where this is the case, the period of absence under this sub-paragraph exceeding 6 months will not count towards any period of residence in the UK and Islands on which the person relies;

- (dd) (following a period of absence under sub-paragraph (b)(i)(aa) above which, save for caring for someone with a serious illness, was not because of COVID-19) either a second period of absence which did not exceed 12 months and was for an important reason, where that reason was because of COVID-19, or a period of absence under sub-paragraph (b)(i)(bb) above; where this is the case, the period of absence under this sub-paragraph exceeding 6 months will not count towards any period of residence in the UK and Islands on which the person relies;
- (ee) a period of absence under sub-paragraph (b)(i)(aa), (b)(i)(bb), (b)(i)(cc) or (b)(i)(dd) above which exceeded 12 months because COVID-19 meant that the person was prevented from, or advised against, returning earlier; where this is the case, the period of absence under this sub-paragraph exceeding 12 months will not count towards any period of residence in the UK and Islands on which the person relies;
- (ff) any period of absence on compulsory military service;
- (gg) any period of absence on a posting on **Crown service** or (as a spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on Crown service;
- (hh) any period spent working in the UK marine area (as defined in section 42 of the Marine and Coastal Access Act 2009) (of Parliament); or
- (ii) 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, in sub-paragraph (a)(i)(aa) of the definition of “relevant document” in the table, after “family permit” insert “(or a letter from the Minister, or relevant authority in the UK or Channel Islands, issued after 30 June 2021, confirming their qualification for one)”.

EU11. In Annex 1, for 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 —

“

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)

(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or

(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above—

(i) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or

(ii) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(c) where the applicant is a family member of a relevant naturalised British citizen, an EEA citizen in accordance with sub-paragraph (b) of that entry in this table; or

(d) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table):

(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

(ii) who, having been resident in the UK and Islands as described in sub-paragraph (d)(i) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table):

(aa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the Islands), which has not lapsed or been cancelled, revoked or invalidated (or



	<p>is being granted that leave under that paragraph of this Appendix or under its equivalent in the Islands); or</p> <p>(bb) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(iii) who, having been resident in the UK and Islands as described in sub-paragraph (d)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(e) where the applicant is their family member, a <b>person exempt from immigration control</b>:</p> <p>(i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(ii) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application</p>
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EU12. In Annex 1, in sub-paragraph (e)(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, omit “, but for the fact that they are a person exempt from immigration control,”.

- EU13. In Annex 1, in the provision beginning “in addition” in 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, after “resident in the UK and Islands for a continuous qualifying period which” insert “, unless they are a specified relevant person of Northern Ireland,”.
- EU14. In Annex 1, for sub-paragraph (b) of the definition of “relevant naturalised British citizen” in the table, substitute—
- “(b) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; and in either case the person also—”.
- EU15. In Annex 1, for sub-paragraph (a)(ii)(bb) in the definition of “relevant sponsor” in the table, substitute—
- “(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(ii)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or”.
- EU16. In Annex 1, for sub-paragraph (a)(iv) in the definition of “relevant sponsor” in the table, substitute—
- “(iv) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table)—
- (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
- (bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table)—

(aaa) has been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix (or under its equivalent in the UK or Channel Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(bbb) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(cc) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or”.

EU17. In Annex 1, for sub-paragraph (a)(v)(bb) in the definition of “relevant sponsor” in the table, substitute—

“(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(v)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph EU2 of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or”.

EU18. In Annex 1, in sub-paragraph (b)(vi) of the definition of “relevant sponsor” in the table, omit “, but for the fact that they are a person exempt from immigration control,”.

EU19. In Annex 1, in sub-paragraph (b) of the provision beginning “in addition” in the definition of “relevant sponsor” in the table, after “resident in the UK and Islands for a continuous qualifying period which” insert “, unless they are a specified relevant person of Northern Ireland,”.

EU20. In Annex 1, after sub-paragraph (b) in the definition of “required date” in the table, insert—

“in addition—

- (a) for the avoidance of doubt, paragraph 39E of these Rules does not apply to applications made under this Appendix; and
- (b) the deadline in sub-paragraph (a)(i)(aa) above does not apply (and the applicant therefore has to meet no requirement under sub-paragraph (a) above) where the applicant—
  - (i) is a joining family member of a relevant sponsor; and
  - (ii) does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix; and
  - (iii) is not caught by the deadline in sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) above; and
  - (iv) does not fall within sub-paragraph (a)(v) or (a)(vi) above.”.

