



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 15 March 2022 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 come into operation on 14 February 2022.

## Changes to Introduction

1.1 In paragraph 6 (Interpretation), after the definition of “Worker (Intra Company Transfer) Migrant, insert—

“**“Worker (Seasonal) Migrant”** means a person granted entry clearance or leave to enter under Part 2A of Appendix W to these Rules, who has come or is coming to the Isle of Man to fill a temporary vacancy that cannot be filled by a suitable settled worker.”.

## Changes to Part 8

8.1 For paragraph 319AA(b), substitute—

“**“Relevant Worker Migrant”** means a Worker Migrant or Worker (Intra Company Transfer) Migrant who has been granted or deemed to have been granted leave under Appendix W of these Rules.”.

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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, SD2021/0216, SD2021/0304 and SD2021/0358.

## Changes to Appendix C

- C1. In paragraph 1A(b), after “Worker Migrant,”, insert “Worker (Intra Company Transfer) Migrant,”.
- C2. In paragraph 1A(c), after “Tier 4 Migrant”, insert “or Worker (Seasonal) Migrant”.
- C3. For paragraph 1A(f), substitute —
- “(f) Where the applicant is applying as a Worker Migrant, Worker (Intra Company Transfer) Migrant, Worker (Seasonal) Migrant, Tier 1 Migrant or Tier 5 Migrant, the funds must have been under their own control on the date of the application and for the period specified in (b) or (c) above (as relevant);”.
- C4. In paragraph 1A(g), for “or is a Worker Migrant”, substitute “or is a Worker Migrant or Worker (Intra Company Transfer) Migrant”.
- C5. In paragraph 1A(i), for “No points will be awarded unless the money is”, substitute “Funds must be”.
- C6. In paragraph 1B—
- (a) for “Worker Migrant,”, substitute “, Worker Migrant, Worker (Intra Company Transfer) Migrant”; and
- (b) for “Relevant Worker Migrant”, substitute “Relevant Worker Migrant or Relevant Worker (Intra Company Transfer) Migrant”.
- C7. In paragraph 1B(a)(i)(3), after “Tier 4 Migrant”, insert “, Worker (Seasonal) Migrant”.
- C8. In paragraph 1B(b)(i)(3), after “Tier 4 Migrant”, insert “, Worker (Seasonal) Migrant”.
- C9. In paragraph 1B(c)(i)(3), after “Tier 4 Migrant”, insert “, Worker (Seasonal) Migrant”.
- C10. For the heading before paragraph 4. substitute “Worker Migrants, Worker (Intra Company Transfer) Migrants and Worker (Seasonal) Migrants”.
- C11. For the table in paragraph 5(a), substitute —

“

Category of Application	Level of Funds
Worker Migrant	£945
Worker (Intra Company Transfer) Migrant	£945
Worker (Seasonal) Migrant	£945

”.

C12. For paragraph 5(b), substitute –

- “(b) the applicant has entry clearance, leave to enter or leave to remain as:
- (i) a Tier 2 Migrant prior to 6 April 2018;
  - (ii) a Worker Migrant;
  - (iii) a Worker (Intra Company Transfer) Migrant;
  - (iv) a Worker (Seasonal) Migrant;
  - (v) a Minister of Religion, Missionary or Member of a Religious Order;
  - (vi) a Work Permit holder;
  - (vii) a UK Tier 2 Migrant;
  - (viii) a UK Tier 2 (Intra Company Transfer) Migrant;
  - (ix) a UK Skilled Worker;
  - (x) a UK Intra company Transfer Migrant; or
  - (xi) a UK Intra company Graduate Trainee Migrant; or”.

