



ISLE OF MAN  
**TREASURY**  
*Yn Tashtey*

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# **Isle of Man European Union Settlement Scheme**

## **Guidance notes for applicants**

Version 5.0

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## About this guidance

If you're from the EU, Switzerland, Norway, Iceland or Liechtenstein, you and your family might be able to apply to the EU Settlement Scheme to continue living in the Isle of Man. You might also be able to apply if you're the family member of an eligible person of Northern Ireland. This guidance is intended to assist. It is not substitute for the Immigration Rules <https://www.gov.im/categories/travel-traffic-and-motoring/immigration/immigration-rules-and-associated-policy/>

The **deadline for most people to apply to the EU Settlement Scheme was 30 June 2021**. This deadline does not apply if you already have pre-settled status and you're applying for settled status.

## Interpretation

Where the terms **EEA citizen is used in this guidance document, it includes citizens of the following countries:**

Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Iceland, Liechtenstein, and Norway.

## **Apply for the Isle of Man EU Settlement Scheme (settled and pre-settled status)**

Irish and British citizens do not need to apply for a status under the settlement scheme.

### **1. If you arrived in the Isle of Man by 31 December 2020**

If you or your family were resident in the Isle of Man by 31 December 2020 and are from the EU, Switzerland, Norway, Iceland or Liechtenstein or their family member you can directly apply to the IOM EU Settlement Scheme.

In addition to the general requirements for this family members will need to show evidence of your relationship to them, and that your relationship existed by 31 December 2020.

### **Late applications**

If you and your family are from the EU, Switzerland, Norway, Iceland or Liechtenstein you can still apply if you or a family member **were living in the Isle of Man by 31 December 2020**. You must also either:

- meet one of the criteria for a later deadline to apply.
- have 'reasonable grounds' for why you're applying now, and not by the deadline or in the time since the deadline passed.

You may be able to stay in the Isle of Man without applying - for example, if you're an Irish citizen, or you already have indefinite leave to enter or remain.

If your application is successful, you'll get either settled or pre-settled status.

UK caseworker guidance is broadly applicable to Isle of Man EUSS Applications due to the close alignment of the schemes. Please see:

<https://www.gov.uk/government/publications/eu-settlement-scheme-caseworker-guidance>

### **If you arrived or plan to arrive after 31 December 2020 the process is different.**

Please see the "If you arrived in the Isle of Man after 31 December 2020 or have not yet arrived (Joining Family Members)" Section on page 6 of this guidance here.

### **Criteria for later deadlines and reasonable grounds for the delay in applying:**

While the deadline for applications has now passed in some cases, you can still apply after 30 June 2021.

For example, if you're a family member who was living in the Isle of Man by 31 December 2020, your deadline will be based on when you arrive in the Isle of Man, as long as:

- you were their family member by 31 December 2020 (this does not apply to children born or adopted after this date).
- the family relationship still exists when you apply.

You can also still apply if you're eligible and can show 'reasonable grounds' for why you could

not apply by the deadline or in the time since the deadline passed.

You must give evidence of your reasonable grounds, which both:

- explains the reason or reasons you could not apply.
- covers the whole period since the deadline passed, as well as why you could not apply by the deadline.

To apply you need to complete an application form which can be found in the EU section of our website – [www.gov.im/immigration](http://www.gov.im/immigration).

**You will need to show evidence of the following:**

**Identity & Nationality:**

This can be one of the following:

- a valid passport; or
- a national identity card (EU, EEA or Swiss Citizens only)

All applicants must provide a passport style facial photograph with the applicants name clearly written on the back.

**Continuous Qualifying Period (Residence requirement)**

To be eligible for settled status, you will usually need to have lived in the UK and Islands<sup>1</sup> for at least 6 months in any 12 month period for a continuous period of five-years’.

You will need to provide proof of this when you apply. If you have not lived in the UK and Islands for a continuous period of five-years you may still be eligible for pre-settled status.

You will not need to provide evidence for your entire residence in the Isle of Man – just enough to show whether you qualify for settled status or pre-settled status. All the documents you submit as evidence must be dated and have your name on them.

You should only provide one piece of evidence to cover each month or longer period of time. Use documents that cover longer periods of time if you can, such as annual bank statements, Isle of Man Rates Demands or residential mortgage statement/tenancy agreement. This means you won’t need to submit as many documents.

