

Statutory Document 2019/0143



**STATEMENT OF  
CHANGES IN  
IMMIGRATION RULES**

Laid before Tynwald on 9 April 2019 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 Cabinet Office 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 1971<sup>1</sup> (of Parliament) as it has effect in the Isle of Man<sup>2</sup> for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17<sup>th</sup> May 2005<sup>3</sup>.

### **Commencement**

Subject to sub-paragraphs (a) and (b), all of the changes in this Statement will commence at 07:00 on 30 March 2019;

- (a) Subject to sub-paragraph (b), at 07:00 on 9 April 2019 in relation to applications made under Appendix EU outside the UK and Islands; and
- (b) on 1 May 2019 in relation to applications made under Appendix EU which rely on sub-paragraph (a)(v) in condition 3 in the table in paragraph EU11, sub-paragraph (a)(v) in condition 1 in the table in paragraph EU14 or otherwise on the entry for “person with a Zambrano right to reside” in the table at Annex 1; and

### **Changes to Introduction**

Int 1. In Paragraph 6 for the entry “the EEA Regulations”, substitute –

““EEA Regulations” means the Immigration (European Economic Area) Regulations 2019.”.

### **Changes to Part 1**

- 1.1 In paragraph 9(ii) for “Immigration (Leave to Enter and Remain) Order 2008” substitute “Immigration (Leave to Enter and Remain) Order 2019”.
- 1.2 In paragraph 17B for “under article 13 of the Immigration (Leave to Enter and Remain) Order 2008” substitute “under article 17 of the Immigration (Leave to Enter and Remain) Order 2019”.
- 1.3 In Paragraph 20A for “under article 13 of the Immigration (Leave to Enter and Remain) Order 2008” substitute “under article 17 of the Immigration (Leave to Enter and Remain) Order 2019”.
- 1.4 In paragraph 25A for “article 3 of the Immigration (Leave to Enter and Remain) Order 2008” substitute “article 5 of the Immigration (Leave to Enter and Remain) Order 2019”.

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<sup>1</sup> 1971 c.77

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

<sup>3</sup> S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13 ,SD 2014/0004, SD 2014/0082, SD 2014/241, SD2014/314 , SD2014/324, SD2015/0265, SD2015/0386, SD2016/0092, SD2016/0175, SD5016/0211, SD2017/0066, SD2017/0183, SD2017/0314, SD2018/0084, SD2018/0134, 2018/0328 and 2019/0119.

- 1.5 In paragraph 30A, for sub-paragraph (iii), substitute –
- “(iii) where sub-paragraph (iv) does not apply, the holder’s exclusion from the Isle of Man would be conducive to the public good; or
- (iv) in the case of an entry clearance granted under Appendix EU (Family Permit), in respect of conduct committed before the specified date as defined in that Appendix, the holder is subject to an exclusion order, an exclusion decision or a UK or CI exclusion decision as defined in that Appendix.”.
- 1.6 Delete the heading “Specified forms and procedures for applications or claims in connection with immigration”
- 1.7 Delete paragraph A34.
- 1.8 For paragraphs 34 to paragraph 34J inclusive, substitute -
- “How to make a valid application for leave to remain in the Isle of Man**
34. An application for leave to remain must be made in accordance with sub-paragraphs (1) to (7) below.
- (1) (a) Subject to paragraph 34(1)(c), the application must be made on an application form which is specified for the immigration category under which the applicant is applying on the date on which the application is made.
- (b) An application form is specified when it is posted on the Immigration Service webpage on the Isle of Man Government website: <https://www.gov.im/immigration>
- (c) An application can be made on a previous version of a specified paper application form (and shall be treated as made on a specified form) as long as it is no more than 21 days out of date.
- (2) All mandatory sections of the application form must be completed.
- (3) Where the applicant is required to pay a fee, this fee must be paid in full in accordance with the process set out in the application form.
- (4) (a) Subject to paragraph 34(4)(c), the applicant must provide proof of identity as described in 34(4)(b) below and in accordance with the process set out in the application form.
- (b) Proof of identity for the purpose of this paragraph means:
- (i) a valid passport or, if an applicant (except a PBS, Worker Migrant or Worker (Intra Company Transfer) Migrant applicant) does not have a valid passport, a valid national identity card; or

- (ii) if the applicant does not have a valid passport or national identity card, his or her most recent passport or (except a PBS, Worker Migrant or Worker (Intra Company Transfer) Migrant applicant) his or her most recent national identity card; or
  - (iii) if the applicant does not have any of the above, a valid travel document.
- (c) Proof of identity need not be provided where:
- (i) the applicant's passport, national identity card or travel document is held by the Isle of Man Immigration Service at the date of application; or
  - (ii) the applicant's passport, nationality identity card or travel document has been permanently lost or stolen and there is no functioning national government to issue a replacement; or
  - (iii) the application is for limited leave to enable access to public funds pending an application under paragraph 289A to these rules; or
  - (iv) the applicant provides a good reason beyond his or her control why they cannot provide proof of his or her identity.
- (5) Where any of paragraph 34(4)(c)(ii)-(iv) applies, the Minister may ask the applicant to provide alternative satisfactory evidence of his or her identity and nationality.
- (6) Where the main applicant is under the age of 18, his or her parent or legal guardian must provide written consent to the application.
- (7) Where the application is made on a paper application form, it must be:
- (a) sent by pre-paid post or courier, or
  - (b) delivered in person to the Isle of Man Immigration Service, to the address on the application form.

### **Invalid applications**

34A. Subject to paragraph 34B, where an application for leave to remain does not meet the requirements of paragraph 34, it is invalid and will not be considered.

34B. (1) Where an application for leave to remain does not meet the requirements of paragraph 34(1)-(7), the Minister may notify the applicant and give him or her one opportunity to correct the error(s) or omission(s) identified by the Minister within the timescale specified in the notification.

- (2) Where an applicant does not comply with the notification in paragraph 34B(1), the application is invalid and will not be considered unless the Minister exercises discretion to treat an invalid application as valid and the requirements of paragraph 34(3) and (4) have been met.

34BB (1) An applicant may only have one outstanding application for leave to remain at a time.

- (2) If an application for leave to remain is submitted in circumstances where a previous application for leave to remain has not been decided, it will be treated as a variation of the previous application.
- (3) Where more than one application for leave to remain is submitted on the same day then subject to sub-paragraph (4), each application will be invalid and will not be considered.
- (4) The Minister may give the applicant a single opportunity to withdraw all but one of the applications within 10 working days of the date on which the notification was sent. If all but one of the applications are not withdrawn by the specified date each application will be invalid and will not be considered.
- (5) Notice of invalidity will be given in writing.

#### **Dependent applicants applying at the same time as the main applicant**

34C A dependent applicant can be included on a main applicant's application form where the application form allows the dependant to be included.

34D Deleted

#### **Variation of applications or claims for leave to remain**

34E. If a person wishes to vary the purpose of an application or claim for leave to remain in the Isle of Man and an application form is specified for such new purpose, the variation must comply with the requirements of paragraph 34 (as they apply at the date the variation is made) as if the variation were a new application or claim, or the variation will be invalid and will not be considered.

34F. Any valid variation of a leave to remain application will be decided in accordance with the immigration rules in force at the date such variation is received.

34FA. For the avoidance of doubt, neither paragraph 34E nor paragraph 34F applies in the case of a Tier 2 Migrant who on 6 April 2018 is deemed to become a Worker Migrant or Worker (Intra-Company Transfer) Migrant: accordingly a further application is not required on that date merely

because of the change in the person's status (or that of a person whose status is dependent upon such a person) under these Rules.

**Date an application (or variation of an application) for leave to remain is made**

34G. For the purposes of these rules, the date on which an application (or a variation of application in accordance with paragraph 34E) is made is:

- (1) where the specified application form is sent by pre-paid post, the date of posting as shown on the tracking information provided by the carrier or, if not tracked, by the postmark date on the envelope; or
- (2) where the specified application form is made in person, sent by courier, or other postal services provider, the date on which it is delivered to the Isle of Man Immigration Service.

Paragraphs 34H – 34 I Deleted

**Withdrawn applications for leave to remain in the Isle of Man**

34J. The proof of identity provided under paragraph 34(4) will be returned to the applicant whilst his or her application is being considered, unless the Minister considers it necessary to retain it. Where the Minister has retained an applicant's proof of identity and the applicant requests the return of his or her passport for the purpose of travel outside the common travel area, the application for leave shall, provided it has not already been determined, be treated as withdrawn on the date that request is received by the Isle of Man Immigration Service.

34K. Where proof of identity provided under paragraph 34(4) has been returned to the applicant pending a decision on his or her application for leave to remain and the applicant travels outside the common travel area his or her application for leave to remain shall, provided that it has not been determined, be treated as withdrawn on the date that the applicant left the common travel area.

Paragraphs 34L to 34X Not used

34Y. Where an application is made no more than 21 days after the date on which a form is specified (within the meaning of paragraph 34) and on a form that was specified immediately prior to the date of the new specification, the application is deemed to have been made on the specified form (and is therefore not to be treated as invalid by reason only of being made on the "wrong" form)."

**Changes to Part 9**

9.1 After paragraph B320, insert –

“D320. Part 9 does not apply to applications made under Appendix EU.

E320(1). Subject to sub-paragraph (2), Part 9 does not apply to leave to enter granted by virtue of having arrived in the Isle of Man with an entry clearance that was granted under Appendix EU (Family Permit), except for paragraph 321B, which applies to such leave, regardless of the application of paragraph 5 of these Rules.

