



**STATEMENT OF
CHANGES IN
IMMIGRATION RULES**

Laid before Tynwald on 17th 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 2008 (SI 2008 no. 680))

The Minister for the Treasury has made the following changes to the Immigration Rules laid down as to the practice to be followed in the administration of the Immigration Act 1971¹ (of Parliament) as it has effect in the Isle of Man² for regulating entry into and the stay of persons in the Isle of Man and contained in the Statement laid before Tynwald on 17 May 2005³.

Commencement

The changes set out in this Statement of Changes in Immigration Rules come into effect on 28 May 2024.

Changes to Part 3

3.1 In paragraph 76(vii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

3.2 In paragraph 79(vii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

Changes to Part 4

4.1 In paragraph 122(vii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of

¹ 1971 c. 77.

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

³ S.D. 62/05 amended by S.D.692/05, S.D. 442/06, S.D. 547/06, S.D. 781/06, S.D. 871/06, S.D. 124/07, S.D. 303/07, S.D. 534/07, S.D. 02/08, S.D. 500/08, GC 32/09, GC 35/09, GC 14/10, GC 26/10, GC 02/11, SD 518/11, SD 40/12, SD 0288/12, SD 0625/12, SD 0657/12, SD250/13, SD 302/13, SD 345/13 ,SD 2014/0004, SD 2014/0082, SD 2014/241, SD2014/314 , SD2014/324, SD2014/344, SD2015/0265, SD2015/0303, SD2015/0386, SD2016/0092, SD2016/0175, SD5016/0211, SD2017/0066, SD2017/0183, SD2017/0314, SD2018/0084, SD2018/0134, SD2018/0328, SD2019/0119, SD2019/0143, SD2019/0330, SD2019/0380, SD2020/0011, SD2020/0070, SD2020/0088, SD2020/0140, SD2020/0316, SD2020/0344 SD2020/0467, SD2020/0497, SD2021/0002, SD2021/0155, SD2021/0216, SD2021/0304, SD2021/0358, SD2022/0052, SD2022/0083, SD2022/0155, SD2022/0325, SD2023/0068, SD2023/0202, SD2023/0312, SD2023/0237 and 2024/0052 .

overstaying will be disregarded”.

- 4.2 In paragraph 125(viii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

Changes to Part 5

- 5.1 In paragraph 134(viii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.2 In paragraph 135G(g) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.3 In paragraph 147(vi) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.4 In paragraph 150(vi) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.5 In paragraph 159D (vii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.6 In paragraph 159EA(vi) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.7 In paragraph 159G(vii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.8 In paragraph 176(vi) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.9 In paragraph 184(vi) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.10 In paragraph 189(iii) for “for a period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.11 In paragraph 192(v) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.12 In paragraph 196A(iv) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.13 In paragraph 196D(v) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of

overstaying will be disregarded”.

- 5.14 In paragraph 197(viii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 5.15 In paragraph 199(v) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules Page 13 of 70 applies, any current period of overstaying will be disregarded”.

Changes to Part 6

- 6.1 In paragraph 242A(vi) for “for a period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 6.2 In paragraph 242D(vii) for “for a period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

- 6.2 In paragraph 243(viii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

Changes to Part 6A

- 6A.1 For paragraph 245AAA(a)(iii) substitute —

“(iii) the applicant has any previous period of overstaying between periods of leave disregarded where: the further application was made before 25 March 2024 and within 28 days of the expiry of leave; or the further application was made on or after 25 March 2024 and paragraph 39E of these Rules applied.”.

- 6A.2 In paragraph 245BD(d) for “any period of overstaying for a period of 28 days or

less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.3 In paragraph 245BF(f) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.4 In paragraph 245CD(i) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.5 In paragraph 245DD(g) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.6 In paragraph 245DF(e) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.7 In paragraph 245ED(f) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.8 In paragraph 245EF(e) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.9 In paragraph 245ZQ(i) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.10 In paragraph 245ZS(d) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.11 In paragraph 245ZX(m) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

6A.12 In paragraph 245ZZC(l) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

Changes to Part 7

7.1 In paragraph 276B(v) substitute —

“276B(v) the applicant must not be in the Isle of Man in breach of immigration laws, except that, where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded. Any previous period of overstaying between periods of leave will also be disregarded where —

- (a) the previous application was made before 24 November 2016 and within 28 days of the expiry of leave; or
- (b) the further application was made on or after 24 November 2016 and paragraph 39E of these Rules applied.”.