### **Changes to Appendix W**

W1. In the Definitions section of Appendix W, for the definition of “supplementary employment”, substitute –

**“supplementary employment”:**

- (a) In the case of a Worker Migrant and Worker (Intra Company Transfer) Migrant means other employment which appears in Part 7 of this Appendix, or in the same profession and at the same professional level as that which the migrant is being employed to do, provided that:
  - (i) the migrant remains working for the Employer in the employment that the Confirmation of Employment records that the migrant is being employed to do; and
  - (ii) the other employment does not exceed 20 hours per week and takes place outside of the hours when the migrant is contracted to work for the Employer in the employment the migrant is being sponsored to do; and

- (b) in the case of a Worker (Seasonal) Migrant means any other employment which appears as an eligible SOC code listed under section 5 of the Confirmation of Employment guidance document, provided that:
  - (i) the migrant remains working for the Employer in the employment that the Confirmation of Employment records that the migrant is being employed to do; and
  - (ii) the total combined working hours of any supplementary employment roles do not exceed the total number of hours that is confirmed on the Worker (Seasonal) Migrant’s primary employment as stated on their current valid Confirmation of Employment.”.

W2. In the Definitions section of Appendix W, after the definition of “the same employer”, insert—

“**work for a third party**” means work done for a business which is not the one named on the current valid Confirmation of Employment, and the work carried out for that business falls outside of the definition of “supplementary employment”.”.

W3. For paragraph 1.1(1)(a), substitute—

“(a) For Worker Migrants and Worker (Intra Company Transfer) Migrants, the salary the migrant is to be paid must be:

- (i) a minimum of £20,800; or
  - (ii) the appropriate rate for the Standard Occupational Classification (SOC) code, as set out in Part 7 of This Appendix, that is recorded on the migrant’s current valid Confirmation of Employment,
- whichever is the higher.

(aa) For Worker (Seasonal) Migrants, the salary the migrant is to be paid must be a minimum of £20,800 per annum calculated on a pro rata basis for the period of engagement (which must not exceed 9 months).

W4. For paragraph 1.1(2), substitute—

“(2) Salary must be paid to the Worker Migrant, Worker (Intra Company Transfer) Migrant or Worker (Seasonal) Migrant and not to any third party or nominee on their behalf.”.

W5. In paragraph 1.1(3)—

(a) before the words “Indefinite Leave to Remain”, insert “Limited or”; and

(b) after the words “paragraph 1.1.1 below as evidence of the”, insert “appropriate”.

W4. In paragraph 1.1.1(1), for “pecified”, substitute “specified”.

W5. In paragraph 2.2(1)(j), for “or 2211 – Medical practitioners.”, substitute “2211 – Medical practitioners or 2215 Dental practitioners.”.

W6. 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) Worker (Seasonal) Migrant;
- (d) Tier 2 Migrant under the Rules in effect on or before 2 April 2018;
- (e) Tier 2 (Intra Company Transfer) Migrant under the Rules in effect on or before 5 April 2018;
- (f) Tier 5 (Temporary Worker) Migrant;
- (g) UK Tier 2 Migrant;
- (h) UK Tier 2 (Intra-Company Transfer) Migrant;
- (i) UK Skilled Worker;
- (j) UK Intra Company Transfer Migrant; or
- (k) 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.”.

W7. For paragraph 2.3(10)(a), substitute —

“(a) have, or have last been granted, entry clearance, leave to enter or leave to remain in the Isle of Man as:

- (i) a Worker Migrant,
- (ii) a Worker (Intra Company Transfer) Migrant,
- (iii) a Worker (Seasonal) Migrant,
- (iv) a Tier 1 Migrant,

- (v) a Tier 2 Migrant,
  - (vi) a Tier 2 (Intra Company Transfer) Migrant
  - (vii) a Representative of an Overseas Business,
  - (viii) a Tier 5 (Temporary Worker) Migrant,
  - (ix) the partner of a Tier 4 Migrant,
  - (x) a Start-up Migrant,
  - (xi) an Innovator,
  - (xii) a UK Start-up Migrant, or
  - (xiii) a UK Innovator
  - (xiv) a UK Tier 2 Migrant,
  - (xv) a UK Tier 2 (Intra-Company Transfer) Migrant,
  - (xvi) a UK Skilled Worker,
  - (xvii) a UK Intra Company Transfer Migrant, or
  - (xviii) a UK Intra Company Graduate Trainee,
- or”.

W8. For sub-paragraph 2.3(24)(ii), substitute —

“(ii) SOC Codes:

- (a) 2413 Solicitors;
- (b) 2211 Medical Practitioners; or
- (c) 2215 Dental Practitioners.”.

