

SD No: 62/05

**STATEMENT OF  
CHANGES  
IN IMMIGRATION RULES**



Laid before Tynwald on 17<sup>th</sup> May 2005 under section 3(2) of the Immigration Act 1971 (an Act of Parliament as extended to the Isle of Man by the Immigration (Isle of Man) Order 1991 (SI 1991 no. 2630) and the Immigration (Isle of Man) Order 1997 (SI 1997 no. 275)

**(As amended by SD 692/05, 442/06, 547/06, 781/06, 871/06, 124/07 and 303/07)**

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## INTRODUCTION

1 **The Lieutenant Governor has made changes in the rules as to the practice to be followed in the administration of the Immigration Acts as extended to the Isle of Man for regulating the 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 (SD 62/05). This statement contains the Rules as amended by SD 692/05, 442/06, 547/06, 781/06, 871/06, 124/07 and 303/07 and replaces the provisions of S.D. 373/94 (as amended)**

2. Immigration Officers, Entry Clearance Officers and all staff of the Immigration Office will carry out their duties without regard to the race, colour or religion of persons seeking to enter or remain in the Isle of Man and in compliance with the provisions of the Human Rights Act 2001 (an Act of Tynwald).

3. In these Rules words importing the masculine gender include the feminine, unless the contrary intention appears.

## IMPLEMENTATION AND TRANSITIONAL PROVISIONS

4. These Rules come into effect on 25<sup>th</sup> April 2005 and will apply to all decisions taken on or after that date save that any application made before 25<sup>th</sup> April 2005 for entry clearance, leave to enter or remain or variation of leave to enter or remain shall be decided under the provisions of S.D. 373/94, as amended, as if these Rules had not been made.

## APPLICATION

5. Save where expressly indicated, these Rules do not apply to a European Economic Area (EEA) national or the family member of such a national who is entitled to enter or remain in the Isle of Man by virtue of the provisions of section 7(1) of the Immigration Act 1988 as it has effect in the Isle of Man. But an EEA national and his family who is not entitled to rely on the provisions of that section is covered by these Rules.

5A. When exercising its functions under these rules the Department of Trade and Industry shall act in accordance with any instructions issued by the Lieutenant Governor as to the practice to be followed in the issuing of work permits under these rules.

5B. Persons not restricted under these Rules from taking employment must establish from the Department of Trade and Industry whether they require a permit under the Control of Employment Act 1975 as amended. (An Act of Tynwald).

## INTERPRETATION

6. In these Rules the following interpretations apply:

**"Accession State national"** means a national of the Czech Republic, the Republic of Cyprus, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia or the Slovak Republic.

**“adoption”** unless the contrary intention appears, includes a de facto adoption in accordance with the requirements of paragraph 309A of these Rules, and “adopted” and “adoptive parent” should be construed accordingly.

**“civil partner”** means a civil partnership which exists under or by virtue of the Civil Partnership Act 2004 (an Act of Parliament) (and any reference to a civil partner is to be read accordingly).

**“degree level study”** means a course which leads to a recognised United Kingdom degree at bachelor's level or above, or an equivalent qualification at level 6 or above of the revised National Qualifications Framework, or levels 9 or above of the Scottish Credit and Qualifications Framework.

**“EEA national”** means a national of a Member State, other than the United Kingdom, Norway, Iceland or Liechtenstein. A Swiss national shall also be treated as an EEA national for the purposes of these Rules.

**“employment”**, unless the contrary intention appears, includes paid and unpaid employment, self employment and engaging in business or any professional activity.

**“family member”** in relation to an EEA national means –

- (a) that national’s spouse;
- (b) a descendant of that national or his spouse who is under 21 years of age or is their dependant; and
- (c) a dependent relative in the ascending line of the EEA national or his spouse.

**“the Hague Convention”** means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded at The Hague on 29<sup>th</sup> May 1993

**“the Human Rights Convention”** means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4<sup>th</sup> November 1950 as it has effect for the time being in relation to the Isle of Man.

**“the Immigration Acts”** mean the Immigration Act 1971 and the Immigration Act 1988 as they have effect in the Isle of Man

**“Immigration Officer”** includes a Customs Officer acting as an Immigration Officer.

**“intention to live permanently with the other”** means an intention to live together, evidenced by a clear commitment from both parties that they will live together permanently in the Isle of Man immediately following the outcome of the application in question or as soon as circumstances permit thereafter, and “intends to live permanently with the other” shall be construed accordingly;

**“Medical Inspector”** means a General Practitioner appointed by the Department of Health and Social Security.



**“Multiple Entry work permit employment”** is work permit employment where the person concerned does not intend to spend a continuous period in the Isle of Man in work permit employment.

**“Non-visa nationals”** are persons who are not so specified in the United Kingdom Immigration Rules as amended from time to time.

**"a parent"** includes

- (a) the stepfather of a child whose father is dead (and the reference to stepfather includes a relationship arising through civil partnership);
- (b) the stepmother of a child whose mother is dead (and the reference to stepmother includes a relationship arising through civil partnership);
- (c) the father as well as the mother of an illegitimate child where he is proved to be the father;
- (d) an adoptive parent, where a child was adopted in accordance with a decision taken by the competent administrative authority or court in a country whose adoption orders are recognised by the Isle of Man or where a child is the subject of a de facto adoption in accordance with the requirements of paragraph 309A of these Rules (except that an adopted child or child who is the subject of a de facto adoption may not make an application for leave to enter or remain in order to accompany, join or remain with an adoptive parent under paragraphs 297 to 303); and
- (e) in the case of a child born in the Isle of Man who is not a British citizen, a person to whom there has been a genuine transfer of parental responsibility on the ground of the original parent(s)' inability to care for the child.

**“present and settled”** means that the person concerned is settled in the Isle of Man, and, at the time that an application under these Rules is made, is physically present here or is coming here with or to join the applicant and intends to make the Isle of Man their home with the applicant if the application is successful;

**"public funds"** means:

- (a) housing provided under the Housing Acts 1955 to 1990 (Acts of Tynwald) by
  - (i) the Department of Local Government and Environment;
  - (ii) a Local Authority
  - (iii) a housing association; or
  - (iv) any combination of any of them;
- (b) attendance allowance, severe disablement allowance, carer's allowance and disability living allowance under Part III of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Isle of Man);

- (c) child benefit under Part IX of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Isle of Man);
- (d) income support, family income supplement and disability working allowance under Part VII of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Isle of Man);
- (e) payments in respect of maternity expenses under Part VIII of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Isle of Man);
- (f) winter bonus under Part XA of the Social Security Contributions and Benefits Act 1992 (as it has effect in the Isle of Man);
- (g) income-based jobseeker's allowance under the Jobseekers Act 1995 (as it has effect in the Isle of Man).

**“settled in the Isle of Man”** means that the person concerned:

- (a) is free from any restriction on the period for which he may remain save that a person entitled to an exemption under Section 8 of the Immigration Act 1971 (otherwise than as a member of the home forces) is not to be regarded as settled in the Isle of Man except in so far as Section 8(5A) so provides; and
- (b) is either:
  - (i) ordinarily resident in the Isle of Man without having entered or remained in breach of the immigration laws; or
  - (ii) despite having entered or remained in breach of the immigration laws, has subsequently entered lawfully or has been granted leave to remain and is ordinarily resident.

**“sponsor”** means the person in relation to whom an applicant is seeking leave to enter or remain as their spouse, fiancé, civil partner, proposed civil partner, unmarried partner or same-sex partner or dependent relative, as the case may be, under paragraphs 277 to 295O or 317 to 319;

**"United Kingdom passport"** bears the meaning it has in the Immigration Act 1971.

**“a UK Bachelors degree”** means –

(a) A programme of study or research which leads to the award, by or on behalf of a university, college or other body which is authorised by Royal Charter or by or under an Act of Parliament to grant degrees, of a qualification designated by the awarding institution to be of Bachelors degree level; or

(b) A programme of study or research, which leads to a recognised award for the purposes of section 214(2)(c) of the Education Reform Act 1988, of a qualification designated by the awarding institution to be of Bachelors degree level.

**"visa nationals"** are the persons who need a visa for the Isle of Man being foreign nationals, Commonwealth citizens, stateless persons and other holders of non-national documents specified in the United Kingdom Immigration Rules as amended from time to time.

**“work permit”** means a work permit issued by the Department of Trade and Industry under the provisions of the Overseas Labour Scheme as the scheme has effect in the Isle of Man

6A. For the purpose of these Rules, a person is not to be regarded as having (or potentially having) recourse to public funds merely because he is (or will be) reliant in whole or in part on public funds provided to his sponsor, unless, as a result of his presence in the Isle of Man, the sponsor is (or would be) entitled to increased or additional public funds.

**PART 1: GENERAL PROVISIONS REGARDING LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN****Leave to enter the Isle of Man**

7. A person who is neither a British citizen nor a Commonwealth citizen with the right of abode nor a EEA national or the family member of such a national who is entitled to enter or remain in the Isle of Man by virtue of the Section 7(1) of the Immigration Act 1988 requires leave to enter the Isle of Man.

8. Under Sections 3 and 4 of the Immigration Act 1971 an Immigration Officer when admitting to the Isle of Man a person subject to immigration control under that Act may give leave to enter for a limited period and, if he does, may impose all or any of the following conditions:

- (i) a condition restricting or prohibiting employment or occupation in the Isle of Man;
- (ii) a condition requiring the person to maintain and accommodate himself, and any dependants of his, without recourse to public funds; and
- (iii) a condition requiring the person to register with the police.

He may also require him to report to the Director of Public Health. Under Section 24 of the 1971 Act it is an offence knowingly to remain beyond the time limit or to fail to comply with such a condition or requirement.

9. The time limit and any conditions attached will be made known to the person concerned by a written notice which will normally be given to him or be endorsed by the Immigration Officer in his passport or travel document.

**Exercise of the power to refuse leave to enter the Isle of Man**

10. The power to refuse leave to enter the Isle of Man is not to be exercised by Immigration Officer acting on his own. The authority of a Chief Immigration Officer or of an Immigration Inspector must always be obtained.

**Requirement for persons arriving in the Isle of Man to produce evidence of identity and nationality**

11. A person must, on arrival in the Isle of Man produce on request by the Immigration Officer:

- (i) a valid passport or other document satisfactorily establishing his identity and nationality; and
- (ii) such information as may be required to establish whether he requires leave to enter the Isle of Man and, if so, whether and on what terms leave to enter should be given.

**Requirement for a person not requiring leave to enter the Isle of Man to prove that he has the right of abode**

12. A person claiming to be a British citizen must prove that he has the right of abode in the Isle of Man by producing:

- (i) a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom; or
- (ii) a certificate of entitlement duly issued by or on behalf of the Government of the Isle of Man or United Kingdom certifying that he has the right of abode.

13. A person claiming to be a Commonwealth citizen with the right of abode in the United Kingdom must prove that he has the right of abode by producing a certificate of entitlement duly issued to him by or on behalf of the Government of the Isle of Man or United Kingdom certifying that he has the right of abode.

14. A Commonwealth citizen who has been given limited leave to enter the Isle of Man may later claim to have the right of abode. The time limit on his stay may be removed if he is able to establish a claim to the right of abode, for example, by showing that:

- (i) immediately before the commencement of the British Nationality Act 1981 he was a Commonwealth citizen born to or legally adopted by a parent who at the time of the birth had citizenship of the United Kingdom and Colonies by his birth in the Isle of Man, United Kingdom or Channel Islands; and
- (ii) he had not ceased to be a Commonwealth citizen in the meanwhile.

**Common Travel Area**

15. The Isle of Man, the United Kingdom, the Channel Islands and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However certain persons subject to the Immigration (Control of Entry through the Republic of Ireland) Order 1972 (as amended) who enter the Isle of Man through the Republic of Ireland do require leave to enter. This includes:

- (i) those who merely passed through the Republic of Ireland;
- (ii) persons requiring visas;
- (iii) persons who entered the Republic of Ireland unlawfully;
- (iv) persons who are subject to directions given by the Lieutenant Governor for their exclusion from the Isle of Man, by the Lieutenant Governors of the Channel Islands for their exclusion from any of the Channel Islands or by the Secretary of State for their exclusion from the United Kingdom, on the ground that their exclusion is conducive to the public good;

- (v) persons who entered the Republic from the Isle of Man, United Kingdom or Channel Islands after entering there unlawfully or overstaying their leave.

15A. An extension of stay in the Isle of Man is to be refused, and existing limited leave to enter or remain may be curtailed, where the Lieutenant Governor has reason to believe, or is satisfied that, either:

- (a) the person is seeking an extension to his stay or a variation of the conditions attached to his leave to enter or remain, for the purpose of exploiting to his own benefit any difference that might exist between the immigration laws of the Isle of Man and any other territory in the Common Travel Area; or
- (b) the person has entered the Isle of Man from another territory in the Common Travel Area and has limited leave to enter or remain granted by the authorities in another territory of the Common Travel Area, (such leave being valid in the Isle of Man by virtue of Schedule 4 of the Immigration Act 1971 as extended) but does not meet the requirements of the Isle of Man Immigration Rules which apply to his purpose in being in the Isle of Man;

provided that the Lieutenant Governor is satisfied that such refusal or curtailment would be in the general interests of the Isle of Man.

#### **Admission of certain British passport holders**

16. A person in any of the following categories may be admitted freely to the Isle of Man on production of a United Kingdom passport issued in the Isle of Man, United Kingdom and Channel Islands or the Republic of Ireland prior to 1 January 1973, unless his passport has been endorsed to show that he was subject to immigration control:

- (i) A British Dependent Territories citizen;
- (ii) A British National (Overseas);
- (iii) A British Overseas citizen;
- (iv) A British protected person;
- (v) A British subject by virtue of Section 30 (a) of the British Nationality Act 1981 ( who, immediately before commencement of the 1981 Act would have been a British subject not possessing citizenship of the United Kingdom and Colonies or the citizenship of any other Commonwealth country or territory).

17. British Overseas citizens who hold United Kingdom passports wherever issued, and who satisfy the Immigration Officer that they have, since 1 March 1968, been given indefinite leave to enter or remain in the Isle of Man may be given indefinite leave to enter.

#### **Returning Residents**

18. A person seeking leave to enter the Isle of Man as a returning resident may be admitted for settlement provided the Immigration Officer is satisfied that the person concerned:

- (i) had indefinite leave to enter or remain in the Isle of Man when he last left; and
- (ii) has not been away from the Isle of Man for more than 2 years; and
- (iii) did not receive assistance from public funds towards the cost of leaving the Isle of Man; and
- (iv) now seeks admission for the purpose of settlement.

19. A person who does not benefit from the preceding paragraph by reason only of having been away from the Isle of Man too long may nevertheless be admitted as a returning resident if, for example, he has lived here for most of his life.

19A. Where a person who has indefinite leave to enter or remain in the Isle of Man accompanies, on a tour of duty abroad, a spouse, civil partner, unmarried partner or same-sex partner, who is a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service, or a comparable United Kingdom based staff member of the British Council, or a staff member of the Department for International Development who is a British Citizen or is settled in the Isle of Man, sub-paragraphs (ii) and (iii) of paragraph 18 shall not apply.

20. The leave of a person whose stay in the Isle of Man is subject to a time limit lapses on his going to a country or territory outside the common travel area. In other cases, leave lapses on the holder remaining outside the Isle of Man for a continuous period of more than two years. A person whose leave has lapsed and who returns after a temporary absence abroad within the period of this earlier leave has no claim to admission as a returning resident. His application to re-enter the Isle of Man should be considered in the light of all the relevant circumstances. The same time limit and any conditions attached will normally be re-imposed if he meets the requirements of these Rules, unless he is seeking admission in a different capacity from the one which he was last given leave to enter or remain.

### **Holders of restricted travel documents and passports**

21. The leave to enter or remain in the Isle of Man of a holder of a passport or travel document whose permission to enter another country has to be exercised before a given date may be restricted so as to terminate at least 2 months before that date.

22. If his passport or travel document is endorsed with a restriction on the period for which he may remain outside his country of normal residence, his leave to enter or remain in the Isle of Man may be limited so as not to extend beyond the period of authorised absence.

23. The holder of a travel document issued by the Home Office should not be given leave to enter or remain for a period extending beyond the validity of that document. This paragraph and paragraphs 21-22 do not apply to a person who is eligible for admission for settlement or to a spouse or civil partner who is eligible for admission under paragraph 282 or to a person who qualifies for the removal of the time on his stay.

### **"Leave to enter granted on arrival in the Isle of Man**

23A. "A person who is not a visa national and who is seeking leave to enter on arrival in

the Isle of Man for a period not exceeding 6 months for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, for a period not exceeding 6 months.

This paragraph does not apply where the person is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject".

23B. A person who is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject, and who is seeking leave to enter on arrival in the Isle of Man for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, irrespective of the period of time for which he seeks entry, for a period not exceeding 6 months.

### **Entry Clearance**

24. The following shall produce to the Immigration Officer a valid passport or other identity document endorsed with a Isle of Man entry clearance issued to him for the purpose for which he seeks entry:

- (i) a visa national;
- (ii) any other person (other than British Nationals (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject) who is seeking entry for a period exceeding six months or is seeking entry for a purpose for which prior entry clearance is required under these Rules.

Such a person will be refused leave to enter if he has no such current entry clearance. Any other person who wishes to ascertain in advance whether he is eligible for admission to the Isle of Man may apply for the issue of an entry clearance.

25. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non visa nationals). These documents are to be taken as evidence of the holder's eligibility for entry into the Isle of Man, and accordingly accepted as "entry clearances" within the meaning of the Immigration Act 1971.

26. An application for entry clearance will be considered in accordance with the provisions in these Rules governing to the grant or refusal of leave to enter. Where appropriate, the term "Entry Clearance Officer" should be substituted for "Immigration Officer".

27. An application for entry clearance is to be decided in the light of the circumstances existing at the time of the decision except that an applicant will not be refused an entry clearance where entry is sought in one of the categories contained in paragraphs 296-316 solely on account of his attaining the age of 18 years between receipt of his application and the date of the decision on it.



28. An applicant for an entry clearance must be outside the Isle of Man, United Kingdom and Channel Islands at the time of the application. An applicant for an entry clearance who is seeking entry as a visitor must apply to a post designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant. Any other application must be made to the post in the country or territory where the applicant is living which has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant. Where there is no such post the applicant must apply to the appropriate designated post outside the country or territory where he is living.

29. For the purposes of paragraph 28 "post" means a British Diplomatic Mission, British Consular post or the office of any person outside the Isle of Man, United Kingdom and Channel Islands who has been authorised by the Secretary of State to accept applications for entry clearance. A list of designated posts is published by the United Kingdom's Foreign and Commonwealth Office.

30. An application for an entry clearance is not made until any fee required to be paid under the Consular Fees Act 1980 (including any Regulations or Orders made under that Act) has been paid.

30A. An entry clearance may be revoked if the Entry Clearance Officer is satisfied that:

- (i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the entry clearance; or
- (ii) a change of circumstances since the entry clearance was issued has removed the basis of the holder's claim to be admitted to the Isle of Man, except where the change of circumstances amounts solely to his exceeding the age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance; or
- (iii) the holder's exclusion from the Isle of Man would be conducive to the public good.

### **Variation of leave to enter or remain in the Isle of Man**

31. Under Section 3(3) of the Immigration Act 1971 a limited leave to enter or remain in the Isle of Man may be varied by extending or restricting its duration, by adding, varying or revoking conditions or by removing the time limit (whereupon any condition attached to the leave ceases to apply). When leave to enter or remain is varied an entry is to be made in the applicant's passport or travel document (and his registration certificate where appropriate) or the decision may be made known in writing in some other appropriate way.

32. After admission to the Isle of Man any application for an extension of the time limit on or variation of conditions attached to of a person's stay in the Isle of Man must be made to the Immigration Office before the applicant's current leave to enter or remain expires.

33. Where the application is in respect of employment for which a work permit or a permit for training or work experience is required or is in respect of the spouse, civil partner

or child of a person who is making such an application, the application should also be made to the Immigration Office.

33A [NOT USED]

**“Knowledge of language and life in the United Kingdom and Islands**

33B. A person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands for the purpose of an application for indefinite leave to remain under these rules if—

- (a) he has attended a course which used teaching materials derived from the document entitled “Citizenship Materials for ESOL Learners” (ISBN 1-84478-5424) and he has thereby attained a relevant accredited qualification; or
- (b) he has passed the test known as the “Life in the UK Test” administered by an educational institution or other person approved for this purpose by the Lieutenant Governor; or
- (c) in the case of a person who is the spouse or civil partner or unmarried or same sex partner of:
  - i) a permanent member of HM Diplomatic Service; or
  - ii) a comparable UK-based staff member of the British Council on a tour of duty abroad; or
  - iii) a staff member of the Department for International Development who is a British citizen or is settled in the UK,

a person designated by the Secretary of State certifies in writing that he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands for this purpose.

33C. In these rules, a “relevant accredited qualification” is—

- (a) an ESOL “Skills for Life” qualification in speaking and listening at Entry Level approved by the Qualifications and Curriculum Authority; or
- (b) two ESOL units at Access Level under the Scottish Credit and Qualifications Framework approved by the Scottish Qualifications Authority.

33D. If in the special circumstances of any particular case the Lieutenant Governor thinks fit, he may waive the need to fulfil the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands if he considers that, because of the applicant’s physical or mental condition, it would be unreasonable to expect him to fulfil that requirement.

33E. Where an applicant applies for indefinite leave to remain under these rules, and:

- (i) is required by these rules to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, and
- (ii) meets all the other requirements for indefinite leave to remain for the category he has applied under with the exception of the requirement in (i) above, and
- (iii) has not made any false representations or failed to disclose any material fact in his application,

his application will automatically fall to be considered under the rules for an extension of stay in the same category in which he applied for indefinite leave to remain. This provision does not apply to applications for indefinite leave to remain made under paragraphs 222 to 223A of these rules.

33F. Where an application is considered under the rules for an extension of stay in accordance with paragraph 33E above, and the Lieutenant Governor is satisfied that the applicant qualifies for a grant of limited leave, leave should be granted for the duration and subject to the conditions normally imposed on an extension of stay in the category under which the application is being considered.”

#### **Withdrawn applications for variation of leave to enter or remain in the Isle of Man**

34. Where a person whose application for variation of leave to enter or remain is being considered requests the return of his passport for the purpose of travel outside the common travel area, the application for variation of leave shall, provided it has not already been determined, be treated as withdrawn as soon as the passport is returned in response to that request.

#### **Undertakings**

35. A sponsor of a person seeking leave to enter or variation of leave to enter or remain in the Isle of Man may be asked to give an undertaking in writing to be responsible for that person's maintenance and accommodation for the period of any leave granted, including any further variation. The Department of Health and Social Security may seek to recover from the person giving such an undertaking any benefits paid to meet the needs of the person in respect of whom the undertaking has been given.

#### **Medical**

36. A person who intends to remain in the Isle of Man for more than 6 months should normally be referred to the Medical Inspector for examination. If he produces a medical certificate he should be advised to hand it to the Medical Inspector. Any person seeking entry who mentions health or medical treatment as a reason for his visit, or who appears not to be in good mental or physical health, should also be referred to the Medical Inspector; and the Immigration Officer has discretion, which should be exercised sparingly, to refer for examination in any other case.

37. Where the Medical Inspector advises that a person seeking entry is suffering from a specified disease or condition which may interfere with his ability to support himself or his dependants, the Immigration Officer should take account of this, in conjunction with other factors, in deciding whether to admit that person. The Immigration Officer should also take account of the Medical Inspector's assessment of the likely course of treatment in deciding whether a person seeking entry for private medical treatment has sufficient means at his disposal.

38. A returning resident should not be refused leave to enter or have existing leave to enter or remain cancelled on medical grounds. But where a person would be refused leave to enter or have existing leave to enter or remain cancelled on medical grounds if he were not a returning resident, or in any case where it is decided on compassionate grounds not to exercise the power to refuse leave to enter or to cancel existing leave to enter or remain, or in any other case where the Medical Inspector so recommends, the Immigration Officer should give the person concerned a notice requiring him to report to the Director of Public Health with a view to further examination and any necessary treatment.

39. The Entry Clearance Officer has the same discretion as an Immigration Officer to refer applicants for entry clearance for medical examination and the same principles will apply to the decision whether or not to issue an entry clearance.

### **Students**

39A. An application for a variation of leave to enter or remain made by a student who is sponsored by a government or international sponsorship agency may be refused if the sponsor has not given written consent to the proposed variation.

**PART 2: PERSONS SEEKING TO ENTER OR REMAIN IN THE ISLE OF MAN FOR VISITS****VISITORS****Requirements for leave to enter as a visitor**

40. For the purposes of paragraphs 41-46 a visitor includes a person living and working outside the Isle of Man who comes to the Isle of Man to transact business (such as attending meetings and briefings, fact finding, negotiating or making contracts with Isle of Man businesses to buy or sell goods or services). A visitor seeking leave to enter or remain for private medical treatment must meet the requirements of paragraphs 51 or 54. A visitor seeking leave to enter for the purpose of marriage must meet the requirements of paragraph 56D.

