



Isle of Man
Government

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Isle of Man Immigration Points Based System Consultation

Consultation Document

Cabinet Office

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Consultation Overview

In order to provide an opportunity for members of the public, including people who have direct experience of the points based system to submit their views, the Council of Ministers have requested public consultation take place.

Consultation will help the Immigration Service understand the views, ideas, or suggestions members of the public may have to help shape and inform the development of the immigration routes and rules, and also understand the impact of any future development.

The Programme for Government seeks to achieve the outcome: *'We have an economy where local entrepreneurship is supported and thriving and more new businesses are choosing to call the Isle of Man home.'*

As part of the work to deliver this outcome the Programme specifically commits the Cabinet Office to *'Review the Points Based System Immigration Rules and implement new rules by March 2018.'*

It will also assist the wider efforts to achieve the national outcome of 'having an economy where local entrepreneurship is supported and thriving and more new businesses are choosing to call the Isle of Man home.'

The consultation focuses on the current routes and rules for the PBS system of Tier 1, Tier 2, Tier 4 and Tier 5. This includes highly skilled individuals who will contribute to the growth and thriving economy of the Isle of Man, investors, entrepreneurs, overseas students and temporary migrant workers. Each Tier is given a brief introduction of the route and the key facts with the consultation questions set within each Tier.

The PBS system enables Island employers to recruit workers from outside the European Economic Area (EEA) to take up a vacancy that cannot be filled by a British or EEA worker.

When responding to the consultation questions within each table, please state the Reference Number to which your response relates.

Any comments or questions should be submitted in writing to:

Amy Swales
Passports, Immigration & Nationality Office
Government Office
Bucks Road
Douglas
IM1 3PN

Or by email to:

immigrationconsult@gov.im

The closing date for the receipt of comments is **18 August 2017**.

In order to comply with the Government's Code of Conduct on Consultation¹ responses will only be accepted if your name is provide with the response. When submitting your views please indicate if you are also responding on behalf of an organisation.

The purpose of consultation is not to be a referendum but an information, views and evidence gathering exercise from which to take an informed decision on the content of proposed legislation or policy. In any consultation exercise the responses received do not guarantee changes will be made.

A summary of responses will be will be publically available and/or the names of respondents and their responses will be publically available.

Unless specifically requested otherwise, any responses received may be published either in part or in their entirety along with the name of the person or body that has submitted the response. If you wish your response and/or name to remain confidential please state this request clearly on your response. Confidential responses will be included in any statistical summary and numbers of comments received.

A summary of responses will be published within three months of the closing date of this consultation.

A list of bodies to which this consultation has been sent is available at Annex 1 of this document.

¹ For further information on the Government's Code of Conduct on Consultation please see <https://www.gov.im/consultations.gov>

Introduction

Background

The Immigration Act 1971 was first extended to the Isle of Man by Order in Council in 1972 with the agreement of the Isle of Man Government. On 12 March 2008, an Order in Council, the Immigration (Isle of Man) Order 2008 was made by the Privy Council.

The 2008 Order extended parts but not all of the UK Immigration Acts to the Isle of Man to reflect the Island's different situation and domestic laws. In the Isle of Man the majority of powers under the 2008 Order are exercised by Her Majesty's Lieutenant Governor in the Isle of Man. The power to make the Isle of Man Immigration Rules rests with the Council of Ministers.

The Immigration Rules are the statement of practice to regulate the entry and stay of persons subject to immigration control in the Isle of Man. The rules are essentially administrative documents and they do not follow the general format for subordinate legislation although they are assigned a Statutory Document (SD) number and are laid before Tynwald. They specify the conditions under which leave to enter may be granted and cover, visits, study, work, family reunion, removal and deportation.

The Immigration (Isle of Man) Order 2008, Schedule 10, Part 1, Paragraph 3(2) states a Statement of Changes to Immigration Rules (usually referred simply as "the Immigration Rules") to be laid from time to time before Tynwald.

The Home Office document "A Points Based System (PBS): Making Migration Work for Britain", published in March 2006, set out proposals to adopt an Australian-style PBS comprising of five tiers to strengthen and modernise the UK's Immigration System.