W9. After Part 2, insert—

**“PART 2A: WORKER (SEASONAL) MIGRANT**

This route allows Isle of Man employers to employ non-settled workers for a maximum of 9 months.

At the end of the 9 month period, the migrant is required to leave the Common Travel Area for a minimum of 3 months prior to being permitted to re-apply under the Worker (Seasonal)

Migrant route. A Worker (Seasonal) Migrant visa cannot be extended beyond the 9 month period.

Dependents are not eligible to join migrants on this route.

This is not a route to settlement.

### **2A.1 Worker (Seasonal) Migrant – Entry Clearance**

To qualify for entry clearance as a Worker (Seasonal) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, entry clearance will be granted. If the applicant does not meet these requirements, the applicant will be refused.

### **2A.2 Worker (Seasonal) Migrant – Requirements for Entry Clearance**

- (1) The applicant must not fall for refusal under the general grounds for refusal under Part 9 of these Rules.
- (2) The applicant must provide with the application a valid Confirmation of Employment in accordance with Part 6 of this Appendix. The Confirmation of Employment issued in respect of the applicant must confirm the applicant's eligibility for the Worker (Seasonal) Migrant visa, in accordance with Section 5 of the document entitled "Confirmation of Employment Guidance" published by the Cabinet Office<sup>4</sup>.
- (3) The applicant must meet the required level of funds set out in Appendix C of these Rules.
- (4) The applicant must meet the appropriate salary requirements for Worker (Seasonal) Migrants at Part 1.1 of this Appendix.
- (5) The applicant must be able to maintain and accommodate themselves adequately without recourse to public funds.
- (6) The applicant must not have held at any time during the 3 months immediately before the date of application:
  - (a) leave as a Worker (Seasonal) Migrant in the Isle of Man under Appendix W to the Isle of Man Immigration Rules;
  - (b) leave as a Seasonal Worker under Appendix Temporary Work – Seasonal Worker to the United Kingdom's Immigration Rules;

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<sup>4</sup> <https://www.gov.im/categories/travel-traffic-and-motoring/immigration/work/workers/guidance-forms-for-worker-migrant-routes/>



- (c) leave under a Jersey Temporary Employment route as set out in Jersey's Work Permit Policy; or
  - (d) leave under a Short Term Work Permit as set out in Guernsey's Work Permit Policy,
- (7) The applicant must be at least 16 years old.
- (8) Where the applicant is under 18 years of age, the applicant must be supported by the applicant's parents or legal guardian, or by one parent if that parent has sole legal responsibility for the child. The applicant's parents or legal guardian, or one parent if that if that parent has sole responsibility for the child, must confirm that they consent to the arrangements for the applicant's travel to, and reception and care in, the Isle of Man.
- (9) The applicant must not intend to take employment except as specified in the applicant's Confirmation of Employment, and in accordance with paragraph 2A.2.1(3)(c) of this Appendix.
- (10) Worker Migrants are not permitted to be self-employed or be in any arrangement akin to self-employment. For this reason the Worker (Seasonal) Migrant must not:
- (a) have the final say in the running of the Employer's business;
  - (b) invest their own money in the Employer's business or act as surety or guarantor for the business;
  - (c) be responsible for covering the losses of the business;
  - (d) provide the major items of equipment needed to do their employment, although the Worker (Seasonal) Migrant may provide small tools required for that purpose;
  - (e) be able to employ other people on terms of the applicant's own choice, to do the work for which they themselves have been employed;
  - (f) pay themselves or another employee from the applicant's personal funds;
  - (g) be obliged to correct unsatisfactory work in their own time or expense; or
  - (h) be expected to pay their own tax and National Insurance.

The above restrictions will be construed widely and any arrangement with the Employer's business or any related business, structure or entity which amounts to self-employment will not be permitted. The Employer will at all times be required to pay tax and National Insurance on the salary of the Worker (Seasonal) Migrant and payment of the Worker (Seasonal) Migrant by repayment of shareholder loans or similar arrangements is not permitted.

