

Explanatory Memorandum to the Statement of Changes In Immigration Rules SD 2016/0175

1. Purpose of this Statement of Changes

The purpose of these changes is to:

- Add nurses, and four occupations into the digital technology sector to the Shortage Occupation List.
- Provide an explanation of the Tier 2 indefinite leave requirements that will apply from 17th June 2016.
- Amend the definition of “training programme” under Part 6A of the Rules.
- Clarify the current Tier 5 (Temporary Worker – Charity Worker) Rules to ensure no form of remuneration, including benefits in kind can be received by migrants on this route. Also preventing permanent vacancies being filled by migrants using this route.
- Set the annual allocation of places for countries participating in the Tier 5 Youth Mobility Scheme for 2016. These numbers mirror those in the UK rules in order to ensure Isle of Man residents are recognised by the participating countries under this scheme.
- Amendments are being made to the Knowledge of Language and Life requirements for Indefinite Leave to Remain (Appendix KOLL). All applications for Indefinite Leave must demonstrate the required level of English through the Secure English Language Test list in Appendix O. Any qualification not listed will no longer be recognised.
- Clarification is made that visitors are permitted to volunteer and study to a maximum of 30 days, however the main purpose of the visit cannot be to study.
- To make minor technical changes and corrections to existing Immigration Rules.

2. Policy Background

Changes relating to Tier 1 of the Points-Based System

2.1 Tier 1 of the Points-Based System caters for high value migrants, there are currently four active categories: Tier 1(Exceptional Talent), Tier 1(Entrepreneurs), Tier 1(Investor) and Tier 1(Graduate Entrepreneur). The category of Tier 1(General) is closed to new applicants but remains open for settlement applications. The following changes are being made to Tier 1:

Tier 1 (Entrepreneur)

- Changes to the level of funds accessible to the applicant and must have access

to not less than either;

- a. £200,000, or
 - b. £50,000 from one or more Isle of Man Government Department for the purposes of establishing or expanding business in the Isle of Man. From Venture Capitalist Firms of Seed Funding Competition.
- Minor technical changes to evidential requirements for entrepreneurs:
 - Amendments to the genuine entrepreneur test for initial applications. An assessment may be made of any previous investments made by an applicant into a UK or Isle of Man Business in order to be satisfied that the investment adventure is genuine.
 - Changes to the acceptable evidence of funding and investment.
 - Clarifying the evidence of continuous trading required.
 - Clarifying the required evidence to demonstrate at extension stage that the migrant has created jobs

Tier 1 (Graduate Entrepreneur)

- The required endorsement letter from an endorsing body is now required to include a confirmation that the applicant has a genuine and credible business idea, and that they will spend the majority of their time developing business ventures.

Tier 1 Investor

- Minor technical changes are being made to the drafting of the Immigration Rules, to clarify that:
 - Where property is used as evidence for a balance of funds, it may only be jointly owned with the spouse or partner of the applicant; and
 - Investment by way of share or loan capital in investment syndicate companies are not acceptable.

Changes across Tier 1

The Association of Accounting Technicians (ATT) is being added to the list of UK accounting bodies whose evidence is accepted in various Tier 1 Categories.

Changes relating to Tier 2 of the Points-Based System

2.2. There are four overall categories of the Points-Based System that cater for skilled migrants with an offer of a job from a licenced employer. The four categories are: Intra-Company Transfer (ICT), General, Minister of Religion and Sports person. The following changes are made to Tier 2:

- There are four additions to the Shortage Occupation List (SOL) in the digital technology sector. These additions are specifically catering for jobs based in small and medium sized qualifying companies (between 20-250 employees),

that require five of having led a team and who has five or more years' experience.

- Also added to the SOL are Nurses. This inclusion is in line with the UK and is made in view of potential risks associated with high vacancy rates over the high pressure winter period. However this inclusion is made ahead of a Migration Advisory Committee Review, if the Committee conclude there is insufficient evidence to justify the continuation of Nurses on the SOL they will be removed from the SOL in a future statement.

The inclusion of Nurses on this list means that they will not be subject to the resident Labour Market Test and will be exempt from the earnings threshold when they apply for settlement. Nurses who are sponsored in Tier 2 will continue to be exempt from this threshold, even if nurses are removed from the SOL in future.

- The UK Government announced in 2012 salary requirements that would apply to Tier 2 Indefinite Leave to Remain Applications from 6 April 2012, this includes a threshold salary of £35,000 (this will rise each year in line with wage inflation). These thresholds were included in Appendix I of the Immigration Rules by Statement of Changes SD0625/12 laid before Tynwald 16th October 2012. These requirements are now due to take effect as planned, and are being move from Appendix I to Part 6A of the Immigration Rules.

Further explanation of how the requirements will operate has also been provided, this includes information relating to the jobs that have been included on the Shortage Occupation List since 6th April 2011 as detailed in Table 3 of Appendix K. Migrants who entered from this date and have been sponsored in any of these jobs will be exempt from the new salary threshold.

- A change is being made to allow the grant of entry clearance to be post-dated in line with the applicant's date of travel. This must be no later than 14 days after the stated start date as provided by the relevant Tier 2 Sponsor. This allows flexibility for the applicant.
- Further changes are made to the requirements relating to previous experience for posts on Shortage Occupation applications, ensuring all requirements are consolidated to one place.
- To reflect changes to registration programmes overseen by the Nursing and Midwifery Council, minor amendment shave been made and to further clarify the existing salary requirements.
- Where an applicant for Tier 2 is exempt from the need to show maintenance funds by virtue of applying to extend their leave in the same category, the dependents are also now exempt, including where the dependents apply at a later date.
- To the Tier 2 (Intra-Company Transfer) minor technical changes are being

made to clarify the 12 months' previous technical experience. This experience may be obtained with businesses established which have links to the Sponsor by common ownership and is not required to be the Sponsor itself.

- Migrants under the Tier 2 and Tier 5 categories may not have absences from work without pay for 30 days or more during the calendar year.

Other changes relating to work routes

2.3 Businesses with no presence in the Isle of Man may send employees to the Isle of Man as under the Representative of an Overseas Business category to establish an Isle of Man branch or subsidiary. Currently much of the evidential requirements are set out in UK guidance, therefore administrative changes are being made to the Immigration Rules to incorporate these existing requirements.

Changes to Tiers 2 and 5 of the Points-Based System relating to Sportspeople and coaches

2.4 To provide a clearer distinction between the two for the customer, changes are being made to the definitions of "Professional Sportsperson" and "Amateur".

2.5 Relevant children of Points Based System Migrants under the age of 18 when they apply are now prohibited from being employed as a professional sportsperson. This includes employment as a sports coach.

2.6. Endorsements for Tier 2 (Sportspeople) and Tier 5(Temporary Worker – Creative and Sporting) applications may now be issued by the National Ice Skating Association of Great Britain and Northern Ireland.

2.7. Changes in this Statement enable applications for entry clearance to be refused when a valid Governing Body endorsement letter is not provided as part of an application for Tier 2 (Sportspeople) and Tier 5(Temporary Worker – Creative and Sporting) categories.

2.8. Persons applying for entry clearance or leave to remain under Tier 2 (Sportspeople) and Tier 5 (Temporary Worker – Creative and Sporting) are now permitted to compete in British University and College Sport (BUCS) competitions.

Changes to Tier 5 (Youth Mobility Scheme), Temporary Worker –Government Authorised Exchange) and Temporary Worker – Charity Worker)

2.9. The Tier 5 Temporary Workers consists of five sub-categories: Creative and Sporting, Charity Workers, Religious Workers, Government Authorised Exchange and International Agreement. For each subcategory an applicant must have a licenced Tier 5 Sponsor.

2.10 Minor technical amendments have been made to the Government Authorised Exchange and Youth Mobility Scheme.

2.11 The Isle of Man Immigration Rules has not previously had provision for the International Agreement subcategory of Tier 5. This Statement of Changes

introduces this route. It enables individuals from outside of the European Economic Area and Switzerland to do work that is covered by international Law whilst in the Isle of Man. An individual may be employed by an overseas government or international organisation and contracted to carry out work in the Isle of Man, as set out in the General Agreement on Trade in Service or similar trade agreement.

2.12. The International Agreement subcategory of Tier 5 also available for independent professionals who are self-employed with no commercial presence inside the EU and is contracted to supply services in the Isle of Man as set out in the EU – CARIFORUM economic partnership agreement or similar trade agreement.

Changes to Knowledge of Language and Life

2.13. Applicants for indefinite leave to remain, unless exempt, are required to demonstrate their knowledge of language and life in the Isle of Man as defined by Appendix KOLL. Applicants are required to demonstrate an equivalent to level B1 on the Common European Framework of References for Languages. Applicants are now required to demonstrate this with an English language qualification issued by the Secure English Language Test list in Appendix O. The option to use an alternative qualification regulated by a UK statutory body has been removed.

2.14. Changes made to Appendix KOLL ensure that the same security features also apply to English Language qualifications required for applications of limited leave to remain.

2.15. The UK has introduced an online verification process as part of additional security measures for Secure English Language Tests. Applicants are provided with a unique reference number when taking the test and must include this reference as part of their application. An Immigration Officer will use this code to securely verify the test results. A test certificate is no longer required to support the application.

Changes to Visitors

2.16. These changes provide clarity on the position of visitors studying and volunteering. Visitors are permitted to study for a maximum of 30 days and a maximum of 30 days volunteering provided the main purpose of their visit to the Isle of Man is another permitted activity, such as business meetings.

Statutory Document 2016/0175



**STATEMENT OF
CHANGES IN
IMMIGRATION RULES**

Laid before Tynwald on 19th July 2016 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 Council of Ministers has made the following changes to the Immigration Rules laid down by it as to the practice to be followed in the administration of the Immigration Act 1971¹ (of Parliament) as it has effect in the Isle of Man² for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17th May 2005³.

The changes in this Statement shall take effect on 17th June 2016. However, if an applicant has made an application for entry clearance or leave before 17th June 2016 and the application has not been decided before that date, it will be decided in accordance with the rules in force on 16th June 2016.

Changes to the Introduction

Intro 1. In paragraph 6, after the definition of a “settled worker”, insert:

“In Appendix A of these Rules, “voluntary fieldwork” means activities which would not normally be offered at a waged or salaried rate and which contribute directly to the achievement or advancement of the sponsor’s charitable purpose. It does not include work ancillary to the sponsor’s charitable purpose including, for example, routine back office administrative roles, retail or other sales roles, fund-raising roles and roles involved in the maintenance of the sponsor’s offices and other assets.”

Intro 2. In paragraph 6 after the definition of “Research Programme” insert:

“Under Part 6A of these Rules “Training Programme” means a training programme under a Government Authorised Exchange Scheme where the migrant either receives formal, practical training in the fields of science and / or medicine or by emergency services, or meets the requirements of paragraph 245ZQ(b)(vi)(1) to (3)(a).”

Intro 3. In paragraph 6, delete the definition of “Amateur” and substitute:

“An “**Amateur**” is a person who engages in a sport or creative activity solely for personal enjoyment and who is not seeking to derive a living from the activity. This also includes a person playing or coaching in a charity game.”

Intro 4. In paragraph 6, after the definition of an “Amateur”, insert:

A “**Professional Sportsperson**”, is someone, whether paid or unpaid, who:

¹ 1971 c. 77

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

³ S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13, SD 2014/0004, SD 2014/0082, SD 2014/241, 2014/314, 2014/324 and 2015/0265.

- is providing services as a sports person, playing or coaching in any capacity, at a professional or semi-professional level of sport; or
- being a person who currently derives, who has in the past derived or seeks in the future to derive, a living from playing or coaching, is providing services as a sports person or coach at any level of sport, unless they are doing so as an “Amateur”.

Intro 5. In paragraph 6 in the definition of **“present and settled”** or **“present and settled in the UK”** for:

“For the purposes of an application as a fiancé(e) or proposed civil partner under paragraphs 289AA to 295 or Appendix FM, an EEA national who holds a document certifying permanent residence issued under the 2009 EEA Regulations is to be regarded as present and settled in the Isle of Man.” substitute:

“For the purposes of an application under Appendix FM, or as a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, child, parent or adult dependent relative under Part 8, an EEA national with an EEA right to reside in the Isle of Man permanently must hold a valid residence permit issued under the Immigration (European Economic Area) Regulations 2009 which has been endorsed under the Immigration Rules to show permission to remain in the Isle of Man indefinitely, or a valid document certifying permanent residence issued under the Immigration (European Economic Area) Regulations 2009, in order to be regarded as present and settled in the Isle of Man

For the purposes of an application under Appendix FM, or as a fiancé(e), proposed civil partner, spouse, civil partner, unmarried partner, same sex partner, child, parent or adult dependent relative under Part 8, a non-EEA national with an EEA right to reside in the Isle of Man permanently must hold a valid residence document issued under the Immigration (European Economic Area) Regulations 2009 which has been endorsed under the Immigration Rules to show permission to remain in the Isle of Man indefinitely, or a valid permanent residence card issued under the Immigration (European Economic Area) Regulations 2009, in order to be regarded as present and settled in the Isle of Man.”.

Changes to Part 1

1.1 In paragraph 15 after “certain persons subject to the” delete:

“Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended)” and substitute “Immigration (Control of Entry through Republic of Ireland) Order 2016”

1.2 After paragraph 15(v) insert:

“(vi) persons who have been prohibited from entering the United Kingdom

by the Secretary of State under section (2)(2) of the European Communities Act 1972 (of Parliament).”