EU21. In Annex 1, in sub-paragraph (e)(ii) of the definition of “required evidence of family relationship” in the table, for “(where sub-paragraph (b)(ii) of the entry for “durable partner in this table applies)” substitute “(where the person is applying as the durable partner of a relevant sponsor (or, as the case may be, of a qualifying British citizen) and sub-paragraph (b)(ii) of the entry for “durable partner” in this table applies)”.

EU22. In Annex 1, for sub-paragraph (b)(ii) (aa) of the provision beginning “in addition” in the definition of “required evidence of family relationship” in the table, substitute—

“(aa) where the applicant is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen, that EEA citizen is (or, as the case may be, for the relevant period was) a relevant EEA citizen as described in the applicable entry for “relevant EEA citizen” in this table, and is (or, as the case may be, was) such a relevant EEA citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or”.

EU23. In Annex 1, omit the entry for “visitor” in the table.

## Changes to Appendix EU (Family Permit)

EUFP1. In Annex 1, for sub-paragraph (f) of the definition of “family member of a relevant EEA citizen” in the table, substitute—

- “(f) a person who the immigration officer or entry clearance officer is satisfied by evidence provided by the person that they would, if they had made a valid application under Appendix EU to these Rules before 1 July 2021, have been granted (as the case may be) indefinite leave to enter under paragraph EU2 of that Appendix or limited leave to enter under paragraph EU3 and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix—
- (i) as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix EU); or
  - (ii) on the basis that condition 6 of paragraph EU11 of Appendix EU is met; or”.

EUFP2. In Annex 1, for sub-paragraph (d) of the definition of “person exempt from immigration control” in the table, substitute—

- “(d) the immigration officer or entry clearance officer is satisfied, including by the **required evidence of qualification** would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix”.

EUFP3. In Annex 1, in sub-paragraph (a) of the definition of “relevant document” in the table, after “family permit” insert “(or a letter from the Minister, or relevant authority in the UK or Channel Islands, issued after 30 June 2021, confirming their qualification for one)”.

EUFP4. In Annex 1, for the entry for “relevant EEA citizen (where the date of application under this Appendix is before 1 July 2021)” in the table, substitute—

“

relevant EEA citizen (where the date of application under this Appendix is before 1 July 2021)	(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who—
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	<p>(i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules (or under its equivalent in the UK or Channel Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Isle of Man reference number for that grant of leave (or by the equivalent evidence in the UK or Channel Islands); or</p> <p>(ii) at the date of decision on the application under this Appendix, the immigration officer or entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p>(iii) the immigration officer entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen; or</p> <p>(c) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table) who—</p> <p>(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table—</p> <p>(aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of</p>
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Appendix EU to these Rules (or under its equivalent in the UK or Channel Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Isle of Man reference number for that grant of leave (or by the equivalent evidence in the UK or Channel Islands); or

(bb) at the date of decision on the application under this Appendix, the immigration officer or entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or

(cc) the immigration officer or entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or

(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the immigration officer or entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or

(e) a **person exempt from immigration control**

”.

EUFP5. In Annex 1, in sub-paragraph (b) 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, omit “(disregarding sub-paragraph (c)(i) of that entry in this table)”.

EUFP6. In Annex 1, in sub-paragraph (c)(ii) 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, for “(but for the fact that they are a British citizen)” substitute “(but for the fact that they are a British citizen and, where they are a specified relevant person of Northern Ireland in accordance with that entry in this table, but, where applicable, for that fact)”.

EUFP7. In Annex 1, for sub-paragraph (c) of the definition of “relevant naturalised British citizen” in the table, substitute—

“(c) the immigration officer or entry clearance officer is satisfied, including by the required evidence of qualification would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix”.