(2) Should the United Kingdom withdraw from the European Union on 29 March 2019 without a Withdrawal Agreement, then, in respect of the person’s conduct committed after that date, the following paragraphs apply to such leave, regardless of the application of paragraph 5 of these Rules: paragraphs 320(1), (2), (3) to (7), (8), (8A), (10), (17), (18A), (18B) and (19); paragraph 321A (except sub-paragraph (2)); and paragraph 321B.

(3) Subject to sub-paragraph (4), Part 9 does not apply to leave to enter or remain that was granted by virtue of Appendix EU, except for paragraphs 321B and 323(ii), which apply to such leave, regardless of the application of paragraph 5 of these Rules.

(4) If the United Kingdom withdraws from the European Union on 29 March 2019 without a Withdrawal Agreement, then:

(a) in respect of the person’s conduct committed by that date, the following paragraphs apply to such leave, regardless of the application of paragraph 5 of these Rules: paragraphs 321B and 323(ii); and

(b) in respect of the person’s conduct committed after that date, the following paragraphs apply to such leave, regardless of the application of paragraph 5 of these Rules: paragraphs 320(1), (2), (3) to (7), (8), (8A), (10), (17), (18A), (18B) and (19); paragraph 321A (except sub-paragraph (2)); paragraph 321B; and paragraph 323(ii).”.

9.2 After paragraph 321A, insert-

**“Grounds on which leave to enter or remain which is in force may be cancelled at port or while the holder is outside the Isle of Man**

321B. A person’s leave to enter or remain which is in force on his arrival in or while he is outside the Isle of Man may be cancelled:

(a) if that person has leave to enter or remain in the Isle of Man granted by virtue of Appendix EU, or leave to enter the Isle of Man granted by virtue of having arrived in the Isle of Man with entry clearance that was granted under Appendix EU (Family Permit); and

(b) the cancellation is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the

Immigration (European Economic Area) Regulations 2019, irrespective of whether those Regulations apply to that person (Except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain”; and for “EEA decision” read “a decision under paragraph 321B of the Immigration Rules”).”.

- 9.3 In paragraph 322 in the second heading, for “United Kingdom”, substitute “Isle of Man”.

### **Changes to Appendices**

EU1. After Appendix E, insert:

#### **“Appendix EU: EU, other EEA and Swiss citizens and family members**

##### **Purpose**

EU1. This Appendix sets out the basis on which an **EEA citizen** and his or her family members, and the family members of a **qualifying British citizen**, will, if they apply under it, be granted indefinite leave to enter or remain or limited leave to enter or remain.

##### **Requirements and procedure**

EU2. The applicant will be granted indefinite leave to enter (where the application is made outside the UK and Islands) or indefinite leave to remain (where the application is made within the Isle of Man) where:

- a valid application has been made in accordance with paragraph EU9;
- the applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12; and
- the applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.

EU3. The applicant will be granted 5 years’ limited leave to enter (where the application is made outside the UK and Islands) or 5 years’ limited leave to remain (where the application is made within the Isle of Man) where:

- a valid application has been made in accordance with paragraph EU9;
- the applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and



- the applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.
- EU4. Where a person has been granted limited leave to enter or remain under this Appendix:
- they must continue to meet the eligibility requirements for that leave which they met at the **date of application** (except for any which related to his or her dependency on another person) or meet other eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and
  - they remain able to apply for indefinite leave to enter or remain under this Appendix and will be granted this where the requirements in paragraph EU2 are met.
- EU5. Where a person has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix and that person also has a right to enter or reside under the **EEA Regulations**, the leave does not have effect to the person's detriment in so far as the leave is incompatible with that right to enter or reside for as long as that person has that right.
- EU6. A valid application made under this Appendix which does not meet the requirements for indefinite leave to enter or remain or limited leave to enter or remain will be refused.
- EU7. Annex 1 sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.
- EU8. Annex 2 applies to the consideration by the Minister of a valid application made under this Appendix.

### **Valid application**

- EU9. A valid application has been made under this Appendix where:
- (a) it has been made using the **required application process**;
  - (b) the **required proof of identity and nationality** has been provided;
  - (c) where an application is made from outside the UK and Islands, the **required proof of entitlement to apply from outside the UK and Islands** has been provided; and
  - (d) the **required biometrics** have been provided.
- EU10. An application will be rejected as invalid where it does not meet the requirements in paragraph EU9.

## Eligibility for indefinite leave to enter or remain

Persons eligible for indefinite leave to enter or remain as a relevant EEA citizen or his or her family member, or as a person who has a derivative right to reside or a Zambrano right to reside.

EU11. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **relevant EEA citizen** or his or her family member (or as a **person who has a derivative right to reside** or a **person with a Zambrano right to reside**) where the Minister is satisfied, including (where applicable) by the **required evidence of family relationship**, that, at the date of application, one of conditions 1 to 7 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant is: (i) a relevant EEA citizen; or (ii) a <b>family member of a relevant EEA citizen</b> ; or (iii) a <b>family member who has retained the right of residence</b> by virtue of a relationship with a relevant EEA citizen; and (b) the applicant has a <b>documented right of permanent residence</b> ; and (c) no <b>supervening event</b> has occurred
2.	(a) The applicant is: (i) a relevant EEA citizen; or (ii) a family member of a relevant EEA citizen; or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and (b) there is <b>valid evidence of his or her indefinite leave to enter or remain</b>
3.	(a) The applicant is: (i) a relevant EEA citizen; or (ii) a family member of a relevant EEA citizen; or (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA

	<p>citizen; or</p> <p>(iv) a person with a derivative right to reside; or</p> <p>(v) a person with a Zambrano right to reside; and</p> <p>(b) the applicant has completed a <b>continuous qualifying period</b> of 5 years in any (or any combination) of those categories; and</p> <p>(c) since then no supervening event has occurred</p>
4.	<p>(a) The applicant is a relevant EEA citizen who is a <b>person who has ceased activity</b>; and</p> <p>(b) since they did so, no supervening event has occurred</p>
5.	<p>(a) The applicant is a family member of a relevant EEA citizen who is a person who has ceased activity; and</p> <p>(b) the relevant EEA citizen:</p> <p style="padding-left: 40px;">(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands); or</p> <p style="padding-left: 40px;">(ii) would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; and</p> <p>(c) sub-paragraph (a) was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(d) since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred</p>
6.	<p>(a) The applicant is a family member of a relevant EEA citizen who has died and the relevant EEA citizen was resident in the Isle of Man as a <b>worker</b> or <b>self-employed person</b> at the time of his or her death; and</p> <p>(b) the relevant EEA citizen was resident in the <b>UK and Islands</b> for a continuous qualifying period of at least 2 years before dying, or the death was the result of an accident at work or an occupational disease; and</p> <p>(c) the applicant was resident in the Isle of Man with the relevant EEA citizen immediately before his or her death and since then no supervening event has occurred</p>
7.	<p>(a) The applicant is a child under the age of 21 years of a</p>

	<p>relevant EEA citizen, or of his or her <b>spouse</b> or <b>civil partner</b>, and either:</p> <p>(i) the marriage was contracted or the civil partnership was formed before the <b>specified date</b>; or</p> <p>(ii) the person who is now his or her spouse or civil partner was the durable partner of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</p> <p>(b) the relevant EEA citizen (or, as the case may be, his or her spouse or civil partner):</p> <p>(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands);or</p> <p>(ii) (in the case of a person who is an Irish citizen as a matter of Irish law and who has not made a valid application under this Appendix) would be granted that leave if they made such an application</p>
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Persons eligible for indefinite leave to enter or remain as a family member of a qualifying British citizen

EU12. The applicant meets the eligibility requirements for indefinite leave to enter or remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen, where the Minister is satisfied, including by the required evidence of family relationship, that, at the date of application, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has a documented right of permanent residence; and</p>

	(c) No supervening event has occurred
2.	<p>(a) The applicant is:</p> <ul style="list-style-type: none"> <li>(i) a family member of a qualifying British citizen; or</li> <li>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</li> </ul> <p>(b) there is valid evidence of his or her indefinite leave to enter or remain</p>
3.	<p>(a) The applicant is:</p> <ul style="list-style-type: none"> <li>(i) a family member of a qualifying British citizen; or</li> <li>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</li> </ul> <p>(b) the applicant has completed a continuous qualifying period in the UK and Islands of 5 years in either (or any combination) of those categories; and</p> <p>(c) the applicant was, for any period of residence as a family member of a qualifying British citizen relied upon under subparagraph (b), in the Isle of Man lawfully by virtue of regulation 10(1) to (6) of the EEA Regulations (regardless of whether in the Isle of Man the qualifying British citizen was a qualified person under regulation 7 of the EEA Regulations); and</p> <p>(d) since completing the continuous qualifying period of 5 years, no supervening event has occurred</p>
4.	<p>(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen (and the marriage or civil partnership was formed before the specified date); and</p> <p>(b) the applicant is in the Isle of Man lawfully by virtue of regulation 10(1) to (6) of the EEA Regulations (regardless of whether in the Isle of Man the qualifying British citizen was a qualified person under regulation 7 of the EEA Regulations); and</p> <p>(c) the spouse or civil partner has been or is being granted indefinite leave to enter or remain under this Appendix</p>

EU13. The reference to the applicant completing a continuous qualifying period of 5 years:

- In condition 3 in the table in paragraph EU12 can include a period (or combination of periods) during which the applicant was a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside before becoming the family member of a qualifying British citizen; and
- In condition 3 in the table in paragraph EU11 can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EEA citizen, a family member of a relevant EEA citizen, a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person with a derivative right to reside or a person with a Zambrano right to reside.