1.3 Delete paragraph 19A

1.4 Delete paragraph 32

1.5 Delete paragraph 33

1.6 Before paragraph 34 insert:

“A34. An application for leave to remain in the Isle of Man under these Rules must be made either by completing the relevant application process in accordance with paragraph A34 (iii) or by using the specified application form in accordance with paragraphs 34A to 34D.

(i) “The relevant application process” means the application process relevant for applications for leave to remain for the immigration category under which the applicant wishes to apply.

(ii) “Specified” in relation to the relevant application process means specified in the guidance accompanying that process.

(iii) When the application is made via the relevant application process:

(a) any specified fee in connection with the application must be paid in accordance with the method specified;

(b) if the application process requires the applicant to provide biometric information that information must be provided as specified;

(c) if the application process requires supporting documents to be submitted then any such documents specified as mandatory must be submitted in the specified manner within 15 working days of submission of the application;

(d) if the application process requires the applicant to make an appointment to attend the Isle of Man Immigration Office the applicant must, within 45 working days of submission of the application, make and attend that appointment; and comply with any specified requirements in relation to the provision of biometric information and documents specified as mandatory; and

(e) the requirements of paragraph 34BB must be met”

1.7 In paragraph 34A(i) before “the application or claim” insert “ Subject to paragraph A34”

1.8 Delete paragraph 34A(viii)

1.9 Delete paragraph 34B and substitute:

“34B. Where an application form is specified, it must be sent by prepaid post to the Isle of Man Immigration Office at the address specified on the

application form for such purposes, or submitted in person at the Isle of Man Immigration Office.

(i) an application may be sent by prepaid post or in person to the Isle of Man Immigration Office at the address specified on the application form for such purposes if it is an application for:

(a) limited or indefinite leave to remain as a sole representative, retired person of independent means or as a Tier 1 Migrant or Tier 2 Migrant;

(b) Not Used

(c) Not Used

(d) limited leave to remain as a Tier 5 (Temporary Worker) Migrant.

(e) limited leave to remain as a Tier 4 (General) or Tier 4(Child) Migrant

(ii) Not Used

(iii) Not Used

1.10 Delete paragraph 34BB(1) and substitute:

“(1) Where an application for limited or indefinite leave to remain in the Isle of Man is made by completing the relevant application process, the supporting documents submitted in accordance with paragraph A34(iii)(c) must be accompanied by an original, valid passport, travel document or national identity card issued to the applicant and to any dependant included in the application, unless sub-paragraph (3) applies.”

1.11 Delete paragraph 34C and substitute:

“34C Where an application or claim in connection with immigration for which an application form is specified does not comply with the requirements in paragraph 34A, or where an application for leave to remain in the Isle of Man is made by completing the relevant application process, and does not comply with the requirements of paragraph A34(iii), the following applies:”

1.12 In paragraph 34C(a) after “ Subject to sub-paragraph (b), the application will be invalid” delete “ if it does not comply with the relevant requirements of 34A, as applicable,”

1.13 After paragraph 34C(b) delete:

“Subject to sub-paragraph (b), the application will be invalid if it does not comply with the relevant requirements of 34A, as applicable, and will not be considered. Notice of invalidity will be given in writing and”

1.14 For paragraph 39C(b) to (d) substitute:

“(b) If the decision-maker has reasonable cause to doubt (on examination or interview or on any other basis) that any evidence submitted by or on behalf of an applicant for the purposes of satisfying the requirements of Appendix

KoLL of these Rules was genuinely obtained, that evidence may be discounted for the purposes of the application.

(c) Where sub-paragraph (b) applies, the decision-maker may give the applicant a further opportunity to demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Islands in accordance with paragraph 3.2 or 3.3 of Appendix KoLL.

(d) A decision-maker may decide not to give the applicant a further opportunity under sub-paragraph (c) where the decision-maker does not anticipate that the supply of further evidence will lead to a grant of leave to enter or remain in the Isle of Man because the application may be refused for other reasons.”

Changes to Part 5

5.1 Delete paragraph 144(iii) and substitute:

“(iii) where entry is sought under (ii)(a), the person:

(a) will be the sole representative of the employer present in the Isle of Man under the terms of this paragraph;

(b) intends to be employed full time as a representative of that overseas business;

(c) is not a majority shareholder in that overseas business;

(d) must supply from his employer:

(1) a full description of the company’s activities, including details of the company’s assets and accounts and the company share distribution for the previous year;

(2) a letter which confirms the overseas company will establish a wholly-owned subsidiary or register a branch in the Isle of Man in the same business activity as the parent company;

(3) a job description, salary details and contract of employment for the applicant;

(4) a letter confirming the applicant is fully familiar with the company’s activities and has full powers to negotiate and take operational decisions without reference to the parent company; and

(5) a notarised statement which confirms the applicant will be their sole representative in the Isle of Man; the company has no other branch, subsidiary or representative in the Isle of Man; its operations will remain centred overseas; and the applicant will not engage in business of their own nor represent any other company’s interest;”

- 5.2 In 144(vi)(b)(1), after “the standard described above”, insert “in speaking and listening”.
- 5.3 Delete paragraph 147(ii)-(iii) and substitute:
- (ii) the person was admitted in accordance with paragraph 144(ii)(a) and can show:
 - (a) that the overseas business still has its headquarters and principal place of business outside the Isle of Man; and
 - (b) that he is employed full time as a representative of that overseas business and has established and is in charge of its registered branch or wholly owned subsidiary;
 - (c) that he is still required for the employment in question, as certified by his employer;
 - (d) that he is in receipt of a salary from his employer, by providing evidence of the salary paid in the previous 12 months and the constitution of the remuneration package (for example, whether the salary was basic or commission and the number of hours worked);
 - (e) evidence he has generated business, principally with firms in the Isle of Man, on behalf of his employer since his last grant of leave. The evidence must be in the form of accounts, copies of invoices or letters from firms who the applicant has done business with, including the value of transactions; and
 - (f) a certificate of registration under Foreign Companies Registration Act 2014 issued by the Isle of Man Companies Registry certifying establishment (for a branch), and a certificate of incorporation (for a subsidiary) with either a copy of the share register or a letter from the company’s accountants confirming that all shares are held by the parent company;
 - (iii) the person was admitted in accordance with paragraph 144(ii)(b) and can show that:
 - (a) he is still engaged in the employment for which the entry clearance was granted;
 - (b) he is still required for the employment in question, as certified by his employer; and
 - (c) he is in receipt of a salary from his employer, by providing evidence of the salary paid in the previous 12 months and the constitution of the remuneration package (for example, whether the salary was basic or commission and the number of hours worked);”

Changes to Part 6A

- 6A.1 In Part 6A paragraph 245D(c)(ii)(3), delete "investing in other businesses, and" and replace with "investing in businesses, other than those which the applicant is running as self-employed or as a director, and".
- 6A.2 At the end of 245DB(f)(iii) substitute "." with ";".
- 6A.3 After 245DB(f)(iii) insert:
- “(iv) if the applicant is relying on one or more previous investments to score points, they have genuinely invested all or part of the investment funds required in Table 4 of Appendix A into one or more genuine businesses in the Isle of Man;
- (v) that the applicant does not intend to take employment in the Isle of Man other than under the terms of paragraph 245DC.”
- 6A.4 In paragraph 245DB(h)(v) after “in the Isle of Man” insert “or United Kingdom”
- 6A.5 Delete paragraph 245DD(h) and substitute:
- “(h) Where the applicant is being assessed under Table 4 of Appendix A, the Lieutenant Governor must be satisfied that:
- (i) the applicant genuinely:
- (1) intends and is able to establish, take over or become a director of one or more businesses in the Isle of Man within the next six months, or
- (2) has established, taken over or become a director of one or more businesses in the Isle of Man and continues to operate that business or businesses; and
- (ii) the applicant genuinely intends to invest the money referred to in Table 4 of Appendix A in the business or businesses referred to in (i);
- (iii) the money referred to in Table 4 of Appendix A is genuinely available to the applicant, and will remain available to him until such time as it is spent for the purposes of his business or businesses;
- (iv) if the applicant is relying on one or more previous investments to score points, they have genuinely invested all or part of the investment funds required in Table 4 of Appendix A into one or more genuine businesses in the Isle of Man;
- (v) that the applicant does not intend to take employment in the Isle of Man other than under the terms of paragraph 245DE.”
- 6A.6 In paragraph 245GC, delete sub-paragraphs (a) to (c) and substitute:
- “(a) Entry clearance will be granted with effect from:

- (i) 14 days before the start date of the applicant's employment in the Isle of Man, as recorded by the Certificate of Sponsorship Checking Service,
 - (ii) 7 days before the intended date of travel recorded by the applicant either through the relevant online application process or in the specified application form, 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 Certificate of Sponsorship Checking Service, or
 - (iii) the date entry clearance is granted, whichever is the latest.
- (b) Entry clearance will be granted for a period ending:
- (i) 14 days after the end date of the applicant's employment in the Isle of Man, as recorded by the Certificate of Sponsorship Checking Service, or
 - (ii) at the end of the maximum time available for the Tier 2 (Intra-Company Transfer) subcategory, as set out in (c), from the date entry clearance was granted,
- whichever is the earlier.
- (c) The maximum time referred to in (b)(ii) is:
- (i) 6 months, if the applicant is applying in the Skills Transfer subcategory,
 - (ii) 12 months, if the applicant is applying in either of the Graduate Trainee or Short Term Staff sub-categories, or
 - (iii) 5 years and 1 month, if the applicant is applying in the Long Term Staff sub-category."

6A.7 In paragraph 245GF(e)(ii)(2), delete "maternity, paternity or adoption leave" and substitute "maternity, paternity, shared parental or adoption leave".

6A.8 In paragraph 245GF-SD C., delete "maternity, paternity or adoption leave" and substitute "maternity, paternity, shared parental or adoption leave".

6A.9 In paragraph 245HC, delete sub-paragraphs (a) to (c) and substitute:

- "(a) Entry clearance will be granted with effect from:
- (i) 14 days before the start date of the applicant's employment in the Isle of Man, as recorded by the Certificate of Sponsorship Checking Service,
 - (ii) 7 days before the intended date of travel recorded by the applicant either through the relevant online application process or in the specified application form, 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 Certificate of Sponsorship Checking Service, or

(iii) the date entry clearance is granted,
whichever is the latest.

(b) Entry clearance will be granted for a period ending:

(i) 14 days after the end date of the applicant's employment in the Isle of Man, as recorded by the Certificate of Sponsorship Checking Service, or

(ii) at the end of the maximum time available for the applicable Tier 2 (General), Tier 2 (Minister of Religion) or Tier 2 (Sportsperson) category, as set out in (c), from the date entry clearance was granted,
whichever is the earlier.

(c) The maximum time referred to in (b)(ii) is:

(i) 5 years and 1 month, if the applicant is applying as a Tier 2 (General) Migrant; or

(ii) 3 years and 1 month, if the applicant is applying as a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant."

6A.10 Delete paragraph 245HC(d)(iii)(4) and substitute:

"(4) if the applicant is applying as a Tier 2 (Sportsperson) Migrant, employment as a sportsperson for his national team while his national team is in the Isle of Man, playing in British University and College Sport (BUCS) competitions and Temporary Engagement as a Sports Broadcaster, and".

6A.11 Delete paragraph 245HD(d)(v).

6A.12 Delete paragraph 245HE(d)(iii)(5) and substitute:

"(5) if the applicant is applying as a Tier 2 (Sportsperson) Migrant, employment as a sportsperson for his national team while his national team is in the Isle of Man, playing in British University and College Sport (BUCS) competitions and Temporary Engagement as a Sports Broadcaster, and".