<https://www.gov.uk/government/publications/a-points-based-system-making-migration-work-for-britain>

The PBS system intended to be more effective when "identifying and attracting migrants who have most to contribute to the UK". Key to this objective was to ensure the Rules were to be "simpler to understand". The PBS itself was designed to create structured decision making based on points. Points were to be awarded for attributes differently depending on the Tier for which the individual was applying.

In 2009 the Council of Ministers laid down a Statement of Changes to the Immigration Rules that introduced the PBS to the Isle of Man, following the implementation of PBS in the UK. At the outset the belief was that the PBS would enable the Isle of Man to remain closely aligned with the UK ensuring consistent, transparent, and simplified Immigration Rules for the applicant and employers.

The Isle of Man Immigration Rules have followed those of the UK and have increased significantly due to the UK Tier rule changes. Since the introduction of PBS in the UK on 9th March 2009, a total of 52 Statements of Changes to the UK Immigration Rules have come into force. The Isle of Man immigration office has produced 27 Statement of Changes to the Immigration Rules. Many of which have consolidated several UK Statements into one.

The majority of Statements of Changes are lengthy, extremely complex and contain changes or additions that cater for, or utilise, mechanisms that are far larger than any equivalent on the Isle of Man. This is partly as a result of the UK having produced so many Acts, which amend and repeal ones before, and partly because the Isle of Man with reference to our own position then amends some provisions and does not extend others.

In 2015 the Court of Appeal condemned the complexity of the PBS in the case of *Hossain & Ors v Secretary of State for the Home Department*. Lord Justice Beatson says at paragraph 30: "*The detail, the number of documents that have to be consulted, the number of changes in rules and policy guidance, and the difficulty advisers face in ascertaining which previous version of the rule or guidance applies and obtaining it are real obstacles to achieving predictable consistency and restoring public trust in the system, particularly in an area of law that lay people and people whose first language is not English need to understand*".

Common Travel Area

Collectively the Isle of Man, UK, Channel Islands and the Republic of Ireland form the Common Travel Area (CTA).

British and Irish Citizens may travel freely within the CTA, the principles of which are set out in the United Kingdom's Immigration Act 1971 and mean that travelling within the area is treated as a local journey and certain people are not subject to controls on such journeys.

This also means that a person who has entered the common travel area and who has been examined for the purpose of immigration control does not normally require leave to enter any other part of the Common Travel Area.

The maintenance of the CTA to allow free movement between its territory and other parts of the CTA is based on the knowledge that the other constituents maintain effective control over entry from outside that area under a law and practice broadly similar to that of the UK.

The Immigration Act 1971 (of Parliament), part 1 Section 9(5) makes provision by order to exclude from the CTA an Island by reason of differences between the Immigration Laws of the United Kingdom and that Island.

The members of the CTA continue to work together to maintain the integrated approach to immigration policy, protecting the flexibility within this approach to allow local immigration needs to be met in a manner appropriate to the needs and profile of each jurisdiction whilst facilitating legitimate travel, promoting the benefits of migration and adopting comparable immigration policies across CTA members.

Immigration Figures

The table below shows the number and types of entry clearance granted by the Isle of Man Immigration Service.

Category	Annual Total 2011 - 2012	Annual Total 2012 - 2013	Annual Total 2013 - 2014	Annual Total 2014 - 2015	Annual Total 2015 - 2016
Tier 1 visas	1	2	1	5	3
Tier 2 visas	54	76	57	54	47
Tier 4 Student visas	4	5	10	9	10

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Tier 5 Youth Mobility	0	0	0	0	0
Tier 5 Temporary workers	1	0	1	0	2
Spouse/Partner of Tier 1 or Tier 2	14	15	16	20	28
Child of a Tier 1 or Tier 2 visa holder	22	16	23	15	22
Total	96	114	108	103	112

Tier 1 Consultation

Tier 1 is currently split into several sub-categories; each section below provides a brief overview of the route and consultation questions associated with that route.

Tier 1 (Entrepreneur)

This route is for those investing in the Isle of Man by setting up or taking over, and being actively involved in the running of one or more businesses in the Isle of Man.