A document with a single date on will count as proof of residence for that month only, for example a monthly electricity bill, an official letter or a hospital appointment. We may consider other forms of evidence on a case-by-case basis.

<sup>1</sup> UK and Islands means the United Kingdom, the Isle of Man and Channel Islands taken together.

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## **Evidence that covers longer periods of time**

Documents that cover a longer period of time between two dates include:

- an annual bank statement or account summary covering a 12 month period, showing payments received or spending in the UK and Islands<sup>2</sup> in at least six months of that 12 month period;
- other banking, investment or insurance documents;
- a dated and signed employer letter confirming the duration of a period of Isle of Man based employment undertaken and evidence that the employer is genuine, for example, their Companies Registry number;
- letter or certificate from your school, college, university or other accredited educational or training organisation showing the dates you enrolled, attended and completed your course;
- invoice for fees from your school, college, university or other accredited educational or training organisation and evidence of payment;
- a document from the Department of Education, Sports and Culture confirming your student award payment;
- residential mortgage statement or rental agreement and evidence of payment;
- annual business account of a self-employed person;
- a dated and signed letter from a registered care home confirming your residence there;
- employer pension contributions;
- a document from the Department of Enterprise stating that you are an "Isle of Man Worker";
- a document from the Department for Enterprise stating that you are an 'Isle of Man
- Isle of Man Resident Assessment Notices for previous tax years – your Assessment Notice shows the tax you have paid on your salary in the tax year (6 April to 5 April). We may ask you for additional evidence to confirm that you were resident here for at least 6 months of that period;
- An Employers Leaving Certificate (also known as a T21) showing the length of your previous employment. You should get a T21 from your employer when you stop working for them.

**The lists of evidence below are not exhaustive.**

## **Evidence that covers shorter periods of time**

These documents count as evidence for one month if they have a single date on. They can be used to cover a longer period of time if they have a start and end date covering longer than a month.

- bank statement showing payments received or spending in the Isle of Man;
- payslip for an Isle of Man-based job;
- rates, gas or electricity bill showing an Isle of Man address;
- landline or mobile telephone, TV or internet bill showing an Isle of Man address;
- domestic bill, such as for home repairs, vet's services or insurance, and evidence of payment;
- card or letter from your GP, hospital or other healthcare professional confirming

- appointments you have made or attended;
- letter from a government Department, public service or charity that show you dealt with them on a particular date or for a particular period (for example the Job Centre or Citizens Advice);
- passport stamp confirming entry at the UK border;
- used travel ticket confirming you entered the UK from another country;
- invoice for work you have done in the Isle of Man and evidence of payment.

## **Documents you cannot use as evidence**

The documents you use should be from an official or impartial source. You cannot use:

- photos and videos; or
- letters or references from family and friends; or
- greeting cards, for example birthday cards; or
- postcards sent or received; or
- personal scrapbooks.

## **If you do not have enough evidence**

If you do not have enough evidence in your own name, contact the Isle of Man Immigration Service who will provide guidance on how you can confirm when you have been resident based on all the evidence available.

## **2. If you arrived in the Isle of Man after 31 December 2020 or have not yet arrived (Joining Family Members)**

### **EU, EEA or Swiss citizen family member**

You may be able to apply if you have an EU, EEA or Swiss citizen family member who arrived in the Isle of Man by 31 December 2020. You must be either:

- an EU, EEA or Swiss citizen with an EU, EEA or Swiss family member who arrived by 31 December 2020, or
- a non-EEA family member of an EU, EEA or Swiss family member who arrived by 31 December 2020.

You'll need to show evidence:

- of your relationship to that family member.
- that your relationship existed by 31 December 2020 (unless you are a child born or adopted after that date).
- that the relationship continues to exist on the date you apply.

## **Non-EU family members**

Non-EU citizens may be able to apply if they are:

- a family member of an EU citizen;
- the family member of a British citizen who also has EU, EEA or Swiss citizenship and who lived in the UK or Isle of Man as an EU, EEA or Swiss citizen before getting British citizenship;
- used to have an EU, EEA or Swiss family member living in the UK or Isle of Man;
- the family member of an eligible person of Northern Ireland (see definition below);
- the child of an EU, EEA or Swiss citizen who used to live and work in the UK or Isle of Man, you must be in education in the UK or Islands;
- you're the family member of a person who is exempt from immigration control.

Family members visiting the Isle of Man can join the EUSS provided they make a EUSS application within 90 days of their arrival in the Isle of Man.