6A.13 Delete paragraph 245HF and substitute:

"245HF. Requirements for indefinite leave to remain as a Tier 2 (General) Migrant or Tier 2 (Sportsperson) Migrant

To qualify for indefinite leave to remain as a Tier 2 (General) Migrant or Tier 2 (Sportsperson) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain

will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (b) The applicant must have spent a continuous period of 5 years lawfully in the Isle of Man, of which the most recent period must have been spent with leave as a Tier 2 (General) Migrant or Tier 2 (Sportsperson) Migrant, in any combination of the following categories:
 - (i) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant or a Tier 1 (Graduate Entrepreneur) Migrant,
 - (ii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant,
 - (iii) as a Tier 2 (Intra-Company Transfer) Migrant, provided the continuous period of 5 years spent lawfully in the Isle of Man includes a period of leave as:
 - (1) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 26 July 2010 or
 - (2) Not Used
 - (iv) as a Representative of an Overseas Business,
 - (v) as a Highly Skilled Migrant,
 - (vi) Not Used
 - (vii) Not Used
 - (viii) as a Member of the Operational Ground Staff of an Overseas-owned Airline,
 - (ix) as a Minister of Religion, Missionary or Member of a Religious Order, or
 - (x) as a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation.
- (c) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must:
 - (i) still hold a Tier 2 Sponsor licence in the relevant category, or have an application for a renewal of such a licence currently under consideration by the Department of Economic Development; and
 - (ii) certify in writing:

- (1) that he still requires the applicant for the employment in question for the foreseeable future,
 - (2) the gross annual salary paid by the Sponsor, and that this salary will be paid for the foreseeable future,
 - (3) if the applicant is currently on maternity, paternity, shared parental or adoption leave, the date that leave started, confirmation of what the applicant's salary was immediately before the leave, and what it will be on the applicant's return, and
 - (4) if the applicant is paid hourly, the number of hours per week the salary in (2) or (3) is based on.
- (d) The pay in (c)(ii)(2) or (3) above must:
- (i) be basic pay (excluding overtime);
 - (ii) only include allowances where they are part of the guaranteed salary package and would be paid to a local settled worker in similar circumstances;
 - (iii) not include other allowances and benefits, such as bonus or incentive pay, employer pension contributions, travel and subsistence (including travel to and from the applicant's home country);
 - (iv) not include the value of any shares the applicant has received as an employee-owner in exchange for some of his Isle of Man employment rights;
 - (v) be at least equal to the appropriate rate for the job as stated in the Codes of Practice in Appendix J; and
 - (vi) be at least:
 - (1) £35,000 if the date of application is on or after 6 April 2016,
 - (2) £35,500 if the date of application is on or after 6 April 2018,
 - (3) £35,800 if the date of application is on or after 6 April 2019,
 - (4) £36,200 if the date of application is on or after 6 April 2020,
 subject to (e), (f) and (g) below.
- (e) Sub-paragraph (d)(vi) above does not apply if the continuous 5-year period in (b) includes a period of leave as:

- (i) Not Used
 - (ii) a Tier 2 Migrant, where the Certificate of Sponsorship which led to that grant of leave was assigned to the applicant by his Sponsor before 1st March 2012,
- (f) Sub-paragraph (d)(vi) above does not apply if the Certificate of Sponsorship which led to the applicant's most recent grant of leave was for a job which:
- (i) appears on the list of PhD-level occupation codes as stated in the codes of practice in Appendix J,
 - (ii) appears on the Shortage Occupation List in Appendix K,
 - (iii) previously appeared on the Shortage Occupation List, as shown by Tables 3 in Appendix K, at any time when the applicant:
 - (1) had leave as a Tier 2 (General) Migrant, in which he was sponsored for the applicable job, either with the same or a different employer, during the continuous 6-year period ending on the date of application for indefinite leave to remain, or
 - (2) was assigned a Certificate of Sponsorship for that job, either with the same or a different employer, which led to a grant of leave as a Tier 2 (General) Migrant during the continuous 6-year period ending on the date of application for indefinite leave to remain.
- (g) Where the applicant is paid hourly, only earnings up to a maximum of 48 hours a week will be considered in (d)(vi) above, even if the applicant works for longer than this. For example, an applicant who works 60 hours a week for £12 per hour will be considered to have a salary of £29,952 (12x48x52) and not £37,440 (12x60x52), and will therefore not meet the requirement in (d)(vi).
- (h) The applicant must provide the specified documents in paragraph 245HH as evidence of the salary in (c)(ii)(2) or (3) above and the reasons for the absences set out in paragraph 245AAA.
- (i) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the Isle of Man, in accordance with Appendix KoLL.
- (j) The applicant must not be in the Isle of Man in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.
- (k) For the purposes of (b), time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom in a category

equivalent to any of the categories set out in (b)(i) to (x), may be included in the continuous period of 5 years lawful residence, provided that:

- (i) any such leave as a work permit holder or as a Tier 2 Migrant was for employment:
 - (1) in a job which appears on the list of occupations skilled to National Qualifications Framework level 3 or above (or from 1st March 2012 National Qualifications Framework level 4 or above or from 14 June 2012, National Qualifications Framework level 6 or above), as stated in the Codes of Practice in Appendix J, or
 - (2) in a job which appears in the Creative Sector Codes of Practice in Appendix J, or
 - (3) as a professional sportsperson (including as a sports coach); and
- (ii) the most recent period of leave was granted in the Isle of Man as a Tier 2 (General) Migrant or Tier 2 (Sportsperson) Migrant.

In any such case, references to the "Isle of Man" in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom, as the case may be.

245HG. Requirements for indefinite leave to remain as a Tier 2 (Minister of Religion) Migrant

To qualify for indefinite leave to remain as a Tier 2 (Minister of Religion) Migrant, an applicant must meet the requirements listed below. If the applicant meets these requirements, indefinite leave to remain will be granted. If the applicant does not meet these requirements, the application will be refused.

Requirements:

- (a) The applicant must not fall for refusal under the general grounds for refusal, and must not be an illegal entrant.
- (b) The applicant must have spent a continuous period of 5 years lawfully in the Isle of Man, of which the most recent period must have been spent with leave as a Tier 2 (Minister of Religion) Migrant, in any combination of the following categories:
 - (i) as a Tier 1 Migrant, other than a Tier 1 (Post Study Work) Migrant or a Tier 1 (Graduate Entrepreneur) Migrant,
 - (ii) as a Tier 2 (General) Migrant, a Tier 2 (Minister of Religion) Migrant or a Tier 2 (Sportsperson) Migrant,
 - (iii) as a Tier 2 (Intra-Company Transfer) Migrant, provided the

continuous period of 5 years spent lawfully in the Isle of Man includes a period of leave as:

- (1) a Tier 2 (Intra-Company Transfer) Migrant granted under the Rules in place before 26 July 2010 or
 - (2) a Qualifying Work Permit Holder, provided that the work permit was granted because the applicant was the subject of an Intra-Company Transfer,
 - (iv) as a Representative of an Overseas Business,
 - (v) as a Highly Skilled Migrant,
 - (vi) as an innovator,
 - (vii) as a Qualifying Work Permit Holder,
 - (viii) as a Member of the Operational Ground Staff of an Overseas-owned Airline,
 - (ix) as a Minister of Religion, Missionary or Member of a Religious Order, or
 - (x) as a Representative of an Overseas Newspaper, News Agency or Broadcasting Organisation.
- (c) The Sponsor that issued the Certificate of Sponsorship that led to the applicant's last grant of leave must:
- (i) still hold a Tier 2 Sponsor licence in the relevant category, or have an application for a renewal of such a licence currently under consideration by the Department of Economic Development; and
 - (ii) certify in writing that he still requires the applicant for the employment in question for the foreseeable future.
- (d) The applicant must provide the specified documents in paragraph 245HH as evidence of the reasons for the absences set out in paragraph 245AAA.
- (e) The applicant must have sufficient knowledge of the English language and sufficient knowledge about life in the Isle of Man, in accordance with Appendix KoLL.
- (f) The applicant must not be in the Isle of Man in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.
- (g) For the purposes of (b), time spent with valid leave in the Bailiwick of Guernsey, the Bailiwick of Jersey or the United Kingdom in a category equivalent to any of the categories set out in (b)(i) to (x), may be

included in the continuous period of 5 years lawful residence, provided that the most recent period of leave was granted in the Isle of Man as a Tier 2 (Minister of Religion) Migrant.

In any such case, references to the "Isle of Man" in paragraph 245AAA shall include a reference to the Bailiwick of Guernsey, Bailiwick of Jersey or the United Kingdom, as the case may be."

6A.14 Renumber paragraph 245HF-SD as 245HH, and in the renumbered paragraph:

- (i) Delete the reference to "paragraph 245HF(e)" and substitute "paragraphs 245HF(h) and 245GF(d)".
- (ii) In sub-paragraph A.(b)(iii)(6), delete the reference to "245HF-SD A.(a)" and substitute "245HH A.(a)".
- (iii) In sub-paragraph A.(c)(i)(5), delete the reference to "245HF-SD A.(a)" and substitute "245HH A.(a)".
- (iv) In sub-paragraph C., delete "maternity, paternity or adoption leave" and substitute "maternity, paternity, shared parental or adoption leave".

6A.15 In paragraph 245ZM(b)

- i. delete "245ZR" and substitute "245ZS"
- ii. delete "111" and substitute "112"

6A.16 In paragraph 245ZO (b) delete "111" and substitute "112"

6A.17 In paragraph 245ZO delete "(f) to (h) Not Used and substitute:

"(f) Not Used

(g) Not Used

(h) Where the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored as a Contractual Service Supplier, or Independent Professional in the International Agreement sub-category of the Tier 5 (Temporary Worker) Migrant route, the grant of leave to enter will not result in the applicant being granted leave to enter or remain as a Contractual Service Supplier, or Independent Professional under the International Agreement sub-category of the Tier 5 (Temporary Worker) Migrant route for a cumulative period exceeding 6 months in any 12 month period ending during the period of leave to enter requested."

6A.18 In paragraph 245ZO(i)(ii) delete "United Kingdom" and substitute "Isle of Man"

6A.19 After paragraph 245ZO(i)(ii) insert "(iii) Not Used".

6A.20 delete paragraph 245ZP(e) and substitute:

“(e) Where paragraph 245ZN(b) does not apply and the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored as a Contractual Service Supplier, or Independent Professional in the International Agreement sub-category of the Tier 5 (Temporary Worker) Migrant route, entry clearance will be granted for:

(i) a period commencing 14 days before the beginning of the period of engagement and ending 14 days after the end of that period of engagement, or

(ii) 6 months,

whichever is the shorter.”

6A.21 In paragraph 245ZP(f)(iii)(2) after “migrant is being sponsored to do,” delete “and”.

6A.22 Delete paragraph 245ZP(f)(iii)(3) substitute:

“(3) supplementary employment except in the case of a migrant whom the Certificate of Sponsorship records as being sponsored in the international agreement sub-category, to work as a Contractual Service Supplier, or Independent Professional, and

(4) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the creative and sporting subcategory of Tier 5 (Temporary Workers), employment as a sportsperson for his national team while his national team is in the UK, playing in British University and College Sport (BUCS) competitions and Temporary Engagement as a Sports Broadcaster.

(iv) Not Used”

6A.23 Renumber paragraph 245ZP(f)(iv) as (v).

6A.24 Delete paragraph 245ZQ(b) and substitute:

“(b) The applicant must have, or have last been granted.

(i) entry clearance or leave to remain as a Tier 5 (Temporary Worker) Migrant, or

(ii) entry clearance, leave to enter or leave to remain as a visitor who has been in the Isle of Man undertaking permitted activities in the sports or creative sectors, provided:

(1) the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application shows that he is being sponsored in the creative and sporting subcategory; and

(2) the Certificate of Sponsorship reference number was allocated to the applicant before he entered the Isle of Man as a visitor (excluding visitors for permitted paid engagements, marriage or civil partnership or transit), or

(iii) entry clearance, leave to enter or leave to remain as an Overseas Government Employee, provided

(a) the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application shows he is being sponsored in the international agreement sub-category, and

(b) the applicant is continuing employment with the same overseas government or international organisation for which earlier leave was granted, or

(iv) Not Used

(v) Not Used

(vi) entry clearance, leave to enter or leave to remain as a Student, a Student Re-Sitting an Examination, a Person Writing Up a Thesis, a Postgraduate Doctor or Dentist, a Student Nurse, , or a Tier 4 (General) Migrant who, in respect of such leave, is or was last sponsored by:

(a) a Isle of Man recognised body or a body in receipt of public funding as a higher education institution from the Isle of Man Government Department of Education and Children; or

(b) an overseas higher education institution to undertake a short-term study abroad programme in the Isle of Man,

provided the Certificate of Sponsorship Checking Service reference for which he is being awarded points in this application confirms:

(1) he is being sponsored in the government authorised exchange sub-category, and

(2) he lawfully obtained a UK recognised bachelor or postgraduate degree (not a qualification of equivalent level which is not a degree) during his last grant of leave, and

(3) he is being sponsored to:

(a) undertake a period of postgraduate professional training or work experience which is required to obtain a professional qualification or professional registration in the same professional field as the qualification in (2) above, and will not be filling a permanent vacancy, such that the employer he is directed to work for by the Sponsor does not intend to employ him in the Isle of Man once the training or work experience for which he is being sponsored has concluded, or

(b) undertake an internship for up to 12 months which directly relates to the qualification in(2) above, and will not be filling a permanent vacancy, such that the employer he is directed to work for by the Sponsor does not intend to employ him in the Isle of Man once the training or work experience for which he is being sponsored has concluded,”

6A.25 In paragraph 245ZQ(c) delete “111” and substitute “112”

6A.26 Delete paragraph 245ZQ(j) and substitute:

“(j) Where the Certificate of Sponsorship Checking Service reference number for which the applicant was awarded points under Appendix A records that the applicant is being sponsored as a Contractual Service Supplier, or Independent Professional in the International Agreement subcategory of the Tier 5 (Temporary Worker) Migrant route, the grant of leave to remain will not result in the applicant being granted leave to enter or remain as a Contractual Service Supplier, or Independent Professional under the international agreement sub-category of the Tier 5 (Temporary Worker) Migrant route for a cumulative period exceeding 6 months in any 12 month period ending during the period of leave to remain requested.”