- (11) Entry clearance will not be granted where the Minister or an Immigration Officer has reasonable grounds to believe that the applicant has provided a Confirmation of Employment and:
- (a) the migrant is not appropriately qualified or registered to undertake the employment in question (or will not be by the time they begin the employment);
  - (b) the requirements of the employment as stated in any advertisement for the employment are inappropriate and have been tailored to exclude Isle of Man workers or other settled workers from being recruited; or
  - (c) the applicant is using an Employer, structure, a third party or other means to circumvent paragraph 2A.2(10).
- (12) To support the assessment in any of paragraphs 2A.2(11), if the applicant is not yet appropriately qualified or registered to do the employment in question, they must provide evidence with their application showing that they can reasonably be expected to obtain the appropriate qualification or registrations by the time they begin the employment, for example, a letter from the relevant body providing written confirmation that the applicant has registered to sit the relevant examinations.

#### **2A.2.1 Worker (Seasonal) Migrants – Period and Conditions of Grant**

- (1) Entry Clearance will be granted with effect from whichever is the earliest:
- (a) 14 days before the start date of the applicant's employment in the Isle of Man, as recorded by the Confirmation of Employment;
  - (b) 7 days before the intended date of travel recorded by the applicant either through the relevant Home Office application, providing this is not more than 14 days after the start date of the applicant's employment in the Isle of Man, as recorded by the Confirmation of Employment; or
  - (c) the date entry clearance is granted.
- (2) Entry clearance will be granted for:
- (a) a period of 9 months; or
  - (b) the period ending on the end date of employment as recorded on the Confirmation of Employment,
- whichever is the shorter.
- (3) Entry clearance will be subject to the following conditions:

- (a) no recourse to public funds;
- (b) registration with the police, if this is required by paragraph 326;
- (c) no employment except:
  - (i) working for the Employer in the employment that the Confirmation of Employment records that the migrant is being employed to do, subject to any notification of a change to the details of that employment, other than prohibited changes as defined in 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;
  - (ii) supplementary employment; and
  - (ii) voluntary work;
- (d) 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; 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.”.

W10. In paragraph 3.2(14), for “or 2211 – Medical practitioners.” substitute “2211 – Medical Practitioners or 2215 – Dental Practitioners.”.

W11. In paragraph 3.3(13), for “or 2211 – Medical practitioners.” substitute “2211 – Medical Practitioners or 2215 – Dental Practitioners.”.

W12. In paragraph 6.2(3), for “the salary the migrant is to be paid”, substitute “For Worker Migrants and Worker (Intra Company Transfer) Migrants, the salary the migrant is to be paid”.

W13. After paragraph 6.2(3), insert –

“(3A) For Worker (Seasonal) Migrants the salary the migrant is to be paid must be declared and must be a minimum of £20,800 per annum calculated on a pro rata basis for the period of engagement (which must not exceed 9 months).

W14. For paragraph 6.2(4), substitute –

“(4) The Resident Labour Market Test (RLMT) must be carried out:

- (a) for Worker Migrants and Worker (Intra Company Transfer) Migrants, as set out in paragraph 6.3, unless paragraph 6.3.1 (exemptions from test) applies; and
- (b) for Worker (Seasonal) Migrants, as set out in paragraph 6.4, unless paragraph 6.4(4) (exemptions from test) applies.”.

W15. For the heading of paragraph 6.3, substitute—

**“6.3 Resident Labour Market Test (RLMT) – Worker Migrants and Worker (Intra Company Transfer) Migrants**

W16. In paragraph 6.3(1), for “Isle of Man workers, British citizen and EEA nationals”, substitute “settled workers”.

W17. After paragraph 6.3.2, insert—

**“6.4 Resident Labour Market Test (RLMT) – Worker (Seasonal) Migrants**

Where this Appendix states that the requirements of paragraph 6.4 must be met, an employment will only pass the Resident Labour Market Test if:

- (1) The role has been advertised to settled workers, at the Isle of Man JobCentre for a minimum of 14 days, unless paragraph 6.4(4) applies.
- (2) The advertisement must:
  - (a) be in English;
  - (b) be fair and must not be tailored to suit a certain person;
  - (c) be lawful under the Employment (Sex Discrimination) Act 2000, the Employment Act 2006, the Control of Employment Act 2014 and the Equality Act 2017;
  - (d) contain the employment title;
  - (e) state the main duties and responsibilities of the employment (job description);
  - (f) state the location of the employment;
  - (g) state an indication of the salary package or salary range or terms on offer;
  - (h) state the skills, qualifications and experience required for the employment;
  - (i) state the closing date for applications; and