41. The requirements to be met by a person seeking entry to the Isle of Man as a visitor are that he:

- (i) is genuinely seeking entry as a visitor for a limited period as stated by him, not exceeding 6 months; and
- (ii) intends to leave the Isle of Man at the end of the period of the visit as stated by him; and
- (iii) does not intend to take employment in the Isle of Man; and
- (iv) does not intend to produce goods or provide services within the Isle of Man, including the selling of goods or services direct to members of the public; and
- (v) does not intend to study at a maintained school; and
- (vi) will maintain and accommodate himself and any dependants adequately out of the resources available to him, without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends; and
- (vii) can meet the cost of the return or onward journey.

**Leave to enter as a visitor**

42. A person seeking leave to enter the Isle of Man as a visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 41 is met.

**Refusal of leave to enter as a visitor**

43. Leave to enter as a visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 41 is met.

**Requirements for an extension of stay as a visitor**

44. Six months is the maximum permitted leave which may be granted to a visitor. The requirements for an extension of stay as a visitor are that the applicant:

- (i) meets the requirements of paragraph 41 (ii)-(vii); and
- (ii) has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the Isle of Man, United Kingdom and Channel Islands as a visitor.

**Extension of stay as a visitor**

45. An extension of stay as a visitor may be granted, subject to a condition prohibiting employment, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 44 is met.

**Refusal of extension of stay as a visitor**

46. An extension of stay as a visitor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 44 is met.

**VISITORS IN TRANSIT****Requirements for admission as a visitor in transit to another country**

47. The requirements to be met by a person (not being a member of the crew of a ship, aircraft, hovercraft or hydrofoil) seeking leave to enter the Isle of Man as a visitor in transit to another country are that he:

- (i) is in transit to a country outside the common travel area; and
- (ii) has both the means and the intention of proceeding at once to another country; and
- (iii) is assured of entry there; and
- (iv) intends and is able to leave the Isle of Man within 48 hours.

**Leave to enter as a visitor in transit**

48. A person seeking leave to enter the Isle of Man as a visitor in transit may be admitted for a period not exceeding 48 hours with a prohibition on employment provided the Immigration Officer is satisfied that each of the requirements of paragraph 47 is met.

**Refusal of leave to enter as a visitor in transit**

49. Leave to enter as a visitor in transit is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 47 is met.

**Extension of stay as a visitor in transit**

50. The maximum permitted leave which may be granted to a visitor in transit is 48 hours. An application for an extension of stay beyond 48 hours from a person admitted in this category is to be refused.

**VISITORS SEEKING TO ENTER OR REMAIN FOR PRIVATE MEDICAL TREATMENT****Requirement for leave to enter as a visitor for private medical treatment**

51. The requirements to be met by a person seeking entry to the Isle of Man as a visitor for private medical treatment are that he:

- (i) meets the requirements set out in paragraph 41 (iii)-(vii) for entry as a visitor; and
- (ii) in the case of a person suffering from a communicable disease, has satisfied the Medical Inspector that there is no danger to public health; and
- (iii) can show, if required to do so, that any proposed course of treatment is of finite duration; and
- (iv) intends to leave the Isle of Man at the end of his treatment; and
- (v) can produce satisfactory evidence, if required to do so, of:
  - (a) the medical condition requiring consultation or treatment; and
  - (b) satisfactory arrangements for the necessary consultation and treatment at his own expense; and
  - (c) the estimated costs of such consultation and treatment; and
  - (d) the likely duration of his visit; and
  - (e) sufficient funds available to him in the Isle of Man to meet the estimated costs and his undertaking to do so.

**Leave to enter as a visitor for private medical treatment**

52. A person seeking leave to enter the Isle of Man as a visitor for private medical treatment may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 51 is met.

**Refusal of leave to enter as a visitor for private medical treatment**

53. Leave to enter as a visitor for private medical treatment is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 51 is met.

### **Requirements for an extension of stay as a visitor for private medical treatment**

54. The requirements for an extension of stay as a visitor to undergo or continue private medical treatment are that the applicant:

- (i) meets the requirements set out in paragraph 41 (iii)-(vii) and 51 (ii)-(v); and
- (ii) has produced evidence from a registered medical practitioner who holds an NHS consultant post or who appears in the Specialist Register of the General Medical Council of satisfactory arrangements for private medical consultation or treatment and its likely duration; and, where treatment has already begun, evidence as to its progress; and
- (iii) can show that he has met, out of the resources available to him any costs and expenses incurred in relation to his treatment in the Isle of Man; and
- (iv) has sufficient funds available to him in the Isle of Man to meet the likely cost of his treatment and intends to meet those costs.

### **Extension of stay as a visitor for private medical treatment**

55. An extension of stay as a visitor to undergo or continue private medical treatment may be granted, with a prohibition on employment, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 54 is met.

### **Refusal of extension of stay as a visitor for private medical treatment**

56. An extension of stay as a visitor to undergo or continue private medical treatment is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 54 is met.

## **PARENT OF A CHILD AT SCHOOL**

### **Requirements for leave to enter or remain as the parent of a child at school**

56A. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the parent of a child at school are that:

- (i) the parent meets the requirements set out in paragraph 41(ii)-(vii); and
- (ii) the child is attending an independent fee paying day school and meets the requirements set out in paragraph 57(i)-(vi); and
- (iii) the child is under 12 years of age; and
- (iv) the parent can provide satisfactory evidence of adequate and reliable funds for maintaining a second home in the Isle of Man; and
- (v) the parent is not seeking to make the Isle of Man his main home.



**Leave to enter or remain as the parent of a child at school**

56B. A person seeking leave to enter or remain in the Isle of Man as the parent of a child at school may be admitted or allowed to remain for a period not exceeding 12 months, subject to a condition prohibiting employment, provided the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor is satisfied that each of the requirements of paragraph 56A is met.

**Refusal of leave to enter or remain as the parent of a child at school**

56C. Leave to enter or remain in the Isle of Man as the parent of a child at school is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor is not satisfied that each of the requirements of paragraph 56A is met.

**Visitors seeking to enter for the purpose of marriage****Requirement for leave to enter as a visitor for marriage**

56D. The requirements to be met by a person seeking leave to enter the Isle of Man as a visitor for marriage are that he:

- (i) meets the requirements set out in paragraph 41 for entry as a visitor; and
- (ii) can show that he intends to give notice of marriage, or marry, in the Isle of Man within the period for which entry is sought; and
- (iii) can produce satisfactory evidence, if required to do so, of the arrangements for giving notice of marriage, or for his wedding ceremony to take place, in the Isle of Man during the period for which entry is sought; and
- (iv) holds a valid Isle of Man entry clearance for entry in this capacity

**Leave to enter as a visitor for marriage**

56E. A person seeking leave to enter the Isle of Man as a visitor for marriage may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56D is met.

**Refusal of leave to enter as a visitor for marriage**

56F. Leave to enter as a visitor for marriage is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56D is met.

**PART 3: PERSONS SEEKING TO ENTER OR REMAIN IN THE ISLE OF MAN FOR STUDIES****STUDENTS****Requirements for leave to enter as a student**

57. The requirements to be met by a person seeking leave to enter the Isle of Man as a student are that he:

- (i) has been accepted for a course of study which is to be provided by an organisation which is included on the United Kingdom Department for Education and Skills' Register of Education and Training Providers, and is at either;
  - (a) a publicly funded institution of further or higher education; or
  - (b) a bona fide private education institution which maintains satisfactory records of enrolment and attendance; or,
- (ii) is able and intends to follow either:
  - (a) a recognised full time degree course at a publicly funded institution of further or higher education; or
  - (b) a weekday full-time course involving attendance at a single institution for a minimum of 15 hours organised daytime study per week of a single subject, or directly related subjects; or
  - (c) a full time course of study at an independent fee paying school; and
- (iii) if under the age of 16 years is enrolled at an independent fee paying school on a full-time course of studies which meets the requirements of the Education Act 2001(an Act of Tynwald); and
- (iv) intends to leave the Isle of Man at the end of his studies; and
- (v) does not intend to engage in business or employment other than;
  - (a) work experience forming an integral part of his studies as certified by the educational establishment at which he is studying, or:
  - (b) casual work, for a maximum of 20 hours per week during term time or full time during vacations;

In each case before the student commences the employment referred to in sub-paragraphs (a) or (b) above he must produce a valid document issued by the Department of Trade and Industry confirming that he has

been granted permission to work as a student in accordance with the Overseas Student Scheme, and

- (vi) is able to meet the costs of his course and accommodation and the maintenance of himself and any dependants without taking employment or engaging in business or having recourse to public funds.

### **Leave to enter as a student**

58. A person seeking leave to enter the Isle of Man as a student may be admitted for an appropriate period depending on the length of his course of study and his means and with a condition restricting his freedom to take employment provided the Immigration Officer is satisfied that each of the requirements of paragraph 57 is met.

### **Refusal of leave to enter as a student**

59. Leave to enter as a student is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 57 is met.

### **Requirements for an extension of stay as a student**

60. The requirements for an extension of stay as a student are that the applicant:

- (i) was last admitted to the Isle of Man in possession of a valid entry clearance in accordance with paragraphs 57 - 75M of these Rules, unless the applicant:
  - (a) was originally admitted to the Isle of Man with entry clearance in accordance with paragraphs 57-75M of these Rules which has since expired, but has subsequently been granted leave to remain in accordance with paragraphs 57-75M of these Rules; or
  - (b) is a non-visa national who has been accepted for a course of study at degree level or above, and who entered the Isle of Man with leave as a visitor in accordance with paragraphs 40-46F of these Rules on or before 1 July 2006; or
  - (c) is a non-visa national who has been accepted for a course of study at degree level or above, and who entered the Isle of Man with leave in accordance with the provisions of any category of these Rules, other than paragraphs 40-56J, 104-121, and 135I-135N; or
  - (d) is a non-visa national who has been accepted for a course of study below degree level, and has valid leave in accordance with paragraphs 63-87F, Part 2 (other than paragraphs 47-56D), or Parts 4-8 (other than paragraphs 109-121) of these Rules, which was granted on or before 22 July 2004; or

- e) is a non-visa national who has been accepted for a course of study below degree level, and has valid leave as a student to study below degree level in accordance with paragraphs 57-62 of these Rules, which was granted on or before 30 September 2004.
- (ii) meets the requirements for admission as a student set out in paragraph 57 (i)-(vi); and
- (iii) has produced evidence of his enrolment on a course which meets the requirements of paragraph 57; and
- (iv) can produce satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and
- (v) can show evidence of satisfactory progress in his course of study including the taking and passing of any relevant examinations; and
- (vi) would not, as a result of an extension of stay, spend more than 2 years on short courses below degree level (i.e. courses of less than 1 years duration, or longer courses broken off before completion); and
- (vii) has not come to the end of a period of government or international scholarship agency sponsorship or has the written consent of his official sponsor for a further period of study in the Isle of Man and satisfactory evidence that sufficient sponsorship funding is provided.

### **Extension of stay as a student**

61. An extension of stay as a student may be granted subject to a restriction on his freedom to take employment provided the Lieutenant Governor is satisfied that the applicant meets each of the requirements of paragraph 60.

### **Refusal of extension of stay as a student**

62. An extension of stay as a student is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 60 is met.

## **STUDENT NURSES**

### **Definition of student nurse**

63. For the purposes of these Rules the term student nurse means a person accepted for training as a student nurse or midwife leading to a registered nursing qualification.

### **Requirements for leave to enter as a student nurse**

64. The requirements to be met by a person seeking leave to enter the Isle of Man as a student nurse are that the person:

- (i) comes within the definition set out in paragraph 63 above; and
- (ii) has been accepted for a course of study in a recognised nursing educational establishment offering nursing training which meets the requirements of the Nursing and Midwifery Council; and
- (iii) did not obtain acceptance on the course of study referred to in (ii) by misrepresentation; and
- (iv) is able and intends to follow the course; and
- (v) does not intend to engage in business or take employment except in connection with the training course; and
- (vi) intends to leave the Isle of Man at the end of the course; and
- (vii) has sufficient funds available for accommodation and maintenance for himself and any dependants without engaging in business or taking employment (except in connection with the training course) or having recourse to public funds.

#### **Leave to enter the Isle of Man as a student nurse**

65. A person seeking leave to enter the Isle of Man as a student nurse may be admitted for the duration of the course, with a restriction on his freedom to take employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 64 is met.

#### **Refusal of leave to enter as a student nurse**

66. Leave to enter as a student nurse is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 64 is met.

#### **Requirements for an extension of stay as a student nurse**

67. The requirements for an extension of stay as a student nurse are that the applicant:

- (i) was last admitted to the Isle of Man in possession of a valid student entry clearance, or valid prospective student entry clearance in accordance with paragraphs 82 to 87 of these Rules, [if he is a Visa National]; and
- (ii) meets the requirements set out in paragraph 64 (i)-(vii); and
- (iii) has produced evidence of enrolment at a recognised nursing educational establishment; and
- (iv) can provide satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and

- (v) would not, as a result of an extension of stay, spend more than 4 years in obtaining the relevant qualification; and
- (vi) has not come to the end of a period of government or international scholarship agency sponsorship or has the written consent of his official sponsor for a further period of study in the Isle of Man and evidence that sufficient sponsorship funding is available.

#### **Extension of stay as a student nurse**

68. An extension of stay as a student nurse may be granted, subject to a restriction on his freedom to take employment, provided the Lieutenant Governor is satisfied that the applicant meets each of the requirements of paragraph 67.

#### **Refusal of extension of stay as a student nurse**

69. An extension of stay as a student nurse is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 67 is met.

### **RE-SITS OF EXAMINATIONS**

#### **Requirements for leave to enter to re-sit an examination**

69A. The requirements to be met by a person seeking leave to enter the Isle of Man in order to re-sit an examination are that the applicant:

- (i) (a) meets the requirements for admission as a student set out in paragraph 57 (i)-(vi); or
  - (b) met the requirements for admission as a student set out in paragraph 57 (i)-(iii) in the previous academic year and continues to meet the requirements of paragraph 57 (iv)-(vi); and
- (ii) has produced written confirmation from the education institution or independent fee paying school which he attends or attended in the previous academic year that he is required to re-sit an examination; and
- (iii) can provide satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and
- (iv) has not come to the end of a period of government or international scholarship agency scholarship, or has the written consent of his official sponsor for a further period of study in the Isle of Man and satisfactory evidence that sufficient sponsorship funding is available; and
- (v) has not previously been granted leave to re-sit the examination.

**Leave to enter to re-sit an examination**

69B. A person seeking leave to enter the Isle of Man in order to re-sit an examination may be admitted for a period sufficient to enable him to re-sit the examination at the first available opportunity with a condition restricting his freedom to take employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 69A is met.

**Refusal of leave to enter to re-sit an examination**

69C. Leave to enter to re-sit an examination is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 69A is met.

**Requirements for an extension of stay to re-sit an examination**

69D. The requirements for an extension of stay to re-sit an examination are that the applicant:

- (i) was admitted to the Isle of Man with a valid student entry clearance if he was then a visa national; and
- (ii) meets the requirements set out in paragraph 69A (i)-(v).

**Extension of stay to re-sit an examination**

69E. An extension of stay to re-sit an examination may be granted for a period sufficient to enable the applicant to re-sit the examination at the first available opportunity, subject to a restriction on his freedom to take employment, provided the Lieutenant Governor is satisfied that the applicant meets each of the requirements of paragraph 69D.

**Refusal of extension of stay to re-sit an examination**

69F. An extension of stay to re-sit an examination is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 69D is met.

**WRITING UP A THESIS**

69G. The requirements to be met by a person seeking leave to enter the Isle of Man in order to write up a thesis are that the applicant:

- (i) (a) meets the requirements for admission as a student set out in paragraph 57 (i)-(iv); or
- (b) met the requirements for admission as a student set out in paragraph 57 (i)-(iii) in the previous academic year and continues to meet the requirements of paragraph 57 (iv)-(vi); and
- (ii) an provide satisfactory evidence that he is a postgraduate student enrolled at an education institution as either a full time, part time or writing up student; and

- (iii) can demonstrate that his application is supported by the education institution; and
- (iv) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in the Isle of Man and satisfactory evidence that sufficient sponsorship funding is available; and
- (v) has not previously been granted 12 months leave to write up the same thesis.

#### **Leave to enter to write up a thesis**

69H. A person seeking leave to enter the Isle of Man in order to write up a thesis may be admitted for 12 months with a condition restricting his freedom to take employment, provided the Immigration Officer is satisfied that each requirement of paragraph 69G is met.

#### **Refusal of leave to enter to write up a thesis**

69I. Leave to enter to write up a thesis is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 69G is met.

#### **Requirements for an extension of stay to write up a thesis**

69J. The requirements for an extension of stay to write up a thesis are that the applicant:

- (i) was admitted to the Isle of Man with a valid student entry clearance if he was then a visa national; and
- (ii) meets the requirements set out in paragraph 69G (i)-(v).

#### **Extension of stay to write up a thesis**

69K. An extension of stay to write up a thesis may be granted for 12 months subject to a restriction on his freedom to take employment, provided the Lieutenant Governor is satisfied that the applicant meets each of the requirements of paragraph 69J.

#### **Refusal of extension of stay to write up a thesis**

69L. An extension of stay to write up a thesis is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 69J is met.

#### **Requirements for leave to enter as an overseas qualified nurse or midwife**

69M. The requirements to be met by a person seeking leave to enter as an overseas qualified nurse or midwife are that the applicant:

- (i) has obtained confirmation from the Nursing and Midwifery Council that he is eligible:
  - (a) for admission to the Overseas Nurses Programme; or



- (b) to undertake a period of supervised practice; or
  - (c) to undertake an adaptation programme leading to registration as a midwife; and
- (ii) has been offered:
- (a) a supervised practice placement through an education provider that is recognised by the Nursing and Midwifery Council; or
  - (b) a supervised practice placement in a setting approved by the Nursing and Midwifery Council; or
  - (c) a midwifery adaptation programme placement in a setting approved by the Nursing and Midwifery Council; and
- (iii) did not obtain acceptance of the offer referred to in paragraph 69 (ii) by misrepresentation; and
- (iv) is able and intends to undertake the supervised practice placement or midwife adaptation programme; and
- (v) does not intend to engage in business or take employment, except:
- (a) in connection with the supervised practice placement or midwife adaptation programme; or
  - (b) part-time work of a similar nature to the work undertaken on the supervised practice placement or midwife adaptation programme; and
- (vi) is able to maintain and accommodate himself and any dependants without recourse to public funds.

### **Leave to enter the Isle of Man as an overseas qualified nurse or midwife**

69N. Leave to enter the Isle of Man as an overseas qualified nurse or midwife may be granted for a period not exceeding 18 months, provided the Immigration Officer is satisfied that each of the requirements of paragraph 69M is met.

### **Refusal of leave to enter as an overseas qualified nurse or midwife**

69O. Leave to enter the Isle of Man as an overseas qualified nurse or midwife is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 69M is met.

### **Requirements for an extension of stay as an overseas qualified nurse or midwife**

69P. The requirements to be met by a person seeking an extension of stay as an overseas qualified nurse or midwife are that the applicant:

- (i) [NOT USED]
- (ii) has leave to enter or remain in the Isle of Man as a student in accordance with paragraphs 57 to 69L of these Rules; or
- (iii) has leave to enter or remain in the Isle of Man as a working holidaymaker in accordance with paragraphs 95 to 97 of these Rules and has spent more than 12 months in total in the UK or Isle of Man in this capacity; or
- (iv) has leave to enter or remain as an overseas qualified nurse or midwife in accordance with paragraphs 69M - 69R of these Rules; and
- (v) meets the requirements set out in paragraph 69M (i) - (vi); and
- (vi) can provide satisfactory evidence of regular attendance during any previous period of supervised practice or midwife adaptation course; and
- (vii) if he has previously been granted leave:
  - (a) as an overseas qualified nurse or midwife under paragraphs 69M-69R of these Rules, or
  - (b) to undertake an adaptation course as a student nurse under paragraphs 63 - 69 of these Rules;

is not seeking an extension of stay in this category which, when amalgamated with those previous periods of leave, would total more than 18 months; and
- (viii) if his previous studies, supervised practice placement or midwife adaptation programme placement were sponsored by a government or international scholarship agency, he has the written consent of his official sponsor to remain in the Isle of Man as an overseas qualified nurse or midwife.

#### **Extension of stay as an overseas qualified nurse or midwife**

69 Q. An extension of stay as an overseas qualified nurse or midwife may be granted for a period not exceeding 18 months, provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 69P is met.

#### **Refusal of extension of stay as an overseas qualified nurse or midwife**

69 R. An extension of stay as an overseas qualified nurse or midwife is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 69P is met.

## POSTGRADUATE DOCTORS, DENTISTS AND TRAINEE GENERAL PRACTITIONERS

### Requirements for leave to enter the Isle of Man as a postgraduate doctor or dentist

70. The requirements to be met by a person seeking leave to enter the Isle of Man as a postgraduate doctor or dentist are that the applicant –
- (i) has successfully completed and obtained a recognised United Kingdom degree in medicine or dentistry from either -
    - (a) a United Kingdom publicly funded institution of further or higher education; or
    - (b) a United Kingdom bona fide private education institution which maintains satisfactory records of enrolment and attendance; and
  - (ii) has previously been granted leave -
    - (a) in accordance with paragraphs 57 to 69L of these Rules for the final academic year of the studies referred to in (i) above; and
    - (b) as a student under paragraphs 57 to 62 of these Rules for at least one other academic year (aside from the final year) of the studies referred to in (i) above; and
  - (iii) holds a letter from the Postgraduate Dean confirming he has a full-time place on a recognised Foundation Programme; and
  - (iv) intends to train full time in his post on the Foundation Programme; and
  - (v) is able to maintain and accommodate himself and any dependants without recourse to public funds; and
  - (vi) intends to leave the Isle of Man if, on expiry of his leave under this paragraph, he has not been granted leave to remain in the Isle of Man as –
    - (a) a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G to 75M of these Rules; or
    - (b) a work permit holder in accordance with paragraphs 128 to 135 of these Rules; or
    - (c) highly skilled migrant in accordance with paragraphs 135A to 135H of these Rules; or
    - (d) a person intending to establish themselves in business in accordance with paragraphs 200 to 210 of these Rules; or
    - (e) [NOT USED]
  - (vii) if his study at medical school or dental school, or any subsequent studies he has undertaken, were sponsored by a government or international scholarship agency, he has the written consent of his sponsor to enter or remain in the Isle of Man as a postgraduate doctor or dentist; and

- (viii) has completed his medical or dental degree in the 12 months preceding this application; and
- (ix) if he has previously been granted leave as a postgraduate doctor or dentist, is not seeking leave to enter to a date beyond 3 years from that date on which he was first granted leave to enter or remain in this category; and
- (x) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

#### **Leave to enter as a postgraduate doctor or dentist**

71. Leave to enter the Isle of Man as a postgraduate doctor or dentist may be granted for the duration of the Foundation Programme, for a period not exceeding 26 months, provided the Immigration Officer is satisfied that each of the requirements of paragraph 70 is met.

#### **Refusal of leave to enter as a postgraduate doctor or dentist**

72. Leave to enter as a postgraduate doctor or dentist is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 70 is met.

#### **Requirements for an extension of stay as a postgraduate doctor or dentist**

73. The requirements to be met by a person seeking an extension of stay as a postgraduate doctor or dentist are that the applicant –

- (i) meets the requirements of paragraph 70 (i) to (vii); and
- (ii) has leave to enter or remain in the Isle of Man as either –
  - (a) a student in accordance with paragraphs 57 to 69L of these Rules; or
  - (b) as a postgraduate doctor or dentist in accordance with paragraphs 70 to 75 of these Rules; or
  - (c) as a doctor or dentist undertaking a period of clinical attachment or a dental observer post in accordance with paragraphs 75G to 75M of these Rules; and
- (iii) if he has not previously been granted leave in this category, has completed his medical or dental degree in the last 12 months; and
- (iv) would not, as a result of an extension of stay, remain in the Isle of Man as a postgraduate doctor or dentist to a date beyond 3 years from the date on which he was first given leave to enter or remain in this capacity.

#### **Extension of stay as a postgraduate doctor or dentist**

74. An extension of stay as a postgraduate doctor or dentist may be granted for the duration of the Foundation Programme, for a period not exceeding 3 years, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 73 is met.

**Refusal of an extension of stay as a postgraduate doctor or dentist**

75. An extension of stay as a postgraduate doctor or dentist is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 73 is met.”.

**Requirements for leave to enter the Isle of Man to take the PLAB Test**

75A. The requirements to be met by a person seeking leave to enter in order to take the PLAB Test are that the applicant:

- (i) is a graduate from a medical school and intends to take the PLAB Test in the United Kingdom; and
- (ii) can provide documentary evidence of a confirmed test date or of his eligibility to take the PLAB Test; and
- (iii) meets the requirements of paragraph 41 (iii) - (vii) for entry as a visitor; and
- (iv) intends to leave the Isle of Man at the end of his leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain:
  - (a) as a postgraduate doctor or trainee general practitioner in accordance with paragraphs 70 to 75; or
  - (b) to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules; or
  - (c) as a work permit holder for employment in the Isle of Man as a doctor in accordance with paragraphs 128 to 135; or
  - (d) as a doctor under the highly skilled migrant programme in accordance with paragraphs 135A to 135H.