6A.27 After paragraph 245ZQ(n) insert “(o) Not Used”

6A.28 In paragraph 245ZR(b)(ii)(2) after “International Agreement subcategory” insert:

“other than as a Contractual Service Supplier, or Independent Professional, or

(3) 6 months, if the applicant is being sponsored in the International Agreement subcategory and is a Contractual Service Supplier or Independent Professional,

whichever of (i) or (ii) is the shorter”

6A.29 Delete paragraph 245ZR(d) and substitute:

“(d) Where the Certificate of Sponsorship Checking Service reference records that the migrant is being sponsored in the international agreement subcategory of the Tier 5 (Temporary Worker) Migrant route as an overseas government employee, employee of an international organisation leave to remain will be granted for:

(i) the period of engagement plus 14 days, or

(ii) 24 months,

whichever of (i) or (ii) is the shorter, unless at the date of the application for leave to remain the applicant has spent more than 4 years continuously in the

UK with leave as a Tier 5 (Temporary Worker) Migrant, in which case leave to remain will be granted for:

- (iii) the period of engagement plus 14 days, or
- (iv) a period equal to 6 years less X, where X is the period of time, beginning with the date on which the applicant was last granted entry clearance or leave to enter as a Tier 5 (Temporary Worker) Migrant, that the applicant has already spent in the UK as a Tier 5 (Temporary Worker) Migrant, whichever of (iii) or (iv) is the shorter.

6A.30 After paragraph 245ZR(h)(iii)(3) insert:

“(4) in the case of a migrant whom the Certificate of Sponsorship Checking Service records as being sponsored in the creative and sporting subcategory of Tier 5 (Temporary Workers), employment as a sportsperson for his national team while his national team is in the UK, playing in British University and College Sport (BUCS) competitions and Temporary Engagement as a Sports Broadcaster.”

Changes to Part 7

7.1 After paragraph 276A(c) insert:

“(2) Where leave to enter is granted in accordance with paragraph 276A01(1), paragraph 276BE(1) shall apply to an application for leave to remain on the grounds of private life in the Isle of Man as if for “leave to remain under this sub-paragraph” there were substituted “leave to enter in accordance with paragraph 276A01(1)”.

7.2 In paragraph 276A01 delete subparagraph (2).

7.3 In paragraph 276A02(b) after “section 95 of the Immigration and Asylum Act 1999” insert “(of Parliament)”

7.4 Renumber Paragraph 276ADE as “276ADE(1)”.

7.5 After Paragraph 276ADE:

(i) Delete “In considering applications under this paragraph, the Lieutenant Governor shall attach less weight to private life in the Isle of Man established following refusal of an earlier application for leave to remain made under paragraph 276ADE.”

(ii) Insert “276ADE(2) Not Used”

Changes to Part 8

8.1 In paragraph A280(b), in the table, in the entry for paragraphs 297-300 in the column headed “Additional requirement”, for “None” substitute: “Where the applicant falls under paragraph 297, the applicant must not fall for refusal under paragraph S-EC.1.9. of Appendix FM in respect of a parent of

the applicant. For these purposes, “a parent of the applicant” is to be construed as including “a relative of the applicant” under paragraph 297.”.

8.2 In paragraph A280(b), in the table, in the entry for paragraphs 304-309 in the column headed “Additional requirement”, for “None” substitute: “Where the applicant falls under paragraph 305, the applicant must not fall for refusal under paragraph S-EC.1.9. of Appendix FM in respect of a parent of the applicant.”.

8.3 Delete paragraph 319C(h)(i) and substitute:

“(i) entry clearance of leave as a:

(a) visitor, including where they entered the Isle of Man from the Republic of Ireland to stay under the terms of articles 3A and 4 of the Immigration (Control of Entry through Republic Ireland) Order 2016 on the basis of a visa issued by the Republic of Ireland authorities endorsed with the letters “BIVS” for the purpose of travelling and staying in the Republic for a period of 90 days or fewer;

(b) Not Used

(c) parent of a Tier 4 (child) student

Unless the Relevant Points Based System Migrant has, or is being granted, leave to remain as a Tier 5 (Temporary Worker) Migrant in the creative and sporting subcategory on the basis of having met the requirement at paragraph 245XQ(b)(ii);”

8.4 Delete paragraph 319C(i)(iii) and substitute:

“the relevant Points Based System Migrant must be applying for, or have been granted leave to remain as a Tier 4(General) Student on the doctorate extension scheme; or”

8.5 After paragraph 319C(i)(iv)(3) insert paragraph:

“(j) The applicant must not be in the Isle of Man or United Kingdom in breach of immigration laws except that any period of overstaying for a period of 28 days will be disregarded.”

8.6 Delete paragraph 319H(h)(i)(a) and substitute:

“(a) visitor, including where they entered the Isle of Man from the Republic of Ireland to stay under the terms of articles 3A and 4 of the Immigration (Control of Entry through Republic Ireland) Order 2016 on the basis of a visa issued by the Republic of Ireland authorities endorsed with the letters “BIVS” for the purpose of travelling and staying in the Republic for a period of 90 days or fewer; or

(b) Not Used”

8.7 In paragraph 319I(b)(iii)(2) delete “.” and substitute “, and”.

8.8 After paragraph 319I(b)(iii) insert:

“(iv) no employment as a professional sports person (including as a sports coach).”

Changes to Part 9

9.1 Delete paragraph 323AA(IOM)(a) and substitute:

“(a) The migrant is absent from work without pay for four weeks or more in total, according to his/her normal working pattern (whether over a single period or more than one period), during any calendar year (1 January to 31 December), unless the absence from work is due solely to:

- (i) maternity leave,
- (ii) paternity leave,
- (iii) shared parental leave,
- (iv) adoption leave, or
- (v) long term sick leave of one calendar month or more during any one period.”

Changes to Appendix A

A1. At the end of paragraph 19(g)(ii)(7), delete “or”.

A2. At the end of paragraph 19(g)(ii)(8), delete “.” and substitute “, or”.

A3. After paragraph 19(g)(ii)(8), insert:

“(9) The Association of Accounting Technicians (AAT).”

A4. After paragraph 40 delete table 4 and substitute:

Investment and business activity	Points
a) The applicant has access to not less than £200,000, or b) The applicant has access to not less than £50,000 from: i. One or more registered venture capitalist firm regulated by the Financial Services Authority, ii. One or more Entrepreneurial Seed Funding Competitions which is listed as endorsed by the Department of Economic Development, or iii. One or more Isle of Man Government Departments and made available by the department(s) for the specific purpose of establishing or expanding an Isle of Man business, or c) The applicant:	25

- i. is applying for leave to remain,
- ii. has, or was last granted, leave as a Tier 1 (Graduate Entrepreneur) Migrant, and
- iii. has access to not less than £50,000,

or

d) The applicant:

- i. is applying for leave to remain,
- ii. has, or was last granted, leave as a Tier 1 (Post-Study Work) Migrant, and
- iii. has access to not less than £50,000.

An applicant who is applying for leave to remain and has, or was last granted leave as a Tier 1 (General) Migrant will be awarded no points under (a) or (b)(i) above, unless he meets the additional requirements in (1) and (2) below.

(1) since before the specified date below and up to the date of his application, the applicant must have been continuously engaged in business activity which was not, or did not amount to, activity pursuant to a contract of service with a business other than his own and, during such period, has been continuously:

*registered with Isle of Man Income Tax Division as self-employed, or

*registered with Companies Registry as a director of a new or an existing business. Directors who are on the list of disqualified directors provided by Companies Registry will not be awarded points.

(2) Since before the specified date below and up to the date of his application, has continuously been working in an occupation which appears on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the Codes of Practice in Appendix J, and provides the specified evidence in paragraph 41-SD. "Working" in this context means that the core service his business provides to its customers or clients involves the business delivering a service in an occupation at this level. It excludes any work involved in administration, marketing or website functions for the business, and.

The specified date in (1) and (2) above:

<ul style="list-style-type: none"> • 11 July 2014 if the applicant has, or was last granted, leave as a Tier 1 (Post-Study Work), or • 6 April 2015 if the applicant has, or was last granted leave as a Tier 1 (General) Migrant. 	
The money is held in one or more regulated financial institutions	25
The money is disposable in the Isle of Man if the applicant is applying for leave to remain, and the money must be held in the Isle of Man	25

A5. Delete paragraph 41 and substitute:

“41(a) An applicant will only be considered to have access to funds if:

- (i) The specified documents in paragraph 41-SD are provided to show cash money to the amount required (this must not be in the form of assets and, where multiple documents are provided, they must show the total amount required is available on the same date);
- (ii) The specified documents in paragraph 41-SD are provided to show that they have permission to use the money to invest in a business in the Isle of Man, and that
 - (1) they have held the money for a consecutive 90-day period of time, ending no earlier than 31 days before the date of application, or
 - (2) they have held the money for less than a consecutive 90-day period of time, ending no earlier than 31 days before the date of application, and they provide the following specified evidence:
 - (a) the documents in either 41-SD(c)(i) or 41-SD(c) (ii) to demonstrate funding is available to them at the time of their application, and
 - (b) the additional specified documents for third party funding listed in 41-SD (d)(i)-(ii);
- (iii) The money is either held in a Isle of Man regulated financial institution or is transferable to the Isle of Man; and
- (iv) The money will remain available to the applicant until such time as it is spent for the purposes of the applicant’s business or businesses. The Lieutenant Governor reserves the right to request further evidence or otherwise verify that the money will remain available, and to refuse the application if this evidence is not provided or it is unable to satisfactorily verify.

41(b) If the applicant has invested the money referred to in Table 4 in the Isle

of Man before the date of the application, points will be awarded for funds available as if the applicant had not yet invested the funds, providing:

- (i) The investment was made no more than 12 months (or 24 months if the applicant was last granted leave as a Tier 1 (Graduate Entrepreneur) Migrant) before the date of the application; and
- (ii) All of the specified documents required in paragraph 46-SD (a) to (g) are provided to show:
 - (a) the amount of money invested; and
 - (b) that they have established a new business or taken over an existing business in the Isle of Man, in which the money was invested.”.

A6. Delete paragraph 41-SD(c)(i)(4) and substitute:

“(4) have been produced within the 31 days immediately before the date of application,”

A7. Delete paragraph 41-SD(c)(i)(10) and substitute:

“(10) for money being held by a third party at the time of the application and not in the possession of the applicant, confirm that the third party has informed the institution of the amount of money that the third party intends to make available, and that the institution is not aware of the third party having promised to make that money available to any other person,”.

A8. At paragraph 41-SD(c)(i)(11) delete “confirm the name of each third party and their contact details, including their full address including postal code, and where available landline phone number and any email address, and” and substitute “confirm the name of each third party and their contact details, including their full address including postal code, telephone contact number and any email address; and”.

A9. In paragraph 41-SD(c)(ii)(2) delete “ Financial Supervision Commission (FSC)” and substitute “ Financial Services Authority (FSA)”

A10. In paragraph 41-SD(c)(ii)(4) delete “or where it is a joint account with the applicant’s spouse, civil partner or partner as set out in paragraph 53 below”

A11. Delete paragraph 41-SD(c)(iii) and substitute:

(iii) For £50,000 from a Venture Capital Firm, Seed Funding Competition or Isle of Man Government Department only, a letter from:

- (1) an accountant, with a valid licence to practise or practising certificate, who is a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified

Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, the Association of International Accountants or the Association of Accounting Technicians (AAT), or

(2) in the case of money made available from an Isle of Man Government Department only, an authorised official of either:

- a. the Isle of Man Government Department, or
- b. an intermediary public body which has been authorised by the Isle of Man Government Department to award funds from that Department for the specific purpose of establishing or expanding Isle of Man businesses.

(iv) Each letter referred to in (iii) above must:

- (1) be an original document and not a copy,
- (2) be on the institution's official headed paper,
- (3) be dated within the three months immediately before the date of the application,
- (4) state the applicant's name, and his team partner's name where relevant, or the name of the applicant's business,
- (5) state the date of the document,
- (6) confirm the amount of money available to the applicant, the entrepreneurial team or the applicant's business from the Venture Capital Firm, Seed Funding Competition or Isle of Man Government Department, and
- (7) confirm the name of the Venture Capital Firm, Seed Funding Competition or Isle of Man Government Department providing the funding, and
- (8) include the contact details of an official of the organisation, including their full address, postal code, telephone contact number and any email address,
- (9) if the money is coming from a Seed Funding Competition, give confirmation that either the applicant, the entrepreneurial team or the applicant's business has been awarded money and that the competition is listed as endorsed by the Isle of Man Financial Services Authority, together with the amount of the award and naming the applicant, the entrepreneurial team or the applicant's business as a winner;
- (10) if the money is coming from a Isle of Man Government Department (or intermediary public body authorised to award funds from that Department), give confirmation that the Isle of Man Government

Department has made money available for the specific purpose of establishing or expanding a Isle of Man business, and the amount.”