Tier 1(Entrepreneur) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	<ul style="list-style-type: none"> • Appendix A states: <ul style="list-style-type: none"> a) The applicant has access to not less than £200,000, or b) The applicant has access to not less than £50,000 from: <ul style="list-style-type: none"> i. One or more registered venture capital firm regulated by the Financial Services Authority ii. One or more Entrepreneurial Seed Funding Competitions which is listed as endorsed by the Department of Economic Development, or iii. One or more Isle of Man Government Departments and made available by the department(s) for the specific purpose of establishing or expanding an Isle of Man business, or c) The applicant: <ul style="list-style-type: none"> i. is applying for leave to remain, ii. has, or was last granted, leave as a Tier 1 (Graduate Entrepreneur) Migrant, and iii. has access to not less than £50,000, or d) The applicant: <ul style="list-style-type: none"> i. is applying for leave to remain, ii. has, or was last granted, leave as a Tier 1 (Post-Study Work) Migrant, and iii. has access to not less than £50,000. • The applicant must meet the English Language requirements at level B1 or above of the Council of Europe’s Common European Framework for Language Learning. • Must demonstrate sufficient maintenance funds. 	Part 6A: 245D – 245DF Appendix A: 35 - 52 Appendix B – English Language Appendix C – Maintenance 1A - 3
Conditions of leave	<ul style="list-style-type: none"> • No recourse to public funds • no employment other than working for the business or 	Part 6A: 245D – 245DF

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	<p>businesses that the migrant has established, joined or taken over but working for such business(es) does not include any work which is effectively employment with another business.</p> <ul style="list-style-type: none"> • Work must be genuine entrepreneur activity (no contract of service with another business). • Migrants must only work for the business or businesses they have established, joined or taken over. • Study is allowed providing this does not prevent the migrant from meeting the extension criteria. 	
How long is leave normally granted for?	<p>Leave is normally granted for:</p> <ul style="list-style-type: none"> • 3 years and 4 months for entry clearance, • 2 years for extensions 	Part 6A: 245D – 245DF
Are dependents allowed?	Yes.	Part 8: 319AA – 319E
Does this category lead to settlement (Indefinite leave to remain)	Yes – provided the relevant requirements are met.	Part 6A: 245BF
Is knowledge of language and life required	<p>Language requirement under Appendix B must be met for Entry Clearance and Leave to remain applications.</p> <p>Appendix KOLL must be met for Indefinite Leave to Remain Applications.</p>	<p>Appendix B</p> <p>Appendix KOLL</p>

When responding to the consultation questions in the table below please state the Reference number to which your response relates.

Tier 1 (Entrepreneur) Consultation Questions	
Reference No.	Question
T1(Ent) Q1.	Does the Tier 1 (Entrepreneur) Route sufficiently provide for the needs of the Isle of Man?
T1(Ent) Q2.	Do you have any comments or views on the current Tier 1 (Entrepreneur) route?
T1(Ent) Q3.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.
T1(Ent) Q4.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T1(ENT) Q5.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.

Tier 1 (Exceptional Talent)

This route is for exceptionally talented individuals in the fields of science, humanities, engineering, the arts and digital technology to enrich the Isle of Man’s knowledge economy and cultural life. There are few restrictions on the economic activity of individuals granted a visa under this route. The route allows individuals to work and change employers, or to be self-employed, without the need for further authorisation or to be sponsored for employment in a specific post.

In order to verify that an individual is deemed as ‘exceptionally talented’, prior to applying for their visa the applicant must obtain endorsement from a UK Designated Competent Body (DCB). The Isle of Man forms part of the UK’s DCB Framework and is therefore subject to the Tier 1 Exceptional Talent Limits as set out in the Immigration Rules.

Tier 1 (Exceptional Talent) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	<p>This category is for exceptionally talented people in specific, recognised fields who wish to work in the Isle of Man.</p> <p>Applicants will be internationally recognised at the highest level as world leaders in their particular field, or have demonstrated exceptional promise and are likely to become world leaders in their particular field.</p>	<p>Part 6A: 245B – 245BF</p> <p>Appendix A: 1 – 6A</p> <p>Appendix L</p>
Conditions of leave	<ul style="list-style-type: none"> • No recourse to public funds • Work is permitted however employment as a doctor or dentist in training or as a professional sports person (including as a sports coach) is not permitted. • Study is limited to that set out in Part 15 of the Rules 	<p>Part 6A: 245B – 245BF</p>
How long is leave normally granted for?	Up to 5 years and 4 months, as requested by the applicant.	
Are dependents allowed?	Yes.	<p>Part 8: 319AA – 319E</p>
Does this category lead to settlement (Indefinite leave to remain)	Yes – provided the relevant requirements are met.	<p>Part 6A: 245BF</p>
Is knowledge of language and life required	Yes, for settlement applications	<p>Appendix B</p> <p>Appendix KOLL</p>

When responding to the consultation questions in the table below please state the Reference number to which each of your responses relates.