**Leave to enter to take the PLAB Test**

75B. A person seeking leave to enter the Isle of Man to take the PLAB Test may be admitted for a period not exceeding 6 months, provided the Immigration Officer is satisfied that each of the requirements of paragraph 75A is met.

**Refusal of leave to enter to take the PLAB Test**

75C Leave to enter the Isle of Man to take the PLAB Test is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 75A is met.

**Requirements for an extension of stay in order to take the PLAB Test**

75D. The requirements for an extension of stay in the Isle of Man in order to take the PLAB Test are that the applicant:

- (i) was given leave to enter the Isle of Man for the purposes of taking the PLAB Test in accordance with paragraph 75B of these Rules; and
- (ii) intends to take the PLAB Test and can provide documentary evidence of a confirmed test date; and
- (iii) meets the requirements set out in paragraph 41 (iii)-(vii); and
- (iv) intends to leave the Isle of Man at the end of his leave granted under this paragraph unless he is successful in the PLAB Test and granted leave to remain:
  - (a) as a postgraduate doctor or trainee general practitioner in accordance with paragraphs 70 to 75; or
  - (b) to undertake a clinical attachment in accordance with paragraphs 75G to 75M of these Rules; or
  - (c) as a work permit holder for employment in the Isle of Man as a doctor in accordance with paragraphs 128 to 135; or
  - (d) as a doctor under the highly skilled migrant programme in accordance with paragraphs 135A to 135H; and
- (v) would not as a result of an extension of stay spend more than 18 months in the Isle of Man for the purpose of taking the PLAB Test.

#### **Extension of stay to take the PLAB Test**

75E. A person seeking leave to remain in the Isle of Man to take the PLAB Test may be granted an extension of stay for a period not exceeding 6 months, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 75D is met.

#### **Refusal of extension of stay to take the PLAB Test**

75F. Leave to remain in the Isle of Man to take the PLAB Test is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 75D is met.

#### **Requirements for leave to enter to undertake a clinical attachment or dental observer post**

75G. The requirements to be met by a person seeking leave to enter to undertake a clinical attachment or dental observer post are that the applicant:

- (i) is a graduate from a medical or dental school and intends to undertake a clinical attachment or dental observer post in the Isle of Man; and
- (ii) can provide documentary evidence of the clinical attachment or dental observer post which will:

- (a) be unpaid; and
- (b) only involve observation, not treatment, of patients; and
- (iii) meets the requirements of paragraph 41 (iii) - (vii) of these Rules; and
- (iv) intends to leave the Isle of Man at the end of his leave granted under this paragraph unless he is granted leave to remain:
  - (a) as a postgraduate doctor, dentist or trainee general practitioner in accordance with paragraphs 70 to 75; or
  - (b) as a work permit holder for employment in the Isle of Man as a doctor or dentist in accordance with paragraphs 128 to 135; or
  - (c) as a General Practitioner under the highly skilled migrant programme in accordance with paragraphs 135A to 135H, and
- (v) if he has previously been granted leave in this category, is not seeking leave to enter which, when amalgamated with those previous periods of leave, would total more than 6 months.

#### **Leave to enter to undertake a clinical attachment or dental observer post**

75H. A person seeking leave to enter the Isle of Man to undertake a clinical attachment or dental observer post may be admitted for the period of the clinical attachment or dental observer post, up to a maximum of 6 weeks at a time or six months in total in this category, provided the Immigration Officer is satisfied that each of the requirements of paragraph 75G is met.

#### **Refusal of leave to enter to undertake a clinical attachment or dental observer post**

75J. Leave to enter the Isle of Man to undertake a clinical attachment or dental observer post is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 75G is met.

#### **Requirements for an extension of stay in order to undertake a clinical attachment or dental observer post**

75K. The requirements to be met by a person seeking an extension of stay to undertake a clinical attachment or dental observer post are that the applicant:

- (i) was given leave to enter or remain in the Isle of Man to undertake a clinical attachment or dental observer post or:
  - (a) for the purposes of taking the PLAB Test in accordance with paragraphs 75A to 75F and has passed both parts of the PLAB Test; or
  - (b) as a postgraduate doctor, dentist or trainee general practitioner in accordance with paragraphs 70 to 75; or

- (c) as a work permit holder for employment in the Isle of Man as a doctor or dentist in accordance with paragraphs 128 to 135; and
- (ii) is a graduate from a medical or dental school and intends to undertake a clinical attachment or dental observer post in the Isle of Man; and
- (iii) can provide documentary evidence of the clinical attachment or dental observer post which will:
  - (a) be unpaid; and
  - (b) only involve observation, not treatment, of patients; and
- (iv) intends to leave the Isle of Man at the end of his period of leave granted under this paragraph unless he is granted leave to remain:
  - (a) as a postgraduate doctor, dentist or trainee general practitioner in accordance with paragraphs 70 to 75; or
  - (b) as a work permit holder for employment in the Isle of Man as a doctor or dentist in accordance with paragraphs 128 to 135; or
  - (c) as a General Practitioner under the highly skilled migrant programme in accordance with paragraphs 135A to 135H.; and
- (v) meets the requirements of paragraph 41 (iii) - (vii) of these Rules, and
- (vi) if he has previously been granted leave in this category, is not seeking an extension of stay which, when amalgamated with those previous periods of leave, would total more than 6 months.

#### **Extension of stay to undertake a clinical attachment or dental observer post**

75L. A person seeking leave to remain in the Isle of Man to undertake a clinical attachment or dental observer post may be granted an extension of stay for the period of their clinical attachment or dental observer post up to a maximum of 6 weeks at a time or 6 months in total in this category, provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 75K is met.

#### **Refusal of extension of stay to undertake a clinical attachment or dental observer post**

75M. Leave to remain in the Isle of Man to undertake a clinical attachment or dental observer post is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 75K is met.



## **SPOUSES OR CIVIL PARTNERS OF STUDENTS**

### **Requirements for leave to enter or remain as the spouse or civil partner of a student**

76. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the spouse or civil partner of a student are that:

- (i) the applicant is married to, or the civil partner of, a person admitted to or allowed to remain in the Isle of Man under paragraphs 57-75; or 82-87 and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to take employment except as permitted under paragraph 77 below; and
- (vi) the applicant intends to leave the Isle of Man at the end of any period of leave granted to him.

### **Leave to enter or remain as the spouse or civil partner of a student**

77. A person seeking leave to enter or remain in the Isle of Man as the spouse or civil partner of a student may be admitted or allowed to remain for a period not in excess of that granted to the student provided the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor is satisfied that each of the requirements of paragraph 76 is met. Employment may be permitted where the period of leave granted to the student is, or was, 12 months or more.

### **Refusal of leave to enter or remain as the spouse or civil partner of a student**

78. Leave to enter or remain as the spouse or civil partner of a student is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor, is not satisfied that each of the requirements of paragraph 76 is met.

## **CHILDREN OF STUDENTS**

### **Requirements for leave to enter or remain as the child of a student**

79. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the child of a student are that he:

- (i) is the child of a parent admitted to or allowed to remain in the Isle of Man as a student under paragraphs 57-75; and

- (ii) is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) is unmarried, has not formed an independent family unit and is not leading an independent life; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds; and
- (v) will not stay in the Isle of Man beyond any period of leave granted to his parent.

#### **Leave to enter or remain as the child of a student**

80. A person seeking leave to enter or remain in the Isle of Man as the child of a student may be admitted or allowed to remain for a period not in excess of that granted to the student provided that the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor, is satisfied that each of the requirements of paragraph 79 is met. Employment may be permitted where the period of leave granted to the student is, or was, 12 months or more.

#### **Refusal of leave to enter or remain as the child of a student**

81. Leave to enter or remain in the Isle of Man as the child of a student is to be refused if the Immigration Officer or, in the case of an application for leave to remain, the Lieutenant Governor, is not satisfied that each of the requirements of paragraph 79 is met.

[82 – 87 Not Used]

**PART 4: PERSONS SEEKING TO ENTER OR REMAIN IN THE ISLE OF MAN  
IN AN “AU PAIR” PLACEMENT, AS A WORKING  
HOLIDAYMAKER OR FOR TRAINING OR WORK EXPERIENCE**

**“AU PAIR” PLACEMENTS**

**Definition of an “au pair” placement**

88. For the purposes of these Rules an “au pair” placement is an arrangement whereby a young person:

- (a) comes to the Isle of Man for the purpose of learning the English language; and
- (b) lives for a time as a member of an English speaking family with appropriate opportunities for study; and
- (c) helps in the home for a maximum of 5 hours per day in return for a reasonable allowance and with two free days per week.

**Requirements for leave to enter as an "au pair"**

89. The requirements to be met by a person seeking leave to enter the Isle of Man as an "au pair" are that he:

- (i) is seeking entry for the purpose of taking up an arranged placement which can be shown to fall within the definition set out in paragraph 88; and
- (ii) is aged between 17-27 inclusive or was so aged when first given leave to enter in this capacity; and
- (iii) is unmarried and is not a civil partner; and
- (iv) is without dependants; and
- (v) is a national of one of the countries specified in Paragraph 89 of the United Kingdom Immigration Rules as amended from time to time, and
- (vi) does not intend to stay in the Isle of Man for more than 2 years as an "au pair"; and
- (vii) intends to leave the Isle of Man on completion of his stay as an "au pair"; and
- (viii) if he has previously spent time in the Isle of Man as an "au pair", is not seeking leave to enter to a date beyond 2 years from the date on which he was first given leave to enter the Isle of Man in this capacity; and
- (ix) is able to maintain and accommodate himself without recourse to public funds.

**Leave to enter as an "au pair"**

90. A person seeking leave to enter the Isle of Man as an "au pair" may be admitted for a period not exceeding 2 years, with a prohibition on employment except as an "au pair", provided the Immigration Officer is satisfied that each of the requirements of paragraph 89 is met. (A non-visa national who wishes to ascertain in advance whether a proposed "au pair" placement is likely to meet the requirements of paragraph 89 is advised to obtain an entry clearance before travelling to the Isle of Man).

**Refusal of leave to enter as an "au pair"**

91. An application for leave to enter as an "au pair" is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 89 is met.

**Requirements for an extension of stay as an "au pair"**

92. The requirements for an extension of stay as an "au pair" are that the applicant:

- (i) was given leave to enter the Isle of Man as an "au pair" under paragraph 90; and
- (ii) is undertaking an arranged "au pair" placement which can be shown to fall within the definition set out in paragraph 88; and
- (iii) meets the requirements of paragraph 89 (ii)-(ix); and
- (iv) would not, as a result of an extension of stay, remain in the Isle of Man as an "au pair" to a date beyond 2 years from the date on which he was first given leave to enter the Isle of Man in this capacity.

**Extension of stay as an "au pair"**

93. An extension of stay as an "au pair" may be granted with a prohibition on employment except as an "au pair", provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 92 is met.

**Refusal of extension of stay as an "au pair"**

94. An extension of stay as an "au pair" is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 92 is met.

**WORKING HOLIDAYMAKERS****Requirements for leave to enter as a working holidaymaker**

95. The requirements to be met by a person seeking leave to enter the Isle of Man as a working holidaymaker are that he:

- (i) is a national or citizen of a participating country as listed in Appendix 3 to the United Kingdom Immigration Rules as amended from time to time, or a

British Overseas Citizen; a British Overseas Territories Citizen; or a British National (Overseas); and

- (ii) is aged between 17 and 30 inclusive or was so aged at the date of his application for leave to enter; and
- (iii) (a) is unmarried and is not a civil partner, or
  - (b) is married to, or the civil partner of, a person who meets the requirements of this paragraph and the parties to the marriage or civil partnership intend to take a working holiday together; and
- (iv) has the means to pay for his return or onward journey; and
- (v) is able and intends to maintain and accommodate himself without recourse to public funds; and
- (vi) is intending only to take employment incidental to a holiday, and not to engage in business, or to provide services as a professional sportsperson, and in any event not to work for more than 12 months during his stay; and
- (vii) does not have dependent children any of whom are 5 years of age or over or who will reach 5 years of age before the applicant completes his working holiday; and
- (viii) intends to leave the Isle of Man at the end of his working holiday; and
- (ix) has not spent time in the Isle of Man on a previous working holidaymaker entry clearance; and
- (x) holds a valid Isle of Man entry clearance, granted for a limited period not exceeding 2 years, for entry in this capacity

#### **Leave to enter as a working holidaymaker**

96. A person seeking to enter the Isle of Man as a working holidaymaker may be admitted provided he is able to produce on arrival a valid Isle of Man entry clearance granted for a period not exceeding 2 years for entry in this capacity.

#### **Refusal of leave to enter as a working holidaymaker**

97. Leave to enter as a working holidaymaker is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

[98 Not Used]

[99 Not Used]

[100 Not Used]

## **CHILDREN OF WORKING HOLIDAYMAKERS**

### **Requirements for leave to enter or remain as the child of a working holidaymaker**

101. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the child of a working holidaymaker are that he:

- (i) he is the child of a parent admitted to, and currently present in, the Isle of Man as a working holidaymaker; and
- (ii) he is under the age of 5 and will leave the Isle of Man before reaching that age; and
- (iii) he can and will be maintained and accommodated adequately without recourse to public funds or without his parent(s) engaging in employment except as provided by paragraph 95 above; and
- (iv) both parents are being or have been admitted to the Isle of Man, save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Isle of Man undesirable and suitable arrangements have been made for his care; and
- (v) he holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity, and is seeking leave to a date not beyond the date to which his parent(s) have leave to enter in the working holidaymaker category.

### **Leave to enter or remain as the child of a working holidaymaker**

102. A person seeking to enter the Isle of Man as the child of a working holidaymaker/s must be able to produce on arrival a valid Isle of Man entry clearance for entry in this capacity.

### **Refusal of leave to enter or remain as the child of a working holidaymaker**

103. Leave to enter or remain in the Isle of Man as the child of a working holidaymaker is to be refused if, in relation to an application for leave to enter, a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for leave to remain, the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 101 (i)-(iv) is met.

[104-109 Not Used]

## **TEACHERS AND LANGUAGE ASSISTANTS COMING TO THE ISLE OF MAN UNDER APPROVED EXCHANGE SCHEMES**

### **Requirements for leave to enter as a teacher or language assistant under an approved exchange scheme**

110. The requirements to be met by a person seeking leave to enter the Isle of Man as a teacher or language assistant on an approved exchange scheme are that he:

- (i) is coming to an educational establishment in the Isle of Man under an exchange scheme approved by the Department of Education; and
- (ii) intends to leave the Isle of Man at the end of his exchange period; and
- (iii) does not intend to take employment except in the terms of this paragraph; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds; and
- (v) holds a valid Isle of Man entry clearance for entry in this capacity.

### **Leave to enter as a teacher or language assistant under an exchange scheme**

111. A person seeking leave to enter the Isle of Man as a teacher or language assistant under an approved exchange scheme may be given leave to enter for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

### **Refusal of leave to enter as a teacher or language assistant under an approved exchange scheme**

112. Leave to enter the Isle of Man as a teacher or language assistant under an approved exchange scheme is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay as a teacher or language assistant under an approved exchange scheme**

113. The requirements for an extension of stay as a teacher or language assistant under an approved exchange scheme are that the applicant:

- (i) entered the Isle of Man with a valid Isle of Man entry clearance as a teacher or language assistant; and
- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) meets the requirements of paragraph 110 (ii)-(iv); and

- (v) would not, as a result of an extension of stay, remain in the Isle of Man as an exchange teacher or language assistant for more than 2 years from the date on which he was first given leave to enter the Isle of Man in this capacity.

**Extension of stay as a teacher or language assistant under an approved exchange scheme**

114. An extension of stay as a teacher or language assistant under an approved exchange scheme may be granted for a further period not exceeding 12 months provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 113 is met.

**Refusal of extension of stay as a teacher or language assistant under an approved exchange scheme**

115. An extension of stay as a teacher or language assistant under an approved exchange scheme is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 113 is met.

**DEPARTMENT OF TRADE AND INDUSTRY APPROVED TRAINING OR WORK EXPERIENCE**

**Requirements for leave to enter for Department of Trade and Industry approved training or work experience**

116. The requirements to be met by a person seeking leave to enter the Isle of Man for Department of Trade and Industry approved training or work experience are that he:

- (i) holds a valid work permit from the Department of Trade and Industry issued under the Training and Work Experience Scheme; and
- (ii) DELETED
- (iii) is capable of undertaking the training or work experience as specified in his work permit; and
- (iv) intends to leave the Isle of Man on the completion of his training or work experience; and
- (v) does not intend to take employment except as specified in his work permit; and
- (vi) is able to maintain and accommodate himself and any dependants without recourse to public funds; and
- (vii) holds a valid Isle of Man entry clearance for entry in this capacity except where he holds a work permit valid for 6 months or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.



### **Leave to enter for Department of Trade and Industry approved training or work experience**

117. A person seeking leave to enter the Isle of Man for the purpose of approved training or approved work experience under the Training and Work Experience Scheme may be admitted to the Isle of Man for a period not exceeding the period of training or work experience approved by the Department of Trade and Industry for this purpose (as specified in his work permit), subject to a condition restricting him to that approved employment, provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity or, where entry clearance is not required, provided the Immigration Officer is satisfied that each of the requirements of paragraph 116 (i)-(vi) is met.

### **Refusal of leave to enter for Department of Trade and Industry approved training or work experience**

118. Leave to enter the Isle of Man for Department of Trade and Industry approved training or work experience under the Training and Work Scheme is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 16(i)-(iv) are met.

### **Requirements for extension of stay for Department of Trade and Industry approved training and work experience**

119. The requirements for an extension of stay for Department of Trade and Industry approved training and work experience are that the applicant:

- (i) entered the Isle of Man with a valid work permit under paragraph 117; and
- (ii) has written approval from the Department of Trade and Industry for an extension of stay in this category; and
- (iii) meets the requirements of paragraph 116 (ii)-(vi).

### **Extension of stay for Department of Trade and Industry approved training or work experience**

120. An extension of stay for approved training or approved work experience under the Training and Work Experience Scheme may be granted for a further period not exceeding the extended period of training or work experience approved by the Department of Trade and Industry for this purpose (as specified in his work permit), provided that in each case the Lieutenant Governor is satisfied that each of the requirements of paragraph 119 are met. An extension of stay is to be subject to a condition permitting the applicant to take or change employment only with the permission of the Department of Trade and Industry.

**Refusal of extension of stay for Department of Trade and Industry approved training or work experience**

121. An extension of stay for approved training or approved work experience under the Training and Work Experience Scheme is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 119 are met.

**SPOUSES OR CIVIL PARTNERS OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 110-121**

**Requirements for leave to enter or remain as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under Paragraphs 110-121**

122. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121 are that:

- (i) the applicant is married to, or the civil partner of, a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his spouse or civil partner; and
- (vi) if seeking leave to enter, the applicant holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter or remain as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121**

123. A person seeking leave to enter or remain in the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121 may be given leave to enter or remain the Isle of Man for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 110-121 provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid Isle of Man entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 122 (i)-(v) is met.

**Refusal of leave to enter or remain as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121**

124. Leave to enter or remain as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121 is to be refused if, in relation to an application for leave to enter, a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 122 (i)-(v) is met.

**CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 110-121**

**Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121**

125. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121 are that:

- (i) he is the child of a parent who has limited leave to enter or remain in the Isle of Man under paragraphs 110-121; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and-
- (iii) he is unmarried, and is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can, and will be, maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the Isle of Man beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the Isle of Man save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Isle of Man undesirable and suitable arrangements have been made for his care; and

- (vii) if seeking leave to enter, he holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121**

126. A person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121 may be given leave to enter or remain in the Isle of Man for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 110-121 provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid Isle of Man entry clearance for entry in this capacity or, in the case of an application for limited leave to remain in the Isle of Man, he was admitted with a valid Isle of Man entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 125 (i)-(vi) is met.

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121**

127. Leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 110-121 is to be refused if, in relation to an application for leave to enter, a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival, or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 125 (i)-(vi) is met.

## **PART 5: PERSONS SEEKING TO ENTER OR REMAIN IN THE ISLE OF MAN FOR EMPLOYMENT**

### **WORK PERMIT EMPLOYMENT**

#### **Requirements for leave to enter the Isle of Man for work permit employment**

128. The requirements to be met by a person coming to the Isle of Man to seek or take employment (unless he is otherwise eligible for admission for employment under these Rules or is eligible for admission as a seaman under contract to join a ship due to leave British waters) are that he;

- (i) holds a valid Department of Trade and Industry work permit; and
- (ii) is not of an age which puts him outside the limits for employment; and
- (iii) is capable of undertaking the employment specified in the work permit; and
- (iv) does not intend to take employment except as specified in his work permit; and
- (v) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (vi) in the case of a person in possession of a work permit which is valid for a period of 12 months or less intends to leave the Isle of Man at the end of his approved employment; and
- (vii) holds a valid Isle of Man entry clearance for entry in this capacity except where he holds a work permit valid for six month's or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

#### **Leave to enter for work permit employment**

129. A person seeking leave to enter the Isle of Man for the purpose of work permit employment may be admitted for a period not exceeding the period of employment approved by the Department of Trade and Industry (as specified in his work permit), subject to a condition restricting him to that approved employment, provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity or, where entry clearance is not required, provided that the Immigration Officer is satisfied that each of the requirements of paragraph 128(i) - (vi) are met.

#### **Refusal of leave to enter as a work permit holder**

130. Leave to enter for the purpose of work permit employment is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 128(i) – (vi) are met.

**Requirements for an extension of stay for work permit employment**

131. The requirements for an extension of stay to seek or take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) are that the applicant:

- (i) entered the Isle of Man with a valid work permit under paragraph 129, and
- (ii) has written approval from the Department of Trade and Industry for the continuation of his employment; and
- (iii) meets the requirements of paragraph 128 (ii)-(v).

131A The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a student are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and
- (ii) has obtained a degree qualification on a recognised degree course at either an Isle of Man or United Kingdom publicly funded further or higher education institution or a bona fide Isle of Man or United Kingdom private education institution which maintains satisfactory records of enrolment and attendance; and
- (iii) holds a valid Department of Trade and Industry work permit; and
- (iv) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (v) meets each of the requirements of paragraph 128 (ii) to (vi).

131B The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a student nurse, overseas qualified nurse or midwife, postgraduate doctor or postgraduate dentist are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a student nurse in accordance with paragraphs 63 to 69 of these Rules; or
- (ia) entered the Isle of Man or was given leave to remain as an overseas qualified nurse or midwife in accordance with paragraphs 69M to 69R of these Rules; and
- (ii) entered the Isle of Man or was given leave to remain as a postgraduate doctor or a postgraduate dentist in accordance with paragraphs 70 to 75 of these Rules; and

- (iii) holds a valid Department of Trade and Industry immigration employment document for employment as a nurse, doctor or dentist; and
- (iv) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (v) meets each of the requirements of paragraph 128 (ii) to (vi).

[131C Not Used]

131D The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for a working holidaymaker are that the applicant:

- (i) entered the Isle of Man as working holidaymaker in accordance with paragraphs 95 to 96 of these Rules; and
- (ii) he has spent more than 12 months in total in the Isle of Man in this capacity; and
- (iii) holds a valid Department of Trade and Industry work permit for employment in an occupation listed on the Work Permits (UK) shortage occupations list; and
- (iv) meets each of the requirements of paragraph 128 (ii) to (vi).

131E. The requirements for an extension of stay to take employment for a highly skilled migrant are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135E of these Rules; and
- (ii) holds a valid work permit; and
- (iii) meets each of the requirements of paragraph 128(ii) to (vi).

131F The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for an Innovator are that the applicant:

- (i) entered the United Kingdom or was given leave to remain in the United Kingdom as an innovator in accordance with the United Kingdom Immigration Rules; and
- (ii) holds a valid Department of Trade & Industry work permit; and
- (iii) meets each of the requirements of paragraph 128(ii) to (vi).

131G. The requirements for an extension of stay to take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) for an

individual who has leave to enter or leave to remain in the Isle of Man to take the PLAB Test or to undertake a clinical attachment or dental observer post are that the applicant:

- (i) entered the Isle of Man or was given leave to remain for the purposes of taking the PLAB Test in accordance with paragraphs 75A to 75F of these Rules; or
- (ii) entered the Isle of Man or was given leave to remain to undertake a clinical attachment or dental observer post in accordance with paragraphs 75G to 75M of these Rules; and
- (iii) holds a valid Department of Trade and Industry work permit for employment as a doctor or dentist; and
- (iv) meets each of the requirements of paragraph 128 (ii) to (vi).

### **Extension of stay for work permit employment**

132. An extension of stay for work permit employment may be granted for a period not exceeding the period of approved employment recommended by the Department of Trade and Industry provided the Lieutenant Governor is satisfied that each of the requirements of paragraphs 131, 131A, 131B, 131C, 131D, 131E, 131F, or 131G is met. An extension of stay is to be subject to a condition restricting the applicant to employment approved by the Department of Trade and Industry.