### **If you have a Swiss spouse or civil partner**

You may also be able to apply (by 31 December 2025) if you have a Swiss spouse or civil partner who arrived in the UK by 31 December 2020. You must be either:

- an EU, EEA or Swiss citizen with a Swiss spouse or civil partner who arrived by 31 December 2020; or
- a non-EEA family member of a Swiss spouse or civil partner who arrived by 31 December 2020.

You'll need to show evidence:

- of your relationship to your spouse or civil partner; and
- that your relationship existed by 31 December 2025; and
- that your relationship continues to exist on the date you apply.

### **Proof of Family Relationship**

Joining family members will need to provide evidence of your relationship to the family member who qualifies under the EU Settlement Scheme. This could be:

- a birth certificate; or
- a marriage or civil partnership certificate; or
- evidence that you have lived together in a durable relationship akin to marriage for at least 2 years.

You will only need to provide evidence of your family member's identity and residence if you apply to the scheme before they do.



**Dependency of a parent or grandparent on the relevant EEA citizen would need to be evidenced with the application under the EU Settlement Scheme (provided that they were not resident by 31 December 2020).**

### **Family Members of Northern Irish eligible person**

You can apply if you have a family member who is an eligible person of Northern Ireland. You do not have to be from the EU, Switzerland, Norway, Iceland or Liechtenstein. Family members of an eligible person of Northern Ireland (whether that family member is an EU, EEA or Swiss citizen or not) can apply under the settlement scheme.

The person of Northern Ireland who is your family member must:

- be a British, Irish or dual British and Irish citizen, and
- have been born in Northern Ireland, and
- at the time of their birth, have at least one parent who held British, Irish or dual citizenship (or otherwise without any restriction on their period of residence), and
- be living on the Isle of Man by 31 December 2020.

### **If your family member could not return to the Isle of Man by 31 December 2020**

You will be able to apply if all of the following are true:

- you are not from the EU, Switzerland, Norway, Iceland or Liechtenstein, and
- your family member is a British citizen or dual British and Irish citizen, and
- your family member meets the other criteria to be an eligible person of Northern Ireland, but they were not able to come back to the Isle of Man to live here by 31 December 2020 while you remained outside the UK and Islands.

They must have been unable to come back to the Isle of Man for 'compelling practical or compassionate reasons' - for example, if both of the following applied:

- you could not get a visa or permit to come back with them to the Isle of Man by 31 December 2020.
- they could not leave you to come back to the Isle of Man because you were dependent on them for care.

### **Documents you'll need to apply**

You'll need to show evidence that shows:

- proof of identity.
- that you're related to your family member- and where appropriate- dependent of them.
- a birth certificate or passport showing that your family member was born in Northern Ireland; and
- evidence that, at the time of your family member's birth, one of their parents was a British, Irish, or dual British and Irish citizen, or without any restriction on their period of residence.

You will also need the usual evidence required in an application, which is:

- your own identity and continuous residence; and
- your relationship to your family member; and
- your family member's identity and continuous residence; and
- the reasonable grounds for the delay in applying (where relevant).

## **Other Information**

### **Retained 'rights of residence'**

Family members may also qualify under the retained rights of residence set out below where they were living in the Isle of Man on or before 31 December 2020. The Isle of Man requirements are aligned to those of the UK. To find out more please click on the link below which will take you to the Home Office website.

[Retained right of residence](#)

### **Surinder Singh and Zambrano applications**

For most people, you can no longer apply if you're:

- a family member of a "qualifying British citizen" –this is known as a "Surinder Singh" application.
- A primary carer of a British citizen-this is known as a "Zambrano" application.

As of 8 August 2023, these routes were closed to new application. These routes will remain open for individuals who already hold status, have a pending application or are under appeal.

### **Applying for your child**

If you get indefinite leave to remain, any children born in the UK or Isle of Man while you're living here will automatically be British citizens.

If you get limited leave to remain, any children born in the UK or Isle of Man will be automatically eligible for limited leave to remain. They will only be a British citizen if they qualify for it through their other parent.

Each child over 18 must have their own application form.

### **Eligibility**

Your child may be eligible for settled or pre-settled status if they are:

- under 21, or they were under 21 when they got pre-settled status and they want to switch to settled status; and

- from the EU, Switzerland, Norway, Iceland or Liechtenstein - or you, or your spouse or civil partner, are.