**Eligibility for limited leave to enter or remain**

EU14. The applicant meets the eligibility requirements for limited leave to enter or remain where the Minister is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application, condition 1 or 2 set out in the following table is met:

Condition	Is met where:
1.	(a) The applicant is: <ul style="list-style-type: none"> <li>(i) a relevant EEA citizen; or</li> <li>(ii) a family member of a relevant EEA citizen; or</li> <li>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</li> <li>(iv) a person with a derivative right to reside; or</li> <li>(v) a person who with a Zambrano right to reside; and</li> </ul> (b) the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period of less than 5 years

2.	A or B applies:
A.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen and is (or, as the case may be, for the relevant period was) in the Isle of Man lawfully by virtue of regulation 10(1) to (6) of the EEA Regulations, regardless of whether in the Isle of Man the qualifying British citizen is (or, as the case may be, for the relevant period was) a qualified person under regulation 7 of the EEA Regulations; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) In either case, the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period in the UK and Islands of less than 5 years</p>
B.	<p>(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen (and the marriage or civil partnership was formed before the specified date); and</p> <p>(b) the applicant is (or, as the case may be, for the relevant period was) in the Isle of Man lawfully by virtue of regulation 10(1) to (6) of the EEA Regulations, regardless of whether in the Isle of Man the qualifying British citizen is (or, as the case may be, for the relevant period was) a qualified person under regulation 7 of the EEA Regulations; and</p> <p>(c) the spouse or civil partner has been or is being granted limited leave to enter or remain under this Appendix</p>

### Suitability

- EU15. (a) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:
- (i) the applicant is subject to a **deportation order** or to a decision to make a deportation order; or
  - (ii) the applicant is subject to an **exclusion order** or exclusion decision.
- (b) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:

- (i) the applicant is subject to a **UK or CI deportation order**; or
- (ii) the applicant is subject to a **UK or CI exclusion decision**.

EU16. An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Minister is satisfied that it is proportionate to refuse the application where:

- (a) in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or
- (b) the applicant is subject to a removal decision under the EEA Regulations on the grounds of his or her non-exercise or misuse of rights under Directive 2004/38/EC.

EU17. The references in paragraphs EU15 and EU16 to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on his or her application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

#### **Annex 1 – Definitions**

<b>Term</b>	<b>Definition</b>
adopted child	a <b>child</b> adopted in accordance with a decision taken: <ul style="list-style-type: none"> <li>(a) by the competent administrative authority or court in the Isle of Man or the UK or Channel Islands; or</li> <li>(b) by the competent administrative authority or court in a country whose adoption orders are recognised under the law of the Isle of Man or in the UK or Channel Islands; or</li> <li>(c) in a particular case in which that decision in another country has been recognised in the Isle of Man or in the UK or Channel Islands as an adoption</li> </ul>
child	<ul style="list-style-type: none"> <li>(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or of a qualifying British citizen) or of his or her spouse or civil partner; or</li> <li>(b) (i) the direct descendant aged 21 years or over of a relevant EEA citizen (or of a qualifying British citizen) or of his or her</li> </ul>



	<p>spouse or civil partner; and</p> <p>(ii) dependent on the relevant EEA citizen (or on the qualifying British citizen) or on his or her spouse or civil partner, unless the applicant was previously granted limited leave to enter or remain under this Appendix as a child on the basis that subparagraph (a) above applied (or under its equivalent in the UK or Channel Islands on that basis)</p> <p>‘dependent’ means here that:</p> <p>(a) having regard to his or her financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet his or her essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or of the qualifying British citizen) or of his or her spouse or civil partner; and</p> <p>(b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or by the qualifying British citizen) or by his or her spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support.</p> <p>in addition:</p> <p>(a) ‘child’ includes:</p> <p>(i) an adopted child of; or</p> <p>(ii) a child born through surrogacy (where recognised in the law of the Isle of Man or laws in the UK or Channel Islands) for; or</p> <p>(iii) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001) has been made appointing as his or her special guardian; or</p> <p>(iv) a child in respect of whom an order has been made under sections 6 or 7 of the Children and Young Persons Act 2001 appointing as his or her guardian; or</p> <p>(v) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989 (of Parliament)) is in force appointing as his or her special guardian; or</p> <p>(vi) a child in respect of whom an order has been made under section 5 of the Children Act 1989 (of Parliament)</p>
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	<p>appointing as his or her guardian; or</p> <p>(vii) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 (of Parliament) vesting parental responsibilities and parental rights in a person who is; or</p> <p>(viii) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995 (of Parliament), or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</p> <p>(ix) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995 (of Parliament), or in respect of whom an appointment has been made under Article 160 of that Order, appointing as his or her guardian a person who is; or</p> <p>(x) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(xi) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as his or her guardian,</p> <p>(as the case may be) a relevant EEA citizen (or a qualifying British citizen) or his or her spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or his or her spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) ‘direct descendant’ also includes a grandchild or great-grandchild, other than for the purpose of meeting condition 7 in the table in paragraph EU11 of this Appendix or condition 4 in the table in paragraph EU12; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table</p>
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civil partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a valid civil partnership (which exists or existed under or by virtue of the Civil Partnership Act 2011 or under any equivalent legislation in the UK or Channel Islands); or is, or (as the case may be) for the relevant period was, in a same sex relationship registered overseas which is, or was, entitled to be treated as a civil partnership under that Act, with a relevant EEA citizen (or with a qualifying British citizen); and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a <b>civil partnership of convenience</b>; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the Isle of Man or the UK or Channel Islands</b> based on that person's relationship with that party</p>
<p>civil partnership of convenience</p> <p>durable partnership of convenience</p> <p>marriage of convenience</p>	<p>a marriage, civil partnership or durable partnership entered into as a means to circumvent:</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Isle of Man under the EEA Regulations; or</p> <p>(b) any other provision of the immigration law of the Isle of Man or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the Isle of Man under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enter or reside in the UK or Channel Islands under the relevant laws</p>
continuous qualifying period	<p>a period of residence in the UK and Islands:</p> <p>(a) which began before the specified date; and</p> <p>(b) during which none of the following occurred:</p> <p>(i) absence(s) from the UK and Islands which exceeded a total of 6 months in any 12-month period, except for:</p> <p>(aa) a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting); or</p> <p>(bb) any period of absence on Crown service or (as a</p>

	<p>spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on <b>Crown service</b>;</p> <p>(ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands; or</p> <p>(iii) any of the following, unless it has been set aside or no longer has effect in respect of the person:</p> <p>(aa) any decision or order to exclude or remove under regulation 24 or 33 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(bb) a decision to which regulation 17(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 25(1) of the EEA Regulations (or the equivalent decision, subject to equivalent qualification, under the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(cc) an exclusion decision; or</p> <p>(dd) a deportation order, other than under the EEA Regulations; or</p> <p>(ee) a <b>UK or CI deportation order</b>; or</p> <p>(ff) a <b>UK or CI exclusion decision</b>; and</p> <p>(c) (where the period is less than 5 years) which continues at the date of application</p>
crown service	<p>service as:</p> <p>(a) a member of HM Forces (as defined in the Armed Forces Act 2006 (an Act of Parliament)); or</p> <p>(b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or</p> <p>(c) a permanent member of the British Council</p>
date of application	<p>the date on which an application is submitted will be treated as in accordance with paragraph 34G of these Rules.</p>
dependent	<p>the direct relative in the ascending line of a relevant EEA citizen (or of a qualifying British citizen) or of his or her spouse or civil</p>

parent	<p>partner</p> <p>in addition:</p> <p>(a) ‘direct relative in the ascending line’ includes a grandparent or great-grandparent; and</p> <p>(b) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; and</p> <p>(c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (or on the qualifying British citizen), or on his or her spouse or civil partner, is assumed</p>
dependent relative	<p>(a) a relative of his or her sponsor but not the sponsor’s spouse, civil partner, durable partner, child or dependent parent; and the relative is, or (as the case may be) for the relevant period was, a dependant of the sponsor, a member of his or her household or in strict need of his or her personal care on serious health grounds; and</p> <p>(b) the person holds a <b>relevant document</b> as the dependent relative of his or her sponsor for the period of residence relied upon</p> <p>‘sponsor’ means here:</p> <p>(a) a relevant EEA citizen who has been or is being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix (or who would be granted that leave, if they made a valid application under this Appendix); or</p> <p>(b) the spouse or civil partner of such a relevant EEA citizen, where the application for that relevant document was made before 15 February 2019; or</p> <p>(c) a qualifying British citizen</p>
deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 33(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act (in respect of conduct after the specified date, or conduct committed before that date where the Minister has decided that the deportation</p>