### **Refusal of extension of stay for employment**

133. An extension of stay for employment is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraphs 131, 131A, 131B, 131C, 131D, 131E, 131F, or 131G is met (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules).

### **Indefinite leave to remain for a work permit holder**

134. Indefinite leave to remain may be granted, on application, to a person admitted as a work permit holder provided:

- (i) he has spent a continuous period of 5 years in the Isle of Man in this capacity; and
- (ii) he has met the requirements of paragraph 131, 131A, 131B, 131C, 131D, 131E or 131F throughout the five year period; and.
- (iii) he is still required for the employment in question, as certified by his employer, and
- (iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.



**Refusal of indefinite leave to remain for a work permit holder**

135. Indefinite leave to remain in the Isle of Man as a work permit holder is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 134 is met.

**Highly skilled migrants****Requirements for leave to enter the Isle of Man as a highly skilled migrant**

135A. The requirements to be met by a person seeking leave to enter as a highly skilled migrant are that the applicant:

- (i) must produce a valid document issued by the Department of Trade and Industry confirming that he meets, at the time of the issue of that document, the criteria specified by the Lieutenant Governor for entry to the Isle of Man under the Highly Skilled Migrant Programme; and
- (ii) intends to make the Isle of Man his main home; and
- (iii) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (iv) holds a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter as a highly skilled migrant**

135B. A person seeking leave to enter the Isle of Man as a highly skilled migrant may be admitted for a period not exceeding 2 years, provided the Immigration Officer is satisfied that each of the requirements of paragraph 135 is met and that the application does not fall for refusal under paragraph 135HA.

**Refusal of leave to enter as a highly skilled migrant**

135C. Leave to enter as a highly skilled migrant is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 135A is met or if the application falls for refusal under paragraph 135HA.

**Requirements for an extension of stay as a highly skilled migrant**

135D. The requirements for an extension of stay as a highly skilled migrant for a person who has previously been granted entry clearance or leave in this capacity, are that the applicant:

- (i) entered the Isle of Man with a valid Isle of Man entry clearance as a highly skilled migrant, or has previously been granted leave in accordance with paragraphs 135DA-135DG of these Rules; and
- (ii) has achieved at least 75 points in accordance with the criteria specified in Appendix 4 of these Rules, having provided all the documents which are set out in Appendix 5 (Part I) of these Rules which correspond to the points which he is claiming; and

- (iii) (a) has produced an International English Language Testing System certificate issued to him to certify that he has achieved at least band 6 competence in English; or
- (b) has demonstrated that he holds a qualification which was taught in English and which is of an equivalent level to a UK Bachelors degree by providing both documents which are set out in Appendix 5 (Part II) of these Rules; and
- (iv) meets the requirements of paragraph 135A(ii)-(iii).

135DA The requirements for an extension of stay as a highly skilled migrant for a work permit holder are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a work permit holder in accordance with paragraphs 128 to 132 of these Rules; and
- (ii) meets the requirements of paragraph 135A (i)-(iii).

135DB The requirements for an extension of stay as a highly skilled migrant for a student are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and
- (ii) has obtained a degree qualification on a recognised degree course at either a United Kingdom publicly funded further or higher education institution or a bona fide United Kingdom private education institution which maintains satisfactory records of enrolment and attendance; and
- (iii) has the written consent of his official sponsor to remain as a highly skilled migrant if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (iv) meets the requirements of paragraph 135A(i)-(iii).

135DC. The requirements for an extension of stay as a highly skilled migrant for a postgraduate doctor or postgraduate dentist are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a postgraduate doctor or a postgraduate dentist in accordance with paragraphs 70 to 75 of these Rules; and
- (ii) has the written consent of his official sponsor to such employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (iii) meets the requirements of paragraph 135A(i)-(iii).

135DD The requirements for an extension of stay as a highly skilled migrant for a working holidaymaker are that the applicant:

- (i) entered the Isle of Man as a working holidaymaker in accordance with paragraphs 95 to 96 of these Rules; and
- (ii) meets the requirements of paragraph 135A(i)-(iii).

135DE [Not Used]

135DF. [Not Used]

135DG. Deleted.

135DH. [Not Used]

### **Extension of stay as a highly skilled migrant**

135E. An extension of stay as a highly skilled migrant may be granted for a period not exceeding 3 years, provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 135D, 135DA, 135DB, 135DC, or 135DD is met and that the application does not fall for refusal under paragraph 135HA.

### **Refusal of extension of stay as a highly skilled migrant**

135F. An extension of stay as a highly skilled migrant is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 135D, 135DA, 135DB, 135DC or 135DD is met or if the application falls for refusal under paragraph 135HA.”

### **Requirements for indefinite leave to remain as a highly skilled migrant**

135G. The requirements for indefinite leave to remain for a person who has been granted leave as a highly skilled migrant are that the applicant:

- (i) has spent a continuous period of 5 years lawfully in the Isle of Man, of which the most recent period must have been spent with leave as a highly skilled migrant (in accordance with paragraphs 135A to 135F of these Rules), and the remainder must be made up of leave as a highly skilled migrant or leave as a work permit holder (under paragraphs 128 to 133 of these Rules), and
- (ii) throughout the five years spent in the Isle of Man has been able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (iii) is lawfully economically active in the Isle of Man in employment, self-employment or a combination of both; and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his

application.

### **Indefinite leave to remain as a highly skilled migrant**

135GA Indefinite leave to remain may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 135G is met and that the application does not fall for refusal under paragraph 135HA.

### **Refusal of indefinite leave to remain as a highly skilled migrant**

135H. Indefinite leave to remain in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 135G is met or if the application falls for refusal under paragraph 135HA.

### **Additional grounds for refusal for highly skilled migrants**

135HA An application under paragraphs 135A-135H of these Rules is to be refused, even if the applicant meets all the requirements of those paragraphs, if:

- (i) the applicant submits any document which, whether or not it is material to his application, is forged or not genuine, unless the Immigration Officer or Lieutenant Governor is satisfied that the applicant is unaware that the document is forged or not genuine; or
- (ii) the Immigration Officer or Lieutenant Governor has cause to doubt the genuineness of any document submitted by the applicant and, having taken reasonable steps to verify the document, has been unable to verify that it is genuine.

[135I – 135N Not Used]

[136-159 Not Used]

## **DOMESTIC WORKERS IN PRIVATE HOUSEHOLDS**

### **Requirement for leave to enter as a domestic worker in a private household**

159A. The requirements to be met by a person seeking leave to enter the Isle of Man as a domestic worker in a private household are that he:

- (i) is aged 18-65 inclusive; and
- (ii) has been employed as a domestic worker for one year or more immediately prior to application for entry clearance under the same roof as his employer or in a household that the employer uses for himself on a regular basis and where there is evidence that there is a connection between employer and employee; and
- (iii) that he intends to travel to the Isle of Man in the company of his employer, his employer's spouse or civil partner or his employer's minor child; and

- (iv) intends to work full time as a domestic worker under the same roof as his employer or in a household that the employer uses for himself on a regular basis and where there is evidence that there is a connection between employer and employee; and
- (v) does not intend to take employment except within the terms of this paragraph; and
- (vi) can maintain and accommodate himself adequately without recourse to public funds; and
- (vii) holds a valid Isle of Man entry clearance for entry in this capacity.

### **Leave to enter as a domestic worker in a private household**

159B. A person seeking leave to enter the Isle of Man as a domestic worker in a private household may be given leave to enter for that purpose for a period not exceeding 12 months provided that he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

### **Refusal of leave to enter as a domestic worker in a private household**

159C. Leave to enter as a domestic worker in a private household is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for extension of stay as a domestic worker in a private household**

159D. The requirements for an extension of stay as a domestic worker in a private household are that the applicant:

- (i) entered the Isle of Man with a valid Isle of Man entry clearance as a domestic worker in a private household; and
- (ii) has continued to be employed for the duration of his leave as a domestic worker in a private household; and
- (iii) continues to be required for employment for the period of the extension sought as a domestic worker in a private household within the terms of paragraph 159A as certified by his current employer; and
- (iv) meets the requirements of paragraph 159A (i) to (vii).

### **Extension of stay as a domestic worker in a private household**

159E. An extension of stay as a domestic worker in a private household may be granted for a period not exceeding 12 months provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 159D is met.

**Refusal of extension of stay as a domestic worker in a private household**

159F. An extension of stay as a domestic worker may be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 159D is met.

**Indefinite leave to remain for a domestic worker in a private household**

159G. Indefinite leave to remain may be granted, on application, to a domestic worker in a private household provide that;

- (i) he has spent a continuous period of 5 years in the Isle of Man employed in this capacity; and
- (ii) he has met the requirements of paragraph 159A throughout the 5 year period; and
- (iii) he is still required for the employment as a domestic worker in a private household as certified by the employer, and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**Refusal of indefinite leave to remain for a domestic worker in a private household**

159H. Indefinite leave to remain in the Isle of Man for a domestic worker in a private household is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 159G is met.

[160-168 Not Used]

**MINISTERS OF RELIGION, MISSIONARIES AND MEMBERS OF RELIGIOUS ORDERS**

169. For the purposes of these Rules:

- (i) a minister of religion means a religious functionary whose main regular duties comprise the leading of a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed;
- (ii) a missionary means a person who is directly engaged in spreading a religious doctrine and whose work is not in essence administrative or clerical;
- (iii) a member of a religious order means a person who is coming to live in a community run by that order.

### **Requirements for leave to enter as a minister of religion, missionary, or member of a religious order**

170. The requirements to be met by a person seeking leave to enter the Isle of Man as a minister of religion, missionary or member of a religious order are that he:

- (i) (a) if seeking leave to enter as a minister of religion has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two year's part-time training for the ministry; or
- (b) if seeking leave to enter as a missionary has been trained as a missionary or has worked as a missionary and is being sent to the Isle of Man by an overseas organisation; or
- (c) if seeking leave to enter as a member of a religious order is coming to live in the community maintained by the religious order of which he is a member and if, intending to teach, does not intend to do so save at an establishment maintained by his order; and
- (ii) intends to work full-time as a minister of religion, missionary or for the religious order of which he is a member; and
- (iii) does not intend to take employment except within the terms of this paragraph; and
- (iv) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (iva) if seeking entry as a minister of religion, can produce an International English Language Testing System certificate issued to him to certify that he has achieved level 4 competence in spoken English and that is dated not more than two years prior to the date on which the application is made; and
- (v) holds a valid Isle of Man entry clearance for entry in this capacity.

### **Leave to enter as a minister of religion, missionary, or member of a religious order**

171. A person seeking leave to enter the Isle of Man as a minister of religion, missionary or member of a religious order may be admitted for a period not exceeding 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

**Refusal of leave to enter as a minister of religion, missionary or member of a religious order**

172. Leave to enter as a minister of religion, missionary or member of a religious order is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**Requirements for an extension of stay as a minister of religion where entry to the Isle of Man was granted in that capacity**

173. The requirements for an extension of stay as a minister of religion where entry to the Isle of Man was granted in that capacity, missionary or member of a religious order are that the applicant:

- (i) entered the Isle of Man with a valid Isle of Man entry clearance as a minister of religion, missionary or member of a religious order; and
- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of his religious order; and
- (iv) meets the requirements of paragraph 170 (ii) to (iv)(a)

**Extension of stay as a minister of religion, missionary or member of a religious order**

174. An extension of stay as a minister of religion, missionary or member of a religious order may be granted for a period not exceeding 4 years provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 173 is met.

**Requirements for an extension of stay as a minister of religion where entry to the Isle of Man was not granted in that capacity**

174A The requirements for an extension of stay as a minister of religion for an applicant who did not enter the Isle of Man in that capacity are that he:

- (i) entered the Isle of Man, or was given an extension of stay, in accordance with these Rules, except as a minister of religion or as a visitor under paragraphs 40-56 of these Rules, and has spent a continuous period of at least 12 months here pursuant to that leave immediately prior to the application being made; and
- (ii) has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made (provided that, when doing so, he was not in breach of a condition of any subsisting leave to enter or remain) or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry; and



- (iii) is imminently to be appointed, or has been appointed, to a position as a minister of religion in the Isle of Man and is suitable for such a position, as certified by the leadership of his prospective congregation; and
- (iv) meets the requirements of paragraph 170(ii)-(iv(a)).

**Extension of stay as a minister of religion where leave to enter was not granted in that capacity**

174B An extension of stay as a minister of religion may be granted for a period not exceeding 3 years at a time provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 174A is met.

**Refusal of extension of stay as a minister of religion, missionary or member of a religious order**

175. An extension of stay as a minister of religion, missionary or member of a religious order is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 173 or 174A is met.

**Indefinite leave to remain as a minister of religion, missionary or member of a religious order**

176. Indefinite leave to remain may be granted, on application, to a person admitted as a minister of religion, missionary or member of a religious order provided:

- (i) he has spent a continuous period of 5 years in the Isle of Man in this capacity; and
- (ii) he has met the requirements of paragraph 173 or 174A throughout the 5 year period; and
- (iii) he is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of the religious order to which he belongs; and
- (iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**Refusal of indefinite leave to remain for a minister of religion, missionary or member of a religious order**

177. Indefinite leave to remain in the Isle of Man for a minister of religion, missionary or member of a religious order is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 176 is met.

177A. For the purposes of these Rules:

- (i) a visiting religious worker means a person coming to the Isle of Man for a short period to perform religious duties at one or more locations in the Isle of Man;
- (ii) a religious worker in a non-pastoral role means a person employed in the Isle of Man by the faith he is coming here to work for, whose duties include performing religious rites within the religious community, but not preaching to a congregation.

**Requirements for leave to enter the Isle of Man as a visiting religious worker or a religious worker in a non-pastoral role**

177B. The requirements to be met by a person seeking leave to enter as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant:

- (i) (a) if seeking leave to enter as a visiting religious worker:
  - (i) is an established religious worker based overseas; and
  - (ii) submits a letter(s) from a senior member or senior representative of one or more local religious communities in the Isle of Man confirming that he is invited to perform religious duties as a visiting religious worker at one or more locations in the Isle of Man and confirming the expected duration of that employment; and
  - (iii) if he has been granted leave as a visiting religious worker in the last 12 months, is not seeking leave to enter which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months; or
- (b) if seeking leave to enter as a religious worker in a non-pastoral role:
  - (i) has at least one year of full time training or work experience, or a period of part time training or work experience equivalent to one year full time training or work experience, accrued in the five years preceding the application in the faith with which he has employment in the Isle of Man; and
  - (ii) can show that, at the time of his application, at least one full-time member of staff of the local religious community which the applicant is applying to join in the Isle of Man has a sufficient knowledge of English; and
  - (iii) submits a letter from a senior member or senior representative of the local religious community which has invited him to the Isle of Man, confirming that he has been offered employment as religious worker in a non-pastoral role in that religious community, and confirming the duration of that employment; and
  - (ii) does not intend to take employment except as a visiting religious worker or religious worker in a non-pastoral role, whichever is the basis of his application; and

- (iii) does not intend to undertake employment as a Minister of Religion, Missionary or Member of a Religious Order, as described in paragraphs 169-177 of these Rules; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds, or will, with any dependants, be maintained and accommodated adequately by the religious community employing him; and
- (v) intends to leave the Isle of Man at the end of his leave in this category; and
- (vi) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

**Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role**

177C. Leave to enter the Isle of Man as a visiting religious worker or a religious worker in a non-pastoral role may be granted:

- (a) as a visiting religious worker, for a period not exceeding 6 months; or
- (b) as a religious worker in a non-pastoral role, for a period not exceeding 12 months;

provided the Immigration Officer is satisfied that each of the requirements of paragraph 177B is met.

**Refusal of leave to enter as a visiting religious worker or a religious worker in a non-pastoral role**

177D. Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 177B is met.

**Requirements for an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

177E. The requirements to be met by a person seeking an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant:

- (i) entered the Isle of Man with a valid entry clearance in this capacity or was given leave to enter as a visiting religious worker or a religious worker in a non-pastoral role; and
- (ii) intends to continue employment as a visiting religious worker or a religious worker in a non-pastoral role; and

- (iii) if seeking an extension of stay as a visiting religious worker:
  - (a) meets the requirement of paragraph 177B(i)(a)(i) above; and
  - (b) submits a letter from a senior member or senior representative of one or more local religious communities in the Isle of Man confirming that he is still wanted to perform religious duties as a visiting religious worker at one or more locations in the Isle of Man and confirming the expected duration of that employment; and
  - (c) would not, as the result of an extension of stay, be granted leave as a visiting religious worker which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months; or
- (iv) if seeking an extension of stay as a religious worker in a non-pastoral role:
  - (a) meets the requirements of paragraph 177B(i)(b)(i) and (ii); and
  - (b) submits a letter from a senior member or senior representative of the local religious community for which he works in the Isle of Man confirming that his employment as a religious worker in a non-pastoral role in that religious community will continue, and confirming the duration of that employment; and
  - (c) would not, as the result of an extension of stay, remain in the Isle of Man for a period of more than 24 months as a religious worker in a non-pastoral role; and
- (v) meets the requirements of paragraph 177B (ii) to (v)

**Extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

177F. An extension of stay as a visiting religious worker or a religious worker in a non-pastoral role may be granted:

- (a) as a visiting religious worker, for a period not exceeding 6 months; or
- (b) as a religious worker in a non-pastoral role, for a period not exceeding 24 months;

if the Lieutenant Governor is satisfied that each of the requirements of paragraph 177E is met.

**Refusal of an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

177G. An extension of stay as a visiting religious worker or a religious worker in a non-pastoral role is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 177E is met.

[178-185 Not Used]

## **PERSONS WITH ISLE OF MAN, UNITED KINGDOM OR CHANNEL ISLANDS ANCESTRY**

### **Requirements for leave to enter on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

186. The requirements to be met by a person seeking leave to enter the Isle of Man on the grounds of his Isle of Man, United Kingdom or Channel Islands ancestry are that he:

- (i) is a Commonwealth citizen; and
- (ii) is aged 17 or over; and
- (iii) is able to provide proof that one of his grandparents was born in the Isle of Man, United Kingdom or Channel Islands and that any such grandparent is the applicant's blood grandparent or grandparent by reason of an adoption recognised by the laws of the Isle of Man relating to adoption; and
- (iv) is able to work and intends to take or seek employment in the Isle of Man; and
- (v) will be able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (vi) holds a valid Isle of Man entry clearance for entry in this capacity.

### **Leave to enter the Isle of Man on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

187. A person seeking leave to enter the Isle of Man on the grounds of his Isle of Man, United Kingdom or Channel Islands ancestry may be given leave to enter for a period not exceeding 2 years provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

### **Refusal of leave to enter on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

188. Leave to enter the Isle of Man on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

189. The requirements to be met by a person seeking an extension of stay on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry are that:

- (i) he is able to meet each of the requirements of paragraph 186 (i)-(v); and

- (ii) he was admitted to the Isle of Man on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry in accordance with paragraphs 186 to 188 or has been granted an extension of stay in this capacity."

**Extension of stay on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

190. An extension of stay on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry may be granted for a period not exceeding 3 years provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 189 is met.

**Refusal of an extension of stay on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

191. An extension of stay on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 189 is met.

**Indefinite leave to remain on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

192. Indefinite leave to remain may be granted, on application, to a Commonwealth citizen with an Isle of Man, United Kingdom or Channel Islands born grandparent provided:

- (i) he meets the requirements of paragraph 186 (i)-(v); and
- (ii) he has spent a continuous period of 5 years in the Isle of Man in this capacity; and
- (iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**Refusal of indefinite leave to remain on the grounds of Isle of Man, United Kingdom or Channel Islands ancestry**

193. Indefinite leave to remain in the Isle of Man on the grounds of an Isle of Man, United Kingdom or Channel Islands born grandparent is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 192 is met.

**SPOUSES OR CIVIL PARTNERS OF PERSONS WHO HAVE OR HAVE HAD LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 128-193**

**Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193**

194. The requirements to be met by a person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 are that:

- (i) the applicant is married to or a civil partner of a person with limited leave to enter in the Isle of Man under paragraphs 128-193; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his spouse; and
- (vi) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193**

195. A person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 provided the Immigration Officer is satisfied that each of the requirements of paragraph 194 is met.

**Refusal of leave to enter as the spouse or civil partners of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193**

196. Leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 194 is met.

**Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193**

196A. The requirements to be met by a person seeking an extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 are that the applicant:

- (i) is married to or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193, or
- (ii) is married to or civil partner of a person who has limited leave to enter or remain in the Isle of Man under paragraphs 128-193 and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or a civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or

remain in the Isle of Man under paragraphs 128-193 immediately before being granted indefinite leave to remain; and

- (iv) meets the requirements of paragraph 194(ii) – (v); and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193**

196B. An extension of stay in the Isle of Man as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 128-193 may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement, or the spouse or civil partner of a person who has indefinite leave to remain, may be granted for a period not exceeding 2 years,

in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 196A is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193**

196C. An extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 196A is met.

**Requirements for indefinite leave to remain for the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193**

196D. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 are that the applicant:

- (i) is married to or civil partner of a person who has limited leave to enter or remain in the Isle of Man under paragraphs 128-193 and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or a civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain in the Isle of Man under paragraphs 128-193 immediately before being granted indefinite leave to remain; and



- (iii) meets the requirements of paragraph 194(ii) – (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193**

196E. Indefinite leave to remain in the Isle of Man for the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 196D is met.

**Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 128-193**

196F. Indefinite leave to remain in the Isle of Man for the spouse or civil partner of a person who has or has had limited leave to enter or remain in the Isle of Man under paragraphs 128-193 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 194D is met.”

**CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN UNDER PARAGRAPHS 128-193**

**Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193**

197. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 are that:

- (i) he is the child of a parent with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried, is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can, and will be, maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) owns or occupy exclusively; and
- (v) he will not stay in the Isle of Man beyond any period of leave granted to his parent(s); and

- (vi) both parents are being or have been admitted to or allowed to remain in the Isle of Man save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Isle of Man undesirable and suitable arrangements have been made for his care; and
- (vii) if seeking leave to enter, he holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193**

198. A person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 may be given leave to enter or remain in the Isle of Man for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer on arrival, a valid Isle of Man entry clearance for entry in this capacity, or in the case of an application for limited leave to remain, he was admitted with a valid Isle of Man entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor, that each of the requirements of paragraph 197 (i)-(vi) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid Isle of Man entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 197 (i)-(vi) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain under paragraphs 128-193

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193**

199. Leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193 is to be refused if, in relation to an application for leave to enter, a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain in the Isle of Man, if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 197 (i)-(vi) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 197 (i)-(vi) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain under paragraphs 128-193.

**PART 6: PERSONS SEEKING TO ENTER OR REMAIN IN THE ISLE OF MAN AS A BUSINESSMAN, SELF-EMPLOYED PERSON, INVESTOR, WRITER, COMPOSER OR ARTIST**

**PERSONS INTENDING TO ESTABLISH THEMSELVES IN BUSINESS**

**Requirements for leave to enter the Isle of Man as a person intending to establish himself in business**

200. For the purpose of paragraphs 201-210 a business means an enterprise as:

- a sole trader; or
- a partnership; or
- a company registered in the Isle of Man.

201. The requirements to be met by a person seeking leave to enter the Isle of Man to establish himself in business are:

- (i) that he satisfies the requirements of either paragraph 202 or paragraph 203; and
- (ii) that he has not less than £200,000 of his own money under his control and disposable in the Isle of Man which is held in his own name and not by a trust or other investment vehicle and which he will be investing in the business in the Isle of Man; and
- (iii) that until his business provides him with an income he will have sufficient additional funds to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds; and
- (iv) that he will be actively involved full-time in trading or providing services on his own account or in partnership, or in the promotion and management of the company as a director; and
- (v) that his level of financial investment will be proportional to his interest in the business; and
- (vi) that he will have either a controlling or equal interest in the business and that any partnership or directorship does not amount to disguised employment; and
- (vii) that he will be able to bear his share of liabilities ; and
- (viii) that there is a genuine need for his investment and services in the Isle of Man; and

- (ix) that his share of the profits of the business will be sufficient to maintain and accommodate himself and any dependants without recourse to employment (other than his work for his business ) or to public funds; and
- (x) that he does not intend to supplement his business activities by taking or seeking employment in the Isle of Man other than his work for the business; and
- (xi) that he has the permission of the Department of Trade and Industry under the Control of Employment Act 1975 (an Act of Tynwald) to take up self-employment; and
- (xii) that he holds a valid Isle of Man entry clearance for entry in this capacity.

202. Where a person intends to take over or join as a partner or director an existing business in the Isle of Man he will need, in addition to meeting the requirements at paragraph 201 above, to produce:

- (i) a written statement of the terms on which he is to take over or join the business; and
- (ii) audited accounts for the business for previous years; and
- (iii) evidence that his services and investment will result in a net increase in the employment provided by the business to persons settled in the Isle of Man to the extent of creating at least 2 new full-time jobs.