Tier 1 (Exceptional Talent) Consultation Questions	
Reference No.	Question
T1(ET) Q1.	Do you have any comments or views in relation to the Isle of Man Exceptional Talent route?
T1(ET) Q2.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.
T1(ET) Q3.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T1(ET) Q4.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.

Tier 1 (Graduate Entrepreneur)

This route is for graduates identified as having developed genuine and credible business ideas and entrepreneurial skills to establish one or more businesses in the Isle of Man.

Tier 1(Graduate Entrepreneur) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	<p>This route is for graduates who have been identified by Higher Education Institutions as having developed genuine and credible business ideas and entrepreneurial skills to extend their stay in the Isle of Man after graduation to establish one or more businesses in the Isle of Man.</p> <p>The applicant must be endorsed by an Isle of Man Higher Education Institution.</p> <p>The applicants must demonstrate sufficient maintenance funds.</p>	<p>Part 6A: 245F – 245FC</p> <p>Appendix A: 66 – 71</p> <p>Appendix C</p>
Conditions of leave	<ul style="list-style-type: none"> • No recourse to public funds • no employment as a Doctor or Dentist in Training, • no employment as a professional sportsperson (including as a sports coach), and • • Study is limited to that set out in Part 15 of the Rules 	Part 6A: 245F – 245FC
How long is leave normally granted for?	<p>12 months is granted for Entry Clearance</p> <p>12 months is granted for leave to remain.</p>	Part 6A: 245F – 245FC
Are	Yes.	Part 8:

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dependents allowed?		319AA – 319E
Does this category lead to settlement (Indefinite leave to remain)	No	Part 6A: 245F – 245FC
Is knowledge of language and life required?	Applicants must meet the English language requirements.	Appendix B

Tier 1 (Graduate Entrepreneur) Consultation Questions	
Reference No.	Question
T1(G.Ent) Q1.	Do you have any comments or views in relation to the Isle of Man Tier 1 (Graduate Entrepreneur) route?
T1(G.Ent) Q2.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.
T1(G.Ent) Q3.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T1(G.Ent) Q4.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.

Tier 1 (Investor)

This route is for high net worth individuals to make a substantial financial investment in the Isle of Man. Under Appendix A of the Immigration Rules, in order to apply for Leave to Remain an individual must have invested not less than £2 million in the Isle of Man by way of share capital or loan capital in active and trading Isle of Man registered companies

These individuals are not required to meet the English Language requirement as is the requirement for other categories. Under the Immigration Rules a Tier 1 Investor is permitted to take employment in the Isle of Man however it is not a condition of their visa to do so.

Tier 1 (Investor) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	The applicant must: (a) has money of his own under his control held in a regulated financial institution and disposable in the Isle of Man amounting to not less than £2 million; and (b) has opened an account with an Isle of Man regulated	Part 6A: 245E – 245EF Appendix A: 54 – 65-SD

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	bank for the purposes of investing not less than £2 million in the Isle of Man.	
Conditions of leave	<ul style="list-style-type: none"> • No recourse to public funds • No employment as a doctor in training unless sufficiently qualified to do so. • Study is limited to that set out in Part 15 of the Rules 	Part 6A: 245E – 245EF
How long is leave normally granted for?	<p>2 years to an applicant who has, or was last granted, leave as a Tier 1 (Investor).</p> <p>3 years to any other applicant.</p>	Part 6A: 245E – 245EF
Are dependents allowed?	Yes	Part 8: 319AA – 319E
Does this category lead to settlement (Indefinite leave to remain)	Yes – provided the relevant requirements are met.	Part 6A: 245EF Appendix A: 54 – 65-SD
Is knowledge of language and life required	Yes, for settlement applications.	Appendix B Appendix KOLL