	<p>order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)</p>
<p>documented right of permanent residence</p>	<p>the Minister is satisfied from the information available that:</p> <p>(a) (i) the person has been issued by the Minister with a document certifying a right of permanent residence under regulation 20 of the EEA Regulations; and</p> <p>(ii) this document is not invalid under regulation 20(3)(c); and</p> <p>(iii) this document has not been revoked, and its renewal has not been refused, under regulation 25 (except where the revocation or refusal occurred because the person had been absent from the UK and Islands for a period of more than 2, and no more than 5, consecutive years); and</p> <p>(iv) the person’s right to reside has not been cancelled under regulation 26; or</p> <p>(b) the person has been issued by the Secretary of State with a document certifying permanent residence or a permanent residence card (and that permanent residence card was issued or renewed within the last 10 years) under regulation 19 of the Immigration (European Economic Area) Regulations 2016 (of Parliament), or with a residence permit or residence document under the Immigration (European Economic Area) Order 1994 (of Parliament) endorsed to show permission to remain in the UK indefinitely, and this evidence has not been revoked, invalidated or cancelled; or</p> <p>(c) the person has been given notice in writing under paragraphs 256 to 257A of the Immigration Rules of the Bailiwick of Guernsey showing that they may remain indefinitely, and this notice has not been revoked or otherwise ceased to be effective; or</p> <p>(d) the person has been issued by the relevant Minister with a document in accordance with paragraphs 255 to 258 of the Immigration Rules of the Bailiwick of Jersey in an appropriate form certifying permanent residence or a permanent residence card, and this document or card has not been revoked or</p>

	otherwise ceased to be effective
<p>durable partner</p>	<p>(a) the person is, or (as the case may be) for the relevant period was, in a durable relationship with a relevant EEA citizen (or with a qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least 2 years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) the person holds a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) for the period of residence relied upon, unless (where the person is the durable partner of a relevant EEA citizen) the date of application permitted under the Appendix is after 31 December 2020 and the person was resident outside the UK and Islands at that date; and</p> <p>(c) it is, or (as the case may be) for the relevant period was, not a durable partnership of convenience; and</p> <p>(d) neither party has, or (as the case may be) for the relevant period had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the Isle of Man or the UK or Channel Islands based on that person's relationship with that party</p> <p>in addition, to meet condition 6 in the table in paragraph EU11 of this Appendix, the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen rather than to the date of application</p>
<p>educational course</p>	<p>a general educational course, apprenticeship or vocational training course, as provided by regulation 12(7) of the EEA Regulations</p>
<p>EEA Regulations</p>	<p>the Immigration (European Economic Area) Regulations 2019 (as they have effect at the date of application or as they had effect immediately before they were revoked)</p>
<p>EEA citizen</p>	<p>a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they</p>

	are a <b>relevant naturalised British citizen</b> ) is not also a British citizen
evidence of birth	<p>(a) (in the case of a child) the <b>full birth certificate(s)</b> or other document(s) which the Minister is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or of the qualifying British citizen) or of his or her spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; or</p> <p>(b) (in the case of a dependent parent) the full birth certificate(s) or other document(s) which the Minister is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or of the qualifying British citizen) or of his or her spouse or civil partner, as described in sub-paragraph (a) above</p>
exclusion decision	<p>a direction given by the Minister that a person must be refused entry to the Isle of Man on the ground that that person’s presence in the Isle of Man would not be conducive to the public good:</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Minister is satisfied that the direction is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”</p>
exclusion order	an order made under regulation 24(5) of the EEA Regulations
family member of a qualifying British citizen	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that:</p> <p>(a) they are (and for the relevant period have been), or (as the case may be) for the relevant period they were, resident in the Isle of Man before the specified date as:</p> <p>(i) the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was</p>



	<p>formed before the specified date; or</p> <p>(ii) the durable partner of a qualifying British citizen, and:</p> <p style="padding-left: 40px;">(aa) the partnership was formed and was durable before the specified date; and</p> <p style="padding-left: 40px;">(bb) the partnership remains durable at the date of application; or</p> <p>(iii) the child or dependent parent of a qualifying British citizen; or</p> <p>(iv) the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in subparagraph (i) above; or</p> <p>(v) the dependent relative of a qualifying British citizen and that family relationship and the person's dependency (or, as the case may be, his or her membership of the household or his or her strict need for personal care on serious health grounds) existed before the specified date; and</p> <p>(b) they satisfied regulation 10(2) and (4)(a) of the EEA Regulations (as the family member to whom those provisions refer) immediately before returning to the Isle of Man with the qualifying British citizen (who is to be treated as the British citizen to whom those provisions refer)</p>
<p>family member of a relevant EEA citizen</p>	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and:</p> <p style="padding-left: 40px;">(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p style="padding-left: 40px;">(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application) and the partnership has remained durable at the specified date; or</p> <p>(b) the durable partner of a relevant EEA citizen, and:</p> <p style="padding-left: 40px;">(i) the partnership was formed and was durable before the specified date; and</p> <p style="padding-left: 40px;">(ii) the partnership remains durable at the date of</p>

	<p>application(or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or</p> <p>(c) the child or dependent parent of a relevant EEA citizen; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in subparagraph (a) above; or</p> <p>(e) resident in the Isle of Man before the specified date as the dependent relative of a relevant EEA citizen (or of his or her spouse or civil partner, where the application for the relevant document referred to in the entry for ‘dependent relative’ in this table was made before 15 March 2019) and that family relationship and the person’s dependency (or, as the case may be, his or her membership of the household or his or her strict need for personal care on serious health grounds) existed before the specified date (or, as the case may be, before 15 March 2019)</p>
<p>family member who has retained the right of residence</p>	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (d) below are met:</p> <p>(a) the applicant is an EEA citizen or non-EEA citizen who:</p> <ul style="list-style-type: none"> <li>(i) was the family member of a relevant EEA citizen (or of a qualifying British citizen) and that person died; and</li> <li>(ii) was resident in the Isle of Man as the family member of a relevant EEA citizen (or of a qualifying British citizen) for a continuous qualifying period of at least a year immediately before the death of that person; or</li> </ul> <p>(b) the applicant is an EEA citizen or non-EEA citizen who:</p> <ul style="list-style-type: none"> <li>(i) is the child of: <ul style="list-style-type: none"> <li>(aa) a relevant EEA citizen (or of a qualifying British citizen) who has died or of his or her spouse or civil partner immediately before his or her death; or</li> <li>(bb) a person who ceased to be a relevant EEA citizen (or a qualifying British citizen) on ceasing to reside in the Isle of Man or of his or her spouse or civil partner at that point; and</li> </ul> </li> <li>(ii) was attending an <b>educational course</b> in the Isle of Man immediately before the relevant EEA citizen (or the qualifying British citizen) died or ceased to be a relevant EEA citizen (or a qualifying British citizen), and continues to</li> </ul>

	<p>attend such a course; or</p> <p>(c) the applicant is an EEA citizen or non-EEA citizen who is the parent who has <b>residence of a child</b> who meets the requirements of sub-paragraph (b); or</p> <p>(d) the applicant (“A”) is an EEA citizen or non-EEA citizen who:</p> <p>(i) ceased to be a family member of a relevant EEA citizen (or a qualifying British citizen) on the <b>termination of the marriage or civil partnership</b> of A; for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or that qualifying British citizen ceased to be a qualifying British citizen), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen) until that termination; and</p> <p>(ii) was resident in the Isle of Man at the date of the termination; and</p> <p>(iii) one of the following applies:</p> <p>(aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least 3 years and the parties to the marriage or civil partnership had been resident in the Isle of Man for a continuous qualifying period of at least one year during its duration; or</p> <p>(bb) A has residence of a child of the relevant EEA citizen (or the qualifying British citizen); or</p> <p>(cc) A has the right of access to a child of the relevant EEA citizen (or the qualifying British citizen), where the child is under the age of 18 years and where a court has ordered that such access must take place in the Isle of Man; or</p> <p>(dd) the continued right of residence in the Isle of Man of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting</p>
full birth certificate	a birth certificate recognised in the Isle of Man or in the UK or Channel Islands which records the name of the mother and

	(where registered) the father
GMT	Greenwich Mean Time
Immigration Act 1971	the Immigration Act 1971 (of Parliament) as extended to the Isle of Man by the Immigration (Isle of Man) Order 2008 (S.I. 2008/680)
immigration status in the Isle of Man or the UK or Channel Islands	indefinite or limited leave to enter or remain in the Isle of Man or the UK or Channel Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the Isle of Man or the right of permanent residence in the Isle of Man under regulations 15 to 17 of the EEA Regulations; or the entitlement to reside in the UK or Channel Islands, either under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988
non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
person who has ceased activity	<p>The person:</p> <p>(a) has terminated activity as a worker or self-employed person in the Isle of Man and either reached the age of entitlement to a state pension on terminating that activity or, in the case of a worker, ceased working to take early retirement; and immediately before that termination, was a worker or self-employed person in the Isle of Man for at least 12 months and resided in the UK and Islands for a continuous qualifying period of more than 3 years; or</p> <p>(b) stopped being a worker or self-employed person in the Isle of Man owing to permanent incapacity to work, having resided in the UK and Islands for a continuous qualifying period of more than the preceding 2 years or the incapacity having resulted from an accident at work or an occupational disease that entitles the person to a pension payable in full or in part by an institution in the Isle of Man; or</p> <p>(c) resided in the UK and Islands for a continuous qualifying period of at least 3 years as a worker or self-employed person, immediately before becoming a worker or self-employed person in a country listed in the entry for 'EEA citizen' in this table, while retaining a place of residence in the Isle of Man to which</p>