203. Where a person intends to establish a new business in the Isle of Man he will need, in addition to meeting the requirements at paragraph 201 above, to produce evidence:

- (i) that he will be bringing into the country sufficient funds of his own to establish a business; and
- (ii) that the business will create full-time paid employment for at least 2 persons already settled in the Isle of Man.

#### **Leave to enter the Isle of Man as a person seeking to establish himself in business**

204. A person seeking leave to enter the Isle of Man to establish himself in business may be admitted for a period not exceeding 2 years, with a condition restricting his freedom to take employment provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

#### **Refusal of leave to enter the Isle of Man as a person seeking to establish himself in business**

205. Leave to enter the Isle of Man as a person seeking to establish himself in business is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**Requirements for an extension of stay in order to remain in business**

206. The requirements for an extension of stay in order to remain in business in the Isle of Man are that the applicant can show:

- (i) that he entered the Isle of Man with a valid Isle of Man entry clearance as a businessman; and
- (ii) audited accounts which show the precise financial position of the business and which confirm that he has invested not less than £200,000 of his own money directly into the business in the Isle of Man; and
- (iii) that he is actively involved on a full-time basis in trading or providing services on his own account or in partnership or in the promotion and management of the company as a director; and
- (iv) that his level of financial investment is proportional to his interest in the business; and
- (v) that he has either a controlling or equal interest in the business and that any partnership or directorship does not amount to disguised employment; and
- (vi) that he is able to bear his share of any liability the business may incur; and
- (vii) that there is a genuine need for his investment and services in the Isle of Man; and
- (viii)
  - (a) that where he has established a new business, new full-time paid employment has been created in the business for at least 2 persons settled in the Isle of Man; or
  - (b) that where he has taken over or joined an existing business his services and investment have resulted in a net increase in the employment provided by the business to persons settled in the Isle of Man to the extent of creating at least 2 new full-time jobs; and
- (ix) that his share of the profits of the business is sufficient to maintain and accommodate him and any dependants without recourse to employment (other than his work for the business) or to public funds; and
- (x) that he does not and will not have to supplement his business activities by taking or seeking employment in the Isle of Man other than his work for the business; and
- (xi) that he has the permission of the Department of Trade and Industry under the Control of Employment Act 1975 (an Act of Tynwald) to take up self-employment.

206A. The requirements for an extension of stay as a person intending to establish himself in business in the Isle of Man for a person who has leave to enter or remain for work permit employment are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a work permit holder in accordance with paragraphs 128 to 133 of these Rules; and
- (ii) meets each of the requirements of paragraph 201 (i) – (x).

206B. The requirements for an extension of stay as a person intending to establish himself in business in the Isle of Man for a highly skilled migrant are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135F of these Rules; and
- (ii) meets each of the requirements of paragraph 201 (i) ? (x).

[206C Not Used]

206D. The requirements for an extension of stay as a person intending to establish himself in business in the Isle of Man for an innovator are that the applicant:

- (i) entered the United Kingdom or was given leave to remain in the United Kingdom as an innovator in accordance with the United Kingdom Immigration Rules; and
- (ii) meets each of the requirements of paragraph 201 (i) – (x).

206E. The requirements for an extension of stay as a person intending to establish himself in business in the Isle of Man for a student are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a student in accordance with paragraphs 57 to 62 of these Rules; and
- (ii) has obtained a degree qualification on a recognised degree course at either an Isle of Man or United Kingdom publicly funded further or higher education institution or a bona fide Isle of Man or United Kingdom private education institution which maintains satisfactory records of enrolment and attendance; and
- (iii) has the written consent of his official sponsor to such self employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (iv) meets each of the requirements of paragraph 201 (i) – (x).

206F. The requirements for an extension of stay as a person intending to establish himself in business in the Isle of Man for a working holidaymaker are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a working holidaymaker in accordance with paragraphs 95 to 100 of these Rules; and
- (ii) has spent more than 12 months in total in the Isle of Man in this capacity; and
- (iii) meets each of the requirements of paragraph 201 (i) - (x).

206G [NOT USED]

206H. The requirements for an extension of stay as a person intending to establish himself in business in the Isle of Man for a Postgraduate Doctor or Dentist are that the applicant:

- (i) entered the Isle of Man or was given leave to remain as a Postgraduate Doctor or Dentist in accordance with paragraphs 70 to 75 of these Rules; and
- (ii) has the written consent of his official sponsor to such self employment if he is a member of a government or international scholarship agency sponsorship and that sponsorship is either ongoing or has recently come to an end at the time of the requested extension; and
- (iii) meets each of the requirements of subparagraphs (i) to (x) of paragraph 201

#### **Extension of stay in order to remain in business**

207. An extension of stay in order to remain in business with a condition restricting his freedom to take employment may be granted for a period not exceeding 3 years provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 206, 206A, 206B, 206C, 206D, 206E or 206F is met.

#### **Refusal of extension of stay in order to remain in business**

208. An extension of stay in order to remain in business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 206, 206A, 206B, 206C, 206D, 206E or 206F is met.

#### **Indefinite leave to remain for a person admitted to establish himself in business**

209. Indefinite leave to remain may be granted, on application, to a person established in business provided he:

- (i) has spent a continuous period of 5 years in the Isle of Man in this capacity and is still engaged in the business in question; and
- (ii) has met the requirements of paragraph 206 throughout the 5 year period; and

- (iii) submits audited accounts for the first 4 years of trading and management accounts for the 5<sup>th</sup> year; and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

### **Refusal of indefinite leave to remain for a person established in business**

210. Indefinite leave to remain in the Isle of Man for a person established in business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 209 is met.

211 to 221 [DELETED]

### **Indefinite leave to remain for a person established in business under the provisions of an EC Association Agreement**

222. Indefinite leave to remain may be granted, on application, to a person established in business provided he –

- (i) is a national of Bulgaria or Romania; and
- (ii) entered the Isle of Man with a valid Isle of Man entry clearance as a person intending to establish himself in business under the provisions of an EC Association Agreement; and
- (iii) was granted an extension of stay before 1st January 2007 in order to remain in business under the provisions of the Agreement; and
- (iv) established himself in business in the Isle of Man, spent a continuous period of 5 years in the Isle of Man in this capacity and is still so engaged; and
- (v) met the requirements of paragraph 222A throughout the period of 5 years; and
- (vi) submits audited accounts for the first 4 years of trading and management accounts for the 5th year; and
- (vii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

222A. The requirements mentioned in paragraph 222(v) are that throughout the period of 5 years –

- (i) the applicant’s share of the profits of the business has been sufficient to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds; and



- (ii) he has not supplemented his business activities by taking or seeking employment in the Isle of Man (other than his work for the business); and
- (iii) he has satisfied the requirements in paragraph 222B or 222C.

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

- (i) the applicant has been actively involved in the promotion and management of the company; and
- (ii) he has had a controlling interest in the company; and
- (iii) the company was registered in the Isle of Man and has been trading or providing services in the Isle of Man; and
- (iv) the company owned the assets of the business.

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

- (i) the applicant has been actively involved in trading or providing services on his own account or in a partnership in the Isle of Man; and
- (ii) the applicant owned, or together with his partners owned, the assets of the business; and
- (iii) in the case of a partnership, the applicant's part in the business did not amount to disguised employment.”

### **Refusal of indefinite leave to remain for a person established in business under the provisions of an EC Association Agreement**

223. Indefinite leave to remain in the Isle of Man for a person established in business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 222 is met.

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

## **INVESTORS**

### **Requirements for leave to enter the Isle of Man as an investor**

224. The requirements to be met by a person seeking leave to enter the Isle of Man as an investor are that he:

- (i) (a) has money of his own under his control in the Isle of Man amounting to no less than £1 million; or

- (b) (A) owns personal assets which, taking into account any liabilities to which he is subject, have a value exceeding £2 million; and
- (B) has money under his control in the Isle of Man amounting to no less than £1 million, which may include money loaned to him provided that it was loaned by a financial institution licensed by the Financial Supervision Commission; and
- (ii) intends to invest not less than £750,000 of his capital in the Isle of Man by way of Isle of Man Government or local authority bonds, share capital or loan capital in active and trading Isle of Man registered companies (other than those principally engaged in property investment), or deposits for a fixed term of at least one year with banks, building societies or similar organisations established on the Isle of Man which are licensed by the Financial Supervision Commission to take deposits; and
- (iii) intends to make the Isle of Man his main home; and
- (iv) is able to maintain and accommodate himself and any dependants without taking employment (other than self-employment or business) or recourse to public funds; and
- (v) holds a valid Isle of Man entry clearance for entry in this capacity.

#### **Leave to enter as an investor**

225. A person seeking leave to enter the Isle of Man as an investor may be admitted for a period not exceeding 2 years with a restriction on his right to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

#### **Refusal of leave to enter as an investor**

226. Leave to enter as an investor is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

#### **Requirements for an extension of stay as an investor**

227. The requirements for an extension of stay as an investor are that the applicant:

- (i) entered the Isle of Man with a valid Isle of Man entry clearance as an investor; and
- (ii) (a) has money of his own under his control in the Isle of Man amounting to no less than £1 million; or
- (b) (A) owns personal assets which, taken into account any liabilities to which he is subject, have a value exceeding £2 million; and
- (B) has money under his control in the Isle of Man amounting to no less than £1 million, which may include money loaned to him

provided that it was loaned by a financial institution licensed by the Isle of Man Financial Supervision Commission; and

- (iii) has invested not less than £750,000 of his capital in the Isle of Man on the terms set out in paragraph 224 (ii) above and has maintained and intends to maintain that investment on the terms set out in paragraph 224 (ii); and
- (iv) has made the Isle of Man his main home; and
- (v) is able to maintain and accommodate himself and any dependants without taking employment (other than his self-employment or business) or recourse to public funds

227A. The requirements to be met for an extension of stay as an investor, for a person who has leave to enter or remain in the Isle of Man as a work permit holder are that the applicant:

- (i) entered the Isle of Man or was granted leave to remain as a work permit holder in accordance with paragraphs 128 to 133 of these Rules; and
- (ii) meets the requirements of paragraph 224 (i) - (iv).

227B. The requirements to be met for an extension of stay as an investor, for a person in the Isle of Man as a highly skilled migrant are that the applicant:

- (i) entered the Isle of Man or was granted leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135F of these Rules; and
- (ii) meets the requirements of paragraph 224 (i) - (iv).

227C. The requirements to be met for an extension of stay as an investor, for a person in the Isle of Man to establish themselves or remain in business are that the applicant:

- (i) entered the Isle of Man or was granted leave to remain as a person intending to establish themselves or remain in business in accordance with paragraphs 201 to 208 of these Rules; and
- (ii) meets the requirements of paragraph 224 (i) - (iv).

227D. The requirements to be met for an extension of stay as an investor, for a person in the United Kingdom as an innovator are that the applicant

- (i) entered the United Kingdom or was granted leave to remain in the United Kingdom as an innovator in accordance with the United Kingdom Immigration Rules; and
- (ii) meets the requirements of paragraph 224 (i) – (iv).

**Extension of stay as an investor**

228. An extension of stay as an investor, with a restriction on the taking of employment, maybe granted for a maximum period of 3 years, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 227, 227A, 227B, 227C or 227D is met

**Refusal of extension of stay as an investor**

229. An extension of stay as an investor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 227, 227A, 227B, 227C or 227D is met.

**Indefinite leave to remain for an investor**

230. Indefinite leave to remain may be granted, on application, to a person admitted as an investor provided he:

- (i) has spent a continuous period of 5 years in the Isle of Man in this capacity; and
- (ii) has met the requirements of paragraph 227 throughout the 5 year period including the requirement as to investment of £750,000 and continues to do so; and
- (iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

**Refusal of indefinite leave to remain for an investor**

231. Indefinite leave to remain in the Isle of Man for an investor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 230 is met.

**WRITERS, COMPOSERS AND ARTISTS****Requirements for leave to enter the Isle of Man as a writer, composer or artist**

232. The requirements to be met by a person seeking leave to enter the Isle of Man as a writer, composer or artist are that he:

- (i) has established himself outside the Isle of Man as a writer, composer or artist primarily engaged in producing original work which has been published (other than exclusively in newspapers or magazines), performed or exhibited for its literary, musical or artistic merit; and
- (ii) does not intend to do work except as related to his self-employment as a writer, composer or artist; and
- (iii) has for the preceding year been able to maintain and accommodate himself and any dependants from his own resources without working except as a writer, composer or artist; and

- (iv) will be able to maintain and accommodate himself and any dependants from his own resources without working except as a writer, composer or artist and without recourse to public funds; and
- (v) has the permission of the Department of Trade and Industry under the Control of Employment Act 1975 (an Act of Tynwald) to take up self-employment as a writer, composer or artist; and
- (vi) holds a valid Isle of Man entry clearance for entry in this capacity.

#### **Leave to enter as a writer, composer or artist**

233. A person seeking leave to enter the Isle of Man as a writer, composer or artist may be admitted for a period not exceeding 2 years, subject to a condition restricting his freedom to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

#### **Refusal of leave to enter as a writer, composer or artist**

234. Leave to enter as a writer, composer or artist is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

#### **Requirement for an extension of stay as a writer, composer or artist**

235. The requirements for an extension of stay as a writer, composer or artist are the applicant:

- (i) entered the Isle of Man with a valid Isle of Man entry clearance as a writer, composer or artist; and
- (ii) meets the requirements of paragraph 232 (ii)-(v).

#### **Extension of stay as a writer, composer or artist**

236. An extension of stay as a writer, composer or artist, may be granted for a period not exceeding 3 years with a restriction on his freedom to take employment, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 235 is met.

#### **Refusal of extension of stay as a writer, composer or artist**

237. An extension of stay as a writer, composer or artist is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 235 is met.

#### **Indefinite leave to remain for a writer, composer or artist**

238. Indefinite leave to remain may be granted, on application, to a person admitted as a writer, composer or artist provided he:

- (i) has spent a continuous period of 5 years in the Isle of Man in this capacity; and

- (ii) has met the requirements of paragraph 235 throughout the 5 year period; and
- (iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**Refusal of indefinite leave to remain for a writer, composer or artist**

239. Indefinite leave to remain for a writer, composer or artist is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 238 is met.

**SPOUSES OR CIVIL PARTNERS OF PERSONS WHO HAVE OR HAVE HAD LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 200-239**

**Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain under paragraphs 200-239**

240. The requirements to be met by a person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 are that:

- (i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his spouse or civil partner; and
- (vi) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239**

241. A person seeking limited leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 200-239 provided the Immigration Officer is satisfied that each of the requirements of paragraph 240 is met.

**Refusal of leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239**

242. Leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 240 is met.

**Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239**

242A. The requirements to be met by a person seeking an extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 are that the applicant:

- (i) is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239; or
- (ii) is married to or civil partner of a person who has limited leave to enter or remain in the Isle of Man under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain in the Isle of Man under paragraphs 200-239 immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 240(ii) – (v); and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239**

242B. An extension of stay in the Isle of Man as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain under paragraphs 200-239 may be granted for a period not in excess of that granted to the person with limited to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years,

in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242A is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239**

242C. An extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs 200 - 239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242A is met.

**Requirements for indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239**

242D. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200 – 239 are that the applicant:

- (i) is married to or civil partner of a person who has limited leave to enter or remain in the Isle of Man under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain under paragraphs 200 – 239 immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 240 (ii) to (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless the applicant is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239**

242E. Indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the Isle of Man under paragraphs 200 – 239 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242D is met.

**Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man under paragraphs 200-239**

242F. Indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had limited leave to enter or remain in the Isle of Man under paragraphs 200 – 239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242D is met.”



**CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN UNDER PARAGRAPHS 200-239**

**Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239**

243. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 are that:

- (i) he is the child of a parent who has leave to enter or remain in the Isle of Man under paragraphs 200-239; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried, is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can, and will be, maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the Isle of Man beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the Isle of Man save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Isle of Man undesirable and suitable arrangements have been made for his care; and
- (vii) if seeking leave to enter, he holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239**

244. A person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 may be admitted to or allowed to remain in the Isle of Man for the same period of leave as that granted to the person given limited leave to enter or remain under paragraphs 200-239 provided that, in relation to an application for leave to enter, he is able to produce to the

Immigration Officer on arrival, a valid Isle of Man entry clearance for entry in this capacity, or in the case of an application for limited leave to remain, he was admitted with a valid Isle of Man entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 243 (i)-(vi) is met. An application for indefinite leave to remain in this category may be granted provided that the applicant was admitted with a valid Isle of Man entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 243 (i)-(vi) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to remain under paragraphs 200-239.

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239**

245. Leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man under paragraphs 200-239 is to be refused if, in relation to an application for leave to enter, a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain in the Isle of Man, if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 243 (i)-(vi) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph (i)-(vi) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to remain under paragraphs 200-239.

**PART 7: OTHER CATEGORIES****PERSONS EXERCISING RIGHTS OF ACCESS TO A CHILD RESIDENT IN THE ISLE OF MAN****Requirements for leave to enter the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

246. The requirements to be met by a person seeking leave to enter the Isle of Man to exercise access rights to a child resident in the Isle of Man are that:

- (i) the applicant is the parent of a child who is resident in the Isle of Man ; and
- (ii) the parent or carer with whom the child permanently resides is resident in the Isle of Man; and
- (iii) the applicant produces evidence that he has access rights to the child in the form of:
  - (a) a Residence Order or a Contact Order granted by a Court in the Isle of Man; or
  - (b) a certificate issued by a Court in the Isle of Man confirming the applicant's intention to maintain contact with the child; and
- (iv) the applicant intends to continue to take an active role in the child's upbringing; and
- (v) the child is under the age of 18; and
- (vi) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and
- (vii) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds; and
- (viii) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

247. Leave to enter as a person exercising access rights to a child resident in the Isle of Man may be granted for 12 months in the first instance, provided that a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**Refusal of leave to enter the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

248. Leave to enter as a person exercising rights of access to a child resident in the Isle of Man is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**Requirements for leave to remain in the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

248A. The requirements to be met by a person seeking leave to remain in the Isle of Man to exercise access rights to a child resident in the Isle of Man are that:

- (i) the applicant is the parent of a child who is resident in the Isle of Man; and
- (ii) the parent or carer with whom the child permanently resides is resident in the Isle of Man; and
- (iii) the applicant produces evidence that he has access rights to the child in the form of:
  - (a) a Residence Order or a Contact Order granted by the Court in the Isle of Man; or
  - (b) a certificate issued by a Court in the Isle of Man confirming the applicant's intention to maintain contact with the child; or
  - (c) a statement from the child's other parent (or, if contact is supervised, from the supervisor) that the applicant is maintaining contact with the child; and
- (iv) the applicant takes and intends to continue to take an active role in the child's upbringing; and
- (v) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue; and
- (vi) the child is under the age of 18; and
- (vii) the applicant has limited leave to remain in the Isle of Man as the spouse, civil partner, unmarried partner or same-sex partner of a person present and settled in the Isle of Man who is other parent of the child; and
- (viii) the applicant has not remained in breach of the immigration laws; and
- (ix) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and
- (x) and the applicant will be able to maintain himself and any dependants adequately without recourse to public funds

**Leave to remain in the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

248B. Leave to remain as a person exercising access rights to a child resident in the Isle of Man may be granted for 12 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 248A is met.

**Refusal of leave to remain in the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

248C. Leave to remain as a person exercising rights of access to a child resident in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that the requirements of paragraph 248A is met.

**Indefinite leave to remain in the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

248D. The requirements for indefinite leave to remain in the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man are that:

- (i) the applicant was admitted to the Isle of Man or granted leave to remain in the Isle of Man for a period of 12 months as a person exercising rights of access to a child; and has completed a period of 12 months as a person exercising rights of access to a child in the Isle of Man; and
- (ii) the applicant takes and intends to continue to take an active role in the child's upbringing; and
- (iii) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue; and
- (iv) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and
- (v) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds; and
- (vi) the child is under 18 years of age; and
- (vii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**Indefinite leave to remain as a person exercising rights of access to a child resident in the Isle of Man**

248E. Indefinite leave to remain as a person exercising rights of access to a child may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 248D is met.

## **Refusal of indefinite leave to remain in the Isle of Man as a person exercising rights of access to a child resident in the Isle of Man**

248F. Indefinite leave to remain as a person exercising rights of access to a child is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 248D is met.

[249-254 Not Used]

## **EEA NATIONALS AND THEIR FAMILIES**

### **Settlement**

255. An EEA national (other than a student) and the family member of such a person, who has been issued with a residence permit or residence document valid for 5 years, and who has remained in the Isle of Man for 4 years and continues to do so may, on application, have his residence permit or residence document (as the case may be) endorsed to show permission to remain in the Isle of Man indefinitely.

256. A self employed EEA national who has a right to reside in the Isle of Man by virtue of having ceased such activity in the Isle of Man and the family member of such a person, will be permitted to remain in the Isle of Man indefinitely.

257. In addition, the following persons will be permitted to remain in the Isle of Man indefinitely:

- (i) an EEA national who has been continuously resident in the Isle of Man for at least 3 years, has been in employment in the Isle of Man or any Member State of the EEA for the preceding 12 months and has reached the age of entitlement to a state retirement pension;
- (ii) an EEA national who has ceased to be employed owing to a permanent incapacity for work arising out of an accident at work or an occupational disease entitling him to a state disability pension;
- (iii) an EEA national who has been continuously resident in the Isle of Man for at least 2 years, and who has ceased to be employed owing to a permanent incapacity for work;
- (iv) a member of the family of an EEA national to whom (i), (ii) or (iii) above applies;
- (v) a member of the family of an EEA national who dies during his working life after having resided continuously in the Isle of Man for at least 2 years, or whose death results from an accident at work or an occupational disease.

**The EEA family permit**

258. (i) An “EEA family permit” means an entry clearance issued, free of charge, to a family member who is not an EEA national and who is a visa national or a person who wishes to install himself in the Isle of Man with an EEA national who is a qualified person;
- (ii) In this Rule and in Rule 259 a “qualified person” means an EEA national who undertakes in the Isle of Man the activities of:
- (a) a worker;
  - (b) a self employed person;
  - (c) a provider of services;
  - (d) a recipient of services;
  - (e) a self-employed person who has ceased economic activity in the Isle of Man;
  - (f) a self-sufficient person;
  - (g) a retired person; or
  - (h) a student

**Requirement for the issue of an EEA family permit**

259. The requirement for the issue of an EEA family permit are that:
- (i) the applicant is the family member of an EEA national who is a qualified person; and
  - (ii) the applicant is not a person who falls to be excluded on grounds of public policy, public security or public health.

**Issue of an EEA family permit**

260. An application for an EEA family permit shall be granted provided the Entry Clearance Officer is satisfied that each of the requirements of paragraph 259 is met.

**Refusal for an application for an EEA family permit**

261. An application for an EEA family permit is to be refused if the Entry Clearance Officer is not satisfied that each of the requirements of paragraph 259 is met.

**RETIRED PERSONS OF INDEPENDENT MEANS****Requirements for leave to enter the Isle of Man as a retired person of independent means**

263. The requirements to be met by a person seeking leave to enter the Isle of Man as a retired person of independent means are that he:

- (i) is at least 60 years old; and

- (ii) has under his control and disposable in the Isle of Man an income of his own of not less than £50,000 per annum; and
- (iii) is able and is willing to maintain and accommodate himself and any dependants indefinitely in the Isle of Man from his own resources with no assistance from any other person and without taking employment or having recourse to public funds; and
- (iv) can demonstrate a close connection with the Isle of Man; and
- (v) intends to make the Isle of Man his main home; and
- (vi) holds a valid Isle of Man entry clearance for entry in this capacity.

### **Leave to enter as a retired person of independent means**

264. A person seeking leave to enter the Isle of Man as a retired person of independent means may be admitted, subject to a condition prohibiting employment, for a period not exceeding 5 years, provided he is able to produce to the Immigration Officer, on arrival, a valid Isle of Man entry clearance for entry in this capacity.

### **Refusal of leave to enter as a retired person of independent means**

265. Leave to enter as a retired person of independent means is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay as a retired person of independent means**

266. The requirements for an extension of stay as a retired person of independent means are that the applicant:

- (i) entered the Isle of Man with a valid Isle of Man entry clearance as a retired person of independent means; and
- (ii) meets the requirements of paragraph 263 (ii)-(iv); and
- (iii) has made the Isle of Man his main home.

266A. The requirement for an extension of stay as a retired person of independent means for a person in the Isle of Man as a work permit holder are that the applicant:

- (i) entered the Isle of Man or was granted leave to remain as a work permit holder in accordance with paragraphs 128 to 133 of these Rules; and
- (ii) meets the requirements of paragraph 263 (i) - (v).

266B. The requirements for an extension of stay as a retired person of independent means for a period in the Isle of Man as a highly skilled migrant are that the applicant:



- (i) entered the Isle of Man or was granted leave to remain as a highly skilled migrant in accordance with paragraphs 135A to 135F of these Rules; and
- (ii) meets the requirements of paragraph 263 (i) - (v).

266C. The requirements for an extension of stay as a retired person of independent means for a person in the Isle of Man to establish themselves or remain in business are that the applicant:

- (i) entered the Isle of Man or was granted leave to remain as a person intending to establish themselves or remain in business in accordance with paragraphs 201 to 208 of these Rules; and
- (ii) meets the requirements of paragraph 263 (i) - (v).