A12. Delete paragraph 41-SD(d) and substitute:

“(d) If the applicant is applying using money from a third party, other than funding from a Seed Funding Competition, or Isle of Man Government Department (or intermediary public body authorised to award funds from that Department) which is either held by the third party or has been transferred to the applicant less than 90 days before the date of the application, he must provide all of the following specified documents, in addition to the specified documents in (c) above:

(i) An original written declaration from every third party that they have made the money available to invest in a business in the Isle of Man, containing:

- (1) the names of the third party and the applicant (and his team partner’s name where relevant), or the name of the applicant’s business,
- (2) the date of the declaration,
- (3) the applicant’s signature and the signature of the third party (and the signature of the applicant’s team partner where relevant),
- (4) the amount of money available in pounds sterling,
- (5) the relationship(s) of the third party to the applicant,
- (6) if the third party is a Venture Capital Firm, confirmation of whether this body is regulated by the Financial Services Authority (FSA) and its entry in the register includes a permission to arrange, deal in or manage investments, or to manage alternative investment funds,
- (7) if the third party is another business in which the applicant is self-employed or a director, evidence of the applicant’s status within that business and that the applicant is the sole controller of that business’s finances, or, where the applicant is not the sole controller, the letter must be signed by another authorised official of that business who is not the applicant, and
- (8) confirmation that the money will remain available until such time as it is transferred to the applicant, the entrepreneurial team or the applicant’s business; and

(ii) A letter from a legal representative, confirming the validity of signatures on each third-party declaration provided, which confirms that the declaration(s) from the third party or parties contains the signatures of

the people stated. It can be a single letter covering all third-party permissions, or several letters from several legal representatives. It must be an original letter and not a copy, and it must be from a legal representative permitted to practise in the country where the third party or the money is. The letter must clearly show the following:

- (1) the name of the legal representative confirming the details,
- (2) the registration or authority of the legal representative to practise legally in the country in which the permission or permissions was or were given,
- (3) the date of the confirmation letter,
- (4) the applicant's name (and the name of the applicant's team partner's name where relevant) and, where (b) applies, that the applicant is a director of the business named in each third-party declaration,
- (5) the third party's name (which cannot be the legal representative themselves),
- (6) that the declaration from the third party is signed and valid, and
- (7) if the third party is not a Venture Capital Firm, Seed Funding Competition or Isle of Man Government Department (or intermediary public body authorised to award funds from that Department), the number of the third party or their authorised representative's identity document (such as a passport or national identity card), the place of issue and dates of issue and expiry; and

(iii) If the third party is a Venture Capital Firm, he must also provide the following documentation:

- (1) An original letter from a director, partner or fund manager of the Venture Capital Firm, which includes:
 - (a) A statement providing detailed information on the strategy, structure and financial exposure of the fund,
 - (b) A statement detailing the rationale for the investment, providing specific information about the circumstances which led to the investment decision,
 - (c) A statement confirming that the business/proposed business is a genuine and credible proposition,
- (2) A copy of the completed term sheet for the investment, signed by all parties to the transaction, which must include details of the company valuation, company structure, founder and investor rights, the structure of funding and the type of security being taken,
- (3) A breakdown of the technical, legal, commercial and financial due diligence conducted by the venture capital firm in support of the investment,

(4) A letter from an accountant, validating the financial condition of the fund. The accountant must have a valid licence to practice or practising certificate and must be a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, the Association of International Accountants or the Association of Accounting Technicians.”

A13. Delete paragraph 41-SD(e) and substitute:

“(e) If the applicant is applying for leave to remain, and has, or was last granted, leave as a Tier 1 (General) Migrant or a Tier 1 (Post-Study Work) Migrant, he must also provide the following evidence that he meets the additional requirements set out in Table 4:

(i) his job title,

(ii) the Standard Occupational Classification (SOC) code of the occupation that the applicant has been working in since before 11 July 2014 or 6 April 2015 (as applicable), up to the date of his application, which must appear on the list of occupations skilled to National Qualifications Framework level 4 or above, as stated in the Codes of Practice in Appendix J,

(iii) one or more of the following specified documents showing that the business was active before 11 July 2014 or 6 April 2015 (as applicable) and that it remained active throughout the period leading up to the date of his application (if the applicant or his entrepreneurial team member does not own the domain name of the business’s website, then the evidence in (2) may not be provided, and he must instead provide one or more of the documents specified in (1),(3),(4) or (5)):

(1) dated advertising or marketing material, including printouts of online advertising other than on the business’s own website, that has been published locally or nationally and showing the name of the business and the business activity, or

(2) if the applicant (or his entrepreneurial team member) owns the domain name of his business’s website and submits evidence to this effect, dated printouts from the business’s website detailing the service or product provided by the applicant’s business, or

(3) dated article(s) or online links to dated article(s) in a newspaper or other publication showing the name of the business together with the business activity, or

- (4) dated information from a trade fair, at which the applicant has had a stand or given a presentation to market his business, showing the name of the business together with the business activity, or
 - (5) personal registration with a Isle of Man trade body linked to the applicant's occupation; and
- (iv) one or more of the following specified documents showing that the business was trading before 11 July 2014 or 6 April 2015 (as applicable) and traded continuously throughout the period leading up to the date of his application:
- (1) one or more contracts for service. If a contract is not an original the applicant must sign each page. Each contract must show:
 - (a) the name of the business,
 - (b) the service provided by the applicant's business;
 - (c) the name of the other party or parties involved in the contract and their contact details, including their full address, postal code, telephone contact number and any email address; and
 - (d) the duration of the contract or, if it is a rolling contract with no defined end date, confirmation of when this arrangement began and a letter from the customer or their representative confirming that the contract has not been terminated, dated no earlier than three months before the date of application; or
 - (2) one or more original letters from Isle of Man regulated financial institutions with which the applicant has a business bank account, on the institution's headed paper, confirming the dates the business was trading during the period referred to at (iv) above; and
- (v)
- (1) if claiming points for being self-employed, the following specified documents to show the applicant's compliance with National Insurance requirements:
 - (a) the original bills covering the continuous billing period during which the applicant claims to have been self-employed, if his Class 2 National Insurance is paid by bill;
 - (b) bank statements covering the continuous period during which the applicant claims to have been self-employed, showing the direct debit payment of Class 2 National Insurance to Isle of Man Income Tax Division;
 - (c) all original small earnings exception certificates issued to the applicant by Isle of Man Income Tax Division covering the continuous tax period during which the applicant claims to have been self-employed, if he has low earnings; or

(d) if the applicant has, or was last granted leave as a Tier 1 (General) Migrant and is applying before 31 October 2015, the original, dated welcome letter from Isle of Man Income Tax Division containing the applicant's unique taxpayer reference number, if he has not yet become liable for paying National Insurance, or has not yet received the documents in (c); or

(2)

(a) if claiming points for being a director of a Isle of Man company at the time of his application, a printout from Companies Registry of the company's filing history page and a Current Appointment Report, listing the applicant as a director of a company that is actively trading (and not dormant, or struck-off, or dissolved or in liquidation), and showing the date of his appointment as a director of that company; and

(b) if claiming points for being a director of a Isle of Man company other than the company referred to in (a) above, at any time before the date of his application, a printout from Companies Registry of the applicant's appointments history, showing that the applicant has held directorships continuously during the period in which he claims to have been a director, as well as a printout of the company's filing history page. The evidence at (1) and (2) above must cover (either together or individually) a continuous period commencing before 11 July 2014 or 6 April 2015 (as appropriate), and ending on a date no earlier than three months before the date of his application. The only exception is if the applicant is claiming points for being self-employed at the time of his application and the evidence consists of documents issued by Isle of Man Income Tax Division referred to at (v)(1)(a) or (c) above. If this is the applicant must submit the most recent document issued before the date of his application; and

(vi) if the applicant is currently a director, the following evidence that his business has business premises in the Isle of Man and is subject to Isle of Man taxation:

(1) a printout of a Companies Registry document, showing the address of the registered office in the Isle of Man, or head office in the Isle of Man if it has no registered office, and the applicant's name, as it appears on the application form, as a director, and a printout of the company's filing history page; and

(2) documentation from Isle of Man Income Tax Division which confirms that the business is registered for corporation tax; and

(vii) the following evidence that the business has a Isle of Man bank account of which the applicant is a signatory:

(1) if the applicant is currently self-employed, a personal or business bank statement showing transactions for his business (which must be currently active), or a letter from a Isle of Man regulated financial institution, on the institution's headed paper, confirming that he has a business and acts through that bank for the purposes of that business, or

(2) if the applicant is currently a director, a company bank statement from a Isle of Man account which shows transactions for that company, or a letter from the Isle of Man bank in question, on its headed paper, confirming that the company has a bank account, that the applicant is a signatory of that account, and that the company uses that account for the purposes of his business.

and the evidence at (vi) and (vii)(2) above must relate to a company that is actively trading and not dormant, or struck-off, or dissolved or in liquidation."

- A14. Delete paragraph 45 and renumber paragraph 45A as paragraph 45.
- A15. At the new paragraph 45, delete "No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the UK Border Agency is unable to make satisfactory verification checks." and substitute "No points will be awarded where the specified documents show that the funds are held in a financial institution listed in Appendix P as being an institution with which the Home Office is unable to make satisfactory verification checks."
- A16. After paragraph 45 in Table 5 delete
"(a) in accordance with regulation 87 of the Social Security (Contributions) Regulations 2001 (as applied to the Island), notified the Treasury of the Isle of Man of his liability to pay Class 2 contributions, or" and substitute
"(a) registered with Isle of Man Income Tax Division as self-employed, or"
- A17. After paragraph 45 in Table 5 delete "(a) had, in accordance with regulation 87 of the Social Security (Contributions) Regulations 2001 (as applied to the Island), notified the Treasury of the Isle of Man of his liability to pay Class 2 contributions; or" and substitute:
"(a) registered with Isle of Man Income Tax Division as self-employed, or"
- A18. In Row 1 of Table 6 delete "The applicant will not need to provide evidence of this investment if he was awarded points for it, as set out in Table 5, in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant" and substitute:
"The applicant will not need to provide evidence of this investment as

specified in 46-SD (a)-(d) if he was awarded points for it, as set out in Table 5, in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.”

A19. Delete Row 2 of Table 6 and substitute:

2.	<p>The applicant meets the following conditions:</p> <p>(i) on a date no earlier than three months prior to the date of application was:</p> <p>(a) registered with Isle of Man Income Tax Division as self-employed, or</p> <p>(b) registered with Companies Registry as a director of a new or an existing business, and</p> <p>(ii) where the applicant’s last grant of entry clearance, leave to enter or leave to remain was as a Tier 1 (Entrepreneur) Migrant, on a date within six months of his entry to the Isle of Man (if he was granted entry clearance as a Tier 1 (Entrepreneur Migrant) and there is evidence to establish his date of arrival in the Isle of Man), or in any other case the date of the grant of leave to remain, the applicant was:</p> <p>(a) registered with Isle of Man Income Tax Division as self-employed, or</p> <p>(b) registered with Companies Registry as a director of a new or an existing business.</p> <p>Directors who are on the list of disqualified directors provided by Financial Services Authority will not be awarded points.</p> <p>The applicant will not need to provide the evidence of registration for condition (ii) if he was awarded points from row 2 of Table 5 in his previous grant of entry clearance or leave to remain as a Tier 1 (Entrepreneur) Migrant.</p>	20
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A20. At paragraph 46-SD delete “The specified documents in paragraphs 45 and 46

are as follows” and substitute “The specified documents in paragraphs 41(b) and 46 are as follows”.

A21. Delete paragraph 46-SD(a)(iii) and substitute:

“(iii) If the applicant has made the investment in the form of a director's loan, it must be shown both in the relevant set of financial accounts provided, and through readily identifiable transactions in the applicant's business bank statements, which must clearly show the transfer of this money from the applicant to his business. The applicant must also provide a legal agreement, between the applicant (in the name that appears on his application) and the company, showing:

- (1) the terms of the loan,
- (2) any interest that is payable,
- (3) the period of the loan, and
- (4) that the loan is unsecured and subordinated in favour of third-party creditors.”.

A22. After paragraph 46-SD(a)(iii) insert:

“(iv) If the applicant is claiming points for investing £50,000 from a Venture Capital firm, Seed Funding Competition or Isle of Man Government Department, and has not been awarded points in a previous application for having those funds available, he must provide a letter as specified in paragraph 41-SD(c)(iii) (except that the letter does not need to have been produced within the three months immediately before the date of the application) as evidence of the source of those funds, and additionally if the source of the funding was a Venture Capital Firm, he must also provide the evidence as specified in 41-SD(d)(iii).

(v) Where Table 6 applies and the applicant has established a new Isle of Man business that has had an income from business activity of at least £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, he must provide audited or unaudited accounts which show the value of the business activity and that this reached at least £5 million, or

(vi) Where Table 6 applies and the applicant has taken over or invested in an existing Isle of Man business and his services or investment have resulted in a net increase in income from business activity to that business of at least £5 million during a 3 year period in which the applicant has had leave as a Tier 1 (Entrepreneur) Migrant, when compared to the immediately preceding 3 year period, he must provide:

- (1) Audited or unaudited accounts from the preceding 3 year period before he became involved with the business as a Tier 1 (Entrepreneur) Migrant, and audited or unaudited accounts which show a net increase of at least £5

million during the period he had leave as a Tier 1 (Entrepreneur) Migrant. The accounts must clearly show the name of the accountant and the date the accounts were produced. The accounts must be prepared and signed off in accordance with statutory requirements, and

(2) An original accountant's letter verifying the net increase in business activity. The accountant must have a valid licence to practice or practising certificate and must be a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, the Association of International Accountants or the Association of Accounting Technicians. The dated letter should contain:

- (i) the name and contact details of the business,
- (ii) an explanation of the applicant's status in the business,
- (iii) confirmation of the net increase in business activity,
- (iv) the registration or permission of the accountant to operate in the Isle of Man, and
- (v) that the accountant will confirm the content of the letter to the Isle of Man Immigration Office on request.

