

**STATEMENT OF
CHANGES
IN IMMIGRATION RULES**



Laid before Tynwald on 20th March 2007 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 1991 (SI 1991 no. 2630) and the Immigration (Isle of Man) Order 1997 (SI 1997 no. 275)

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STATEMENT OF CHANGES IN IMMIGRATION RULES

His Excellency the Lieutenant Governor has made the changes hereinafter stated in the Rules laid down by him as to the practice to be followed in the administration of the Immigration Act 1971 (an Act of Parliament as it has effect in the Isle of Man)^(a) 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 2005^(b)

These changes take effect on [2007].

1. Paragraphs 211 to 221 (persons intending to establish themselves in business under provisions of EC Association Agreements – leave to enter and extension of stay) are deleted.
 2. For paragraph 222 (indefinite leave to remain for a person established in business under provisions of an EC Association Agreement) there is substituted –
“222. Indefinite leave to remain may be granted, on application, to a person established in business provided he –
 - (i) is a national of Bulgaria or Romania; and
 - (ii) entered the Isle of Man with a valid Isle of Man entry clearance as a person intending to establish himself in business under the provisions of an EC Association Agreement; and
 - (iii) was granted an extension of stay before 1st January 2007 in order to remain in business under the provisions of the Agreement; and
 - (iv) established himself in business in the Isle of Man, spent a continuous period of 5 years in the Isle of Man in this capacity and is still so engaged; and
 - (v) met the requirements of paragraph 222A throughout the period of 5 years; and
 - (vi) submits audited accounts for the first 4 years of trading and management accounts for the 5th year.
- 222A. The requirements mentioned in paragraph 222(v) are that throughout the period of 5 years –
 - (i) the applicant’s share of the profits of the business has been sufficient to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds; and
 - (ii) he has not supplemented his business activities by taking or seeking employment in the Isle of Man (other than his work for the business); and
 - (iii) he has satisfied the requirements in paragraph 222B or 222C.

222B. Where the applicant has established himself in a company in the Isle of Man which he effectively controls, the requirements for the purpose of paragraph 222A(iii) are that—

(i) the applicant has been actively involved in the promotion and management of the company; and

(ii) he has had a controlling interest in the company; and

(iii) the company was registered in the Isle of Man and has been trading or providing services in the Isle of Man; and

(iv) the company owned the assets of the business.

222C. Where the applicant has established himself as a sole trader or in a partnership in the Isle of Man, the requirements for the purpose of paragraph 222A(iii) are that—

(i) the applicant has been actively involved in trading or providing services on his own account or in a partnership in the Isle of Man; and

(ii) the applicant owned, or together with his partners owned, the assets of the business; and

(iii) in the case of a partnership, the applicant's part in the business did not amount to disguised employment.”

3. After paragraph 223 there is inserted –

"223A. Notwithstanding paragraph 5, paragraphs 222 to 223 shall apply to a person who is entitled to remain in the Isle of Man by virtue of the provisions of Section 7(1) of the Immigration Act 1988 as it has effect in the Isle of Man.

(a) Extended to the Isle of Man by S.I. 1991 No 2630 and S.I. 1997 No 275
(b) S.D. 62/05 amended by 692/05, 442/06, 574/06 and 781/06

EXPLANATORY NOTE

(This note does not form part of the Statement of Changes)

This Statement of Changes in Immigration Rules contains a policy change, which is a technical amendment necessitated by the accession of Bulgaria and Romania to the European Union on 1 January 2007. The change involves the deletion of the rules relating to leave to enter and limited leave to remain under the European Community Association Agreements with Bulgaria and Romania. With effect from 1 January 2007, nationals of Bulgaria and Romania will have a right under European Community law to be admitted to the United Kingdom on production of their ID cards and passports, and will not require leave under the Rules. They will have the same rights in the Isle of Man by virtue of the provisions of Section 7(1) of the Immigration Act 1988 as it has effect in the Isle of Man.