7.2 In paragraph 276BT1(viii) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

Changes to Part 8

- 8.1 In paragraph 284(iv) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —
“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.
- 8.2 In paragraph 295D(iv) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —
“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.
- 8.3 In paragraph 319C(j) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —
“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.
- 8.4 In paragraph 319E(i) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —
“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.
- 8.5 In paragraph 319H(m) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —
“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.
- 8.6 In paragraph 319J(i) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —
“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

Changes to Appendix EU

- EU1. In EU9(f). for “an illegal entrant” substitute —

“a specified enforcement case.”.

- EU2. In Annex 1, in sub-paragraph (b)(ii) of the definition of ‘child’ in the table, after “previously granted limited leave to enter or remain under” insert –
“paragraph EU3 or EU3A of”.
- EU3. In Annex 1, in sub-paragraph (c)(i) of the definition of ‘dependent parent’, after “previously granted limited leave to enter or remain under” insert –
“paragraph EU3 or EU3A of”
- EU4. In Annex 1, in sub-paragraph (c)(ii) of the definition of ‘dependent parent’ after “granted indefinite leave to enter or remain or limited leave to enter or remain under” insert –
“paragraph EU2, EU2A, EU3 or EU3A of”.
- EU5. In Annex 1, omit the entry for ‘illegal entrant’ in the table.
- EU6. In Annex 1, in the definition of ‘required date’, for sub-paragraph (a)(viii), substitute –
“(viii) (in the case of an applicant to whom the deadline in sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above applies, who has, or had, limited leave to enter or remain granted under another part of these Rules or outside the Immigration Rules (except where such leave is, or was, as a **visitor**) or by virtue of having arrived in the UK and Channel Islands with an entry clearance that was granted under Appendix EU (Family Permit) to these Rules, which has, or had, not lapsed or been cancelled, curtailed or invalidated, and the date of expiry of that leave (which they have held, or did hold, continuously since before that deadline) is, or was, after that deadline, the Minister will deem that to be reasonable grounds for the person’s failure to meet that deadline), so that the date of application is:
(aa) before the date of expiry of that leave; or
(bb) (where the deadline in sub-paragraph (a)(viii)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after the date of expiry of that leave; or”.

EU7. In Annex 1, in the definition of ‘required date’, for sub-paragraph (a)(ix), substitute —

- “(ix) (in the case of an applicant to whom the deadline in subparagraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above applies, who ceases to be exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971 on or after 1 July 2021, which the Minister will deem to be reasonable grounds for the person’s failure to meet that deadline), the date of application is:
- (aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or
 - (bb) (where the deadline in sub-paragraph (a)(ix)(aa) above was not met and the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person’s delay in making their application) after that deadline; or”.

EU8. In Annex 1, after the entry for ‘specified date’ in the table, insert —

“

specified enforcement case	a person who is: <ul style="list-style-type: none"> (a) an “illegal entrant” within the meaning given in section 33(1) of the Immigration Act 1971 (save that, in respect of the reference there to “deportation order”, the definition of ‘deportation order’ in this table does not apply); or (b) an irregular arrival
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EU9. In Annex 1, after the entry for ‘valid evidence of their indefinite leave to enter or remain’, insert —

“

visitor	means a person granted permission under paragraphs 40-56Z, 75A-M or 82-87 of the rules in force before 24 April 2015 or granted permission under Appendix V on or after 7 September 2015 or Appendix V: Visitor after 1 January 2021, or a person to whom article 4 or 6 of the Immigration (Control of Entry through Republic of Ireland) Order 2016 applies, unless (in either case): <ul style="list-style-type: none"> (a) they are the spouse or civil partner of a relevant
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	<p>sponsor (as described in sub-paragraph (a)(i)(bb) of the entry for ‘joining family member of a relevant sponsor’ in this table) or the specified spouse or civil partner of a Swiss citizen; and</p> <p>(b) their leave permitted them to marry or form a civil partnership in the Isle of Man with that relevant sponsor or with that Swiss citizen and they did so</p> <p>”.</p>
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EU10. In Annex 3, for A3.4.(c), substitute —

“(c) the person ceases to meet, or never met, the requirements of this Appendix.”.

