

# GUIDE TO WORK PERMITS IN THE ISLE OF MAN

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## PREFACE

This Guide is a summary of the law and procedures relating to work permits in the Isle of Man.

We recognise that this Guide will not completely answer detailed questions which clients and their advisers may have; it is not intended to be comprehensive. If any such questions arise in relation to the contents, they may be addressed to any member of the team, using the [contact information](#) provided at the end of this Guide.

### **Appleby**

Isle of Man

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## 1. WHO REQUIRES A WORK PERMIT?

Except in the case of a small number of occupations and certain employments of a temporary nature which are exempt, anyone who is not defined as an Isle of Man worker requires a permit to take up employment or self-employment in the Isle of Man.

An Isle of Man worker is defined as an individual who:

- was born in the Isle of Man;
- has been ordinarily resident in the Isle of Man for an unbroken period of at least five years;
- is the spouse or civil partner of an Isle of Man worker;
- was the spouse or civil partner of an Isle of Man worker, was living in the Island immediately before the death of the Isle of Man worker and continued to live on the Isle of Man thereafter;
- was the spouse or civil partner of an Isle of Man worker, was living in the Island for an unbroken period of at least three years immediately before being divorced and continued to live on the Isle of Man thereafter;
- is the child of an Isle of Man worker who, at the time of the child's birth, was serving, or married to a person serving in the armed forces;
- is the child of a parent who was born in the Isle of Man, provided that their parent lived in the Island for the first five years of their life; or
- has received full time education, either in the Isle of Man or elsewhere whilst normally being ordinarily resident in the Island and continue to live in the Island thereafter.

It is an offence punishable by fine and/or imprisonment for a person who requires a work permit to start work without one. A permit, if granted, is limited to a specified employment by a specified Employer. Any change in job or Employer will require a new permit.

## 2. EXEMPTIONS

### 2.1 Permanent Exemptions

Certain types of employment are excluded from the work permit requirements. Employment for which permits are not required include:

- certain employments in Information and Communication Technologies (ICT) and e-business;
- holders of an immigration employment document;
- exemptions that the Department considers are in the national interest;
- certain Crown employments;
- diplomatic employment;
- police and related employments (members of the Isle of Man Constabulary will no longer be exempted from 1 August 2017 onwards);
- judicial, court and tribunal employments;
- senior public service appointments, including departmental Chief Executives, the Chief Constable, and Chief Fire Officer;
- employment as a minister of religion or as a lay worker with a religious body;
- registered medical practitioners;
- registered dentists;
- secondary school teachers;
- registered nurses or midwives;
- registered social workers;

- employment in a vessel or aircraft;
- Chief Officers of an international group;
- voluntary workers for charities and statutory bodies, (not private employers);
- self-employment of a purely cultural nature;
- certain commercial travellers; and
- employment in some businesses being established in the Island as a branch or subsidiary of a business carried on elsewhere.

## 2.2 Temporary Exemptions

Employment for up to ten days a year is exempt from requiring a work permit. Separate periods of connected employment of less than ten days in any year are added together and where the total exceeds ten days, a permit will be required. The ten days includes days where the person is not actually working – such as weekends. This exemption does not apply for construction operations, mobile catering or retail where the retailer does not have a permanent place of business in the Island.

Upon request, the Department may grant an exemption for employment of a temporary or intermittent nature for more than ten days where it considers there is good reason. Such an exemption will be authorised in writing.

Non-resident, non-executive directors are exempt from requiring a work permit for up to three days in any calendar month.

The following exemptions are for temporary employment for up to 30 days a year:

- media representatives;
- representatives or officials of an international organisation;
- employment in connection with conferences; and
- employment in connection with the supply, installation, maintenance and repair of specialist equipment or training in its use. This exemption does not apply where the necessary expertise or service is available in the Island.

The following exemptions are for temporary employment for up to 48 days a year:

- employment by a company incorporated in the Island which is a member of an “international group”;
- employees undertaking training;
- clients or customers of Island businesses;
- employment for the purpose of disaster recovery;
- delivery workers;
- coach drivers;
- regulatory aircraft surveyors; and
- theatrical and musical productions.

The above is not an exhaustive list, but covers the main temporary and permanent exemptions.

The Employer is responsible for applying for the work permit. People wishing to take up self-employment will be responsible for applying for a self-employed work permit.

### 3. PERMIT REQUIREMENTS FOR NON-ISLE OF MAN WORKERS

#### 3.1 EEA Nationals (including UK nationals) and people from Switzerland

A work permit is required.

Various factors will be taken into account when deciding whether to grant a work permit. Such matters include:

- the availability of suitable Isle of Man workers;
- the level of unemployment in the Isle of Man in the sector that the permit is sought for;
- any likely economic or social consequences of granting the application;
- whether and how the availability of the job has been publicised;
- the process by which the person has been selected for the role;
- the grounds on which the person concerned was selected;
- any criminal conviction;
- whether the applicant is already based in the Island;
- whether a refusal to grant or renew a permit would cause substantial hardship; and
- the applicant's status under immigration law.

There are additional matters which the Department may take into account including economic circumstances and personal circumstances.

The Employer is ordinarily expected to advertise the post so Isle of Man workers have an opportunity to apply for the employment in question, and so that the Employer can prove that there is not a suitable candidate on Island.

Permits can be issued in whatever form the Department sees fit, and for whatever period up to a maximum of five years. The length of the permit will depend on the nature of the employment in question.

If the application form is completed correctly and all relevant information has been supplied, it is usual for applicants to be notified of the decision within ten working days.

#### 3.2 Non-EEA Nationals

- Non-EEA Nationals who are permitted to work in the Isle of Man under immigration law do not normally require a work permit in addition. However, a non-EEA national may require a work permit in some circumstances.
- Non-EEA Nationals who wish to apply to live and work or study in the Isle of Man must apply for entry clearance, leave to enter or leave to remain under the Isle of Man Immigration Rules which are very similar to the UK's Immigration Rules.
- The type of visa held by a non-EEA national determines the length of time he or she can stay in the Island, any conditions or restrictions on his or her stay and also whether or not he or she also requires a CEA permit.
- The main immigration route for migrants from outside the EEA is a separate system known as the Points Based System (**PBS**). Further information regarding the PBS and the Immigration Rules can be obtained at: <https://www.gov.im/categories/travel-traffic-and-motoring/immigration/>

### 3.3 Spouses

If a permit is granted to a non-Isle of Man worker, their spouse is automatically entitled to a permit provided that the original permit holder continues in employment.

## 4. REVOCATION, APPEALS AND RENEWAL OF PERMITS

There are certain circumstances whereby a permit can be revoked and there is an Appeals Tribunal in place for dissatisfied applicants.

Where necessary, an application for renewal of a permit can be made by the Employer, or in the case of a self-employed person, by that person. An Application for renewal should be made not less than 28 days before the expiry of the permit. The Application must be accompanied by the statutory prescribed fee.

## 5. FURTHER INFORMATION/USEFUL CONTACTS

Detailed guidance on the work permit schemes can be obtained from the Department of Economic Development website at [www.gov.im/categories/working-in-the-isle-of-man/work-permits/](http://www.gov.im/categories/working-in-the-isle-of-man/work-permits/)

Work Permit Helpline: +44 (0) 1624 682393

Email: [workpermit@gov.im](mailto:workpermit@gov.im)

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For more specific advice on work permits in the Isle of Man we invite you to contact:

### Isle of Man

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For the convenience of clients in other time zones, a list of contacts available in each of our jurisdictions may be found [here](#).