Tier 1 (Investor) Consultation Questions	
Reference No.	Question
T1(Inv) Q1.	Does the current Tier 1 (Investor) system facilitate tangible investment into the Isle of Man? If not, please state the types of investment and how you believe it could be improved.
T1(Inv) Q2.	Does the current Tier 1 (Investor) route promote and facilitate the expansion or creation of business for the Isle of Man? If not, please state how you believe it could be improved.
T1(Inv) Q3.	Does the current Tier 1 criterion facilitate the relocation of high net worth individuals to the Isle of Man? If not, please state how you believe it could be improved.
T1(Inv) Q4.	Do you have any comments or views in relation to the Isle of Man Tier 1 (Investor) route?
T1(Inv) Q5.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.
T1(Inv) Q6.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T1(Inv) Q7.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.

Tier 2 Consultation

Tier 2 of the Points Based System allows Isle of Man employers to employ nationals from outside the settled workforce to fill skilled jobs which cannot be filled by settled workers. A migrant sponsored under any Tier 2 category must not displace a suitable settled worker, which means that a Sponsor can only offer a job to a migrant if there is no suitable settled worker available to fill the vacancy. A settled worker cannot be made redundant to create a vacancy to be filled by a Tier 2 migrant. A settled worker includes an Isle of Man worker, a British Citizen or other EEA national.

Tier 2 is currently Split into different sub categories:

- Tier 2 (General)
- Tier 2 (Intra Company Transfer)
 - Long Term Staff subcategory
 - Graduate Trainee subcategory
- Tier 2 (Minister of Religion)
- Tier 2 (Sportsperson)

Tier 2 (General)

Tier 2 (General) is currently the primary route available for employing non – EEA national individuals in the Isle of Man.

Tier 2 (General) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	An applicant must be sponsored by a licenced sponsor in the Isle of Man; they must have a job offer and certificate of sponsorship from that sponsor.	Part 6A: 245HA – 245HH
	They must meet the English language requirements	Appendix A: 76 – 84A
	They must meet the financial maintenance requirements	Appendix B – English Language
	To job must pass the resident labour market test, unless an exemption from this requirement applies.	Appendix C – Maintenance
	The job must be paid the appropriate salary for the job as set out in Appendix A and the Codes of Practice for Skilled Workers at Appendix J.	Appendix J – Codes of Practice for Skilled Workers
	The Codes of Practice for Skilled Workers sets out two pay thresholds for most jobs. The lower pay threshold is for 'new entrants'. The other pay threshold is for 'experienced' workers. The thresholds have been set to make sure that the resident labour market is not undercut. The rates of pay are in line with current	Appendix K – Shortage

	<p>earnings of settled workers.</p> <p>Unless an exemption applies, the job must also meet the required skill level set at or above Regulated Qualification Framework (RQF) level 6. This does not mean that the person employed to fill the job must be educated to that level, it means that the work that person will do is pitched at that level.</p> <p>The only exceptions to this skill level rule are where the migrant:</p> <ul style="list-style-type: none"> • will be sponsored under Tier 2 (General) for a job on the Shortage Occupation List at Appendix K of the Immigration Rules; or • will be sponsored in one of the following creative sector standard occupational classification (SOC) codes: <ul style="list-style-type: none"> ○ 3412 – Authors, writers and translators ○ 3413 – Actors, entertainers and presenters ○ 3414 – Dancers and choreographers ○ 3422 – Product, clothing and related designers 	<p>Occupation List</p> <p>Immigration Sponsor Licensing Policy²</p>
<p>Conditions of leave</p>	<p>No employment except:</p> <ul style="list-style-type: none"> - working for the sponsor in the job recorded on their CoS - supplementary employment - voluntary work <p>No recourse to public funds</p> <p>Study is permitted (with no limit on the number of study hours if it doesn't interfere with the job they have been sponsored to do) subject to the restrictions set out in Part 15.</p>	<p>Part 6A:</p> <p>Part 15</p>
<p>How long is leave normally granted for?</p>	<p>Entry clearance will be granted for a period ending 14 days after the end date of the applicant's employment in the Isle of Man, as recorded by the Certificate of Sponsorship Checking Service. This would be for a maximum of 5 years and 1 month.</p> <p>A Tier 2 Migrant cannot be granted more than a total of 6 years leave under the Tier 2 (General) route. This 6 year rule does not apply where the individual was granted leave prior to 6 April 2011.0</p>	<p>Part 6A: 245HA – 245HH</p>
<p>Are dependents allowed?</p>	<p>Yes</p>	<p>Part 8: 319AA – 319E</p>