EUFP8. In Annex 1, for the entry for “required evidence of qualification” in the table, substitute—

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required evidence of qualification	(a) (in the case of a relevant EEA citizen (or, where the date of application under this Appendix is on or after 1 July 2021, an Irish citizen) who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the UK or Channel Islands, where the applicant does not rely on the relevant EEA citizen (where they are an Irish citizen) being a relevant person of Northern Ireland)—  (i) their passport or national identity card as an EEA citizen or, where the date of application under this
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	<p>Appendix is on or after 1 July 2021, as an Irish citizen, which is—</p> <ul style="list-style-type: none"><li>(aa) valid; and</li><li>(bb) the original document and not a copy; and</li><li>(ii) information or evidence which satisfies the immigration officer or entry clearance officer that the person would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</li></ul> <p>(b) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (c) of the applicable entry for “relevant EEA citizen” in this table)—</p> <ul style="list-style-type: none"><li>(i) their passport or national identity card as an EEA citizen, which is—<ul style="list-style-type: none"><li>(aa) valid; and</li><li>(bb) the original document and not a copy; and</li><li>(ii) information or evidence which is provided by the applicant, or is otherwise available to the immigration officer or entry clearance officer, which satisfies the immigration officer or entry clearance officer that the relevant EEA citizen is a British citizen; and</li><li>(iii) information or evidence which satisfies the immigration officer or entry clearance officer that the person would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</li></ul></li></ul>
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(c) (in the case of a relevant EEA citizen who is relied on by the applicant as being a relevant person of Northern Ireland, and who, where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table, has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules or under its equivalent in the UK or Channel Islands) **the 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)—

(i) (aa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the immigration officer or entry clearance officer, which satisfies the immigration officer or entry clearance officer that the person is a British citizen; or

(bb) (where they are an Irish citizen) their passport or national identity card as an Irish citizen, which is—

(aaa) valid; and

(bbb) the original document and not a copy; or

(cc) (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) the evidence required by sub-paragraph (c)(i)(aa) or (c)(i)(bb) above; and

(ii) information or evidence which satisfies the immigration officer or entry clearance officer that the person would (but for the fact that they are a British citizen, where they are a British citizen in accordance with sub-paragraph (a)(i) or (a)(iii) of the entry for “relevant person of Northern Ireland” in this table) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may

be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or

(d) (in the case of a relevant EEA citizen who is a person exempt from immigration control)—

(i) their passport or national identity card as an EEA citizen, which is—

(aa) valid; and

(bb) the original document and not a copy; and

(ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the immigration officer or entry clearance officer that the relevant EEA citizen is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; and

(iii) information or evidence which satisfies the immigration officer or entry clearance officer that the person would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph EU2 or EU3 of Appendix EU to these Rules, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix

in addition—

(a) “valid” here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and

(b) where, in order to meet the requirements of subparagraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a copy (and not the original) of a document, the immigration officer or entry clearance officer can require the applicant to submit the

	<p>original document where the immigration officer or entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(c) where, in order to meet the requirements of sub-paragraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
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EUF9. In Annex 1, for sub-paragraph (c)(ii)(bb)(iii) of the definition of “specified relevant person of Northern Ireland” in the table, substitute—

“(iii) is in the Isle of Man and (were they an “EEA national” in accordance with regulation 3(3) of the EEA Regulations) they were residing in the Isle of Man in accordance with the EEA Regulation on 30 June 2021”.

EUF10. In Annex 3, for the heading, substitute—

**“Annex 3 – Revocation of entry clearance and cancellation and curtailment of leave to enter”.**

## **Changes to Appendix Visitor: Visa national list**

VNL1. For paragraph VN 1.(a), substitute—

“(a) a national or citizen of a country listed in paragraph VN 1.1.(a) of Appendix V: Visa national list to the United Kingdom’s Immigration Rules<sup>4</sup>,”.

VNL2. For paragraph VN 2.2, substitute—

“VN 2.2 A person falling within paragraph VN 2.2. of Appendix V: Visa national list to the United Kingdom’s Immigration Rules<sup>5</sup> does not need a visit visa before they travel to the Isle of Man as a visitor, other than where paragraph VN 2.3 applies.”.

<sup>4</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list>

<sup>5</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list>

VNL3. In the heading before paragraph VN 3.1., omit “(Kuwait, Oman, Qatar and United Arab Emirates nationals or citizens only)”.

VNL4. For paragraph VN 4.1., substitute—

“VN 4.1. Only passport holders who are nationals of the countries specified at paragraph VN 4.1. of Appendix Visitor: Visa national list to the United Kingdom’s Immigration Rules<sup>6</sup> can obtain and use an EVW Document.”.