	<p>they return, as a rule, at least once a week</p> <p>in addition, the conditions as to length of residence and of employment in sub-paragraphs (a) and (b) above do not apply where the Minister is satisfied, including by the required evidence of family relationship, that the relevant EEA citizen is the spouse or civil partner of a British citizen (substituting 'British citizen' for 'relevant EEA citizen' in the entry for, as the case may be, 'spouse' or 'civil partner' in this table)</p>
<p>person with a derivative right to reside</p>	<p>a person with, by the specified date, a right to reside in the Isle of Man by virtue of regulation 18(1) of the EEA Regulations:</p> <p>(a) regardless of whether, in respect of the criterion in regulation 18(2)(b)(ii) of the EEA Regulations, the EEA citizen meets, or (as the case may be) met, the requirement in regulation 5(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the Isle of Man; and</p> <p>(b) excluding a person satisfying the criteria in:</p> <ul style="list-style-type: none"> <li>(i) paragraph (5) of regulation 18(1) of the EEA Regulations; or</li> <li>(ii) paragraph (6)(c) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the Isle of Man under paragraph (5)</li> </ul>
<p>person with a Zambrano right to reside</p>	<p>a person with, by the specified date, a right to reside in the Isle of Man by virtue of regulation 18(1) of the EEA Regulations:</p> <p>(a) without leave to enter or remain in the Isle of Man granted under another part of these Rules ; and</p> <p>(b) lawfully by virtue of regulation 18(1) of the EEA Regulations by satisfying the criteria in:</p> <ul style="list-style-type: none"> <li>(i) paragraph (5) of that regulation; or</li> <li>(ii) paragraph (6)(c) of that regulation where that person's primary carer is, or (as the case may be) was, entitled to a derivative right to reside in the Isle of Man under paragraph (5)</li> </ul>
<p>qualifying British citizen</p>	<p>a British citizen who:</p> <p>(a) has been or was resident in the Isle of Man with the applicant for a continuous qualifying period which corresponds or corresponded with the continuous qualifying period on which</p>

	<p>the applicant relies; and</p> <p>(b) they satisfied regulation 10(2) and (4)(a) of the EEA Regulations (as the British citizen to whom those provisions refer) immediately before returning to the Isle of Man with the applicant (who is to be treated as the family member (“F”) to whom those provisions refer)</p>
relevant document	<p>(a) a family permit, document certifying an extended right of residence, document certifying permanent residence or document certifying a derivative right of residence issued by the Isle of Man under the EEA Regulations (or the equivalent document or other evidence issued by the UK or Channel Islands under the relevant legislation there evidencing the entitlement to enter or reside or a right of permanent residence, either under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988; and</p> <p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and</p> <p>(c) it has not expired or otherwise ceased to be effective and it remained valid for the period of residence relied upon</p>
relevant EEA citizen	<p>(a) an EEA citizen resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen who, having been resident in the UK and Islands as described in sub-paragraph (a) above:</p> <p style="padding-left: 40px;">(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands); or</p> <p style="padding-left: 40px;">(ii) would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; or</p> <p>(c) where the applicant is a family member of an EEA citizen resident in the UK and Islands for a continuous qualifying period who is a relevant naturalised British citizen, a relevant naturalised British citizen resident in the UK and Islands for a continuous qualifying period</p>
relevant naturalised	a relevant EEA citizen as described in sub-paragraph (a) of the

British citizen	<p>entry for “relevant EEA citizen” in this table, who also:</p> <p>(a) comes within paragraph (b) of the definition of “EEA national” in regulation 3(1) of the EEA Regulations; and</p> <p>(b) meets the criteria contained in regulation 11(2) or (3) as the dual national (“DN”) to whom those provisions refer</p>
required application process	<p>(a) for applications made from within the Isle of Man the required paper application form posted on the Immigration Service webpage on the Isle of Man Government website <a href="https://www.gov.im/immigration">https://www.gov.im/immigration</a> and a relevant process set out in that form for:</p> <p style="padding-left: 40px;">(i) providing the required proof of identity and nationality; and</p> <p style="padding-left: 40px;">(ii) providing the required biometrics; or</p> <p>(b) for applications made from outside the UK and Islands, the relevant on-line application form found on gov.uk and a relevant process set out in that form for:</p> <p style="padding-left: 40px;">(i) providing the required proof of identity and nationality and (as the case may be) the required proof of entitlement to apply from outside the UK and Islands; and</p> <p style="padding-left: 40px;">(ii) providing the required biometrics</p>
required biometrics	<p>a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007)</p>
required evidence of family relationship	<p>in the case of:</p> <p>(a) a spouse without a documented right of permanent residence – a relevant document as the spouse of the relevant EEA citizen (or of the qualifying British citizen), or a valid document of record of a marriage recognised under the law of the Isle of Man or under the laws of England and Wales, Scotland, Northern Ireland or the Channel Islands;</p> <p>(b) a civil partner without a documented right of permanent residence - a relevant document as the civil partner of the relevant EEA citizen (or of the qualifying British citizen); a valid civil partnership certificate recognised under the law of the Isle of Man or under the laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; or a valid overseas registration document for a same sex relationship which is</p>

	<p>entitled to be treated as a civil partnership under the Civil Partnership Act 2011 or under any equivalent legislation in the UK or Channel Islands;</p> <p>(c) a child without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or his or her evidence of birth and, where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or under its equivalent in the UK or Channel Islands) as a child, evidence which satisfies the Minister that sub-paragraph (b)(ii) of the entry for “child” in this table is met;</p> <p>(d) a dependent parent without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or his or her evidence of birth;</p> <p>(e) a durable partner:</p> <p style="padding-left: 40px;">(i) a relevant document as the durable partner of the relevant EEA citizen (or of the qualifying British citizen) and, unless this confirms the right of permanent residence in the Isle of Man under regulation 17 of the EEA Regulations (or the right of permanent residence in any other jurisdiction in the UK or Channel Islands under the Immigration (European Economic Area) Regulations 2016 of Parliament) or through the application there of section 7(1) of the Immigration Act 1988), evidence which satisfies the Minister that the durable partnership continues to subsist (or did so for the period relied upon); or</p> <p style="padding-left: 40px;">(ii) where the applicant is seeking to come to the Isle of Man after 31 December 2020, evidence which satisfies the Minister that the partnership was formed and was durable before that date and that the partnership remains durable, or</p> <p>(f) a dependent relative – a relevant document as the dependent relative of his or her sponsor (in the entry for ‘dependent relative’ in this table) and, unless this confirms the right of permanent residence in the Isle of Man under regulation 17 of the EEA Regulations (or the right of permanent residence in the UK or Channel Islands under the Immigration (European Economic Area) Regulations 2016 of (Parliament) or through the application there of section 7(1) of the Immigration Act 1988), evidence which satisfies the Minister that the relationship continues to subsist (or did so for the period of residence relied</p>
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	<p>upon)</p> <p>in addition:</p> <p>(a) where the eligibility requirements to be met for leave to be granted under this Appendix relate to the death of a person, the required evidence of family relationship must include his or her death certificate or other evidence which the Minister is satisfied evidences the death; and</p> <p>(b) where the applicant is a non-EEA citizen without a documented right of permanent residence, the required evidence of family relationship must include:</p> <p>(i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, or the qualifying British citizen, of whom the applicant is a family member:</p> <p>(aa) (in the case of an EEA citizen or a qualifying British citizen) his or her valid passport (and ‘valid’ here and in sub-paragraph (bb) means that the document is genuine and has not expired or been cancelled or invalidated); or</p> <p>(bb) (in the case of an EEA citizen) his or her valid national identity card or confirmation that they have been or are being granted indefinite leave to remain or limited leave to remain under this Appendix,</p> <p>unless (in any case) the Minister agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons; and</p> <p>(ii) evidence which satisfies the Minister that:</p> <p>(aa) where the applicant is a family member of a relevant EEA citizen, either that EEA citizen was a relevant EEA citizen as described in sub-paragraph (a) in the entry for ‘relevant EEA citizen’ in this table throughout the continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or that EEA citizen is a relevant EEA citizen as described in sub-paragraph (b) or (c) in the entry for ‘relevant EEA citizen’ in this table; or</p> <p>(bb) where the applicant is a family member of a qualifying British citizen, that British citizen was a</p>
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	<p>qualifying British citizen throughout the continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; and</p> <p>(c) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document the Minister can require the applicant to submit the original document where the Minister has reasonable doubt as to the authenticity of the copy submitted</p>
<p>required proof of entitlement to apply from outside the UK and Islands</p>	<p>(a) in the case of an EEA citizen:</p> <ul style="list-style-type: none"> <li>(i) his or her valid passport; or</li> <li>(ii) his or her valid national identity card, where this contains an interoperable biometric chip;</li> </ul> <p>unless the Minister agrees to accept alternative evidence of entitlement to apply from outside the Isle of Man where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons; or</p> <p>(b) in the case of a non-EEA citizen making an application outside the UK and Islands, his or her valid specified relevant document,</p> <p>unless the Minister agrees to accept alternative evidence of entitlement to apply from outside the UK and Islands where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons</p> <p>in addition, ‘valid’ here means that the document is genuine and has not expired or been cancelled or invalidated</p>
<p>required proof of identity and nationality</p>	<p>(a) in the case of an EEA citizen making an application within the Isle of Man:</p> <ul style="list-style-type: none"> <li>(i) his or her valid passport; or</li> <li>(ii) his or her valid national identity card; or</li> </ul> <p>(b) in the case of a non-EEA citizen making an application within the Isle of Man:</p> <ul style="list-style-type: none"> <li>(i) his or her valid passport; or</li> <li>(ii) his or her specified relevant document; or</li> <li>(iii) his or her valid biometric immigration document (as</li> </ul>