266D. The requirements for an extension of stay as a retired person of independent means for a person in the United Kingdom as an innovator are that the applicant:

- (i) entered the United Kingdom or was granted leave to remain as an innovator in accordance with paragraphs 210A to 210F of the United Kingdom Immigration Rules; and
- (ii) meets the requirements of paragraph 263 (i) - (v).

#### **Extension of stay as a retired person of independent means**

267. An extension of stay as a retired person of independent means, with a prohibition on the taking of employment, may be granted so as to bring the person's stay in this category up to a maximum of 5 years in aggregate, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 266 is met. An extension of stay as a retired person of independent means, with a prohibition on the taking of employment, may be granted for a maximum period of 5 years, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 266A, 266B, 266C or 266D is met.

#### **Refusal of extension of stay as a retired person of independent means**

268. An extension of stay as a retired person of independent means is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 266, 266A, 266B, 266C or 266D is met.

#### **Indefinite leave to remain for a retired person of independent means**

269. Indefinite leave to remain may be granted, on application, to a person admitted as a retired person of independent means provided he:

- (i) has spent a continuous period of 5 years in the Isle of Man in this capacity; and
- (ii) has met the requirements of paragraph 266 throughout the 5 year period and continues to do so.

### **Refusal of indefinite leave to remain for a retired person of independent means**

270. Indefinite leave to remain in the Isle of Man for a retired person of independent means is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 269 is met.

### **SPOUSES OR CIVIL PARTNERS OF PERSONS WHO HAVE OR HAVE HAD LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN AS RETIRED PERSONS OF INDEPENDENT MEANS**

#### **Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means**

271. The requirements to be met by a person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means are that:

- (i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partners during the applicant's stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his spouse or civil partner; and
- (vi) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

#### **Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means**

272. A person seeking leave to enter the Isle of Man as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means, provided the Immigration Officer is satisfied that each of the requirements of paragraph 271 is met.

**Refusal of leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means**

273. Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 271 is met.

**Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means**

273A. The requirements to be met by a person seeking an extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means are that the applicant:

- (i) is married to or the civil partner of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means; or
- (ii) is married to or the civil partner of a person who has limited leave to enter or remain in the Isle of Man as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or the civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 271 (ii) – (v); and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means**

273B. An extension of stay in the Isle of Man as:

- (i) the spouse or civil partner of a person who has limited leave to enter or remain as a retired person of independent means may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years,

in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 273A is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means**

273C. An extension of stay in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 273A is met.

**Requirements for indefinite leave to remain for the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means**

273D. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means are that the applicant:

- (i) is married to or the civil partner of a person who has limited leave to enter or remain in the Isle of Man as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or the civil partner of a person who has indefinite leave to remain in the Isle of Man and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 271 (ii) – (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means**

273E. Indefinite leave to remain in the Isle of Man for the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 273D is met.

**Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of independent means**

273F. Indefinite leave to remain in the Isle of Man for the spouse or civil partner of a person who has or has had leave to enter or remain in the Isle of Man as a retired person of

independent means is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 273D is met.”

**CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN AS RETIRED PERSONS OF INDEPENDENT MEANS**

**Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means**

274. The requirements to be met by a person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means are that:

- (i) he is the child of a parent who has been admitted to or allowed to remain in the Isle of Man as a retired person of independent means; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried, is not a civil partner, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can, and will be, maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) will not stay in the Isle of Man beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the Isle of Man save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Isle of Man undesirable and suitable arrangements have been made for his care; and
- (vii) if seeking leave to enter, he holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means**

275. A person seeking leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent

means may be given leave to enter or remain in the Isle of Man for a period not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer on arrival, a valid Isle of Man entry clearance for entry in this capacity, or in the case of an application for limited leave to remain, he was admitted with a valid Isle of Man entry clearance for entry in this category and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 274 (i)-(vii) is met. An application for indefinite leave to remain in this capacity may be granted provided the applicant was admitted with a valid Isle of Man entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 274 (i)-(vii) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means. Leave to enter or remain is to be subject to a condition prohibiting employment except in relation to the grant of indefinite leave to remain.

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means**

276. Leave to enter or remain in the Isle of Man as the child of a person with limited leave to enter or remain in the Isle of Man as a retired person of independent means is to be refused if, in relation to an application for leave to enter, a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival, or in the case of an application for limited leave to remain, if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 274 (i)-(vii) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid Isle of Man entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 274 (i)-(vii) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means.

**Long residence**

**Long residence in the Isle of Man**

276A. For the purposes of paragraphs 276B to 276E:

- (a) “continuous residence” means residence in the Isle of Man for an unbroken period, and for these purposes a period shall not be considered to have been broken where an applicant is absent from the Isle of Man for a period of 6 months or less at any one time, provided that the applicant in question has existing limited leave to enter or remain upon their departure and return, but shall be considered to have been broken if the applicant:
  - (i) has been removed under Schedule 2 of the 1971 Act, has been deported or has left the Isle of Man having been refused leave to enter or remain here; or
  - (ii) has left the Isle of Man and, on doing so, evidenced a clear intention not to return; or

- (iii) left the Isle of Man in circumstances in which he could have had no reasonable expectation at the time of leaving that he would lawfully be able to return; or
  - (iv) has been convicted of an offence and was sentenced to a period of imprisonment or was directed to be detained in an institution other than a prison (including, in particular, a hospital or an institution for young offenders), provided that the sentence in question was not a suspended sentence; or
  - (v) has spent a total of more than 18 months absent from the Isle of Man during the period in question.
- (b) “lawful residence” means residence which is continuous residence pursuant to:
- (i) existing leave to enter or remain; or
  - (ii) temporary admission within section 11 of the 1971 Act where leave to enter or remain is subsequently granted; or
  - (iii) an exemption from immigration control, including where an exemption ceases to apply if it is immediately followed by a grant of leave to enter or remain.

### **Requirements for an extension of stay on the ground of long residence in the Isle of Man**

276A1. The requirement to be met by a person seeking an extension of stay on the ground of long residence in the Isle of Man is that the applicant meets all the requirements in paragraph 276B of these rules, except the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands contained in paragraph 276B (iii).

### **Extension of stay on the ground of long residence in the Isle of Man**

276A2. An extension of stay on the ground of long residence in the Isle of Man may be granted for a period not exceeding 2 years provided that the Lieutenant Governor is satisfied that the requirement in paragraph 276A1 is met.

### **Conditions to be attached to extension of stay on the ground of long residence in the Isle of Man**

276A3. Where an extension of stay is granted under paragraph 276A2:

- (i) if the applicant has spent less than 14 years in the Isle of Man, the grant of leave should be subject to the same conditions attached to his last period of lawful leave, or
- (ii) if the applicant has spent 14 years or more in the Isle of Man, the grant of leave should not contain any restriction on employment.

### **Refusal of extension of stay on the ground of long residence in the Isle of Man**

276A4. An extension of stay on the ground of long residence in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that the requirement in paragraph 276A1 is met.”

### **Requirements for indefinite leave to remain on the ground of long residence in the Isle of Man**

276B. The requirements to be met by an applicant for indefinite leave to remain on the ground of long residence in the Isle of Man are that:

- (i) (a) he has had at least 10 years continuous lawful residence in the Isle of Man; or
- (b) he has had at least 14 years continuous residence in the Isle of Man, excluding any period spent in the Isle of Man following service of notice of liability to removal or notice of a decision to remove by way of directions under paragraphs 8 to 10, or 12 to 14, of Schedule 2 to the Immigration Act 1971 or of a notice of intention to deport him from the Isle of Man, United Kingdom or Channel Islands; and
- (ii) having regard to the public interest there are no reasons why it would be undesirable for him to be given indefinite leave to remain on the ground of long residence, taking into account his:
  - (a) age; and
  - (b) strength of connections in the Isle of Man; and
  - (c) personal history, including character, conduct, associations and employment record; and
  - (d) domestic circumstances; and
  - (e) previous criminal record and the nature of any offence of which the person has been convicted; and
  - (f) compassionate circumstances; and
  - (g) any representations received on the person’s behalf, and
- (iii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.



**Indefinite leave to remain on the ground of long residence in the Isle of Man**

276C. Indefinite leave to remain on the ground of long residence in the Isle of Man may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 276B is met.

**Refusal of indefinite leave to remain on the ground of long residence in the Isle of Man**

276D. Indefinite leave to remain on the ground of long residence in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276B is met.

**PART 8: FAMILY MEMBERS****SPOUSES AND CIVIL PARTNERS**

277. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a spouse or civil partner of another if either the applicant or the sponsor will be aged under 18 on the date of arrival in the Isle of Man or (as the case may be) on the date on which the leave to remain or variation of leave would be granted.

278. Nothing in these Rules shall be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the spouse or civil partner of a man or woman (the sponsor) if:

- (i) his or her marriage or civil partnership to the sponsor is polygamous; and
- (ii) there is another person living who is the husband or wife of the sponsor and who:
  - (a) is, or at any time since his or her marriage or civil partnership to the sponsor has been, in the Isle of Man; or
  - (b) has been granted a certificate of entitlement in respect of the right of abode mentioned in Section 2(1)(a) of the Immigration Act 1988 or an entry clearance to enter the Isle of Man as the husband or wife of the sponsor.

For the purpose of this paragraph a marriage may be polygamous although at its inception neither party had any other spouse or civil partner.

279. Paragraph 278 does not apply to any person who seeks entry clearance, leave to enter, leave to remain or variation of leave where:

- (i) he or she has been in the Isle of Man before 1 August 1988 having been admitted for the purpose of settlement as the husband or wife of the sponsor ;  
or
- (ii) he or she has, since her marriage or civil partnership to the sponsor , been in the Isle of Man at any time when there was no such other spouse or civil partner living as is mentioned in paragraph 278 (ii).

but where a person claims that paragraph 278 does not apply to them because they have been in the Isle of Man in circumstances which cause them to fall within sub-paragraph (i) or (ii) of that paragraph it shall be for them to prove that fact.

280. For the purposes of paragraphs 278 and 279 the presence of any wife or husband in the Isle of Man in any of the following circumstances shall be disregarded:

- (i) as a visitor; or
- (ii) as an illegal entrant; or

- (iii) in circumstances whereby a person is deemed by virtue of Section 11 (1) of the Immigration Act 1971 not to have entered the Isle of Man.

**SPOUSES OR CIVIL PARTNERS OF PERSONS PRESENT AND SETTLED IN THE ISLE OF MAN OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

**Requirements for leave to enter the Isle of Man with a view to settlement as the spouse or civil partner of a person present and settled in the Isle of Man or being admitted on the same occasion for settlement**

281. The requirements to be met by a person seeking leave to enter the Isle of Man with a view to settlement as the spouse or civil partner of a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement are that:

- (i) (a) the applicant is married to, or the civil partner of, a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement; or
  - (b)(i) the applicant is married to or the civil partner of a person who has a right of abode in the Isle of Man or indefinite leave to enter or remain in the Isle of Man and is on the same occasion seeking admission to the Isle of Man for the purposes of settlement and the parties were married or formed a civil partnership at least 4 years ago, since which time they have been living together outside the Isle of Man; and
  - (b)(ii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and”
- (ii) the parties to the marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

For the purposes of this paragraph and paragraphs 282-289 a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department

for International Development who is a British Citizen or is settled in the Isle of Man, is to be regarded as present and settled in the Isle of Man.

**Leave to enter as the spouse or civil partner of a person present and settled in the Isle of Man or being admitted for settlement on the same occasion**

282. A person seeking leave to enter the Isle of Man as the spouse or civil partner of a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement may:

- (a) in the case of a person within paragraph 281(i)(a), be admitted for an initial period not exceeding 2 years, or
- (b) in the case of a person who meets both of the requirements in paragraph 281(i)(b), be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph 281(i)(b)(i), but not the requirement in paragraph 281(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom and Islands, be admitted for an initial period not exceeding 2 years,

in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 281 is met.

**Refusal of leave to enter as the spouse or civil partner of a person present and settled in the Isle of Man or being admitted on the same occasion for settlement**

283. Leave to enter the Isle of Man as the spouse or civil partner of a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 281 is met.

**Requirements for an extension of stay as the spouse or civil partner of a person present and settled in the Isle of Man**

284. The requirements for an extension of stay as the spouse or civil partner of a person present and settled in the Isle of Man are that :

- (i) the applicant must have valid leave to enter or remain in the Isle of Man as follows:
  - (a) he must have been granted over 6 months leave to enter or remain on this occasion; and
  - (b) have at least 3 months of this leave remaining at the time of making the application;

unless the leave in question is limited leave to remain granted as a fiancé; and

- (ii) is married to, or the civil partner of, a person present and settled in the Isle of Man; and

- (iii) the parties to the marriage or civil partnership have met; and
- (iv) the applicant has not remained in breach of the immigration laws; and
- (v) the marriage or civil partnership has not taken place after a decision has been made to deport the applicant or he has been recommended for deportation or been given notice under Section 6(2) of the Immigration Act 1971; and
- (vii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and
- (viii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (ix) the parties will be able to maintain themselves and any further dependants adequately without recourse to public funds.

#### **Extension of stay as the spouse or civil partner of a person present and settled in the Isle of Man**

285. An extension of stay as the spouse or civil partner of a person present and settled in the Isle of Man may be granted for a period of 2 years in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 284 is met.

#### **Refusal of extension of stay as the spouse or civil partner of a person present and settled in the Isle of Man**

286. An extension of stay as the spouse or civil partner of a person present and settled in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 284 is met.

#### **Requirements for indefinite leave to remain as the spouse or civil partner of a person present and settled in the Isle of Man**

287. (a) The requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in the Isle of Man are that:
- (i) (A) the applicant was admitted to the Isle of Man or given an extension of stay for a period of 2 years in accordance with paragraphs 281 to 286 of these Rules and has completed a period of 2 years as the spouse or civil partner of a person present and settled in the Isle of Man; or
  - (B) the applicant was admitted to the Isle of Man or given an extension of stay for a period of 2 years in accordance with paragraphs 95AA to 295F of these Rules and during that 2 year period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 2 years as the unmarried or

same sex partner and then the spouse of a person present and settled in the Isle of Man; or

- (C) was admitted to the Isle of Man in accordance with leave granted under paragraph 282(c) of these rules, and
  - (ii) the applicant is still the spouse or civil partner of the person he or she was admitted or granted an extension of stay to join and the marriage or civil partnership is subsisting; and
  - (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner; and
  - (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
  - (v) the parties will be able to maintain themselves and any dependants without recourse to public funds; and
  - (vi) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.
- (b) The requirements for indefinite leave to remain for the bereaved spouse or civil partner of a person present and settled in the Isle of Man are that:
  - (i) (a) the applicant was admitted to the Isle of Man or given an extension of stay for a period of 2 years as the spouse or civil partner of a person present and settled in the Isle of Man in accordance with paragraphs 281 to 286 of these Rules; or
    - (b) the applicant was admitted to the Isle of Man or given an extension of stay for a period of 2 years as the unmarried or same sex partner of a person present and settled in the Isle of Man in accordance with paragraphs 295AA to 295F of these Rules and during that 2 year period married or formed a civil partnership with the person whom he or she was admitted or granted an extension of stay to join; and
  - (ii) the person whom the applicant was admitted or granted an extension of stay to join died during that 2 year period; and
  - (iii) the applicant was still the spouse or civil partner of the person he or she was admitted or granted an extension of stay to join at the time of death; and
  - (iv) each of the parties intended to live permanently with the other as his or her spouse and the marriage was subsisting at the time of death.

### **Indefinite leave to remain for the spouse or civil partner of a person present and settled in the Isle of Man**

288. Indefinite leave to remain as the spouse or civil partner of a person present and settled in the Isle of Man may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 287 is met.

### **Refusal of indefinite leave to remain for the spouse or civil partner of a person present and settled in the Isle of Man**

289. Indefinite leave to remain for the spouse or civil partner of a person present and settled in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 287 is met.

### **Requirements for indefinite leave to remain in the Isle of Man as the victim of domestic violence**

289A. The requirements to be met by a person who is the victim of domestic violence and who is seeking indefinite leave to remain in the Isle of Man are that the applicant:

- (i) was admitted to the Isle of Man or given an extension of stay for a period of 2 years as the spouse or civil partner of a person present and settled here; or
- (ii) was admitted to the Isle of Man or given an extension of stay for a period of 2 years as the unmarried or same sex partner of a person present and settled here; and
- (iii) the relationship with their spouse, civil partner, unmarried partner or same-sex partner, as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in (i) or (ii) above; and
- (iv) is able to produce such evidence as may be required by the Lieutenant Governor to establish that the relationship was caused to permanently break down before the end of that period as a result of domestic violence.

### **Indefinite leave to remain as the victim of domestic violence**

289B. Indefinite leave to remain as the victim of domestic violence may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 289A is met.

### **Refusal of indefinite leave to remain as the victim of domestic violence**

289C. Indefinite leave to remain as the victim of domestic violence is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 289A is met.

### **FIANCÉ(E)S AND PROPOSED CIVIL PARTNERS**

289AA. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as a fiancé(e) or proposed civil partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the

Isle of Man or (as the case may be) on the date on which the leave to enter or variation on leave would be granted.

**Requirements for leave to enter the Isle of Man as a fiancé(e) or proposed civil partner (ie with a view to marriage and permanent settlement in the Isle of Man)**

290. The requirements to be met by a person seeking leave to enter the Isle of Man as a fiancé(e) or proposed civil partner are that:

- (i) the applicant is seeking leave to enter the Isle of Man for marriage or civil partnership to a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the proposed marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner after the marriage or civil partnership; and
- (iv) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage or civil partnership; and
- (v) there will, after the marriage or civil partnership, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (vi) the parties will be able after the marriage or civil partnership to maintain themselves and any dependants adequately without recourse to public funds; and
- (vii) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

290A. For the purposes of paragraph 290 and paragraphs 291-295, an EEA national who, under the Immigration (European Economic Area) Order 1994, has been issued with a residence permit valid for 5 years is to be regarded as present and settled in the Isle of Man even if that EEA national has not been granted permission to remain in the Isle of Man indefinitely.

**Leave to enter as a fiancé(e) or proposed civil partner**

291. A person seeking leave to enter the Isle of Man as a fiancé(e) or proposed civil partner may be admitted, with a prohibition on employment, for a period not exceeding 6 months to enable the marriage or civil partnership to take place provided a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**Refusal of leave to enter as a fiancé(e) or proposed civil partner**

292. Leave to enter the Isle of Man as a fiancé(e) or proposed civil partner is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.



**Requirements for an extension of stay as a fiancé(e) or proposed civil partner**

293. The requirements for an extension of stay as fiancé(e) or proposed civil partner are that:

- (i) the applicant was admitted to the Isle of Man with a valid Isle of Man entry clearance as a fiancé(e) or proposed civil partner; and
- (ii) good cause is shown why the marriage or civil partnership did not take place within the initial period of leave granted under paragraph 291; and
- (iii) there is satisfactory evidence that the marriage or civil partnership will take place at an early date; and
- (iv) the requirements of paragraph 290 (ii)-(vi) are met.

**Extension of stay as a fiancé(e) or proposed civil partner**

294. An extension of stay as a fiancé(e) or proposed civil partner may be granted for an appropriate period with a prohibition on employment to enable the marriage or civil partnership to take place provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 293 is met.

**Refusal of extension of stay as a fiancé(e) or proposed civil partner**

295. An extension of stay is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 293 is met.

**LEAVE TO ENTER AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE ISLE OF MAN OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

295AA. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as an unmarried partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the Isle of Man or (as the case maybe) on the date on which the leave to enter or variation of leave would be granted.

**Requirements for leave to enter the Isle of Man with a view to settlement as the unmarried partner of a person present and settled in the Isle of Man or being admitted on the same occasion for settlement**

295A. The requirements to be met by a person seeking leave to enter the Isle of Man with a view to settlement as the unmarried partner of a person present and settled in the Isle of Man or being admitted on the same occasion for settlement, are that:

- (i) (a) the applicant is the unmarried partner of a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement and the parties have been living together in a relationship akin to marriage which has subsisted for two years or more; or
- (b)(i) the applicant is the unmarried or same-sex partner of a person

who has a right of abode in the Isle of Man or indefinite leave to enter or remain in the Isle of Man and is on the same occasion seeking admission to the Isle of Man for the purposes of settlement and the parties have been living together outside the Isle of Man in a relationship akin to marriage which has subsisted for 4 years or more; and

- (ii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and
- (iii) the parties are not involved in a consanguineous relationship with one another; and;
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the parties intend to live together permanently; and
- (vii) the applicant holds a valid Isle of Man entry clearance for entry in this capacity.

For the purposes of this paragraph and paragraphs 295B-295I, a member of HM Forces serving overseas or a permanent member of HM Diplomatic Service or a comparable UK-based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British Citizen or is settled in the Isle of Man, is to be regarded as present and settled in the Isle of Man.

**Leave to enter the Isle of Man with a view to settlement as the unmarried partner of a person present and settled in the Isle of Man or being admitted on the same occasion for settlement**

295B A person seeking leave to enter the Isle of Man as the unmarried or same-sex partner of a person present and settled in the Isle of Man or who is on the same occasion being admitted for settlement may:

- (a) in the case of a person within paragraph 295A(i)(a), be admitted for an initial period not exceeding 2 years, or
- (b) in the case of a person who meets both of the requirements in paragraph 295A(i)(b), be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph 295A(i)(b)(i), but not

the requirement in paragraph 295A(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom and Islands, be admitted for an initial period not exceeding 2 years,

in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 295A is met.”

**Refusal of leave to enter the Isle of Man with a view to settlement as the unmarried partner of a person present and settled in the Isle of Man or being admitted on the same occasion for settlement**

295C. Leave to enter the Isle of Man with a view to settlement as the unmarried partner of a person present and settled in the Isle of Man or being admitted on the same occasion for settlement, is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 295A is met..

**LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE ISLE OF MAN**

**Requirements for leave to remain as the unmarried partner of a person present and settled in the Isle of Man**

295D. The requirements to be met by a person seeking leave to remain as the unmarried partner of a person present and settled in the Isle of Man are that:

- (i) the applicant has limited leave to remain in the Isle of Man which was given in accordance with any of the provisions of these Rules; and
- (ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and
- (iii) the applicant is the unmarried partner of a person present and settled in the Isle of Man; and
- (iv) the applicant has not remained in breach of the immigration laws; and
- (v) the parties have been living together in a relationship akin to marriage which has subsisted for two years or more; and
- (vi) the parties’ relationship pre-dates any decision to deport the applicant, recommend him for deportation, give him notice under Section 6(2) of the Immigration Act 1971; and
- (vii) the parties are not involved in a consanguineous relationship with one another, and;
- (viii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

- (ix) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (x) the parties intend to live together permanently.

**Leave to remain as the unmarried partner of a person present and settled in the Isle of Man**

295E. Leave to remain as the unmarried partner of a person present and settled in the Isle of Man may be granted for a period of 2 years in the first instance provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 295D are met.

**Refusal of leave to remain as the unmarried partner of a person present and settled in the Isle of Man**

295F. Leave to remain as the unmarried partner of a person present and settled in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 295D is met.

**INDEFINITE LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE ISLE OF MAN**

**Requirements for indefinite leave to remain as the unmarried partner of a person present and settled in the Isle of Man**

295G. The requirements to be met by a person seeking indefinite leave to remain as the unmarried partner of a person present and settled in the Isle of Man are that:

- (i) the applicant was admitted to the Isle of Man or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules and has completed a period of 2 years as the unmarried partner of a person present and settled here; or
  - (i)(a) was admitted to the Isle of Man in accordance with leave granted under paragraph 295B(c) of these rules; and
  - (ii) the applicant is still the unmarried partner of the person he was admitted or granted an extension of stay to join and the relationship is still subsisting; and
  - (iii) each of the parties intends to live permanently with the other as his partner; and
  - (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
  - (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

- (vi) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Islands, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**Indefinite leave to remain as the unmarried partner of a person present and settled in the Isle of Man**

295H. Indefinite leave to remain as the unmarried partner of a person present and settled in the Isle of Man may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 295G is met.

**Refusal of indefinite leave to remain as the unmarried partner of a person present and settled in the Isle of Man**

295I. Indefinite leave to remain as the unmarried partner of a person present and settled in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 295G is met.

**LEAVE TO ENTER OR REMAIN AS THE UNMARRIED PARTNER OF A PERSON WITH LIMITED LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN UNDER PARAGRAPHS 128-193; 200-239; OR 263-270**

**Requirements for leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270**

295J. The requirements to be met by a person seeking leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; are that:

- (i) the applicant is the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; and
- (ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and
- (iii) the parties are not involved in a consanguineous relationship with one another; and
- (iv) the parties have been living together in a relationship akin to marriage which has subsisted for 2 years or more; and
- (v) each of the parties intends to live with the other as his partner during the applicant's stay; and
- (vi) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

- (vii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (viii) the applicant does not intend to stay in the Isle of Man beyond any period of leave granted to his partner; and
- (xi) if seeking leave to enter, the applicant holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270**

295K. Leave to enter as the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; may be granted provided that a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Leave to remain as the unmarried partner of a person with

limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 295J is met.