² See the Immigration Sponsor Licensing Policy (GC 2017/0004) at www.gov.im/immigration

Does this category lead to settlement (Indefinite leave to remain)	Yes	Part 6A: Appendix A
Is knowledge of language and life required	Yes, applicants must meet the required level of English language for Entry Clearance and Leave to remain. Applicants must meet the requirements of Appendix KOLL for Indefinite Leave to Remain applications.	Appendix B Appendix KOLL

Tier 2 (General) Consultation Questions	
Reference No.	Question
T2 (Gen) Q1.	Does the current Tier 2 (General) meet the needs of businesses in the Isle of Man? If not, please state how you believe it could be improved.
T2 (Gen) Q2.	Does the Shortage Occupation List at Appendix K of the Immigration Rules, meet the needs of local businesses? If not, please state how you believe it could be improved.
T2 (Gen) Q3.	Do you have any comments or views in relation to the Codes of Practice for Skilled Workers?
T2 (Gen) Q4.	Do you have any comments or views in relation to the Immigration Sponsor Licensing Policy, and/or the framework surrounding the sponsorship of Tier 2 (General) migrants?
T2 (Gen) Q5.	Do you have any comments or views in relation to the Regulated Qualification Framework used to set the skill level of occupations suitable under the Tier 2 (General) route?
T2 (Gen) Q6.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.
T2 (Gen) Q7.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T2 (Gen) Q8.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.
T2 (Gen) Q9.	Do you have any comments or views in relation to the Tier 2 (General) Route?

Tier 2 (Intra Company Transfer)

Intra – Company Transfers are available to existing employees of a multinational employers who need to be transferred to their Isle of Man branch for training purposes or to fill a specific vacancy that cannot be filled by a settled or EEA worker either on a long term basis or for frequent short visits. This route cannot be used for employees of an overseas employer that is not linked by common ownership or control to the Isle of Man branch.

Tier 2 (Intra Company Transfer) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	<p>An applicant must be sponsored by a licenced sponsor in the Isle of Man; they must have a job offer and certificate of sponsorship from that sponsor.</p> <p>They must meet the financial maintenance requirements</p> <p>The job must be paid the appropriate salary for the job as set out in Appendix A and the Codes of Practice for Skilled Workers at Appendix J.</p> <p>The Codes of Practice for Skilled Workers sets out two pay thresholds for most jobs. The lower pay threshold is for 'new entrants'. The other pay threshold is for 'experienced' workers. The thresholds have been set to make sure that the resident labour market is not undercut. The rates of pay are in line with current earnings of settled workers.</p> <p>Unless an exemption applies, the job must also meet the required skill level set at or above Regulated Qualification Framework (RQF) level 6. This does not mean that the person employed to fill the job must be educated to that level, it means that the work that person will do is pitched at that level.</p> <p>The only exceptions to this skill level rule are where the migrant:</p> <ul style="list-style-type: none"> • will be sponsored in one of the following creative sector standard occupational classification (SOC) codes: <ul style="list-style-type: none"> ○ 3412 – Authors, writers and translators ○ 3413 – Actors, entertainers and presenters ○ 3414 – Dancers and choreographers ○ 3422 – Product, clothing and related designers 	<p>Part 6A: 245G – 245GD-SD</p> <p>Appendix A: 73 – 75E</p> <p>Appendix C – Maintenance</p> <p>Appendix J – Codes of Practice for Skilled Workers</p> <p>Immigration Sponsor Licensing Policy³</p>
Conditions of leave	<ul style="list-style-type: none"> • no employment except: <ul style="list-style-type: none"> - working for the sponsor in the job recorded on their CoS - supplementary employment - voluntary work • no recourse to public funds • Study is permitted (with no limit on the number of study hours if it doesn't interfere with the job they 	<p>Part 6A: 245G – 245GD-SD</p> <p>Part 15</p>

³ See the Immigration Sponsor Licensing Policy (GC 2017/0004) at www.gov.im/immigration