	<p>defined in section 5 of the UK Borders Act 2007),</p> <p>unless (in the case of (a) or (b)) the Minister agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond his or her control or to compelling practical or compassionate reasons</p> <p>in addition, “valid” here means that the document is genuine and has not expired or been cancelled or invalidated</p>
residence of a child	<p>the child normally lives with the applicant or does so part of the time, and includes arrangements agreed informally and those which are subject to a court order for determining with whom the child is to live and when</p>
self-employed person	<p>there is evidence which satisfies the Minister that the person is, or (as the case may be) for the relevant period was, either:</p> <p>(a) a self-employed person as defined in regulation 5(1) of the EEA Regulations; or</p> <p>(b) a person who is or was no longer in self-employment but who continues or continued to be treated as a self-employed person within the meaning of "qualified person" under regulation 7 of the EEA Regulations</p>
specified date	<p>(a) should the United Kingdom withdraw from the European Union with a Withdrawal Agreement, 23:00 GMT on 31 December 2020; or</p> <p>(b) should the United Kingdom withdraw from the European Union on 29 March 2019 without a Withdrawal Agreement:</p> <p>(i) 23:00 GMT on 29 March 2019 in the references to specified dates in:</p> <ul style="list-style-type: none"> <li>- condition 7 in the table in paragraph EU11 of this Appendix;</li> <li>- condition 4 in the table in paragraph EU12 of this Appendix;</li> <li>- condition 2B in the table in paragraph EU14 of this Appendix;</li> <li>- subparagraph (a) of the entry for “continuous qualifying period” in this table;</li> <li>- the entry for “deportation order” in this table;</li> </ul>

	<ul style="list-style-type: none"> <li>- the entry for “exclusion decision” in this table;</li> <li>- sub-paragraph (a) of the entry for “family member of a qualifying British citizen” in this table;</li> <li>- sub-paragraphs (a) and (b) of the entry for “family member of a relevant EEA citizen” in this table;</li> <li>- the entry for “person with a derivative right of residence” in this table;</li> <li>- the entry for “person with a Zambrano right of residence” in this table;</li> <li>- sub-paragraph (a) of the entry for “relevant EEA citizen” in this table;</li> <li>- the entry for “UK or CI deportation order” in this table; and</li> <li>- the entry for “UK or CI exclusion decision” in this table; or</li> </ul> <p>(ii) otherwise, such date as will be specified in this Appendix in due course</p>
specified relevant document	within the meaning of 'relevant document' in the relevant entry in this table, a document certifying an extended right of residence or a document certifying a permanent right of residence issued by the Isle of Man under the EEA Regulations.
spouse	<p>(a) the person is, or (as the case may be) for the relevant period was, party to a marriage with a relevant EEA citizen (or with a qualifying British citizen) and the marriage is recognised under the law of the Isle of Man or under the laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a marriage of convenience; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another spouse, a civil partner or an durable partner with (in any of those circumstances) immigration status in the Isle of Man or in the UK or Channel Islands based on that person’s relationship with that party</p>
supervening event	<p>at the date of application:</p> <p>(a) the applicant has been absent from the UK and Islands for a period of more than 5 consecutive years (at any point since they last acquired the right of permanent residence in the Isle of Man</p>

	<p>under regulation 17 of the EEA Regulations, or the right of permanent residence in the UK or Channel Islands under the Immigration (European Economic Area) Regulations 2016 (of Parliament) or through the application there of section 7(1) of the Immigration Act 1988, or since they last completed a continuous qualifying period of 5 years); or</p> <p>(b) any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the person:</p> <p>(i) any decision or order to exclude or remove under regulation 24 or 33 of the EEA Regulations (or under the equivalent provisions of the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(ii) a decision to which regulation 17(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 25(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations 2016 (of Parliament)); or</p> <p>(iii) an exclusion decision; or</p> <p>(iv) a deportation order, other than under the EEA Regulations; or</p> <p>(v) a UK or CI deportation order, as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971; or</p> <p>(vi) a UK or CI exclusion decision</p>
<p>termination of the marriage or civil partnership</p>	<p>the date on which the order finally terminating the marriage or civil partnership is made by a court</p>
<p>UK and Islands</p>	<p>the United Kingdom, the Isle of Man and the Channel Islands taken together</p>
<p>UK or CI deportation order</p>	<p>a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971, except for such an order that was made in respect of conduct committed before the specified date (unless the Minister is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under</p>

	regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”)
UK or CI exclusion decision	a direction given by the relevant authority in the UK or Channel Islands that a person must be refused entry to the jurisdiction concerned on the grounds that that person’s presence there would not be conducive to the public good, except for such direction made in respect of conduct committed before the specified date (unless the Minister is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”)
UK or the Channel Islands	the United Kingdom or the Bailiwick of Jersey or the Bailiwick of Guernsey
valid evidence of his or her indefinite leave to enter or remain	(a) a valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), a valid stamp or endorsement in a passport (whether or not the passport has expired) or other valid document issued by an immigration officer confirming that the applicant has indefinite leave to enter or remain in the Isle of Man, which has not lapsed or been revoked or invalidated; or  (b) the Minister is otherwise satisfied from the evidence or information available to him or her that the applicant has indefinite leave to enter or remain in the Isle of Man or in the UK or Channel Islands, which has not lapsed or been revoked or invalidated
worker	there is evidence which satisfies the Minister that the person is, or (as the case may be) for the relevant period was, either:  (a) a worker as defined in regulation 5(1) of the EEA Regulations; or  (b) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of “qualified person” under regulation 7 of the EEA Regulations

**Annex 2 – Consideration of a valid application**

- A2.1. A valid application made under this Appendix will be decided on the basis of:
- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the Minister; and
  - (b) any other information or evidence made available to the Minister (including from other government departments) at the date of decision.
- A2.2. (a) For the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain, the Minister may invite the applicant to:
- (i) provide further information or evidence that he or she meet those requirements; or
  - (ii) be interviewed by the Minister in person, or by telephone.
- (b) If the applicant purports to meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the basis of a relationship with another person (“P”), including where P is a qualifying British citizen, the Minister may invite P to:
- (i) provide information or evidence about his or her relationship with the applicant, his or hers residence in the Isle of Man or, where P is a qualifying British citizen, his or hers residence in a country listed in the entry for “EEA citizen” in the table at Annex 1 to this Appendix; or
  - (ii) be interviewed by the Minister in person, by telephone, by video-telecommunications link or over the internet.
- (c) If the applicant or P (as the case may be):
- (i) fails to provide the information or evidence requested; or
  - (ii) on at least 2 occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,
- the Minister may draw any factual inferences about whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain as appear appropriate in the circumstances.
- (d) The Minister may decide following the drawing of a factual inference under sub-paragraph (3) that the applicant does not meet

the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain.

- (e) The Minister must not decide that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the sole basis that the applicant or P failed on at least 2 occasions to comply with an invitation to be interviewed.

## Appendix EU (Family Permit)

### Purpose

- FP1. This Appendix sets out the basis on which a **non-EEA citizen** will, if he or she apply under it, be granted an entry clearance – in the form of an EU Settlement Scheme Family Permit – to join a **relevant EEA citizen** in the Isle of Man or to accompany him or her to the Isle of Man.
- FP2. This Appendix has effect in connection with the granting of entry clearance for the purpose of acquiring leave to enter or remain in the Isle of Man by virtue of Appendix EU to these Rules.

### Requirements and procedure

- FP3. The applicant will be granted an entry clearance under this Appendix, valid for a period of 6 months from the date of decision, by an immigration officer or entry clearance officer where:
  - (a) a valid application has been made in accordance with paragraph FP4;
  - (b) the applicant meets the eligibility requirements in paragraph FP6; and
  - (c) the applicant is not to be refused on grounds of suitability in accordance with paragraph FP7.
- FP4. A valid application has been made under this Appendix where:
  - (a) it has been made using the **required application process**;
  - (b) the **required proof of identity and nationality** has been provided; and
  - (c) the **required biometrics** have been provided.
- FP5. An application will be rejected as invalid where it does not meet the requirements in paragraph FP4.
- FP6. The application meets the eligibility requirements for an entry clearance to be granted under this Appendix where the immigration officer or entry clearance officer is satisfied that at the **date of application**:



- (a) the applicant is a non-EEA citizen;
  - (b) the applicant is a **family member of a relevant EEA citizen**;
  - (c) the relevant EEA citizen is resident in the Isle of Man or will be travelling to the Isle of Man within 6 months of the date of application;
  - (d) the applicant will be accompanying the relevant EEA citizen to the Isle of Man or joining him or her in the Isle of Man; and
  - (e) the applicant (“A”) is not the **spouse, civil partner or durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix or holds a valid EEA family permit issued under regulation 14 of the **EEA Regulations**.
- FP7. (a) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:
- (i) the applicant is subject to a deportation order or to a decision to make a **deportation order**; or
  - (ii) the applicant is subject to an **exclusion order or exclusion decision**.
- (b) An application made under this Appendix may be refused on grounds of suitability where any of the following apply at the date of decision:
- (i) the applicant is subject to a **UK or CI deportation order**; or
  - (ii) the applicant is subject to a **UK or CI exclusion decision**.
- (c) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the immigration officer or entry clearance officer is satisfied that it is proportionate to refuse the application where:
- (i) in relation to the application and whether or not to the applicant’s knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and
  - (ii) the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix.