A23. Delete paragraph 46-SD (b) and substitute:

“(b) When evidencing the investment;

- (1) The audited or unaudited accounts must show the investment in money made directly by the applicant, in his own name or on his behalf (and showing his name),
- (2) If the investment was made in the applicant's business by one or more Seed Funding Competitions or one or more Isle of Man Government Departments, this investment can be shown in the accounts as being made in the name of the above funding sources, if the accounts are supplemented by a letter from the source, which confirms that the investment was made on behalf of the applicant,
- (3) If the source of funds was not one or more Seed Funding Competitions one or more Isle of Man Government Departments, this investment can be shown in the accounts as being made in the name of the investing entity, if the accounts are supplemented by a letter from Financial Services Authority confirming that this investment was made on behalf of the applicant,
- (4) If the applicant has invested by way of share capital the business accounts must show the shareholders, the amount and value of the

shares (on the date of purchase) in the applicant's name as it appears on his application. If the value of the applicant's share capital is not shown in the accounts, then a copy of the company's register of members must be provided,

(5) The accounts must clearly show the name of the accountant, the date the accounts were produced, and how much the applicant has invested in the business. The accounts must be prepared and signed off by the accountant in accordance with statutory requirements,

A24. Delete paragraph 46-SD(e) and substitute:

“(e) Where Table 4 applies and the applicant is applying for entry clearance, leave to enter or leave to remain as a Tier 1 (Entrepreneur) and only some of the money has been invested into a business in the Isle of Man prior to his application, he must demonstrate that the balance of funds is held in a regulated financial institution and disposable in the Isle of Man by supplying the appropriate documentation in paragraph 41-SD, as well the documentation in 46-SD as evidence for the previous investment.”.

A25. Delete paragraph 46-SD(h) and substitute:

“(h) if the applicant is required to score points for job creation in Table 5 or Table 6, he must provide the following:

- (i) evidence to show the applicant is reporting Income Tax Instalment Payments (ITIP) appropriately to the Isle of Man's Income Tax Division (ITD), such as printouts of Employee Payment Records, original Income Tax Division T21 or T20, which either together or individually show the total payments made to the settled workers, as well as the tax deducted and date which they started work with the applicant's business; and
- (ii) duplicate payslips or wage slips for each settled worker for whom points are being claimed, covering the full period of the employment for which points are being claimed; and
- (iii) confirmation of the hourly rate for each settled worker used to claim points, including any changes in the hourly rate and the dates of the changes, enabling calculation of the hours of work created for each settled worker; and
- (iv) documents which show the employee is a settled worker such as the biometric data page of a passport containing photograph and personal details of the employee, and where the worker is an overseas national, a copy of any Isle of Man Government stamp or endorsement within the passport, or the employee's full birth certificate, showing the name of at least one parent; and
- (v) if the applicant was a director of a company, a printout from

Companies Registry of the company's filing history page and of the applicant's personal appointments history, and showing the date of his appointment as a director of that company, to confirm that he was a director of the company that employed the settled worker at the time that the settled worker was employed; or

- (vi) if the applicant was self-employed, the specified documents in (c) above showing the dates that the applicant became self-employed, the names on the Employee Payment Record and bank account, and the address of the business;
- (vii) if the applicant took over or joined a business that employed workers before he joined it, he must provide the following documentation for the year immediately before the jobs were created and the year that the jobs were created, showing the net increase in employment and signed and dated by the applicant:
 - (1) duplicate Income Tax Division (ITD) Employer's Annual Return (T37) or Online Services print out ITD; or
 - (2) duplicate Income Tax Division Remittance Card (T35) or Online Services print out.
- (viii) if the applicant took over or joined a business that employed workers before he joined it, he must also provide an original accountant's letter verifying the net increase in employment and confirming the number of posts. The accountant must be a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, the Association of International Accountants or the Association of Accounting Technicians (AAT). The letter must contain:
 - (1) the name and contact details of the business,
 - (2) the applicant's status in the business,
 - (3) the number of posts created in the business and the hours worked,
 - (4) the dates of the employment created,
 - (5) the registration or permission of the accountant to operate in the Isle of Man,
 - (6) the date that the accountant created the letter on the applicant's behalf, and
 - (7) that the accountant will confirm the content of the letter to the Isle

of Man Immigration Office on request.”.

A26. Delete paragraph 65(b), and substitute:

“(b) Open-ended investment companies, investment trust companies, investment syndicate companies or pooled investment vehicles,”.

A27. In Appendix A, delete paragraph 65-SD(b)(iv) and substitute:

“(iv) If the organisation in (iii) is not required to produce accounts, the applicant must provide a certificate showing the amount of money held in the investments, from an accountant who is a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants in Scotland, the Institute of Chartered Accountants in Ireland, the Association of Chartered Certified Accountants, the Association of Authorised Public Accountants, the Chartered Institute of Public Finance and Accountancy, the Institute of Financial Accountants, the Chartered Institute of Management Accountants, or the Association of Accounting Technicians (AAT), or the Association of International Accountants or the Association of Accounting Technicians (AAT).”

A28. At paragraph 65-SD(c), delete “Where the applicant is applying under Table 8B or Table 9B, previously had leave as an Investor and is unable to provide the evidence listed above because he manages his own investments, or because he has a portfolio manager who does not operate in the Isle of Man and is therefore not regulated by the Financial Services Authority, the applicant must provide the following specified documents showing his holdings used to claim points, as relevant to the type of investment:” and substitute:

“Where the applicant previously had leave as an Investor, is applying under Table 8B or Table 9B and is unable to provide the evidence listed above because he manages his own investments, or because he has a portfolio manager who does not operate in the UK or Isle of Man and is therefore not regulated by the Financial Conduct Authority (FCA) (and the Prudential Regulation Authority (PRA) where applicable) or the Isle of Man Financial Services Authority, the applicant must provide the following specified documents showing his holdings used to claim points, as relevant to the type of investment:”.

A29. In paragraph 65-SD(c)(i), delete “Documents confirming the purchase of assets in the Isle of Man, showing the assets purchased, the value of these assets and the dates of purchase. When using property only the un-mortgaged portion of the applicant's own home can be considered and the valuation must be provided on a report issued by a surveyor (who is a member of the Royal Institution of Chartered Surveyors) in the six months

prior to the date of application;” and substitute:

“Documents confirming the purchase of assets in the Isle of Man, showing the assets purchased, the value of these assets, and the dates of purchase. When using property, only the un-mortgaged portion of the applicant's own home can be considered. The property must be owned by the applicant (or applicant and/or the husband, wife, civil partner, or unmarried or same-sex partner of the applicant) and the valuation must be provided on a report issued by a surveyor (who is a member of the Royal Institution of Chartered Surveyors) in the six months prior to the date of application;”.

- A30. In paragraph 65-SD(c)(iii) delete “An original letter from the financial institution that holds the cash on deposit, on the institution's official headed paper, issued by an authorised official of that institution, which confirms the dates and amount of money held and that the institution will confirm the content of the letter to the UK Border Agency on request.” and substitute:

“An original letter from the financial institution that holds the cash on deposit, on the institution's official headed paper, issued by an authorised official of that institution, which confirms the dates and amount of money held and that the institution will confirm the content of the letter to the Home Office on request.”.

- A31. Delete paragraph 70 (c)(xii) and (xiii) and substitute:

“(xii) what has led the endorsing body to endorse the application,
(xiii) that the applicant has a genuine and credible business idea,
(xiv) that the applicant will spend the majority of his working time on developing business ventures; and
(xv) if the applicant is applying for leave to remain and was last granted leave as a Tier 1 (Graduate Entrepreneur) Migrant, confirmation that the endorsing body is satisfied that he has made satisfactory progress.”.

- A32. In paragraph 74C(a)(i), delete “working for the Sponsor” and substitute “working”.

- A33. Delete paragraph 74C(b) and (c) and substitute:

“(b) Throughout the 12 months referred to in paragraph (a)(i) above, the applicant must have been working:
(i) outside the UK or Isle of Man for a business established outside the territory of the UK or Isle of Man which is linked by common ownership or control to the Sponsor, or
(ii) in the Isle of Man for the Sponsor, provided he had leave to

work for the Sponsor as:

- (1) a Tier 2 (Intra-Company Transfer) Migrant in either of the Short Term Staff or Long Term Staff sub-categories,
 - (2) Not Used
 - (3) a Tier 2 (Intra-Company Transfer) Migrant under the rules in place before 26 July 2010
 - (4) Not Used
 - (5) a Representative of an Overseas Business, where the Sponsor is the business established by the applicant while he had leave in that capacity; and
- (c) The period of 12 months referred to in paragraph (a)(i) above is:
- (i) a continuous period of 12 months immediately prior to the date of application, or
 - (ii) an aggregated period of at least 12 months within the 24 month period immediately before the date of application, if at some point within the 12 months preceding the date of application, the applicant has been:
 - (1) on maternity, paternity, shared parental or adoption leave, or
 - (2) on long-term sick leave lasting one month or longer,and if requested to provide the specified documents set out in paragraph 74C-SD(a) below, also provides, at the same time, the specified documents as set out in paragraph 74C-SD(c) below, or
 - (iii) an aggregated period of at least 12 months overseas within any timeframe, providing the applicant has been working continuously and lawfully (either overseas or in the UK or Isle of Man) for the Sponsor or the linked overseas business since the start of that aggregated 12-month period."

A34. In paragraph 74C-SD(c), delete "maternity, paternity or adoption leave" and substitute "maternity, paternity, shared parental or adoption leave".

A35. In paragraph 74C-SD(c)(ii)(2), delete "maternity, paternity or adoption payments" and substitute "maternity, paternity, shared parental or adoption payments".

A36. In paragraph 79A(b)(i)(1), delete "30 March 2015" and substitute "30 April 2015".

A37. Delete paragraph 79A(b)(iii) and substitute:

"(iii) will be paid at least the appropriate rate for a pre-registration

candidate nurse or midwife before that registration is achieved and at least the appropriate rate for a Band 5 and equivalent nurse or midwife once that registration is achieved, as stated in the codes of practice in Appendix J;”

A38. In Appendix A, delete paragraph 100 and substitute:

“100(a) In addition the Certificate of Sponsorship Checking Service entry must confirm that the migrant:

- (i) is qualified to do the job in question
- (ii) has been issued a unique endorsement number showing that he has been endorsed in line with the published endorsement criteria by the Governing Body for his Sport (that is, the organisation which is specified in Appendix M as being the Governing Body for the sport in question),
- (iii) intends to base himself in the UK, and
- (iv) will comply with the conditions of his leave, if his application is successful.

(b) The applicant must provide the original letter issued by the Governing Body containing the endorsement referred to in (a)(ii) above, which must confirm that:

- (i) the player or coach is internationally established at the highest level,
- (ii) his employment will make a significant contribution to the development of his sport at the highest level in the UK or Isle of Man, and
- (iii) the post could not be filled by a suitable settled worker.”

A39. In Appendix A, delete paragraph 111(a) and substitute:

“(a) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Creative and Sporting subcategory to enable the applicant to work as a sportsperson, if:

- (i) The Certificate of Sponsorship Checking Service entry shows that the applicant has been issued a unique endorsement number showing that he has been endorsed in line with the published endorsement criteria by the Governing Body for his sport (that is, the organisation which is specified in Appendix M as being the Governing Body for the sport in question), and
- (ii) The applicant provides the original letter issued by the Governing Body containing the endorsement referred to in (a)(i) above, which must confirm that the player or coach is internationally established at the highest level and/or will make a significant contribution to the

development of his sport at the highest level in the Isle of Man, and that the post could not be filled by a suitable settled worker.”

A40. Delete paragraph 111(c) and substitute:

“(c) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the Charity Workers subcategory, if the work the applicant is being sponsored to do is:

- (i) voluntary fieldwork which contributes directly to the achievement or advancement of the sponsor’s charitable purpose;
- (ii) not paid or otherwise remunerated, including receipt of benefits in kind, (except reasonable expenses outlined in section 37 of the Minimum Wage Act 2001); and
- (iii) not filling a permanent position, including on a temporary basis.”

A41. In paragraph 111(e)(i) after “as set out in Appendix N” insert

“Evidence must be provided to demonstrate the overarching sponsor body has approved the work experience or training programme in the Isle of Man”

A42. Delete paragraph 111(f) and substitute:

(f) where the Certificate of Sponsorship Checking Service entry shows that the Certificate of Sponsorship has been issued in the International Agreement subcategory and the applicant is applying for entry clearance or leave to enter or remain for the purpose of work as a Contractual Service Supplier, or Independent Professional if either:

- (i) the work is pursuant to a contract to supply services to the sponsor in the Isle of Man by an overseas undertaking established on the territory of a party to the General Agreement on Trade in Services or a similar trade agreement which has been concluded between the EU and another party or parties and which is in force, and which has no commercial presence in the European Union; and
- (ii) the service which that undertaking is contracted to supply to the sponsor in the Isle of Man is a service falling within the scope of the sectors specified in the relevant commitments in respect of Contractual Service Suppliers or Independent Professionals as set out in the agreements mentioned at (i) above; and
- (iii) the sponsor has, through an open tendering procedure or other procedure which guarantees the bona fide character of the contract, awarded a services contract for a period not exceeding 12 months to the applicant’s employer; and
- (iv) the sponsor will be the final consumer of the services provided under that contract; and

- (v) the applicant is a national of the country in which the overseas undertaking is established; and
- (vi) where the applicant is a Contractual Service Supplier, he possesses:
- (1) a university degree or a technical qualification demonstrating knowledge of an equivalent level, and provides the original certificate of that qualification, except where (4) applies;
 - (2) where they are required by any relevant law, regulations or requirements in force in the Isle of Man in order to exercise the activity in question, professional qualifications;
 - (3) 3 years' professional experience in the sector concerned, except where (4) applies; and
 - (4)(a) in the case of advertising and translation services, relevant qualifications and 3 years' professional experience, and provides the original certificate of those qualifications;
 - (b) in the case of management consulting services and services related to management consulting (managers and senior consultants), a university degree and 3 years professional experience, and provides the original certificate of that qualification;
 - (c) in the case of technical testing and analysis services, a university degree or technical qualifications demonstrating technical knowledge and 3 years professional experience, and provides the original certificate of that qualification;
 - (d) in the case of fashion model services and entertainment services other than audio visual services, 3 years' relevant experience;
 - (e) in the case of chef de cuisine services, an advanced technical qualification and 6 years' relevant experience at the level of chef de cuisine, and provides the original certificate of that qualification; and
- (vii) where the applicant is a Contractual Service Supplier, he has been employed, and provides the specified documents in paragraph 111-SD to show that he has been employed, by the service supplier for a period of at least one year immediately prior to the date of application; or
- (viii) where the applicant is an Independent Professional, he possesses:
- (1) a university degree or a technical qualification demonstrating knowledge of an equivalent level, and provide the original certificate of that qualification,
 - (2) where they are required by any relevant law, regulations or requirements in force in the Isle of Man in order to exercise the activity in question, professional qualifications; and
 - (3) at least six years professional experience in the sector concerned; or

(ix) the applicant is applying for leave to remain and holds a Certificate of Sponsorship issued in the International Agreement sub-category by the same sponsor, and for the purpose of the same contract to supply services, as was the case when the applicant was last granted entry clearance, leave to enter or remain.