**Refusal of leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270**

295L. Leave to enter as the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Leave to remain as the unmarried partner of a person with limited leave to enter or remain in the Isle of Man under paragraphs 128-193; 200-239; or 263-270; is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 259J is met.

**INDEFINITE LEAVE TO REMAIN FOR THE BEREAVED UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE ISLE OF MAN**

**Requirements for indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Isle of Man**

295M. The requirements to be met by a person seeking indefinite leave to remain as the bereaved unmarried partner of a person present and settled in the Isle of Man, are that:

- (i) the applicant was admitted to the Isle of Man or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules as the unmarried partner of the person present and settled in the Isle of Man; and
- (ii) the person whom the applicant was admitted or granted an extension of stay to join died during that 2 year period; and

- (iii) the applicant was still the unmarried partner of the person he was admitted or granted an extension of stay to join at the time of the death; and
- (iv) each of the parties intended to live permanently with the other as his partner and the relationship was subsisting at the time of death.

**Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Isle of Man**

295N. Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Isle of Man, may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 295M is met.

**Refusal of indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Isle of Man**

295O. Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Isle of Man is to be refused if the Isle of Man is not satisfied that each of the requirements of paragraph 295M is met.

**CHILDREN**

296. Nothing in these Rules shall be construed as permitting a child to be granted entry clearance, leave to enter or remain or variation of leave where his parent is party to a polygamous marriage and any application by that parent for admission or leave to remain for settlement or with a view to settlement would be refused pursuant to paragraph 278 or 278A.

**LEAVE TO ENTER OR REMAIN IN THE ISLE OF MAN AS THE CHILD OF A PARENT, PARENTS OR A RELATIVE PRESENT AND SETTLED OR BEING ADMITTED FOR SETTLEMENT IN THE ISLE OF MAN**

**Requirements for indefinite leave to enter the Isle of Man as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Isle of Man**

297. The requirements to be met by a person seeking indefinite leave to enter in the Isle of Man as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Isle of Man are that he:

- (i) is seeking leave to enter to accompany or join a parent, parents or a relative in one of the following circumstances:
  - (a) both parents are present and settled in the Isle of Man; or
  - (b) both parents are being admitted on the same occasion for settlement; or
  - (c) one parent is present and settled in the Isle of Man and the other being admitted on the same occasion for settlement; or
  - (d) one parent is present and settled in the Isle of Man or being admitted on the same occasion for settlement and the other parent is dead; or

- (e) one parent is present and settled in the Isle of Man or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or
  - (f) one parent or a relative is present and settled in the Isle of Man or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) is under the age of 18; and
  - (iii) is not leading an independent life, is unmarried, has not formed a civil partnership and has not formed an independent family unit; and
  - (iv) can, and will, be accommodated adequately by the parent, parents or relative the child is seeking to join without recourse to public funds in accommodation which the parent, parents or relative the child is seeking to join, own or occupy exclusively; and
  - (v) can, and will, be maintained adequately by the parent, parents or relative the child is seeking to join, without recourse to public funds; and
  - (vi) holds a valid Isle of Man entry clearance for entry in this capacity.

**Requirements for indefinite leave to remain in the Isle of Man as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Isle of Man**

298. The requirements to be met by a person seeking indefinite leave to remain in the Isle of Man as the child of a parent, parents or a relative present and settled in the Isle of Man are that he:

- (i) is seeking to remain with a parent, parents or a relative in one of the following circumstances:
  - (a) both parents are present and settled in the Isle of Man; or
  - (b) one parent is present and settled in the Isle of Man and the other parent is dead; or
  - (c) one parent is present and settled in the Isle of Man and has sole responsibility for the child's upbringing; or
  - (d) one parent or a relative is present and settled in the Isle of Man and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) has limited leave to enter or remain in the Isle of Man, and



- (a) is under the age of 18; or
- (b) was given leave to enter or remain with a view to settlement under paragraph 302; and
- (iii) is not leading an independent life, is unmarried, has not formed a civil partnership and has not formed an independent family unit; and
- (iv) can, and will, be accommodated adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds in accommodation which the parent, parents or relative the child was admitted to join, own or occupy exclusively; and
- (v) can, and will, be maintained adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds.

**Indefinite leave to enter or remain in the Isle of Man as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Isle of Man**

299. Indefinite leave to enter the Isle of Man as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Isle of Man may be granted provided a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer upon arrival. Indefinite leave to remain in the Isle of Man as the child of a parent, parents or relative present and settled in the Isle of Man may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 298 is met.

**Refusal of indefinite leave to enter or remain in the Isle of Man as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Isle of Man**

300. Indefinite leave to enter the Isle of Man as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Isle of Man is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Isle of Man as the child of a parent, parents or a relative present and settled in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 298 is met.

**Requirements for limited leave to enter or remain in the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement**

301. The requirements to be met by a person seeking limited leave to enter or remain in the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement are that he:

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances:
  - (a) one parent is present and settled in the Isle of Man or being admitted on the same occasion for settlement and the other parent is being or has

been given limited leave to enter or remain in the Isle of Man with a view to settlement; or

- (b) one parent is being or has been given limited leave to enter or remain in the Isle of Man with a view to settlement and has had sole responsibility for the child's upbringing; or
  - (c) one parent is being or has been given limited leave to enter or remain in the Isle of Man with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) is under the age of 18; and
  - (iii) is not leading an independent life, is unmarried, has not formed a civil partnership and has not formed an independent family unit; and
  - (iv) can, and will, be accommodated adequately without recourse to public funds in accommodation which the parent or parents own or occupy exclusively; and
  - (iva) can, and will, be maintained adequately by the parent or parents without recourse to public funds; and
  - (v) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the Isle of Man; and
  - (vi) if seeking leave to enter, holds a valid Isle of Man entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid Isle of Man entry clearance for entry in this capacity.

**Limited leave to enter or remain in the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain the Isle of Man with a view to settlement**

302. A person seeking limited leave to enter the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid Isle of Man entry clearance for entry in this capacity. A person seeking limited leave to remain in the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement may be given limited leave to remain for a period not exceeding 24 months provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 301 (i)-(vi) is met.

**Refusal of limited leave to enter or remain in the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement**

303. Limited leave to enter the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement

is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the Isle of Man with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 301 (i)-(vi) is met.

**LEAVE TO ENTER AND EXTENSION OF STAY IN THE ISLE OF MAN AS THE CHILD OF A PARENT WHO IS BEING, OR HAS BEEN ADMITTED TO THE ISLE OF MAN AS A FIANCÉ(E) OR PROPOSED CIVIL PARTNER**

**Requirements for limited leave to enter the Isle of Man as the child of a fiancé(e) or proposed civil partner**

303A. The requirements to be met by a person seeking limited leave to enter the Isle of Man as the child of a fiancé(e) or proposed civil partner, are that:

- (i) he is seeking to accompany or join a parent who is, on the same occasion that the child seeks admission, being admitted as a fiancé(e) or proposed civil partner, or who has been admitted as a fiancé(e) or proposed civil partner; and
- (ii) he is under the age of 18; and
- (iii) he is not leading an independent life, is unmarried and is not a civil partner, and has not formed an independent family unit; and
- (iv) he can, and will, be maintained and accommodated adequately without recourse to public funds with the parent admitted or being admitted as a fiancé(e); and
- (v) there are serious and compelling family or other considerations which make the child's exclusion undesirable, that suitable arrangements have been made for his care in the Isle of Man, and there is no other person outside the Isle of Man who could reasonably be expected to care for him; and
- (vi) he holds a valid Isle of Man entry clearance for entry in this capacity.

**Limited leave to enter the Isle of Man as the child of a parent who is being, or has been admitted to the Isle of Man as a fiancé(e) or proposed civil partner**

303B. A person seeking limited leave to enter the Isle of Man as the child of a fiancé(e) or proposed civil partner, may be granted limited leave to enter the Isle of Man for a period not in excess of that granted to the fiancé(e) or proposed civil partner, provided that a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Where the period of limited leave granted to a fiancé(e) or proposed civil partner will expire in more than 6 months, a person seeking limited leave to enter as the child of fiancé(e) or proposed civil partner should be granted leave for a period not exceeding six months.

**Refusal of limited leave to enter the Isle of Man as the child of a parent who is being, or has been admitted to the Isle of Man as a fiancé (e) or proposed civil partner**

303C. Limited leave to enter the Isle of Man as the child of a fiancé(e) or proposed civil partner is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**Requirements for an extension of stay in the Isle of Man as the child of a fiancé(e) or proposed civil partner**

303D. The requirements to be met by a person seeking an extension of stay in the Isle of Man as the child of a fiancé(e) or proposed civil partner are that:

- (i) the applicant was admitted with a valid Isle of Man entry clearance as the child of a fiancé(e) or proposed civil partner; and
- (ii) the applicant is the child of a parent who has been granted limited leave to enter, or an extension of stay, as a fiancé(e) or proposed civil partner; and
- (iii) the requirements of paragraph 303A (ii)-(v) are met.

**Extension of stay in the Isle of Man as the child of a fiancé(e) or proposed civil partner**

303E. An extension of stay as the child of a fiancé(e) or proposed civil partner may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 303D is met.

**Refusal of an extension of stay in the Isle of Man as the child of a fiancé(e) or proposed civil partner**

303F. An extension of stay as the child of a fiancé(e) or proposed civil partner is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 303D is met.

**CHILDREN BORN IN THE ISLE OF MAN WHO ARE NOT BRITISH CITIZENS**

304. This paragraph and paragraphs 305-309 apply only to dependent children under 18 years of age who are unmarried and are not civil partners and who were born in the Isle of Man, United Kingdom or Channel Islands on or after 1 January 1983 (when the British Nationality Act 1981 came into force) but who, because neither of their parents was a British citizen or settled in the Isle of Man, United Kingdom or Channel Islands at the time of their birth, are not British citizens and are, therefore, subject to immigration control. Such a child requires leave to enter where admission to the Isle of Man is sought, and leave to remain where permission is sought for the child to be allowed to stay in the Isle of Man. If he qualifies for entry clearance, leave to enter or leave to remain under any other part of these Rules, a child who was born in the Isle of Man, United Kingdom or Channel Islands but is not a British citizen may be granted entry clearance, leave to enter or leave to remain in accordance with the provisions of that other part.

### **Requirements for leave to enter or remain in the Isle of Man as the child of a parent or parents given leave to enter or remain in the Isle of Man**

305. The requirements to be met by a child born in the Isle of Man, United Kingdom or Channel Islands who is not a British citizen who seeks leave to enter or remain in the Isle of Man as the child of a parent or parents given leave to enter or remain in the Isle of Man are that he:

- (i) (a) is accompanying or seeking to join or remain with a parent or parents who have, or are given, leave to enter or remain in the Isle of Man; or
- (b) is accompanying or seeking to join or remain with a parent or parents, one of whom is a British citizen or has right of abode in the Isle of Man, United Kingdom or Channel Islands; or
- (c) is a child in respect of whom the parental rights and duties are vested solely in a local authority; and
- (ii) is under the age of 18; and
- (iii) was born in the Isle of Man, United Kingdom or Channel Islands; and
- (iv) is not leading an independent life, is unmarried and is not a civil partner". and has not formed an independent family unit; and
- (v) (where an application is made for leave to enter) has not been away from the Isle of Man for more than 2 years.

### **Leave to enter or remain in the Isle of Man**

306. A child born in the Isle of Man, United Kingdom and Channel Islands who is not a British citizen and who requires leave to enter or remain in the circumstances set out in paragraph 304 may be given leave to enter for the same period as his parent or parents where paragraph 305 (i)(a) applies, provided the Immigration Officer is satisfied that each of the requirements of paragraph 305 (ii)-(v) is met. Where leave to remain is sought, the child may be granted leave to remain for the same period as his parent or parents where paragraph 305 (i)(a) applies, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met. Where the parent or parents have or are given periods of leave of different duration, the child may be given leave to whichever period is longer, except that if the parents are living apart the child should be given leave for the same period as the parent who has day to day responsibility for him.

307. If a child does not qualify for leave to enter or remain because neither of his parents has a current leave, (and neither of them is a British citizen or has the right of abode), he will normally be refused leave to enter or remain, even if each of the requirements of paragraph 305 (ii)-(v) has been satisfied. However, he may be granted leave to enter or remain for a period not exceeding 3 months if both of his parents are in the Isle of Man and it appears unlikely that they will be removed in the immediate future and there is no other person outside the Isle of Man who could reasonably be expected to care for him.

308. A child born in the Isle of Man, United Kingdom and Channel Islands who is not a British citizen and who requires leave to enter or remain in the Isle of Man in the circumstances set out in paragraph 304 may be given indefinite leave to enter where paragraph 305 (i)(b) or (i)(c) applies provided the Immigration Officer is satisfied that each of the requirements of paragraph 305 (ii)-(v) is met. Where an application is for leave to remain, such a child may be granted indefinite leave to remain where paragraph 305 (i)(b) or (i)(c) applies, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met.

### **Refusal of leave to enter or remain in the Isle of Man**

309. Leave to enter the Isle of Man where the circumstances set out in paragraph 304 apply is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 305 is met. Leave to remain for such a child is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 305 (i)-(iv) is met.

### **ADOPTED CHILDREN**

309A. For the purposes of adoption under paragraphs 310-316C a de facto adoption shall be regarded as having taken place if:

- (a) at the time immediately preceding the making of the application for entry clearance under these Rules the adoptive parent or parents have been living abroad (in applications involving two parents both must have lived abroad together) for at least a period of time equal to the first period mentioned in sub-paragraph (b)(i) and must have cared for the child for at least a period of time equal to the second period material in that sub-paragraph; and
- (b) during their time abroad, the adoptive parent or parents have:
  - (i) lived together for a minimum period of 18 months, of which the 12 months immediately preceding the application for entry clearance must have been spent living together with the child; and
  - (ii) have assumed the role of the child's parents, since the beginning of the 18 month period, so that there has been a genuine transfer of parental responsibility.

### **Requirements for indefinite leave to enter the Isle of Man as the adopted child of a parent or parents present and settled or being admitted for settlement in the Isle of Man**

310. The requirements to be met in the case of a child seeking indefinite leave to enter the Isle of Man as the adopted child of a parent or parents present and settled or being admitted for settlement in the Isle of Man are that he:

- (i) is seeking leave to enter to accompany or join an adoptive parent or parents in one of the following circumstances:
  - (a) both parents are present and settled in the Isle of Man; or
  - (b) both parents are being admitted on the same occasion for settlement; or

- (c) one parent is present and settled in the Isle of Man and the other is being admitted on the same occasion for settlement; or
  - (d) one parent is present and settled in the Isle of Man or being admitted on the same occasion for settlement and the other parent is dead; or
  - (e) one parent is present and settled in the Isle of Man or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing; or
  - (f) one parent is present and settled in the Isle of Man or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; or
  - (g) in the case of a de facto adoption one parent has a right of abode in the Isle of Man or indefinite leave to enter or remain in the Isle of Man and is seeking admission to the Isle of Man on the same occasion for the purposes of settlement; and
- (ii) is under the age of 18; and
  - (iii) is not leading an independent life, is unmarried and is not a civil partner. and has not formed an independent family unit; and
  - (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
  - (vi) (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the Isle of Man; or
    - (b) is the subject of a de facto adoption; and
  - (vii) was adopted at a time when:
    - (a) both adoptive parents were resident together abroad; or
    - (b) either or both parents were settled in the Isle of Man; and
  - (viii) has the same rights and obligations as any other child of the adoptive parents or parent's family; and
  - (ix) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
  - (x) has lost or broken his ties with his family of origin; and

- (xi) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Isle of Man; and
- (xii) holds a valid Isle of Man entry clearance for entry in this capacity.

**Requirements for indefinite leave to remain the Isle of Man as the adopted child of a parent or parents present and settled in the Isle of Man**

311. The requirements to be met in the case of a child seeking indefinite leave to remain the Isle of Man as the adopted child of a parent or parents present and settled in the Isle of Man are that he:

- (i) is seeking to remain with an adoptive parent or parents in one of the following circumstances
  - (a) both parents are present and settled in the Isle of Man; or
  - (b) one parent is present and settled in the Isle of Man and the other parent is dead; or
  - (c) one parent is present and settled in the Isle of Man and has had sole responsibility for the child's upbringing; or
  - (d) one parent is present and settled in the Isle of Man and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; or
  - (e) in the case of a de facto adoption one parent has a right of abode in the Isle of Man or indefinite leave to enter or remain in the Isle of Man and is seeking admission to the Isle of Man on the same occasion for the purpose of settlement; and
- (ii) has limited leave to enter or remain in the Isle of Man, and
  - (a) is under the age of 18; and
  - (b) was given leave to enter or remain with a view to settlement under paragraph 315 or paragraph 316B; and
- (iii) is not leading an independent life, is unmarried and is not a civil partner and has not formed an independent family unit; and
- (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
- (vi) (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the Isle of Man; or



- (b) is the subject of a de facto adoption; and
- (vii) was adopted at a time when:
  - (a) both adoptive parents were resident together abroad; or
  - (b) either or both parents were settled in the Isle of Man; and
- (viii) has the same rights and obligations as any other child of the adoptive parent's or parents' family; and
- (ix) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
- (x) has lost or broken his ties with his family of origin; and
- (xi) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Isle of Man.

**Indefinite leave to enter or remain in the Isle of Man as an adopted child of a parent or parents present and settled or being admitted for settlement in the Isle of Man**

312. Indefinite leave to enter the Isle of Man as the adopted child of a parent or parents present and settled or being admitted for settlement in the Isle of Man may be granted provided a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer upon arrival. Indefinite leave to remain in the Isle of Man as the adopted child of a parent or parents present and settled in the Isle of Man may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 311 is met.

**Refusal of indefinite leave to enter or remain in the Isle of Man as an adopted child of a parent or parents present and settled or being admitted for settlement in the Isle of Man**

313. Indefinite leave to enter the Isle of Man as the adopted child of a parent or parents present and settled or being admitted for settlement in the Isle of Man is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer upon arrival. Indefinite leave to remain in the Isle of Man as the adopted child of a parent or parents present and settled in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 311 is met.

**Requirements for limited leave to enter or remain in the Isle of Man with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain the Isle of Man with a view to settlement**

314. The requirements to be met in the case of a child seeking limited leave to enter or remain in the Isle of Man with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement are that he:

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances:

- (a) one parent is present and settled in the Isle of Man or being admitted on the same occasion for settlement and the other parent is being given limited leave to enter or remain in the Isle of Man with a view to settlement; or
  - (b) one parent is being or has been given limited leave to enter or remain in the Isle of Man with a view to settlement and has had sole responsibility for the child's upbringing; or
  - (c) one parent is being or has been given limited leave to enter or remain in the Isle of Man with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; or
  - (d) in the case of a de facto adoption one parent has a right of abode in the Isle of Man or indefinite leave to enter or remain in the Isle of Man and is seeking admission to the Isle of Man on the same occasion for the purpose of settlement and
- (ii) is under the age of 18; and
  - (iii) is not leading an independent life, is unmarried and is not a civil partner and has not formed an independent family unit; and
  - (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
  - (v)
    - (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by law of the Isle of Man; or
    - (b) is the subject of a de facto adoption; and
  - (vi) was adopted at a time when:
    - (a) both adoptive parents were resident together abroad; or
    - (b) either or both adoptive parents were settled in the Isle of Man; and
  - (vii) has the same rights and obligations as any other child of the adoptive parent's or parents' family; and
  - (viii) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
  - (ix) has lost or broken his ties with his family of origin; and

- (x) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Isle of Man; and
- (xi) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the Isle of Man; and
- (xii) if seeking leave to enter, holds a valid Isle of Man entry clearance for entry in this capacity.

**Limited leave to enter or remain in the Isle of Man with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain the Isle of Man with a view to settlement**

315. A person seeking limited leave to enter the Isle of Man with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement may be admitted for a period not exceeding 12 months provided he is able, on arrival, to produce to the Immigration Officer a valid Isle of Man entry clearance for entry in this capacity. A person seeking limited leave to remain in the Isle of Man with a view to settlement as the adopted child of a parent or parents granted limited leave to enter or remain in the Isle of Man with a view to settlement may be given limited leave to remain for a period not exceeding 12 months provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 314 (i)-(xi) is met.

**Refusal of limited leave to enter or remain in the Isle of Man with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement**

316. Limited leave to enter the Isle of Man with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the Isle of Man with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Isle of Man with a view to settlement is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 314 (i)-(xi) is met.

**Requirements for limited leave to enter the Isle of Man with a view to settlement as a child for adoption**

316A. The requirements to be satisfied in the case of a child seeking limited leave to enter the Isle of Man for the purpose of being adopted (which, for the avoidance of doubt, does not include a de facto adoption) in the Isle of Man are that he:

- (i) is seeking limited leave to enter to accompany or join a person or persons who wish to adopt him in the Isle of Man (the “prospective parent(s)”), in one of the following circumstances:
  - (a) both prospective parents are present and settled in the Isle of Man; or
  - (b) both prospective parents are being admitted for settlement on the same occasion that the child is seeking admission; or

- (c) one prospective parent is present and settled in the Isle of Man and the other is being admitted for settlement on the same occasion that the child is seeking admission; or
  - (d) one prospective parent is present and settled in the Isle of Man and the other is being given limited leave to enter or remain in the Isle of Man with a view to settlement on the same occasion that the child is seeking admission, or has previously been given such leave; or
  - (e) one prospective parent is being admitted for settlement on the same occasion that the other is being granted limited leave to enter with a view to settlement, which is also on the same occasion that the child is seeking admission; or
  - (f) one prospective parent is present and settled in the Isle of Man or is being admitted for settlement on the same occasion that the child is seeking admission, and has had sole responsibility for the child's upbringing; or
  - (g) one prospective parent is present and settled in the Isle of Man or is being admitted for settlement on the same occasion that the child is seeking admission, and there are serious and compelling family or other considerations which would make the child's exclusion undesirable, and suitable arrangements have been made for the child's care; and
- (ii) is under the age of 18; and
  - (iii) is not leading an independent life is unmarried, and is not a civil partner, and has not formed an independent family unit; and
  - (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
  - (v) will have the same rights and obligations as any other child of the marriage or civil partnership; and
  - (vi) is being adopted due to the inability of the original parent(s) or current carer(s) (or those looking after him immediately prior to him being physically transferred to his prospective parent or parents) to care for him, and there has been a genuine transfer of parental responsibility to the prospective parent or parents; and
  - (vii) has lost or broken or intends to lose or break his ties with his family of origin; and
  - (viii) will be adopted in the Isle of Man by his prospective parent or parents in accordance with the law relating to adoption in the Isle of Man, but the proposed adoption is not one of convenience arranged to facilitate his admission to the Isle of Man.

**Limited leave to enter the Isle of Man with a view to settlement as a child for adoption**

316B. A person seeking limited leave to enter the Isle of Man with a view to settlement as a child for adoption may be admitted for a period not exceeding 2 years provided he is able, on arrival, to produce to the Immigration Officer a valid Isle of Man entry clearance for entry in this capacity.

**Refusal of limited leave to enter the Isle of Man with a view to settlement as a child for adoption**

316C. Limited leave to enter the Isle of Man with a view to settlement as a child for adoption is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**Requirements for limited leave to enter the Isle of Man with a view to settlement as a child for adoption under the Hague Convention**

316D. The requirements to be satisfied in the case of a child seeking limited leave to enter the Isle of Man for the purpose of being adopted in the Isle of Man under the Hague Convention are that he:

- (i) is seeking limited leave to enter to accompany one or two people each of whom are habitually resident in the Isle of Man and who wish to adopt him under the Hague Convention (“the prospective parents”);
- (ii) is the subject of an agreement made under Article 17(c) of the Hague Convention; and
- (iii) has been entrusted to the prospective parents by the competent administrative authority of the county from which he is coming to the Isle of Man for adoption under the Hague Convention; and
- (iv) is under the age of 18; and
- (v) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and
- (vi) holds a valid Isle of Man entry clearance for entry in this capacity.

**Limited leave to enter the Isle of Man with a view to settlement as a child for adoption under the Hague Convention**

316E. A person seeking limited leave to enter the Isle of Man with a view to settlement as a child for adoption under the Hague Convention may be admitted for a period not exceeding 2 years provided he is able, on arrival, to produce to the Immigration Officer a valid Isle of Man entry clearance for entry in this capacity.