Changes to Appendix W

W1. For paragraph 1.2(1)(iii) substitute —

“(iii) the applicant has any previous period of overstaying between periods of leave disregarded where: the further application was made before 25 March 2024 and within 28 days of the expiry of leave; or the further application was made on or after 25 March 2024 and paragraph 39E of these Rules applied.”.

W3. In paragraph 2.3(18) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

W4. In paragraph 2.4(6) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

W5. In paragraph 3.3(12) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

W6. In paragraph 3.4(7) for “any period of overstaying for a period of 28 days or less will be disregarded” substitute —

“where paragraph 39E of these Rules applies, any current period of overstaying will be disregarded”.

MADE 24th April 2024

Dr Alex Allinson
Minister for the Treasury

Explanatory Note
Statement of Changes in Immigration Rules SD 2024/0051
(This note is not part of the Statement of Changes in Immigration Rules)

This Statement of Changes in Immigration Rules makes the following changes:

Changes to Part 3, Part 4, Part 5, Part 6, Part 7, Part 8 & Appendix W – Overstaying

1. A 28 day or less period in which overstaying is disregarded was originally brought in so people who had made an innocent mistake were not penalised, but retaining it sends a message which is inconsistent with the need to ensure compliance with immigration laws. The 28-day period is therefore being abolished.
2. However, an out of time application will not be refused on the basis that the applicant has overstayed where the Minister considers that there is a good reason beyond the control of the applicant or their representative, given in or with the application, why an in time application could not be made, provided the application is made within 14 days of the expiry of leave.
3. The above changes to Parts 4 to 7 reflects equivalent changes made in the UK Statement if Changes laid before Parliament on 4 November 2016. These were not replicated into the Isle of Man Immigration Rules at the time and this change is to rectify this oversight and ensure alignment with the UK.

Changes to the EU Settlement Scheme (EUSS)

4. Appendix EU sets out the Island's EU Settlement Scheme (EUSS), which the Isle of Man is committed to keep aligned to the EU Settlement Scheme of the UK. The changes in respect of the Immigration Rules for the EUSS in Appendix EU are as follows:
 - To prevent a valid application to the EUSS as a joining family member being made by an irregular arrival to the UK and Islands as well as by an illegal entrant to the UK and Islands, thereby supporting the UK's Government's approach to tackling illegal migration.
 - To require a person in the UK and Islands as a visitor to make any application to the EUSS as a joining family member within three months of their arrival (subject to reasonable grounds for any delay in applying). This is consistent with the temporary protection of rights conferred on them by the Citizens' Rights Agreements for three months from their arrival in the UK and Islands.
 - As part of the automation plan for the conversion of qualified cases from pre-settled to settled status, a change has been introduced to enable pre-settled status to be curtailed where it is proportionate to do so where the person did not ever meet the requirements of Appendix EU.
 - Some minor technical amendments are also being made to the Immigration Rules for

the EUSS in Appendix EU to clarify the existing policy position where a dependent parent or child has already been granted limited leave under Appendix EU, they will not need to evidence dependency for any further applications under Appendix EU.

- Changes are also being made to the definition of ‘required date’ in Annex 1 of Appendix EU to clarify the required date specified in sub-paragraphs (a)(viii) and (ix) of that definition does not apply to applicants relying on being either a person with a Zambrano right to reside or a family member of a qualifying British citizen.
- All the above changes reflect those made in the Statement of Changes laid before Parliament on 7 September 2023 and 7 December 2023.