A43. After paragraph 111 insert:

111-SD(a) Where paragraph 111(f)(vii) refers to specified documents, those specified documents are:

(i) original formal payslips issued by the employer and showing the employer's name; or

(ii) payslips accompanied by a letter from the applicant's employer, on the employer's headed paper and signed by a senior official, confirming the payslips are authentic; or

(iii) Personal bank or building society statements covering the full specified period, which clearly show:

(1) the applicant's name,

(2) the account number,

(3) the date of the statement (The most recent statement must be dated no earlier than 31 days before the date of the application),

(4) the financial institution's name and logo, and

(5) transactions by the service supplier covering the full specified period;
or

(iv) A building society pass book, which clearly shows:

(1) the applicant's name,

(2) the account number,

(3) the financial institution's name and logo, and

(4) transactions by the service supplier covering the full specified period.

(b) If the applicant provides the bank or building society statements in

(a)(iii):

(i) The statements must:

(1) be printed on paper bearing the bank or building society's letterhead,

(2) bear the official stamp of the bank on every page, or

(3) be accompanied by a supporting letter from the issuing bank or building society, on company headed paper, confirming the authenticity of the statements provided;

- (ii) The statements must not be mini-statements obtained from an Automated Teller Machine.

Changes to Appendix B

- B1. Delete paragraph 10(2) and substitute:
“(2) the qualification obtained,”
- B2. After paragraph 10, insert:
“10A. The qualification obtained must meet or exceed the relevant level shown in Table 1 in:
 - (i) speaking and listening, if the relevant level is A1 of the Council of Europe's Common European Framework for Language Learning, or
 - (ii) all four components (reading, writing, speaking and listening), in all other cases, unless the applicant was exempted from sitting a component on the basis of his disability.”

Changes to Appendix E

- E1. After paragraph (o), insert:
“(p) Where the applicant:
 - (i) is not applying at the same time as the Relevant Points Based System Migrant, and
 - (ii) in the application which led to his most recent grant of entry clearance or leave to remain, the Relevant Points Based System Migrant was not required to provide evidence of maintenance funds because of the provisions in paragraph 5(b) of Appendix C, the applicant is also not required to provide evidence of maintenance funds.”
- E2. After new paragraph (p) above, renumber previously existing paragraph (p) as (q).

Changes to Appendix FM

- FM1. In paragraph S-EC.1.1. for “1.8.” substitute “1.9.”.
- FM2. Delete paragraph S-EC.1.6(b) and (c) and substitute:
 - “(b) provide information;
 - (c) Provide physical data; or
 - (d) undergo a medical examination or provide a medical report.”
- FM3. After paragraph S-EC.1.8. insert:
“S-EC.1.9. The Lieutenant Governor considers that the applicant’s parent or parent’s partner poses a risk to the applicant. That person may be considered to pose a risk to the applicant if, for example, they –

- (a) have a conviction as an adult, whether in the Isle of Man or overseas, for an offence against a child;
- (b) are a registered sex offender and have failed to comply with any notification requirements; or
- (c) are required to comply with a sexual risk order made under the Sex Offenders Act 2006 and have failed to do so.”.

FM4. In paragraph S-LTR.2.1. for “2.4.” substitute “2.5.”.

FM5. After paragraph S-LTR.2.4. insert:

“S-LTR.2.5. The Lieutenant Governor has given notice to the applicant and their partner under section 50(7)(b) of the Immigration Act 2014 that one or both of them have not complied with the investigation of their proposed marriage or civil partnership.”.

FM6. Delete paragraph E-LTRP.2.2. and substitute:

“The applicant must not be in the Isle of Man-

(a) on temporary admission or temporary release, unless:

(i) the Lieutenant Governor is satisfied that the applicant arrived in the Isle of Man more than 6 months prior to the date of application; and

(ii) paragraph EX.1. applies; or

(b) in breach of immigration laws (disregarding any period of overstaying for a period of 28 days or less), unless paragraph EX.1. applies.”

FM7. In Appendix FM in paragraph R-ILRP.1.1.(d)(ii) after “E-LTRP.2.1.” insert “-2.2”.

FM8. In paragraph E-LTRPR.3.1.(c)

FM9. Delete paragraph E-LTRPT.3.2. and substitute:

“(a) on temporary admission or temporary release, unless:

(i) the Lieutenant Governor is satisfied that the applicant arrived in the Isle of Man more than 6 months prior to the date of application; and

(ii) paragraph EX.1. applies; or”.

FM10. Delete paragraph R-ILRPT.1.1. (d) substitute:

“(d) the applicant:

(i) must meet all of the requirements of Section E-LTRPT: Eligibility for leave to remain as a parent; or

(ii) must meet all of the requirements of paragraphs E-LTRPT.2.2.-2.4. and E LTRPT.3.1.-3.2. and paragraph EX.1. applies; and”.

Change to Appendix FM-SE

FM-SE1. For paragraph 27 substitute:

“27. The evidence required of passing an English language test in speaking and listening (at a minimum of level A1 of the Common European Framework of Reference for Languages) with a provider approved by the Secretary of State, where the applicant relies on that pass to meet an English language requirement, is confirmation on the on-line verification system operated by an approved English language test provider, as specified in Appendix O to these Rules, that:

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

Changes to Appendix G

G1. Delete Appendix G and substitute:

“Appendix G: Countries and Territories participating in the Tier 5 Youth Mobility Scheme and annual allocation of places for 2016

Places available for use by Countries and Territories with Deemed Sponsorship Status:

Australia – 45,500 places; New Zealand – 12,000 places; Canada – 5,000 places; Japan – 1,000 places; Monaco – 1,000 places.

Places available for use by Countries and Territories without Deemed Sponsorship Status:

Taiwan – 1,000 places; South Korea – 1,000 places; Hong Kong – 1,000 places”.

Changes to Appendix I

I1. Delete Appendix I.

Changes to Appendix J

J1. In the row of Table 2 containing “2231 Nurses”, delete “30 March 2015” and substitute “30 April 2015”.

J2. In the row of Table 2 containing “2232 Midwives”, delete “30 March 2015” and substitute “30 April 2015”.

Changes to Appendix K

K1. After paragraph 3, insert:

“4. In this Appendix “qualifying company” means a company which:

- (a) has obtained permission from the Department of Economic Development to issue a Certificate of Sponsorship in respect of the relevant job on the basis that the job is included on the Shortage Occupation List and the company:
 - (i) is licensed as a sponsor for the purposes of Tier 2 of the Points Based System,
 - (ii) at the time of obtaining such permission, employs between 20 and 250 employees (inclusive), or employs fewer than 20 employees and has provided a letter from Department of Economic Development (DED) confirming that DED have been working with the company and support the application in relation to its trade or investment activity,
 - (iii) is not more than 25% owned by a company which has one or more other establishments in the Isle of Man and one of those establishments employs more than 250 employees; and
 - (iv) has not been established in the Isle of Man for the purpose of supplying services exclusively to a single company or company group in the Isle of Man; and
 - (b) will have no more than ten Tier 2 (General) Migrants working for it at any one time in jobs to which the requirement to be employed by a qualified company applies, if all Certificates of Sponsorship in respect of such jobs lead to a grant of leave as a Tier 2 (General) Migrant.
5. For the purposes of this Appendix, where the job is one to which a requirement for specified experience applies, the sponsor must retain:
- (a) references from the individual's past employer(s) detailing the required experience, as set out in the tables below, and provide these to the Isle of Man Immigration Office on request; and
 - (b) relevant evidence enabling it to demonstrate:
 - (i) why the job requires someone with the required experience;
 - (ii) why the job could not be carried out to the required standard by someone with less experience; and
 - (iii) how it would expect a settled worker to gain this experience before being appointed to the post.
6. Jobs which previously appeared on the United Kingdom Shortage

Occupation Lists are set out in Table 3. These jobs do not appear on the current lists and are set out for the purpose of informing indefinite leave to remain applications only. (The Standard Occupational Classification (SOC) Codes are those codes which the jobs appeared under at the time they were removed from the lists; the SOC codes may have changed since due to the reclassification from the SOC 2000 system to the SOC 2010 system.)”

K2. In Table 1, delete the rows containing “2135 IT business analysts, architects and system designers” and “2136 Programmers and software development professionals”, and substitute:

“

2133 IT specialist managers	<p>Only the following job in this occupation code:</p> <ul style="list-style-type: none"> IT product manager employed by a qualifying company, where the job requires a person with a minimum of five years’ relevant experience and demonstrable experience of having led a team.
2135 IT business analysts, architects and system designers	<p>Only the following jobs in this occupation code:</p> <ul style="list-style-type: none"> systems engineer in visual effects and 2D/3D computer animation for the film, television or video games sectors data scientist employed by a qualifying company, where the job requires a person with a minimum of five years’ relevant experience and demonstrable experience of having led a team.
2136 Programmers and software development professionals	<p>Only the following jobs in this occupation code:</p> <ul style="list-style-type: none"> Senior developer employed by a qualifying company, where the job requires a person with a minimum of five years’ relevant experience and demonstrable experience of having led a team. <p>The following jobs in visual effects and 2D/3D computer animation for the film, television or video games sectors:</p> <ul style="list-style-type: none"> software developer shader writer games designer <p>The following jobs in the electronics system industry:</p> <ul style="list-style-type: none"> driver developer

	<ul style="list-style-type: none"> • embedded communications engineer
2139 Information technology and communications professionals not elsewhere classified	<p>Only the following job in this occupation code:</p> <ul style="list-style-type: none"> • Cyber security specialist employed by a qualifying company, where the job requires a person with a minimum of five years' relevant experience and demonstrable experience of having led a team.

”

K3. In Table 1, delete the row containing “2219 Health professionals not elsewhere classified” and “2229 Therapy professionals not elsewhere classified”, and substitute:

“

2219 Health professionals not elsewhere classified	<p>Only the following jobs in this occupation code:</p> <ul style="list-style-type: none"> • neurophysiology healthcare scientist • neurophysiology practitioner • nuclear medicine scientist • orthotist • prosthetist
2231 Nurses	<p>All jobs in this occupation code The migrant being sponsored must either:</p> <ol style="list-style-type: none"> (1) have obtained full registration with the Nursing and Midwifery Council; or (2) have passed the Nursing and Midwifery Council's Computer Based Test (CBT) of competence; or (3) have obtained a Nursing and Midwifery Council permission before 30 April 2015 to undertake the Overseas Nursing Programme, and be sponsored to undertake a supervised practice placement as part of the programme, which has been approved by the Nursing and

	<p>Midwifery Council.</p> <p>Sponsors must retain evidence of the above and provide it to the Isle of Man Immigration Office on request. This evidence must be provided in any applications for Restricted Certificates of Sponsorship.</p>
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”

K4. In Table 1, in the row containing “5215 Welding trades”, delete:

“Sponsors must retain references from the individual's past employer(s) detailing three or more years' related on-the-job experience and provide these to the Home Office on request.

Sponsors must also retain relevant evidence to enable them to justify the following:

- 1) why does the job require someone with three or more years' related on-the-job experience? What elements of the job require this experience and why?
- 2) why could the job not be carried out to the required standard by someone with less experience?
- 3) how would you expect a settled worker to gain this experience before being appointed to the post?”

K5. In Table 1, in the row containing “5434 Chefs”, delete:

“Sponsors must retain references from the individual's past employer(s) detailing five or more years' relevant experience in a role of at least equivalent status and provide these to the Home Office on request.

Sponsors must also retain relevant evidence to enable them to justify the following:

- 1) why does the job require someone with at least five years' previous experience in a role of at least equivalent status? What elements of the job require this experience and why?
- 2) why could the job not be carried out to the required standard by someone with less experience?
- 3) how would you expect a settled worker to gain this experience before being appointed to the post?”