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	have been sponsored to do) subject to the restrictions set out in Part 15.	
How long is leave normally granted for?	<p>Entry clearance applications:</p> <p>graduate trainees are granted for the shorter period of either:</p> <ul style="list-style-type: none"> • the period of engagement shown on the CoS plus one month; • 12 months based on the start date on the CoS. <p>Long term staff are granted for the shorter period of either:</p> <ul style="list-style-type: none"> • the period of engagement shown on the CoS plus one month; • up to 5 years: if the period of employment shown on the CoS is longer than 3 years, the applicant must have paid the higher application fee. 	Part 6A: 245G – 245GD-SD
Are dependents allowed?	Yes	Part 8: 319AA – 319E
Does this category lead to settlement (Indefinite leave to remain)	No.	Part 6A: 245G – 245GD-SD
Is knowledge of language and life required	No applicants for Intra Company Transfer visas are not required to meet the requirements of Appendix B.	Appendix B

Tier 2 (Intra Company Transfer) Consultation Questions	
Reference No.	Question
T2 (ICT) Q1.	Does the current Tier 2 (Intra company transfer) meet the needs of businesses in the Isle of Man? If not, please state how you believe it could be improved.
T2 (ICT) Q3.	Do you have any comments or views in relation to the Codes of Practice for Skilled Workers?
T2 (ICT) Q4.	Do you have any comments or views in relation to the Immigration Sponsor Licensing Policy, and/or the framework surrounding the sponsorship of Tier 2 (Intra Company Transfer) migrants?
T2 (ICT) Q5.	Do you have any comments or views in relation to the Regulated Qualification Framework used to set the skill level of occupations suitable under the Tier 2 (Intra Company Transfer) route?
T2 (ICT) Q6.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.

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T2 (ICT) Q7.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T2 (ICT) Q8.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.

Tier 4 Consultation

Tier 4 is the route available for students from outside of the EEA and is split into two categories:

1. Tier 4 (General)
2. Tier 4 (Child)

Tier 4 (General)

Tier 4 (General) is for student to come to the Isle of Man who are over the age of 16 to study.

Tier 4 (General) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	<p>To be eligible under this route applicants must:</p> <ul style="list-style-type: none"> • be a genuine student • have a valid Confirmation of Acceptance for Studies (CAS) as confirmation of sponsorship by an Isle of Man Tier 4 licenced sponsor • meet the maintenance requirements • be able to show proficiency in English (if required to do so) • not spend more than 2 years in the UK studying below degree level as a Tier 4 (General) migrant • not spend more than 5 years studying at degree level or above • be at least 16 years old • have parental consent to study and for their care arrangements if they are under 18 years of age 	<p>Part 6A: 245ZT – 245ZY</p> <p>Appendix A: 113 – 120A</p> <p>Appendix C: Maintenance Funds 10 – 14</p> <p>Immigration Sponsor Licensing Policy⁴</p>
Conditions of leave	<p>The Tier 4 student:</p> <ul style="list-style-type: none"> • cannot claim public funds • The student’s main study (for example, the study for which they were granted leave) must be at the institution that assigned the Confirmation of Acceptance for Studies (CAS). The student can undertake supplementary study at any other institution as long as this does not interfere with their main course. • The student is not permitted to study at a school maintained by the Department of Education and Children. 	<p>Part 6A: 245ZT – 245ZY</p> <p>Part 15</p>

⁴ See the Immigration Sponsor Licensing Policy (GC 2017/0004) at www.gov.im/immigration

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	<ul style="list-style-type: none"> • Work is permitted for students studying degree level or above: <ul style="list-style-type: none"> - part-time during term time (up to a maximum of 20 hours a week) - full-time during vacations - on a work placement as part of the course - full-time as a postgraduate doctor or dentist on a recognised foundation programme • Work is permitted below degree level: <ul style="list-style-type: none"> - part-time during term time (up to a maximum of 10 hours a week) - full-time during vacations - on a work placement as part of the course • Students who are permitted to work must not: <ul style="list-style-type: none"> - be self-employed or engage in business activity - take employment as a professional sportsperson, including a sports coach or as an entertainer - fill a full-time permanent vacancy other than a recognised foundation programme 	
Are dependents allowed?	Yes, in limited circumstances	Part 8: 319AA – 319E
Does this category lead to settlement (Indefinite leave to remain)	No.	Part 6A: 245ZT – 245ZY

Tier 4 (General) Consultation Questions	
Reference No.	Question
T4 (Gen) Q1.	Do you have any comments or views in relation to the Immigration Sponsor Licensing Policy, and/or the framework surround the sponsorship of Tier 4 migrants?
T4 (Gen) Q2.	Do you have any comments or views in relation to the Tier 4 (General) visa category?
T4 (Gen) Q3.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.
T4 (Gen) Q4.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T4 (Gen) Q5.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.