Although the deadline for applications for most people was 30 June 2021, you can still apply for your child - or they can apply for themselves - if you lived in the Isle of Man by 31 December 2020.

You must apply within 90 days of your child being born or adopted in the UK and Islands or joining you here.

If your child was born in the UK but is not a British citizen, they will still need to apply. You can [check if they're a British citizen](#) if you're not sure.

## **What documents you'll need**

You'll need proof of

- your child's identity - you can use the same types of documents for proving your own identity, for example a passport or national ID card; and
- your relationship to your child; and
- your pre-settled or settled status - or that you're an Irish citizen, eligible British citizen, an eligible person of Northern Ireland or exempt from immigration control
- when your child was born or adopted - for example a birth certificate or adoption order
- when your child started living here, if they started living in the UK by 31 December 2020
- your child's continuous residence
- If your child started living in the Isle of Man by 31 December 2020, you'll need evidence that shows they were here in the last 6 months of 2020.

## **Criminal convictions**

This is a mandatory section in the application form and must be completed or the application will be invalid.

If you are 18 or over, the Immigration Service will check you have not committed serious or repeated crimes, and that you do not pose a security threat. This information is required in order to assess whether your application should be refused in accordance with paragraph EU16 of Appendix EU.

You will be asked about your criminal history in the Isle of Man and overseas.

You do not need to declare any of the following:

- convictions that do not need to be disclosed ('spent convictions'); or
- warnings ('cautions'); or
- alternatives to prosecution, for example speeding fines.

You'll still be eligible for settled or pre-settled status if you've only been convicted of a minor crime.

If you have been to prison, you will usually need at least five years' continuous residence from

the day you were released to be considered for indefinite leave to remain.

## **Limited leave to remain (pre-settled status)**

Applicants will usually be granted limited leave to remain (also known as “pre-settled status”) if they:

- started living in the Isle of Man by 31 December 2020; and
- have not lived in the UK and Islands for a continuous five-year period, known as “continuous residence”.

Following the grant of limited leave to remain applicants can apply to change this to indefinite leave once they acquired five-years’ of continuous residence in the UK and Islands.

Those granted limited leave to remain can stay in the Isle of Man for a further five years from the date it is granted.

## **Indefinite leave to remain (settled status)**

Applicants will usually obtain indefinite leave to remain (also known as “settled status”) if they:

- started living in the Isle of Man by 31 December 2020; and
- have lived in the UK and Islands for a continuous five-year period at the date of application, known as ‘continuous residence’.

Continuous residence means a consecutive five-years’ of residence in the UK and Islands for at least 6 months in any 12 month period. Exceptions are:

- one period of absence up to 12 months for an important reason (for example, childbirth, serious illness, study, vocational training or an overseas work posting); or
- an absence due to compulsory military service of any length; or
- Where continuous residence has been broken (for example, by an absence from the UK and Islands for a period longer than 6 months), applicants will usually need to complete a further continuous residence in order to qualify for indefinite leave to remain.

## **If you want to spend time outside the Isle of Man**

Indefinite leave to remain enables holders to spend a continuous period of up to five-years (4 years for Swiss citizens) outside the UK and Islands without losing that status<sup>2</sup>.

Limited leave to remain enables holders to spend a continuous period of up to 2 years outside the UK and Islands without losing that status. Applicants must maintain their continuous residence in order to qualify for indefinite leave to remain.

## Coronavirus (Covid-19): absences

Where your continuous residence in the UK and Islands has been affected by coronavirus, the UK guidance linked below will be followed in assessing your application:

[https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants.](https://www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants)

## Applying to the United Kingdom EU Settlement Scheme

The Isle of Man Immigration Service has made arrangements with the UK Home Office to provide for EU, EEA and Swiss citizens who are resident in the Isle of Man to make an application for their immigration status to the UK's EU Settlement Scheme if they wish.

The UK Scheme will accept eligible applications from EU, EEA and Swiss citizens residing in the Isle of Man, their family members, and the family members of a qualifying British citizen, and if successful they will be granted an immigration status of either indefinite leave to enter or limited leave to enter.

There is no fee for this application. Successful applicants will be given proof of their status through a UK online service confirming their grant of leave under Appendix EU to the UK's Immigration Rules.

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<sup>2</sup> Article 17(4) of the Immigration (Leave to Enter and Remain) Order 2019 (SD No. 2019/0146).