- (j) have been advertised within 6 months before the date the application for a Confirmation of Employment is received by Immigration Officers.
- (3) Documentary evidence of the recruitment process is to be provided as follows:
- (a) where settled workers have applied for employment but are considered unsuitable, the Employer must provide:
    - (i) evidence that the employment was advertised in accordance with 6.4(1), including a copy of the advertisement;
    - (ii) the specification of the employment (which must be reflected in the advertisement); and
    - (iii) brief details as to the number of applications received from settled workers and the reasons why those workers are considered unsuitable.
  - (b) Where the information in (a) is considered insufficient, the Employer may be asked to provide, in redacted form:
    - (i) short-listing summary sheets;
    - (ii) application forms or CVs of all settled workers who applied for the employment, together with reasons why those workers were considered unsuitable;
    - (iii) interview assessment sheets; or
    - (iv) the report of the chairperson of the interview panel.
- (4) the exception referred to in paragraph 6.4(1) is where the eligible SOC code set out in Section 5 of the “Confirmation of Employment guidance” published by the Cabinet Office is listed as “Key Employment”<sup>5</sup>.

**MADE 11 February 2022**

**KATE LORD-BRENNAN**

*Minister for the Cabinet Office*

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<sup>5</sup> <https://www.gov.im/categories/travel-traffic-and-motoring/immigration/work/workers/guidance-forms-for-worker-migrant-routes/>

## **Explanatory Note**

### **to the Statement of Changes In Immigration Rules SD 2022/0052**

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

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

#### Introduction of the Worker (Seasonal) Migrant route

A new immigration route has been created within Appendix W to the Isle of Man Immigration Rules, called the Worker (Seasonal) Migrant route.

This new route allows Isle of Man Employers to hire non-British and non-Irish nationals overseas for a maximum of 9 months.

At the end of the 9 month period, the migrant is required to leave the Common Travel Area for a minimum of 3 months prior to being permitted to re-apply under the Worker (Seasonal) Migrant route. A Worker (Seasonal) Migrant visa cannot be extended beyond the 9 month period.

In order to begin the visa application process for a Worker (Seasonal) Migrant, employers must first apply to the Immigration Service for a Confirmation of Employment document, and quote an eligible Standard Occupational Classification (SOC) code. Eligible SOC codes for the Worker (Seasonal) Migrant route are set out in the Confirmation of Employment guidance document that is published by Cabinet Office.

Unless the SOC code is listed as key employment, the Resident Labour Market Test (RLMT) must be carried out in respect of the migrant. In order to meet the RLMT, the employment must have been advertised in the Isle of Man JobCentre for at least 14 days prior to the application for the Confirmation of Employment.

Key overview:

- Applicants must hold a valid Confirmation of Employment.
- Worker (Seasonal) Migrants must be paid a minimum salary of £20,800.
- There are no English language requirements for the Worker (Seasonal) Migrant route.
- Applicants must have held at least £945 in funds available to them, or alternatively, the employer may certify on the Confirmation of Employment application that they agree to pay for maintenance and accommodation if necessary.
- Applicants cannot have held leave as a Worker (Seasonal) Migrant or an equivalent temporary work route in the UK or Channel Islands within 3 months prior to the date of application.
- Worker (Seasonal) Migrants may switch into the Worker Migrant route while they are in country if they meet the requirements of that route.

- The length of a Worker (Seasonal) Migrant visa is 9 months. This cannot be extended, and time spent on this visa route will not count towards the total 5 years total residence required for indefinite leave to remain.
- Dependents are not able to join Worker (Seasonal) Migrants.

#### Dentists in self-employment under Appendix W

Unless working in an excepted Standard Occupational Classification Code (SOC code), Worker Migrants are not permitted to be self-employed. SOC code 2215 (dental practitioners) has now been included in this list of excepted SOC codes. Worker Migrants who are employed under this SOC are now permitted to be self-employed.