(d) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on his or her application under this Appendix, has been set aside or no longer has effect in respect of the applicant.

FP8. A valid application made under this Appendix which does not meet the requirements for an entry clearance to be granted will be refused.

FP9. Annex 1 sets out the definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

FP10. Annex 2 applies to the consideration by the immigration officer or entry clearance officer of a valid application made under this Appendix.

**Annex 1 – Definitions**

<b>Term</b>	<b>Definition</b>
adopted child	a <b>child</b> adopted in accordance with a decision taken: <ul style="list-style-type: none"> <li>(a) by the competent administrative authority or court in the Isle of Man or the UK or Channel Islands; or</li> <li>(b) by the competent administrative authority or court in a country whose adoption orders are recognised under the law of the Isle of Man or in the UK or Channel Islands; or</li> <li>(c) in a particular case in which that decision in another country has been recognised in the Isle of Man or in the UK or Channel Islands as an adoption</li> </ul>
child	<ul style="list-style-type: none"> <li>(a) the direct descendant under the age of 21 years of a relevant EEA citizen or of his or her spouse or civil partner; or</li> <li>(b) (i) the direct descendant aged 21 years or over of a relevant EEA citizen or of his or her spouse or civil partner; and</li> <li>(ii) dependent on the relevant EEA citizen or on his or her spouse or civil partner</li> </ul> “dependent” here means that: <ul style="list-style-type: none"> <li>(a) having regard to his or her financial and social conditions, or health, the applicant cannot meet his or her essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen or of his or her spouse or civil</li> </ul>

	<p>partner; and</p> <p>(b) such support is being provided to the applicant by the relevant EEA citizen or by his or her spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) ‘child’ includes:</p> <ul style="list-style-type: none"> <li>(i) an <b>adopted child</b> of; or</li> <li>(ii) a child born through surrogacy (where recognised in the law of the Isle of Man or in the UK or Channel Islands) for; or</li> <li>(iii) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001) has been made appointing as his or her special guardian; or</li> <li>(iv) a child in respect of whom an order has been made under sections 6 or 7 of the Children and Young Persons Act 2001 appointing as his or her guardian; or</li> <li>(v) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989 (of Parliament)) is in force appointing as his or her special guardian; or</li> <li>(vi) a child in respect of whom an order has been made under section 5 of the Children Act 1989 (of Parliament) appointing as his or her guardian; or</li> <li>(vii) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 (of Parliament) vesting parental responsibilities and parental rights in a person who is; or</li> <li>(viii) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995 (of Parliament), or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</li> <li>(ix) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995 (of Parliament), or in respect of whom an appointment has been made under Article 160 of that Order, appointing as his or her guardian a person who is; or</li> </ul>
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	<p>(x) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(xi) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as his or her guardian,</p> <p>(as the case may be) a relevant EEA citizen (or a qualifying British citizen) or his or her spouse or civil partner, but ‘child’ does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or his or her spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p> <p>(b) ‘direct descendant’ also includes a grandchild or great-grandchild; and</p> <p>(c) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table</p>
civil partner	<p>(a) the person is in a valid civil partnership (which exists under or by virtue of the Civil Partnership Act 2011 or under any equivalent legislation in the UK or Channel Islands) or is in a same sex relationship registered overseas which is entitled to be treated as a civil partnership under that Act or under any equivalent legislation in the UK or Channel Islands, with a relevant EEA citizen; and</p> <p>(b) it is not a <b>civil partnership of convenience</b>; and</p> <p>(c) neither party has another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the Isle of Man or the UK or Channel Islands</b> based on that person’s relationship with that party</p>
civil partnership of convenience  durable partnership of convenience	<p>a marriage, civil partnership or durable partnership entered into as a means to circumvent:</p> <p>(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in the Isle of Man under the EEA Regulations; or</p> <p>(b) any other provision of the immigration law of the Isle of Man</p>

marriage of convenience	<p>or any requirement of the Immigration Rules; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the Isle of Man under EU law; or</p> <p>(d) any criterion the party would have to meet in order to enter or reside in the UK or Channel Islands under the relevant laws</p>
date of application	The date on which the application is submitted under the required application process
dependent parent	<p>the direct relative in the ascending line of a relevant EEA citizen (or of a qualifying British citizen) or of his or her spouse or civil partner</p> <p>in addition:</p> <p>(a) ‘direct relative in the ascending line’ includes a grandparent or great-grandparent; and</p> <p>(b) ‘spouse or civil partner’ means (as the case may be) the person described in sub-paragraph (a)(i) of the entry for ‘family member of a qualifying British citizen’ or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; and</p> <p>(c) the dependence of the direct relative in the ascending line on the relevant EEA citizen (or on the qualifying British citizen), or on his or her spouse or civil partner, is assumed</p>
deportation order	<p>as the case may be:</p> <p>(a) an order made under section 5(1) of the Immigration Act 1971 by virtue of regulation 33(3) of the EEA Regulations; or</p> <p>(b) an order made under section 5(1) of the Immigration Act 1971 by virtue of section 3(5) or section 3(6) of that Act (in respect of conduct after the <b>specified date</b>, or conduct committed before that date where the Minister has decided that the deportation order is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to the person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain”; and for “an EEA decision” read “a deportation decision”)</p>
durable partner	(a) the person is, or (as the case may be) was, in a durable relationship with the relevant EEA citizen, with the couple having

	<p>lived together in a relationship akin to marriage or civil partnership for at least 2 years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) (where the applicant relies on having been the durable partner of the relevant EEA citizen before the specified date, under sub-paragraph (a)(ii) of the entry for “family member of a relevant EEA citizen” in this table) the person held a <b>relevant document</b> as the durable partner of the relevant EEA citizen; and</p> <p>(c) it is, (or as the case may be) was, not a durable partnership of convenience; and</p> <p>(d) neither party has, or (as the case may be) had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the Isle of Man or in the UK or Channel Islands based on that person’s relationship with that party</p>
EEA citizen	a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they are a <b>relevant naturalised British citizen</b> ) is not also a British citizen
EEA Regulations	the Immigration (European Economic Area) Regulations 2019 (as they have effect at the date of application or as they had effect immediately before they were revoked)
evidence of birth	<p>(a) (in the case of a child) the <b>full birth certificate(s)</b> or other document(s) which the immigration officer or entry clearance officer is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen or of his or her spouse or civil partner, as described in sub-paragraph (a) of the entry for “family member of a relevant EEA citizen” in this table; or</p> <p>(b) (in the case of a <b>dependent parent</b>) the full birth certificate(s) or other document(s) which the immigration officer or entry clearance officer is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen or of his or her spouse or civil partner, as described in sub-paragraph (a) above</p>

exclusion decision	<p>a direction given by the Minister that a person must be refused entry to the Isle of Man on the ground that that person’s presence in the Isle of Man would not be conducive to the public good:</p> <p>(a) in respect of conduct committed after the specified date; or</p> <p>(b) in respect of conduct committed before the specified date, where the Minister is satisfied that the direction is justified on grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for “a right of permanent residence under regulation 17” read “indefinite leave to enter or remain” ; and for “an EEA decision” read “an exclusion direction”</p>
exclusion order	an order made under regulation 24(5) of the EEA Regulations
family member of a relevant EEA citizen	<p>a person who has satisfied the immigration officer or entry clearance officer, including by the <b>required evidence of family relationship</b>, that they are:</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and:</p> <p style="padding-left: 40px;">(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p style="padding-left: 40px;">(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of “durable partner” in this table being met before that date rather than at the date of application) and the partnership remained durable at the specified date; or</p> <p>(b) the durable partner of a relevant EEA citizen, and:</p> <p style="padding-left: 40px;">(i) the partnership was formed and was durable before 31 December 2020; and</p> <p style="padding-left: 40px;">(ii) the partnership remains durable at the date of application; and</p> <p style="padding-left: 40px;">(iii) the date of application is after 31 December 2020; or</p> <p>(c) the child or dependent parent of a relevant EEA citizen; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above</p>
full birth certificates	a birth certificate recognised in the Isle of Man or in the UK or Channel Islands which records the name of the mother and