# EUSS Automatic Extension

## Overview

The IOM has committed to maintain alignment of the EU Settlement Scheme (EUSS) with the UK's equivalent Scheme. The EUSS Automatic Extension is a continuation of this existing policy.

In December 2022 a UK High Court judgement ruled that, on the basis of article 13(4) of the Withdrawal Agreement, pre-settled status holders should not lose their rights of residence if they do not make an application for settled status.

As a direct result of this all pre-settled status holders under the Isle of Man's EU Settlement Scheme, will have their status extended by two years. This automatic extension will be applied 28 days before their current status is due to expire. This will ensure that nobody loses their immigration status if they do not apply to switch from pre-settled to settled status.

If you previously held pre-settled status and have subsequently been granted settled status you do not need to apply for this extension.

## Proving status

The two-year extension will be automatically applied 28 days before a pre-settled status holder's leave is due to expire. Therefore, pre-settled status holders are not required to take any action for their leave to be extended.

However, pre-settled status holders need to contact the Immigration Service to apply for their updated pre-settled status document\* from 28 days before their current pre-settled status is due to expire. For example, if the original pre-settled status expires on 30 June 2024, the status holder cannot apply for their extension documents until 2nd June 2024.

The updated status document provides proof of right to work, live or study in the Isle of Man, and provides valid permission to enter the Isle of Man, or UK, following travel.

There will be no fee applicable to apply for EUSS Automatic Extension status documents.

It will still be possible to apply for the extension documents even after the original leave has expired. This is because the leave will be automatically extended.

Applications for the extension documents cannot be accepted any earlier than 28 days before their current Isle of Man EUSS pre-settled status expires.

**\*This will be either an updated extension status letter or wet ink stamp in their passport.** Status letters are granted to holders of pre-settled status granted to EU, EEA and Swiss citizens who were resident before 31st December 2020. Wet ink stamps are granted to family members who hold pre-settled status.

## **Next Steps for an extension status letter or wet ink stamp.**

1. Complete the 'EU Settlement Scheme Status Holder Personal Information Form'.
2. Submit the 'EU Settlement Scheme Status Holder Personal Information Form' along with proof of ID (Passport/National ID Card) and proof of address; either
  - In-Person during public counter opening times ([Isle of Man Government - Contact us](#)); or
  - hand deliver to the Immigration post box at Central Government Offices; or
  - by Post to the Customs and Immigration Service, Ground Floor, Government Office, Bucks Road, Douglas, Isle of Man. IM1 3PN.
3. Extension status letters will be sent out using the postal service or will be collected depending on the holder's option choice.
4. For those who require a wet ink stamp in their passport, these will require collection.

Pre-Settled status holders are requested to start this application process no earlier than 28 days before their current five-year Isle of Man EUSS pre-settled status expires.

## **Are you eligible for Settled Status?**

If you hold pre-settled status in the Isle of Man or UK, and have had continuous residence for a period of five years or more, you are likely to qualify for settled status and are encouraged to apply (Refer to page 11 and 12 of this guidance). Application forms can be found on the [Immigration forms webpage](#).

## **Questions and Answers**

### **I hold pre-settled status via the UK EUSS, do I need to apply to the Isle of Man EUSS Extension Scheme?**

No, unlike the Isle of Man, the UK's system is fully digitalised system whereby those who hold pre-settled status under the UK's EUSS will have created a UKVI account and can provide evidence of their status by signing into that account- please refer to: [View and prove your immigration status \(eVisa\) - GOV.UK \(www.gov.uk\)](#). This enhancement will be automated by the Home Office and reflected in the person's digital status.

### **Can I send photo ID, proof of address and EUSS Scheme Personal Information Form in by post?**

Yes, the Immigration Service will accept the applications form and associated documents (valid photo ID and current proof of address) by post, however, the associated documents must to be collected in person by specifically the applicant once the process is complete. (For applicants under 16 years of age a parent or legal guardian will need to attend with the child). Please refer to the latest Immigration Service counter hours ([Isle of Man Government - Contact us](#)).

### **Will the two-year extension count towards the qualifying residency period for settled status?**

The two-year extension can count towards the qualifying five-year continuous residence requirement, but it is important to understand that nothing has changed regarding the

eligibility rules for the five-year continuous residency requirement. If your continuous residency was broken at some point after 31 December 2020, this extension can only help build up a continuous residence from the time you started residency again. Furthermore, those who leave the Isle of Man and UK for more than two continuous years can lose their immigration status.

## Version Control

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