**Refusal of limited leave to enter the Isle of Man with a view to settlement as a child for adoption under the Hague Convention**

316F. Limited leave to enter the Isle of Man with a view to settlement as a child for adoption under the Hague Convention is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**PARENTS, GRANDPARENTS AND OTHER DEPENDENT RELATIVES OF PERSONS PRESENT AND SETTLED IN THE ISLE OF MAN**

**Requirements for indefinite leave to enter or remain in the Isle of Man as the parent, grandparent or other dependent relative of a person present and settled in the Isle of Man**

317. The requirements to be met by a person seeking indefinite leave to enter or remain in the Isle of Man as the parent, grandparent or other dependent relative of a person present and settled in the Isle of Man are that the person:

- (i) is related to a person present and settled in the Isle of Man in one of the following ways:
  - (a) mother or grandmother who is a widow aged 65 years or over; or
  - (b) father or grandfather who is a widower aged 65 years or over; or
  - (c) parents or grandparents travelling together of whom at least one is aged 65 or over; or
  - (d) a parent or grandparent aged 65 or over who has entered into a second relationship of marriage or civil partnership but cannot look to the spouse, civil partner or children of that second relationship for financial support; and where the person settled in the United Kingdom is able and willing to maintain the parent or grandparent and any spouse or civil partner or child of the second relationship who would be admissible as a dependant, or
  - (e) a parent or grandparent under the age of 65 if living alone outside the Isle of Man in the most exceptional compassionate circumstances and mainly dependent financially on relatives settled in the Isle of Man; or
  - (f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the Isle of Man in the most exceptional compassionate circumstances and mainly dependent financially on relatives settled in the Isle of Man; and
- (ii) is joining or accompanying a person who is present and settled in the Isle of Man or who is on the same occasion being admitted for settlement; and
- (iii) is financially wholly or mainly dependent on the relative present and settled in the Isle of Man; and

- (iv) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds in accommodation which the sponsor owns or occupies exclusively; and
- (iva) can, and will be maintained adequately, together with any dependants, without recourse to public funds; and
- (v) has no other close relatives in his own country to whom he could turn for financial support; and
- (vi) if seeking leave to enter, holds a valid Isle of Man entry clearance for entry in this capacity.

**Indefinite leave to enter or remain as the parent, grandparent or other dependent relative of a person present and settled in the Isle of Man**

318. Indefinite leave to enter the Isle of Man as the parent, grandparent or other dependent relative of a person present and settled in the Isle of Man may be granted provided a valid Isle of Man entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Indefinite leave to remain in the Isle of Man as the parent, grandparent or other dependent relative of a person present and settled in the Isle of Man may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 317 (i)-(v) is met.

**Refusal of indefinite leave to enter or remain in the Isle of Man as the parent, grandparent or other dependent relative of a person present and settled in the Isle of Man**

319. Indefinite leave to enter the Isle of Man as the parent, grandparent or other dependent relative of a person settled in the Isle of Man is to be refused if a valid Isle of Man entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Isle of Man as the parent, grandparent or other dependent relative of a person present and settled in the Isle of Man is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 317 (i)-(v) is met.

**PART 9: GENERAL GROUNDS FOR THE REFUSAL OF ENTRY CLEARANCE, LEAVE TO ENTER OR VARIATION OF LEAVE TO ENTER OR REMAIN THE ISLE OF MAN**

**REFUSAL OF ENTRY CLEARANCE OR LEAVE TO ENTER THE ISLE OF MAN**

320. In addition to the grounds for refusal of entry clearance or leave to enter set out in Parts 2 to 8 of these Rules, and subject to paragraph 321 below, the following provisions for the refusal of entry clearance or leave to enter apply:

**Grounds on which entry clearance or leave to enter the Isle of Man is to be refused**

- (1) the fact that entry is being sought for a purpose not covered by these Rules;
- (2) the fact that the person seeking entry to the Isle of Man is currently the subject of a deportation order;
- (3) failure by the person seeking entry to the Isle of Man to produce to the Immigration Officer a valid national passport or other document satisfactorily establishing his identity and nationality;
- (4) failure to satisfy the Immigration Officer, in the case of a person arriving in the Isle of Man with the intention of entering any other part of the common travel area, that he is acceptable to the immigration authorities there;
- (5) failure, in the case of a visa national, to produce to the Immigration Officer a passport or other identity document endorsed with a valid and current Isle of Man entry clearance issued for the purpose for which entry is sought;
- (6) where the Lieutenant Governor has personally directed that the exclusion of a person from the Isle of Man is conducive to the public good;
- (7) save in relation to a person settled in the Isle of Man or where the Immigration Officer is satisfied that there are strong compassionate reasons justifying admission, confirmation from the Medical Inspector that, for medical reasons, it is undesirable to admit a person seeking entry to the Isle of Man.

**Grounds on which entry clearance or leave to enter the Isle of Man should normally be refused**

- (8) failure by a person arriving in the Isle of Man to furnish the Immigration Officer with such information as may be required for the purpose of deciding whether he requires leave to enter and, if so, whether and on what terms leave should be given;
- (8A) where the person seeking leave is outside the Isle of Man, failure by him to supply any information, documents, copy documents or medical report requested by an Immigration Officer;



- (9) failure, by a person seeking leave to enter as a returning resident to satisfy the Immigration Officer that he meets the requirements of paragraph 18 of these Rules or that he seeks leave to enter for the same purpose as that for which his earlier leave was granted;
- (10) production by a person seeking leave to enter the Isle of Man of a national passport or travel document issued by a territorial entity or authority which is not recognised by Her Majesty's Government as a state or is not dealt with as a government by them, or which does not accept valid United Kingdom passports for the purpose of its own immigration control, or a passport or travel document which does not comply with international passport practice;
- (11) failure to observe the time limit or conditions imposed on any grant of leave to enter or remain in the Isle of Man;
- (12) the obtaining of a previous leave to enter or remain by deception;
- (13) failure, except by a person eligible for admission to the Isle of Man for settlement or a spouse or civil partner eligible for admission under paragraph 282 to satisfy the Immigration Officer that he will be admitted to another country after a stay in the Isle of Man;
- (14) refusal by a sponsor of a person seeking leave to enter the Isle of Man to give, if requested to do so, an undertaking in writing to be responsible for that person's maintenance and accommodation for the period of any leave granted;
- (15) whether or not to the holder's knowledge, the making of false representations or the failure to disclose any material fact for the purpose of obtaining a work permit;
- (16) failure, in the case of a child under the age of 18 years seeking leave to enter the Isle of Man otherwise than in conjunction with an application made by his parent(s) or legal guardian, to provide the Immigration Officer, if required to do so, with written consent to the application from his parent(s) or legal guardian;
- (17) save in relation to a person settled in the Isle of Man refusal to undergo a medical examination when required to do so by the Immigration Officer;
- (18) save where the Immigration Officer is satisfied that admission would be justified for strong compassionate reasons, conviction in any country including the Isle of Man of an offence which, if committed in the Isle of Man, is punishable with imprisonment for a term of 12 months or any greater punishment or, if committed outside the Isle of Man, would be so punishable if the conduct constituting the offence had occurred in the Isle of Man;
- (19) where, from information available to the Immigration Officer, it seems right to refuse leave to enter on the ground that exclusion from the Isle of Man is conducive to the public good; if, for example in the light of the character, conduct or associations of the person seeking leave to enter it is undesirable to give him leave to enter.

- (20) whether or not to the applicant's knowledge, the submission of a false document in support of an application.

### **Refusal of leave to enter in relation to a person in possession of an entry clearance**

321. A person seeking entry to the Isle of Man who holds an entry clearance which was duly issued to him and is still current may be refused leave to enter only where the Immigration Officer is satisfied that:

- (i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally for the purpose of obtaining entry clearance; or
- (ii) a change of circumstances since it was issued has removed the basis of the holder's claim to admission, except where the change of circumstances amounts solely to the person becoming over age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance; or
- (iii) refusal is justified on grounds of restricted returns ability; on medical grounds; on grounds of criminal record; because the person seeking leave to enter is the subject of a deportation order or because exclusion would be conducive to the public good.

### **REFUSAL OF VARIATION OF LEAVE TO ENTER OR REMAIN OR CURTAILMENT OF LEAVE**

322. In addition to the grounds for refusal of extension of stay set out in Parts 2 to 8 of these Rules, the following provisions apply in relation to the refusal of an application for variation of leave to enter or remain or where appropriate the curtailment of leave:

#### **Grounds on which an application to vary leave to enter or remain in the Isle of Man is to be refused**

- (1) the fact that variation of leave to enter or remain is being sought for a purpose not covered by these Rules.
- (2) the making of false representations or the failure to disclose any material fact for the purpose of obtaining leave to enter or a previous variation of leave;
- (3) failure to comply with any conditions attached to the grant of leave to enter or remain;
- (4) failure by the person concerned to maintain or accommodate himself and any dependants without recourse to public funds;
- (5) the undesirability of permitting the person concerned to remain in the Isle of Man in the light of his character, conduct or associations or the fact that he represents a threat to national security;

- (6) refusal by a sponsor of the person concerned to give, if requested to do so, an undertaking in writing to be responsible for his maintenance and accommodation in the Isle of Man or failure to honour such an undertaking once given;
- (7) failure by the person concerned to honour any declaration or undertaking given orally or in writing as to the intended duration and/or purpose of his stay;
- (8) failure, except by a person who qualifies for settlement in the Isle of Man or by the spouse or civil partner of a person settled in the Isle of Man to satisfy the Lieutenant Governor that he will be returnable to another country if allowed to stay for a further period in the Isle of Man;
- (9) failure by an applicant to produce within a reasonable time information, documents or other evidence required by the Lieutenant Governor to establish his claim to remain under these rules;
- (10) failure, without reasonable explanation, to comply with a request made on behalf of the Lieutenant Governor to attend for interview;
- (11) failure, in the case of a child under the age of 18 years seeking a variation of his leave to enter or remain in the Isle of Man otherwise than in conjunction with an application by his parent(s) or legal guardian, to provide the Lieutenant Governor, if required to do, with written consent to the application from his parent(s) or legal guardian.

### **Grounds on which leave to enter or remain may be curtailed**

323. A person's leave to enter or remain may be curtailed on any of the grounds set out in paragraph 322 (2)-(5) above or if he ceases to meet the requirements of the Rules under which his leave to enter or remain was granted.

### **Crew members**

324. A person who has been given leave to enter to join a ship, aircraft, hovercraft or hydrofoil as a member of its crew, or a crew member who has been given leave to enter for hospital treatment, repatriation or transfer to another ship, aircraft, hovercraft or hydrofoil in the Isle of Man, is to be refused leave to remain unless an extension of stay is necessary to fulfil the purpose for which he was given leave to enter or unless he meets the requirements for an extension of stay as a spouse or civil partner as in paragraph 284 .

**PART 10: REGISTRATION WITH THE POLICE**

325. For the purposes of paragraph 326, a "relevant foreign national" is a person aged 16 or over who is:

- (i) a national or citizen of a country or territory listed in Appendix 2 to the United Kingdom Immigration Rules as those Rules have effect in the United Kingdom; or
- (ii) a stateless person; or
- (iii) a person holding a non-national travel document.

326 (1) Subject to sub-paragraph (2) below, a condition requiring registration with the police should normally be imposed on any relevant foreign national who is:

- (i) given limited leave to enter the Isle of Man for longer than six months; or
- (ii) given limited leave to remain which has the effect of allowing him to remain in the Isle of Man for longer than six months, reckoned from the date of his arrival (whether or not such a condition was imposed when he arrived).

(2) Such a condition should not normally be imposed where the leave is given:

- (i) as a minister of religion, missionary or member of a religious order; or
- (ii) on the basis of marriage to or civil partnership with a person settled in the Isle of Man or as the unmarried or same sex partner of a person settled in the Isle of Man; or
- (iii) as a person exercising access rights to a child resident in the Isle of Man; or
- (iv) as the parent of a child at school; or
- (vii) following the grant of asylum.

(3) Such a condition should also be imposed on any foreign national given limited leave to enter the Isle of Man where, exceptionally, the Immigration Officer considers it necessary to ensure that he complies with the terms of the leave.

**[PART 11 Not Used]**

## **PART 12: RIGHTS OF APPEAL**

### **Notice of refusal of leave to enter**

353. Where refusal of leave to enter is confirmed, the person concerned should be served a notice informing him of the decision and of the reasons for refusal. This notice will also inform him whether he has a right of appeal under Section 13 of the 1971 Act and, if so, how the right of appeal might be exercised. If he has difficulty in understanding the notice its meaning should be explained to him.

### **Right of appeal in relation to a person claiming to have the right of abode**

354. A person who claims to have the right of abode is not entitled to appeal against a decision that he requires leave to enter unless he holds either a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom, or a certificate of entitlement duly issued to him by or on behalf of the Government of the Isle of Man or United Kingdom certifying that he has such a right of abode.

### **Right of appeal in relation to a person who holds an entry clearance or work permit**

355. Subject to Section 13(5) of the Immigration Act 1971, a person in possession of a valid Isle of Man entry clearance or named in a current work permit who is entitled to appeal against refusal of leave to enter the Isle of Man may exercise his right of appeal before removal from the Isle of Man.

### **Rights of appeal exercisable from abroad**

356. Except in cases described in paragraphs 354 and 355 above, a person entitled to appeal against refusal of leave to enter, irrespective of his national status, may exercise that right only after he has left the Isle of Man.

### **Rights of appeal against a time limit or condition**

357. A person aggrieved by the imposition on entry of a time limit or condition may apply to the Immigration Office for variation of his leave. Subject to paragraph 358 below, he will have a right of appeal if variation is refused.

### **Rights of appeal against variation of leave to enter or refusal to vary it**

358. A person may appeal against any variation of his leave to enter or any refusal to vary it except:

- (i) when a refusal is on one of the grounds specified in Section 14(2A) of the 1971 Act; or
- (ii) if the case comes within Section 14(3) of the 1971 Act following a decision taken personally by the Lieutenant Governor and not by a person acting under his authority; or

- (iii) when a variation of leave is made by an order under section 3 of the Immigration Act 1971; or
- (iv) if leave is curtailed under Section 7(1) of the Asylum and Immigration Appeals Act 1993.

### **Notice of appeal rights**

359. Where an application for variation of leave to enter is refused, or a variation is made otherwise than on the application of the person concerned, or is less favourable than that for which he applied, notice of the decision and, if an appeal lies, of his right of appeal, will normally be handed to the person concerned or sent to his last known address. Applicants should therefore keep the Lieutenant Governor informed of any change of address. The notice may alternatively be so given or sent to a person who has either made the application on behalf of another, or has subsequently been appointed to act on another's behalf in connection with an application.

### **Explanatory statement**

360. If notice of appeal is given within the period allowed, an explanatory statement summarising the facts of the case on the basis of which the decision was taken will normally be prepared and be sent to the adjudicator, who will notify the appellant of the arrangements for any appeal to be heard.

**PART 13: DEPORTATION****A deportation order**

362. A deportation order requires the subject to leave the Isle of Man and authorises his detention until he is removed. It also prohibits him from re-entering the Isle of Man for as long as the order is in force and invalidates any leave to enter or remain in the Isle of Man given him before the order was made or while it is in force.

363. The circumstances in which a person is liable to deportation are set out in the Immigration Act 1971 and include:

- (i) failure to comply with a condition attached to the person's leave to enter or remain or remaining beyond the time limited by the leave;
- (ii) where the Lieutenant Governor deems the person's deportation to be conducive to the public good;
- (iii) where the person concerned is the spouse or civil partner or child under 18 of a person ordered to be deported; and
- (iv) where a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment.

“364. In considering deportation, whilst each case will be considered on its merits, where a person is liable to deportation the presumption shall be that the public interest requires deportation. The Lieutenant Governor will consider all relevant factors in considering whether the presumption is outweighed in any particular case, although it will only be in exceptional circumstances that the public interest in deportation will be outweighed in a case where it would not be contrary to the Human Rights Convention and the Convention and Protocol relating to the Status of Refugees to deport. The aim is an exercise of the power of deportation which is consistent and fair as between one person and another, although one case will rarely be identical with another in all material respects. Deportation will normally be the proper course where a person has failed to comply with or has contravened a condition or has remained without authority. Before a decision to deport is reached the Lieutenant Governor will take into account all relevant factors known to him including:

- (i) age;
- (ii) length of residence in the Isle of Man;
- (iii) strength of connections with the Isle of Man;
- (iv) personal history, including character, conduct and employment record;
- (v) domestic circumstances;
- (vi) previous criminal record and the nature of any offence of which the person has been convicted;



- (vii) compassionate circumstances;
- (viii) any representations received on the person's behalf.

### **Deportation of family members**

365. Section 5 of the Immigration Act 1971 gives the Lieutenant Governor power in certain circumstances to make a deportation order against the spouse, civil partner or child of a person against whom a deportation order has been made. The Lieutenant Governor will not normally deport the spouse or civil partner of a deportee where:

- (i) he has qualified for settlement in his own right; or
- (ii) he has been living apart from the deportee.

366. The Lieutenant Governor will not normally decide to deport the child of a deportee where:

- (i) he and his mother or father are living apart from the deportee; or
- (ii) he has spent some years in the Isle of Man and is nearing the age of 18; or
- (iii) he has left home and established himself on an independent basis; or
- (iv) he married or formed a civil partnership before deportation came into prospect.

367. In considering whether to require a spouse, civil partner or child to leave with the deportee the Lieutenant Governor will take account of the factors listed in paragraph 364 as well as the following:

- (i) the ability of the spouse or civil partner to maintain himself and any children in the Isle of Man from the resources available to him and without charge to public funds, not merely for a short period but for the foreseeable future; and
- (ii) in the case of a child of school age, the effect of removal on his education; and
- (iii) the practicability of any plans for a child's care and maintenance in this country if one or both of his parents were deported; and
- (iv) any representations made by or on behalf of the spouse, civil partner or child.

368. Where the Lieutenant Governor decides that it would be appropriate to deport a member of a family as such the decision and the right of appeal will be notified and it will at the same time be explained that it is open to the member of the family to leave the country voluntarily if he does not wish to appeal or if he appeals and his appeal is dismissed.

[369-372 Not Used]

### **A deportation order made on the recommendation of a Court**

373. There is a right of appeal to a higher court against the recommendation of the court. An order may not be made while it is still open to the person to appeal against the relevant conviction, sentence or recommendation, or while an appeal is pending.

[374-379 Not Used]

### **Procedure**

380. A deportation order will not be made against any person if his removal in pursuance of the order would be contrary to the Isle of Man's obligations under the Convention and Protocol relating to the Status of Refugees or the Human Rights Convention

381. When a decision to make a deportation order has been taken (otherwise than on a recommendation of a court) a notice will be given to the person concerned informing him of the decision and of his right of appeal.

382. Following the issue of such a notice the Lieutenant Governor may make a detention order, or any order restricting a person as to residence, employment or occupation and requiring him to report to the police, pending the making of a deportation order.

[383-384 Not Used]

### **Arrangements for removal**

385. A person against whom a deportation order has been made will normally be removed from the Isle of Man. The power is to be exercised so as to secure the person's return to the country of which he is a national, or which has most recently provided him with a travel document, unless he can show that another country will receive him. In considering any departure from the normal arrangements, regard will be had to the public interest generally, and to any additional expense that may fall on public funds.

[386 Not Used]

### **Supervised departure**

387. A person liable to deportation may, in certain circumstances, leave the Isle of Man by means of a supervised departure instead of having a deportation order made against him.

### **Returned deportees**

388. Where a person returns to the Isle of Man when a deportation order is in force against him, he may be deported under the original order. The Lieutenant Governor will consider every such case in the light of all the relevant circumstances before deciding whether to enforce the order.

### **Returned family members**

389. Persons deported in the circumstances set out in paragraph 365-368 above (deportation of family members) may be able to seek readmission to the Isle of Man under these Rules where:

- (i) a child reaches 18 (when he ceases to be subject to the deportation order); or
- (ii) in the case of a spouse or civil partner, the marriage or civil partnership comes to an end.

### **Revocation of deportation order**

390. An application for revocation of a deportation order will be considered in the light of all the circumstances including the following:

- (i) the grounds on which the order was made;
- (ii) any representations made in support of revocation;
- (iii) the interests of the community, including the maintenance of an effective immigration control;
- (iv) the interests of the applicant, including any compassionate circumstances.

391. In the case of an applicant with a serious criminal record continued exclusion for a long term of years, will normally be the proper course. In other cases revocation of the order will not normally be authorised unless the situation has been materially altered, either by a change of circumstances since the order was made, or by fresh information coming to light which was not before the court which made the recommendation or the Lieutenant Governor. The passage of time since the person was deported may also in itself amount to such a change in circumstances as to warrant revocation of the order. However, save in the most exceptional circumstances, the Lieutenant Governor will not revoke the order unless the person has been absent from the Isle of Man for a period of at least 3 years since it was made.

392. Revocation of a deportation order does not entitle the person concerned to re-enter the Isle of Man; it renders him eligible to apply for admission under these Rules. Application for revocation of the order may be made to the Entry Clearance Officer or direct to the Lieutenant Governor.

### **Rights of Appeal in relation to a decision not to revoke a deportation order**

393. Where an application for revocation is refused there is a right of appeal to an adjudicator.

394. No appeal lies while the person is in the Isle of Man or where the Lieutenant Governor decides that continued exclusion from the Isle of Man is conducive to the public good.

395. There may be a right of appeal against refusal to revoke a deportation order. Where an appeal does lie the right of appeal will be notified at the same time as the decision to refuse to revoke the order.

**Appendix 1-3**

[Not used]

**Appendix 4****Points criteria needed to succeed under paragraph 135D(ii) of these Rules****QUALIFICATIONS**

Points	Qualifications (can include equivalent level professional qualifications) Applicants may claim points for only one qualification
50	PhD
35	Masters Degree
30	Bachelors Degree

**PREVIOUS EARNINGS**

Points	Applicants whose previous grant of leave to enter/remain under HSMP was for a period of more than 12 months: Previous Earnings from 12 out of the 15 months preceding the application.
5	16 – 17,999 Pounds Sterling (£)
10	18 – 19,999
15	20 – 22,999
20	23 – 25,999
25	26 – 28,999
30	29 – 31,999
35	32 – 34,999
40	35 – 39,999
45	40+

Points	Applicants whose previous grant of leave to enter/remain under HSMP was for a period of 12 months or less: Previous Earnings from 8 out of the 12 months preceding the application.
5	10,650 – 11,999 Pounds Sterling (£)
10	12,000 – 13,299
15	13,300 – 15,299
20	15,300 – 17,299
25	17,300 – 19,299
30	19,300 – 21,299
35	21,300 – 23,299
40	23,300 – 26,499
45	26,500+

**ISLE OF MAN EXPERIENCE**

Points: 5	Applicants whose previous grant of leave to enter/remain under HSMP was for a period of more than 12 months: At least £16,000 of the past earnings for which points have been claimed under the previous points scoring section, have been earned in the Isle of Man.
Points: 5	Applicants whose previous grant of leave to enter/remain under HSMP was for a period of 12 months or less:

	At least £10,650 of the past earnings for which points have been claimed under the previous point scoring section, have been earned in the Isle of Man.
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<b>AGE</b>
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Points	Age posting of application	(as at date of
20	29 or under	
10	30 or 31	
5	32 or 33	

**Appendix 5****Documents referred to in paragraph 135D(ii) and 135D(iii)b:****Part 1****Qualifications – if achieved after initial HSMP grant****Required evidence for those with an academic qualification**

Original academic certificate showing:

- Title of the award
- Date of award
- Institution
- Name of applicant

**Required evidence for those with a professional/vocational qualification**

Original award certificate showing:

- Title of award
- Date of award
- Institution
- Name of applicant; and

Letter from UK professional body confirming qualification's equivalence to UK academic level showing:

- Name of award including country and awarding body
- Equivalence of award to UK academic levels

**Required evidence for those who have just graduated**

Letter from institution on headed paper showing:

- Name of applicant
- Qualification awarded
- Date of award
- Date certificate will be issued; and

Academic transcript showing:

- Name of applicant
- Institution
- Course details
- Confirmation of award



<b>Previous Earnings</b>
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<b>Required evidence for those who have been in salaried employment</b>
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Both the following covering the full period claimed for:

- Income tax returns
- Wage slips

<b>Required evidence for those who worked in a country with no tax system</b>
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Any two of the following three to cover the full period claimed for:

- Bank Statements
- Wage slips
- Letter from employer stating salary

<b>Required evidence for independent contractors</b>
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All of the following to cover the full period claimed for;

- Income tax return
- Copies of contracts from employers covering the total amount of earnings claimed
- Invoices covering the full amount claimed; and
- Bank statements showing incoming payments covering the full amount claimed

<b>Required evidence for those who have been self employed</b>
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Both the following to cover the full period claimed for:

- Applicant's individual personal income tax return; and
- Applicant's personal bank statements

Plus one of the following combinations of documents covering the full period claimed for:

- Company audited accounts PLUS Company Tax return (one of these documents must confirm the total payment claimed by the applicant); OR
- Unaudited business/management accounts confirming the total payment claimed by the applicant

PLUS either

- Business bank statements AND a business tax return; OR
- Copies of contracts totalling the full amount payable to the individual AND corroborating invoiced

**Isle of Man Experience****Required evidence for those claiming points for previous earnings:**

Evidence will be assessed for that sent in to qualify for Previous Earnings criteria. No additional documents required.

**Age assessment**

The original passport or travel document

**Part II****English Language****Required evidence for those claiming a degree taught in English to fulfil criteria**

Both of the following:

Original degree certificate; and

Original letter on headed paper from the institution confirming the degree was taught in English showing:

- Name
- Qualification awarded
- Date awarded