## Changes to Appendix Visitor: Permitted Activities

VPA1. For paragraph PA 7., substitute—

“PA7. An employee of an overseas company may install, dismantle, repair, service or advise on machinery, equipment, computer software or hardware (or train Isle of Man based workers to provide these services) where there is a contract of purchase, supply or lease with an Isle of Man company or organisation and either—

- (a) the overseas company is the manufacturer or supplier; or
- (b) the overseas company is part of a contractual arrangement for after sales services agreed at the time of the sale or lease, including in a warranty or other service contract incidental to the sale or lease.”.

VPA2. In paragraph PA 8., omit “Employees may exceptionally make multiple visits to cover the duration of the contract.”.

## Changes to Appendix W

W1. In the definitions provisions, after the definition of “length of the period of engagement”, insert—

“An “**Overseas deposit taking institution**” has the same meaning as prescribed in the Online Gambling (Participants’ Money) Regulations 2010<sup>7</sup>”.

W2. In the definition section, after the definition of “UK Innovator”, insert—

“**UK Intra-Company Transfer Migrant**” means a migrant who has been granted leave by the UK as an Intra-Company Transfer Migrant under Appendix Intra-Company Routes to the UK Immigration Rules.

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<sup>6</sup> <https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-visitor-visa-national-list>

<sup>7</sup> SD No. 832/10, the relevant definition was inserted by the Online Gambling (Participants’ Money) Amendment) Regulations 2014 (SD No. 2014/0226).

**“UK Intra-Company Graduate Trainee”** means a migrant who has been granted leave by the UK as an Intra-Company Graduate Trainee under Appendix Intra-Company Routes to the UK Immigration Rules.

**“UK Skilled Worker”** means a migrant who has been granted leave by the UK as a Skilled Worker under Appendix Skilled Worker to the UK Immigration Rules

W3. In paragraph 2.2.1—

- (a) in sub-paragraph (4)(b), omit “and”; and
- (b) after sub-paragraph (4)(c), insert—
- “(d) a valid Confirmation of Employment (in accordance with paragraph 6.1 of this Appendix) must be held at all times during the grant of leave, and
- (e) study subject to the condition set out in Part 15 of these Rules where the applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires.”.

W4. For paragraph 2.3(6), substitute—

- “(6) Where the applicant’s most recent grant of leave is as a:
- (a) Worker Migrant,
  - (b) Worker (Intra Company Transfer) Migrant,
  - (c) Tier 2 Migrant under the Rules in effect on or before 5 April 2018,
  - (d) Tier 2 (Intra Company Transfer) Migrant under the Rules in effect on or before 5 April 2018,
  - (e) Tier 5 (Temporary Worker) Migrant,
  - (f) UK Tier 2 Migrant,
  - (g) UK Tier 2 (Intra-Company Transfer) Migrant,
  - (h) UK Skilled Worker,
  - (i) UK Intra-Company Transfer Migrant, or
  - (j) UK Intra-Company Graduate Trainee,

the applicant must demonstrate they have been paid the appropriate rate for their employment. The applicant must provide the Specified Documents at paragraph 2.3.1 of this Appendix.”.

W5. After paragraph 2.3(10)(xii), insert—

“(xiii) a UK Tier 2 Migrant,

(xiv) a UK Tier 2 (Intra-Company Transfer) Migrant,

(xv) a UK Skilled Worker,

(xvi) a UK Intra-Company Transfer Migrant, or

(xvii) a UK Intra-Company Graduate Trainee.”.

W6. For paragraph 2.3.1(1)(a), substitute—

“(a) either:

(i) an annual self-assessment tax return to the Isle of Man Treasury or UK HMRC; or

(ii) payment submissions made to the UK’s Pay As You Earn (PAYE) Scheme,

(a copy or print-out) for the last full financial year, immediately preceding the date of application;”.

W7. In paragraph 2.3.1(1)(c), for the first occurrence of the word “Employment”, substitute “employment”.

W8. After paragraph 2.3.1(1)(d), insert—

“(e) Where more than one Confirmation of Employment has been held by the applicant throughout the applicant’s most recent grant of leave, the Minister may request the Specified Documents at sub-paragraphs (a) to (c) in connection with each Confirmation of Employment held.”.