Tier 4 (Child)

Tier 4 (Child) is for children aged 4 to 17 to come to the Isle of Man for their education at an independent school.

Tier 4 (Child) Key Facts		
Key Fact	Summary	Section of the Rules
Eligibility Requirements	<p>To be eligible under this route applicants must:</p> <ul style="list-style-type: none"> • be a genuine student (assessment to be considered for 16 and 17 year olds only) • have a valid Confirmation of Acceptance for Studies (CAS) as confirmation of sponsorship by an Isle of Man Tier 4 licenced sponsor • meet the maintenance requirements • not have children aged under 18 who they live with or are financially responsible for • have care arrangements in place • have their application supported by their parents, legal guardian or one parent if they have sole responsibility for the child • a successful Tier 4 (Child) applicant aged under 16 may be granted a visa for the length of a child student's course as stated on the CAS, up to a maximum of 6 years • a successful Tier 4 (Child) applicant who is 16 or 17 years old may be granted a visa for the length of the child student's course as stated on the CAS, up to a maximum of 3 years. 	<p>Part 6A: 245ZZ – 245ZZE</p> <p>Appendix A: 121 – 126</p> <p>Appendix C: Maintenance Funds 15 – 22</p> <p>Immigration Sponsor Licensing Policy⁵</p>
Conditions of leave	<p>The Tier 4 (Child) student:</p> <ul style="list-style-type: none"> • cannot claim public funds • Work is restricted, Children under 16 are not allowed to work. If the child is aged 16 years or older, they can work provided: <ul style="list-style-type: none"> - it is for no more than 10 hours a week during term time (it can be of any duration during vacations) - it is part of a course related work placement which is an assessed part of the applicant's course and it is not more than half the length of the course - this is except when there is a legal requirement for the placement to exceed half the length of the 	<p>Part 6A: 245ZZ – 245ZZE</p> <p>Part 15</p>

⁵ See the Immigration Sponsor Licensing Policy (GC 2017/0004) at www.gov.im/immigration

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	<p>course (in which case a longer work placement is allowed)</p> <ul style="list-style-type: none"> - it is not self-employment or a business activity - it is not as professional sportsperson, including a sports coach or as an entertainer - the job is not a full-time permanent vacancy <ul style="list-style-type: none"> • the student's main study (i.e. the study for which they were granted leave) must be at the institution that assigned the Confirmation of Acceptance for Studies (CAS) • the student can undertake supplementary study at any other institution as long as this does not interfere with their main course • the student cannot undertake a foundation course intended to prepare the student for undergraduate study and entry to a higher education institution 	
Are dependents allowed?	No	Part 8:
Does this category lead to settlement (Indefinite leave to remain)	No.	Part 6A: 245ZZ – 245ZZE

Tier 4 (Child) Consultation Questions

Reference No.	Question
T4 (Child) Q1.	Do you have any comments or views in relation to the Immigration Sponsor Licensing Policy, and/or the framework surround the sponsorship of Tier 4 migrants?
T4 (Child) Q2.	Do you have any comments or views in relation to the Tier 4 (Child) visa category?
T4 (Child) Q3.	In your opinion, could this route be improved to further serve the needs of the Isle of Man Economy? If so please state how you believe it could be improved.
T4 (Child) Q4.	In your opinion is reciprocity with the UK and Channel Islands for 'time spent' in this route important? If so please state your reasons.
T4 (Child) Q5.	In your opinion is reciprocity with the UK and Channel Islands of a 'visa' in this route important? If so please state your reasons.

Annex 1: List of Bodies to be consulted

- Isle of Man Government Departments
- Isle of Man Law Society
- Isle of Man Chamber of Commerce
- Isle of Man Financial Intelligence Unit
- Manx Information Communication and Technology Association (MITCA)
- Current (Isle of Man) Sponsor Licence holders
- University College Isle of Man
- King William's College Isle of Man



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