K6. After Table 1, insert “Table 2 – Not Used”

K7. After “Table 2- Not Used”, insert:

“Table 3 – Jobs which have previously appeared on the United Kingdom

Shortage Occupation List since 6 April 2011

Standard Occupational Classification (SOC) code and description	Job titles previously included on the United Kingdom Shortage Occupation List and further criteria	Date on which job titles were removed from the United Kingdom Shortage Occupation List	Date of application for indefinite leave to remain where job titles cease to provide exemption from the salary requirement in paragraph 245HF(d)(vi)
1123 Managers in mining and energy	the following jobs in the electricity transmission and distribution and electricity generation industries: • station manager • shift / group leader	14 November 2011	14 November 2017
2112 Biological scientists and biochemists	<ul style="list-style-type: none"> • cardiac physiologist • clinical vascular scientist • respiratory physiologist • sleep physiologist 	6 April 2013	6 April 2019
2113 Physicists, geologists and meteorologists	<ul style="list-style-type: none"> • staff working in diagnostic radiology (including magnetic resonance imaging) • environmental scientist 	6 April 2013	6 April 2019
2121 Civil engineers	<ul style="list-style-type: none"> • project civil engineer in the electricity generation industry 	14 November 2011	14 November 2017
2121 Civil engineers	<ul style="list-style-type: none"> • mining and coal engineer • mining geotechnical engineer 	6 April 2013	6 April 2019
2122 Mechanical Engineers	<ul style="list-style-type: none"> • mechanical engineer in the electricity generation industry 	14 November 2011	14 November 2017

2122 Mechanical Engineers	<ul style="list-style-type: none"> mechanical engineer in the aerospace industry 	6 April 2013	6 April 2019
2123 Electrical engineers	<p>all jobs in the electricity transmission and distribution industry, EXCEPT the following which remain on the list:</p> <ul style="list-style-type: none"> power system engineer control engineer protection engineer 	14 November 2011	14 November 2017
2126 Design and development	<ul style="list-style-type: none"> simulation development engineer 	6 April 2013	6 April 2019
2127 Production and process engineers	<ul style="list-style-type: none"> plant process engineer in the electricity transmission and distribution industry 	14 November 2011	14 November 2017
2129 Engineering professionals not elsewhere classified	<ul style="list-style-type: none"> metallurgical/mineral processing engineer 	6 April 2013	6 April 2019
2211 Medical practitioners	<p>consultant in:</p> <ul style="list-style-type: none"> audiological medicine medical microbiology and virology obstetrics and gynaecology paediatric surgery nuclear medicine 	14 November 2011	14 November 2017
2211 Medical practitioners	<p>Consultant in:</p> <ul style="list-style-type: none"> clinical neurophysiology forensic psychiatry general psychiatry genito-urinary medicine neurology 	6 April 2013	14 November 2019

	<ul style="list-style-type: none"> • occupational medicine • psychiatry of learning disabilities <p>higher specialty training post (ST4) in paediatrics</p> <p>non-consultant, non-training medical staff post in:</p> <ul style="list-style-type: none"> • general surgery • obstetrics and gynaecology • paediatrics • trauma and orthopaedic surgery 		
2211 Medical practitioners	<p>consultant in:</p> <ul style="list-style-type: none"> • haematology <p>non-consultant, non-training medical staff post in:</p> <ul style="list-style-type: none"> • psychiatry (excluding old-age psychiatry) • general medicine specialities delivering acute care services (intensive care medicine, general internal medicine (acute)) • anaesthetics • rehabilitation medicine 	6 April 2015	6 April 2021
2213 Pharmacists / pharmacologists	ALL jobs in this occupation code	14 November 2011	14 November 2017
2215 Dental practitioners	<ul style="list-style-type: none"> • consultant in paediatric dentistry 	14 November 2011	14 November 2017
2216 Veterinarians	<ul style="list-style-type: none"> • veterinary surgeon 	14 November 2011	14 November 2017
2217 Medical radiographers	<ul style="list-style-type: none"> • HPC registered therapeutic radiographer 	6 April 2015	6 April 2021

2314 Secondary education teaching professionals	<ul style="list-style-type: none"> secondary education teacher in the subject of biology 	14 November 2011	14 November 2017
2316 Special needs education teaching professionals	<ul style="list-style-type: none"> all teaching posts in special schools 	6 April 2013	6 April 2019
2423 Management consultants, actuaries, economists and statisticians	<ul style="list-style-type: none"> qualified actuary working in the life assurance, general insurance, or health and care sectors 	6 April 2013	6 April 2019
3119 Science and engineering technicians not elsewhere classified	<ul style="list-style-type: none"> production controller in the electricity generation industry 	14 November 2011	14 November 2017
3223 Speech and language therapists	<ul style="list-style-type: none"> speech and language therapist at Agenda for Change bands 7+ or their equivalents 	14 November 2011	14 November 2017
3229 Therapists not elsewhere classified	<ul style="list-style-type: none"> HPC-registered orthoptist 	14 November 2011	14 November 2017
3415 Musicians	<ul style="list-style-type: none"> tutti (also known as rank and file) orchestral musician who meets the standard required by internationally recognised companies (e.g. London Symphony Orchestra, London Philharmonic Orchestra, Philharmonia Orchestra, and Royal Philharmonic Orchestra) 	14 November 2011	14 November 2017
3434	the following roles in	14 November	14 November

Photographers and audio visual equipment operators	visual effects and 2D/3D computer animation for film, television or video games; <ul style="list-style-type: none"> • animation supervisor • editor • R&D software • R&D tools • Rigging supervisor • Software engineer 	2011	2017
5249 Line repairers and cable jointers	Overhead Linesworker, working on high voltage lines that carry at least 275,000 volts (except at Linesworker Erector 2 (LE2) level and above and where the pay is at least £32,000 per year – These jobs remain on the Shortage Occupation List)	6 April 2015	6 April 2021

Table 4 – Not Used”

Changes to Appendix KoLL

KoLL1. In paragraph 2.2(a), delete sub-paragraphs (ii), (vi).

KoLL2. After paragraph 2.2(b)(iii), insert:

“or

(c) the on line verification system operated by an approved English language test provider, as specified in Appendix O to these Rules, confirms that the applicant has passed an English language test in speaking and listening, at a minimum level B1 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, as specified in Appendix O, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application.”.

KoLL3. For paragraph 3.2(b)(ii) substitute:

“(ii) where paragraph 39C(c) of these Rules applies, the on-line verification system operated by an approved English language test provider, as specified in Appendix O to these Rules, confirms that the applicant has passed an

English language test in speaking and listening, at a minimum level A2 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, as specified in Appendix O, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application.”.

KoLL4. In paragraph 3.2(c), delete “, or ESOL entry level 3 or Scottish Credit and Qualification Framework level 4”.

KoLL5. In paragraph 3.3

(a) in the introductory wording, after “applies” insert “subject to paragraph 3.2 of this Appendix,”; and

(b) for sub-paragraphs (i) to (iii) substitute:

“(i) in cases where the applicant failed to satisfy paragraph 2.2 of this Appendix, the on-line verification system operated by an approved English language test provider, as specified in Appendix O to these Rules, confirms that the applicant has passed an English language test in speaking and listening, at a minimum level B1 of the Common European Framework of Reference for Languages, which is approved by the Secretary of State, as specified in Appendix O, and taken at a test centre approved by the Secretary of State as a Secure English Language Test Centre no more than two years before the date of application; or

(ii) in cases where the applicant failed to satisfy paragraph 2.3 of this Appendix, he or she has provided specified evidence that he or she has passed the test known as the “Life in the UK test”

(iii) in cases where the applicant failed to satisfy paragraphs 2.2 and 2.3 of this Appendix, the requirements set out in sub-paragraphs (i) and (ii) are met.”.

KoLL6. In paragraph 4.1, after “documents” insert “or information”.

KoLL7. For paragraph 4.7, substitute

“4.7 The information specified for the purposes of paragraph 2.2(c) of this Appendix is the unique reference number assigned by the provider to the English language test taken by the applicant.”.

KoLL8. For paragraph 4.13, substitute:

“4.13 The information or evidence specified for the purposes of paragraph 3.2(b)(i) (evidence of English language speaking and listening) is:

(a) the unique reference number assigned by the provider to the English language test taken by the applicant; or

(b) a certificate or other document issued by an awarding organisation that is recognised either by OFQUAL, the Welsh Government, or CCEA that:

(i) is issued in England, Wales or Northern Ireland in respect of a qualification listed as an ESOL qualification in the OFQUAL Register of Regulated Qualifications, and

(ii) shows that the level of speaking and listening skills attained by the applicant met ESOL entry level 2; or

(c) a certificate that:

(i) is issued in Scotland in respect of a National Qualification in English for Speakers of Other Languages awarded by the Scottish Qualifications Authority, and

(ii) shows that the level of speaking and listening skills attained by the applicant met Scottish Credit and Qualifications Framework level 3.”

KoLL9. For paragraph 4.13A, substitute-

“4.13A The information specified for the purposes of paragraph 3.2(b)(ii) (evidence of English language speaking and listening) is the unique reference number assigned by the provider to the English language test taken by the applicant.”.

KoLL10. For paragraph 4.16, substitute:

“4.16 The information specified for the purposes of paragraph 3.3(i) of this Appendix (evidence of English language speaking and listening) is the unique reference number assigned by the provider to the English language test taken by the applicant.”.

Changes to Appendix M

M1. In the table, delete the row containing “Baseball” and substitute:

Baseball / Softball	Baseball Softball UK	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker – Creative and Sporting)
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M2. In the table, delete the row containing “Ice Skating” and substitute:

Ice Skating	National Ice Skating Association of Great Britain and Northern Ireland	Tier 2 (Sportsperson) and Tier 5 (Temporary Worker)
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		- Creative and Sporting)
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Changes to Appendix N

N1. In Appendix N after “(This does not apply to Schemes applicable only in Scotland, Wales or Northern Ireland.)” insert

“Evidence must be provided to demonstrate the overarching sponsor body has approved the work experience or training programme in the Isle of Man”

N2. Delete the entry in respect of “Chevening Programme” and substitute with the amended entry below:

“

Chevening and Marshall Sherfield Fellowship Programmes	This scheme accommodates two separate scholarship programmes: 1) Chevening programme – used by scholars and researchers attending the UK Environment Programme’s World Conservation Monitoring Centre in Cambridge, the Oxford Centre for Islamic Studies and the Clore Leadership programme, and 2) The Marshall Sherfield Fellowships programme – an annual scheme whereby the Marshall Aid	Association of Commonwealth Universities (ACU)	Research and training programmes Maximum 24 months	All UK
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	Commemoration Commission awards Marshall Sherfield Fellowships to Scientists and Engineers from the United States of America, in order for them to undertake post-doctoral research at a British Research Institute or University for a period of one to two years			
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”

- N3. Delete the entry in respect of “City Fellowships Scheme”.
- N4. Delete the entry in respect of “EU-China Managers Exchange and Training Programme (METP)” scheme.
- N5. Delete the entry in respect of “Fullbright UK-US Teacher Exchange Programme” scheme.
- N6. Delete the entry in respect of “Hanban: Mandarin teachers scheme” and substitute with the amended entry below:

”

Hanban: Mandarin teachers scheme	The scheme is part of Hanban’s global exchange programme through which it sponsors volunteer and professional Mandarin teachers to undertake placements at Confucius institutes and classrooms in the UK, and at institutions in the UK which are covered by Hanban’s teaching exchange	Hanban UK Ltd	Overseas Government language programme. Maximum 24 months
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	<p>programme. It is also used to sponsor co-directors to manage the programme in the UK and undertake some language teaching if needed. These roles are not filling vacancies.</p> <p>The scheme aims to build and/or enhance foreign language skills and foster good cultural relations between the UK and China.</p>		
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”

N7. Delete the entry in respect of “International Cross-Posting Programme for Kazakhstan” and substitute with the amended entry below:

“

International Cross-Posting Programme for Kazakhstan	The purpose of the International Cross Posting Programme is to provide an opportunity for key oil workers from Kazakhstan to undertake work experience and training with Shell UK	UK Trade & Investment	Work experience programme Maximum 12 months	All UK
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”

N8. Delete the entry in respect of “International Internship Scheme” and substitute with the amended entry below:

“

International Internship	A scheme for young people	Fragomen LLP	Work experience	All UK
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Scheme	and future business leaders to experience working for a UK company which, as they develop in their careers, may encourage investment into the UK and the forging of international partnerships with multinational companies in the UK and abroad.		programme Maximum 12 months	
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N9. Delete the entry in respect of “London Organising Committee of the Olympic and Paralympic Olympic Games (LOCOG)” scheme.

Changes to Appendix V

- V1. In paragraph V4.8, for “where they are undertaking a maximum of 30 days incidental study as permitted by Appendix 3” substitute “except as permitted by paragraph 25 of Appendix 3”.
- V2. In paragraph V4.23(b), for “(which does not prohibit the incidental study allowed by the permitted activities at Appendix 3) substitute “, except as permitted by paragraph 25 of Appendix 3”.
- V3. In paragraph 4 of Appendix 3 to Appendix V, after “incidental volunteering” insert “(i.e. the main purpose of the visit is not to volunteer)”.
- V4. In paragraph 25 of Appendix 3 to Appendix V:
 - i. delete the heading “Incidental study”; and
 - ii. for sub-paragraph (b) substitute “(b) a maximum of 30 days study, provided that the main purpose of the visit is not to study.”.