W9. In paragraph 2.3.2(4)(c)(i), for the first and third occurrence of the word “Employment”, substitute “employment”.

W10. In paragraph 2.3.2(4)(d), for “limited leave expires.”, substitute—

“limited leave expires, and

(e) a valid Confirmation of Employment (in accordance with paragraph 6.1 of this Appendix) must be held at all times during the grant of leave.”.

W11. In paragraph 3.2.1(3)(d), for “limited leave expires.”, substitute—

“limited leave expires, and

(e) a valid Confirmation of Employment (in accordance with paragraph 6.1 of this Appendix) must be held at all times during the grant of leave.”.

W12. In paragraph 3.3(4), for “Employment”, substitute “employment”.

W13. In paragraph 3.3.1(c), for the first occurrence of the word “Employment”, substitute “employment”.

W14. After paragraph 3.3.1(d), insert—

“(e) Where more than one Confirmation of Employment has been held by the applicant throughout the applicant’s most recent grant of leave, the Minister may request the Specified Documents at sub-paragraphs (a) to (c) in connection with each Confirmation of Employment held.”.

W15. After paragraph 3.3.2(4)(c), insert—

“(d) a valid Confirmation of Employment (in accordance with paragraph 6.1 of this Appendix) must be held at all times during the grant of leave, and

(e) study subject to the condition set out in Part 15 of these Rules where the applicant is 18 years of age or over at the time their leave is granted, or will be aged 18 before their period of limited leave expires.”.

W16. After paragraph 4.1(2)(b), insert—

“(ba) the migrant breaches a condition of their visa,”.

W17. In paragraph 4.1(2)(c)(vi), for “applicant”, substitute “migrant”.

W18. In paragraph 4.1(2)(e), for “any of paragraphs (e)”, substitute “paragraph (d)”.

W19. For paragraph 5.1(1), substitute—

“(1) The changes set out in paragraph 5.1(2) are prohibited changes to the employment circumstances of a Worker Migrant and Worker (ICT) Migrant. A prohibited change may only be carried out if an application for a new Confirmation of Employment is made and issued which expressly permits that prohibited change. Where a prohibited change is made without a new Confirmation of Employment being issued permitting that change, then the current Confirmation of Employment will be invalidated in accordance with paragraph 6.1(3).

(1A) An application for a further Confirmation of Employment made in accordance with paragraph 5.1(1) does not require a new application for leave to remain to be made unless it lists an employment duration which is greater than the period for which the migrant’s current entry clearance or leave to remain was granted.”.

W20. In paragraph 5.1(2), omit the words “unless paragraph (1) applies”.



W21. In the heading of paragraph 6.1, omit the words “for Entry Clearance or Leave to remain applications”.

W22. In paragraph 6.1(1), after “this Appendix”, insert “and any leave subsequently granted under this Appendix”.

W23. For paragraph 6.1(3), substitute—

“(3) The Confirmation of Employment is not valid where a prohibited change of employment set out in paragraph 5.1(2) has taken place and a new Confirmation of Employment permitting that change has not been issued in accordance with paragraph 5.1(1).”.

W24. In paragraph 6.2(1)(b)(ii), after “Financial Services Authority, insert “or a current account with an overseas deposit taking institution”.

**MADE 22 September 2021**

**HOWARD QUAYLE**

*Minister for the Cabinet Office*

**Explanatory Note**  
**to the Statement of Changes In Immigration Rules SD 2021/0304**

*(This note is not part of the Statement of Changes in Immigration Rules)*

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

Changes to that apply to all of the Immigration Rules

A change has been made which applies to the entire Immigration Rules. The change substitutes the name of UK NARIC to Ecctis, following a change in the name of this body. After the UK's exit from the EU, UK NARIC, an EU member only term, has changed to UK ENIC (European Network Information Centre). UK ENIC is managed by a service provider called Ecctis, and it is through this service that individuals can check their qualifications for immigration purposes. The Rules have been changed throughout to reflect this and replace references to "UK NARIC" with "Ecctis".

Changes to preliminary provisions and Part 1

Changes have been made to the interpretation to accommodate the name change of UK NARIC to Ecctis.