	(where registered) the father
Immigration Act 1971	the Immigration Act 1971 (of Parliament) as extended to the Isle of Man by the Immigration (Isle of Man) Order 2008 (S.I. 2008/680)
immigration status in the Isle of Man or the UK or Channel Islands	indefinite or limited leave to enter or remain in the Isle of Man or in the UK or Channel Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the Isle of Man or the right of permanent residence in the Isle of Man under regulations 15 to 17 of the EEA Regulations; or the entitlement to reside the UK or Channel Islands, either under the Immigration (European Economic Area) Regulations 2016 of Parliament or through the application there of section 7(1) of the Immigration Act 1988
Islands	The Isle of Man, the Bailiwick of Jersey and the Bailiwick of Guernsey
non-EEA citizen	a person who is not an <b>EEA citizen</b> and is not a British citizen
relevant document	(a) a family permit, document certifying an extended right of residence, document certifying permanent residence or document certifying a derivative right of residence issued by the Isle of Man under the EEA Regulations (or the equivalent document or other evidence issued in the UK or Channel Islands under the relevant legislation there evidencing the entitlement to enter or reside or a right of permanent residence, either under the Immigration (European Economic Area) Regulations 2016 (of Parliament or through the application there of section 7(1) of the Immigration Act 1988; and  (b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or had ceased; and  (c) it has not expired or otherwise ceased to be effective and it remained valid for the period of residence relied upon
relevant EEA citizen	an EEA citizen who has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU to these Rules (or under its equivalent in the UK or Channel Islands), which has not lapsed or been cancelled, curtailed or revoked and which is evidenced by the Isle of Man reference number for that grant of leave (or by the equivalent evidence in the UK or Channel Islands)



relevant naturalised British citizen	<p>a relevant EEA citizen who also:</p> <p>(a) comes within paragraph (b) of the definition of “EEA national” in regulation 3(1) of the EEA Regulations; and</p> <p>(b) meets the criteria contained in regulation 11(2) or (3) as the dual national (“DN”) to whom those provisions refer</p>
required application process	<p>the relevant on-line application form found on gov.uk and a relevant process set out in that form for providing the required proof of identity and nationality for providing the required biometrics</p>
required biometrics	<p>a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the UK Borders Act 2007)</p>
required evidence of family relationship	<p>in the case of:</p> <p>(a) a spouse - a relevant document as the spouse of the relevant EEA citizen, or a valid document of record of a marriage recognised under the law of the Isle of Man or under the equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands;</p> <p>(b) civil partner – a relevant document as the civil partner of the relevant EEA citizen; a valid civil partnership certificate recognised under the law of the Isle of Man or under the equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; or the valid overseas registration document for same sex relationship which is entitled to be treated as a civil partnership under the Civil Partnership Act 2011 or under the equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands;</p> <p>(c) a child – a relevant document issued on the basis of the relevant family relationship or his or her <b>evidence of birth</b> and, where the applicant is aged 21 years or over, evidence which satisfies the immigration officer or the entry clearance officer that sub-paragraph (b)(ii) of the entry for “child” in this table is met;</p> <p>(d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or his or her evidence of birth;</p> <p>(e) a durable partner – evidence which satisfies the immigration officer or the entry clearance officer that the durable partnership was formed and was durable by 31 December 2020 and that partnership remains durable</p>

	<p>in addition, where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the immigration officer or the entry clearance office has reasonable doubt as to the authenticity of the copy submitted</p>
required proof of identity and nationality	<p>the valid passport of the applicant</p> <p>“valid” means that the document is genuine and has not expired or been cancelled or invalidated</p>
specified date	<p>(a) should the United Kingdom withdraw from the European Union with a Withdrawal Agreement, 23:00 GMT on 31 December 2020; or</p> <p>(b) should the United Kingdom withdraw from the European Union on 29 March 2019 without a Withdrawal Agreement:</p> <p>(i) 23:00 GMT on 29 March 2019 for the references to specified date in:</p> <ul style="list-style-type: none"> <li>- the entry for “deportation order” in this table;</li> <li>- sub-paragraph (b) of the entry for “durable partner” in this table;</li> <li>- the entry for “exclusion decision” in this table;</li> <li>- sub-paragraph (a) of the entry for “family member of a relevant EEA decision” in this table;</li> <li>- the entry for UK or CI deportation order in this table; or</li> <li>- the entry for UK or CI exclusion decision in this table; or</li> </ul> <p>(ii) otherwise, such date as will be specified in this Appendix in due course</p>
spouse	<p>(a) the person is party to a marriage with a relevant EEA citizen and the marriage is recognised under the law of the Isle of Man or under the equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands; and</p> <p>(b) it is not a marriage of convenience; and</p> <p>(c) neither party has another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the Isle of Man or under the equivalent laws of England and Wales, Scotland, Northern Ireland or the Channel Islands based</p>

	on that person's relationship with that party
UK or CI deportation order	a deportation order as defined in paragraph 3(6) of Schedule 4 to the Immigration Act 1971, except for such an order that was made in respect of conduct committed before the specified date (unless the Minister is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for "a right of permanent residence under regulation 17" read "indefinite leave to enter or remain" ; and for "an EEA decision" read "an exclusion direction")
UK or CI exclusion decision	a direction given by the relevant Minister or other authority in the UK or Channel Islands that a person must be refused entry to the UK or Island on the grounds that that person's presence there would not be conducive to the public good, except for such direction made in respect of conduct committed before the specified date (unless the Minister is satisfied that the direction is justified on the grounds of public policy, public security or public health in accordance with regulation 28 of the EEA Regulations, irrespective of whether the EEA Regulations apply to that person, except that for "a right of permanent residence under regulation 17" read "indefinite leave to enter or remain" ; and for "an EEA decision" read "an exclusion direction")
UK or the Channel Islands	the United Kingdom or the Bailiwick of Jersey or the Bailiwick of Guernsey

**Annex 2 – consideration of a valid application**

A2.1 A valid application made under this Appendix will be decided on the basis of:

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the immigration officer or the entry clearance officer; and
- (b) any other information or evidence made available to the immigration officer or the entry clearance officer (including from other government departments) at the date of decision.

A2.2 (a) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the immigration officer, or entry clearance officer may invite the applicant to:

- (i) provide further information or evidence that they meet those requirements; or
  - (ii) be interviewed by the immigration officer entry clearance officer in person, or by telephone.
- (b) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the immigration officer or the entry clearance officer may invite the relevant EEA citizen on whom the applicant relies as being his or her family member to:
  - (i) provide information or evidence about his or her relationship with the applicant; or
  - (ii) be interviewed by the immigration officer or the entry clearance officer in person, or by telephone.
- (c) If the applicant or (as the case may be) the relevant EEA citizen:
  - (i) fails to provide the information or evidence requested; or
  - (ii) on at least 2 occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the immigration officer or the entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.
- (d) The immigration officer or the entry clearance officer may decide, following the drawing of a factual inference under sub-paragraph (3), that the applicant does not meet the eligibility requirements for entry clearance.
- (e) The immigration officer or the entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or the relevant EEA citizen failed on at least 2 occasions to comply with an invitation to be interviewed.”.

**MADE**

**HOWARD QUAYLE**  
*Minister for the Cabinet Office*

**Explanatory Note**  
**to the Statement of Changes In Immigration Rules SD 2019/0143**

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

**1. Purpose of the Statement of Changes**

This Statement of Changes introduces Appendix EU as well as Appendix EU (Family Permit). Amendments have been made to Parts 1 and 9 of the rules consequential to the new Appendices. An update has also been made clarifying how applications must be made under the Immigration Rules.

With two exceptions, the provisions of this Statement of Changes will commence at 07:00 on 30 March. The first exception being that applications made outside the UK and Islands will only be accepted beginning at 07:00 on 9 April 2019. The second exception being for applications which are reliant on any conditions specifically for those with a Zambrano right to reside will be accepted starting on 1 May 2019.

**2. Appendix EU**

Appendix EU implements the EU Settlement Scheme via the Isle of Man's Immigration Rules. The EU Settlement Scheme enables EEA, Swiss citizens and their non-EEA family members resident in the Isle of Man or overseas, to obtain an Isle of Man immigration status, permitting them to continue to live and work in the Isle of Man after the end of the implementation period on 31 December 2020.

Under Appendix EU, EEA and Swiss citizens, and any non-EEA family members, who by 31 December 2020 have been continuously resident for at least five years are eligible to apply for indefinite leave to remain.

Alternatively, those who by 31 December 2020 who have not been continuously resident for at least five years will generally be eligible for 'leave to remain' enabling them to stay until they have reached the five-year threshold, at which point they may apply for indefinite leave to remain.

Paragraphs EU2 to EU8 set out the general requirements for indefinite leave to enter or remain, or alternatively limited leave to enter or remain, to be granted under the Appendix, and sets out the procedures for granting that leave.

Paragraph EU9 sets out the requirements for making a valid application under Appendix EU.

Paragraph EU11 sets out the eligibility requirements for indefinite leave to enter or remain for EEA and Swiss citizens and their non-EEA family members, and paragraph EU12 does so for the family members of certain British citizens.

Paragraph EU14 sets out the eligibility requirements for five years' limited leave to enter or remain.

Paragraphs EU15 to EU17 set out the basis on which an application under Appendix EU will or may be refused on grounds of serious criminality, other public policy considerations or deception.

### **3. Appendix EU (Family Permits)**

This Appendix provides for non-EEA family members of EEA and Swiss citizens to make an application for entry clearance in order to join that EEA and Swiss citizen in the Isle of Man, or to accompany them here.

A successful application made under this Appendix will be granted entry clearance for 6 months. The non-EEA national family member may then seek a status under the EU Settlement Scheme if they wish to remain for longer than this.

### **4. Other Appendix EU and Appendix EU (Family Permit) related changes**

In addition to the insertion of Appendix EU, changes related to its introduction have been made to Parts 1 and 9 of the rules.

Changes to Part 1 include updated legislation references reflecting legislation being introduced at the same time as the new Appendix EU, the Immigration (European Economic Area) Regulations 2019, and the Immigration (Leave to Enter and Remain) Order 2019.

Part 9 of the Immigration Rules, sets out the general grounds for refusal for applications made under the Immigration Rules. With a few specified exemptions, Part 9 will not apply to applications made under Appendix EU or Appendix EU (Family Permit), as these appendices contain their own respective grounds for refusal.

### **5. Changes to rules relating to applications**

Rules 34 to 34J relate to how applications under the Immigration Rules must be made, these rules have been substituted and simplified by bringing them broadly into line with the equivalent United Kingdom's Immigration Rules.