Further changes to the Immigration Rules have been made to allow certain cohorts of EEA nationals to continue to use their EU identity cards in order to enter the Isle of Man, where they have a protected right under the Withdrawal Agreement between the UK and the EU to continue doing so. This change commences on 01 October 2021 in line with equivalent changes in the UK Immigration Rules and the Immigration Rules of the Channel Islands.

Change to Part 9

A change has been made to Part 9, which sets out the general grounds for refusals, to allow an application for permission to stay to be refused where the applicant has previously used deception (whether successfully or not) in a previous application. This change follows an equivalent change made to the UK's Immigration Rules in their Statement of Changes in Immigration Rules laid before Parliament on 08 September 2021.

### Changes to Appendix C

Changes have been made to Appendix C to include UK routes that are equivalents to those Isle of Man routes already listed under paragraph 5 of Appendix C. The effect of this will mean that applicants in the UK who are looking to switch into the Worker Migrant route will not need to provide further evidence of maintenance funds.

### Changes to Appendix EU and Appendix EU (Family Permit)

Appendix EU and Appendix EU (Family Permit) together set out the Island's EU Settlement Scheme (EUSS), which we are committed to keep aligned to the EU Settlement Scheme of the UK. Changes to these Appendices have been made to reflect changes made to the UK's equivalent Appendices in their Statement of Changes laid before Parliament on 8 September 2021.

The main changes in respect of Appendix EU and Appendix EU (Family Permit) are as follows—

- To allow a joining family member to apply to the EUSS whilst in the Isle of Man as a visitor.
- Technical changes to reflect the passing of the 30 June 2021 deadline for applications to the EUSS by those resident in the UK and Islands by the end of the transition period (though a late application can still be made where there are reasonable grounds as to why the person missed the deadline).
- Technical changes to allow a person who is exempt from immigration control, if they wish, to apply to the EUSS whilst they remain exempt, or they can apply once they have ceased to be exempt.

### Changes to Appendix Visitor: Visa national list

Changes have been made to this Appendix to link the list of visa national countries to the UK's equivalent version of this list, ensuring that the list of visa national countries is aligned to the UK. The list sets out the countries whose nationals are required to apply, in most cases, for a visit visa prior to coming to the Isle of Man for the purpose of visiting.

### Changes to Appendix Visitor: Permitted Activities

A change has been made to provide further clarity on when employees of overseas manufacturers or suppliers can come to the Island as a visitor, in order to install, maintain, service or advise on equipment, software or hardware.

## Changes to Appendix W

The changes to Appendix W are as follows:

- A change has been made to include a new condition of leave for all grants of limited leave under Appendix W. The new condition means that all holders of that leave must hold a valid Confirmation of Employment at all times during the duration of their leave. The validity criteria for a Confirmation of Employment is set out at paragraph 6.1 of Appendix W.
- Paragraphs 2.3.1 and 3.3.1, which set out the specified documents that must be provided in an application for further leave to remain have been updated to clarify that the Minister can request evidence that the migrant has received the appropriate salary for all held Confirmation of Employments held throughout their previous grant of leave.
- A new ground for curtailment has been included. Leave may now be curtailed where a condition of leave is broken at any point during the migrant's current grant of leave.
- A change has been made to the employer requirements at paragraph 6.2, to allow an employer to hold an overseas bank account, rather than strictly requiring an account with an Isle of Man bank. A new definition has been added to Appendix W to clarify that the bank whom the overseas account is held with must be a deposit taking institution within the meaning of the Financial Services Act 2008, it must be regulated by the country's appropriate financial regulatory body, and additionally, the jurisdiction must be in good standing with the Financial Action Task Force (FATF) and Basel regulatory standards.
- A change has been made to the requirements for further leave to remain as a Worker Migrant, to specify that not all applicants will need to provide evidence of previous salary being paid when applying for further leave to remain. For example a Tier 4 Student who was applying to switch to the Worker Migrant route may not have been able to provide these documents as they were not required to hold an employment during their previous grant of leave. The only applicants who now need to provide evidence of salary are those applicants whose previous grant of leave was contingent on their continued employment.
- Changes have been made to paragraphs 2.3.1 and 3.3.1 to include a new power to request further evidence of salary for any Confirmation of Employment that has been held during the applicant's most recent grant of leave, as opposed to just covering the period leading up to their new application.
- Minor amendments to clarify the intent of Part 5 of Appendix W, as well as how paragraph 6.1(3) interacts with Part 5.