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THE STATES BOARD OF ADMINISTRATION, in exercise of the powers conferred upon it by subsection (2) of section three of the Immigration Act 1971, as extended to the Bailiwick by the Immigration (Guernsey) Order 1972, hereby makes the following Rules:- #

REPEALS

1. The Immigration (Guernsey) Rules 1982 (a) are hereby repealed.

INTERPRETATION

2. In these Rules 'The Bailiwick' means the Bailiwick of Guernsey and the territorial waters adjacent thereto; 'the Act' means the Immigration Act 1971, as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1972 and 'the 1981 Act' means the British Nationality Act 1981; 'United Kingdom Passport' bears the meaning it has in the Immigration Act 1971 as extended to the Bailiwick; 'immigration officer' includes a Customs Officer acting as an immigration officer; and 'passenger' means any Commonwealth citizen or British protected person who is required by the Act to have leave to enter and any foreign national (including a Stateless person) but does not include a member of the crew of a ship, aircraft, hovercraft or hydrofoil. A person is 'settled in the Bailiwick' when he is ordinarily resident here without having entered or remained in breach of the immigration laws, and is free of any restriction on the period for which he may remain.* A person is also settled here if, despite having entered or remained in breach of the immigration laws, he has subsequently entered lawfully or has been lawfully granted leave to remain, is ordinarily resident here, and is free from any restriction on the period for which he may remain.

These Rules, except those in Part XII, do not, however, extend to citizens of the Irish Republic, who because the Republic forms part of the common travel area (see paragraph 9) are admitted freely to the Bailiwick whether coming from within or outside that area, except in cases where the Lieutenant-Governor decides that the exclusion of a particular person is conducive to the public good.

(a) GSI, 1982/12.

* But a person entitled to an exemption under section 3 of the Act (otherwise than as a member of the Home Forces) is not to be regarded as settled in the Bailiwick except insofar as section 3(a) so provides.

SECTION ONE: CONTROL ON ENTRY

Part I: INTRODUCTORY

General

3. Immigration officers will carry out their duties without regard to the race, colour or religion of people seeking to enter the Bailiwick.
4. A person must, on arrival in the Bailiwick, produce on request by the immigration officer a valid national passport or other document satisfactorily establishing his identity and nationality.* Everyone arriving in the Bailiwick is liable to be examined and must 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.
5. A British citizen does not require leave to enter. A person who claims to be a British citizen because he was on 31 December 1982 a citizen of the United Kingdom and Colonies with the right of abode under section 2(1)(c) or section 2(2) of the Act as then in force+ must, however, prove that he has the right of abode by producing a certificate of entitlement duly issued to him by a British Government representative overseas, by the Home Office, London, by the Immigration Authorities in the Channel Islands or by the appropriate authority in the Isle of Man, unless he can meet the requirements of section 3(9)(a) or (b) of the Act++ as substituted by section 39(3) of the 1981 Act.

A Commonwealth citizen who is not a British citizen but has the right of abode does not require leave to enter. He must, however, prove that he has the right of abode by producing a certificate of entitlement duly issued to him by a British Government representative overseas, by the Home Office, London, by the Immigration Authorities in the Channel Islands or by the appropriate authority in the Isle of Man.

A person who is neither a British citizen nor a Commonwealth citizen having the right of abode requires leave to enter.

* National identity cards, in conjunction with visitors' cards, may be accepted lieu of passports from nationals of countries with which an agreement to that effect has been concluded; but visitors' cards are valid only for visits of 6 months or less and may not be used by passengers coming for employment. Nationals of Belgium, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg and the Netherlands may use valid national identity cards instead of passports.

+ A citizen of the United Kingdom and Colonies had the right of abode under section 2(1)(c) of the Act as then in force if he had at any time been settled in the United Kingdom and Islands and had at that time (and while such a citizen) been ordinarily resident there for the last 5 years or more; a citizen of the United Kingdom and Colonies had the right of abode under section 2(2) of the Act as then in force if she was the wife of a man who had the right of abode, or had at any time been the wife of a man who then had the right of abode.

++ A person who claims to be a British citizen may prove he has the right of abode by producing a United Kingdom passport describing him as such a citizen or as a citizen of the United Kingdom and Colonies with the right of abode (section 3(9)(a)). A woman who claims to be a British citizen because on 31 December 1982 she was a citizen of the United Kingdom and Colonies with the right of abode under section 2(2) of the Act as then in force need not produce a certificate of entitlement if she can show that she had the right of abode on that date apart from any reference in section 2(2) to section 2(1)(c) or (d) as then in force (section 3(9)(b)).

6. A British Dependent Territories citizen, a British Overseas citizen or a British subject by virtue of section 30(a) of the 1981 Act^{*} who holds a United Kingdom passport issued in the United Kingdom and Islands or the Irish Republic should be admitted freely unless the passport is endorsed to show that he is subject to immigration control. British Overseas citizens who hold United Kingdom passports wherever issued, and satisfy the immigration officer that they have previously been admitted for settlement in the United Kingdom or Islands, should be freely readmitted.
7. A passenger who produces a national passport or travel document issued by a territorial entity or authority which is not recognized 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, may be refused leave to enter on that ground alone.
8. Leave to enter will normally be given for a limited period. The time limit and any conditions attached - for example a condition restricting employment - will be made known to the passenger by a written notice, which will normally be given to the passenger or be endorsed by the immigration officer in the passenger's passport or travel document. After admission any application for extension of the time limit or variation of conditions should be made to the Immigration and Nationality Department, Guernsey.

Common Travel Area

9. The United Kingdom, the Channel Islands, the Isle of Man and the Irish Republic collectively form a common travel area. Passengers who have been examined for the purpose of immigration control at the point at which they entered the area do not normally require leave to enter any other part of it. A passenger arriving in the Bailiwick is to be refused leave to enter if there is reason to believe that he intends to enter any of the other parts of the common travel area and that he is not acceptable to the immigration authorities there.

Passengers in transit

10. Detailed examination of a passenger whose sole purpose is transit to a country outside the common travel area is unlikely to be required once he has satisfied the immigration officer that he has both the means and the intention of proceeding at once to another country and is assured of entry there. If the immigration officer is not so satisfied, leave to enter is to be refused.

Entry clearances

11. The foreign nationals specified in the Appendix, stateless persons, and other holders of non-national documents** (who are collectively described in these rules as 'visa nationals') must produce to the immigration officer a passport or other identity document endorsed with a United Kingdom visa issued for the purpose for which they seek entry, and should be refused leave to enter if they have no such current visa. Any other foreign national who wishes to ascertain in advance whether he is eligible for admission to the Bailiwick can apply to the entry clearance officer in the

* Immediately before commencement of the 1981 Act such a person 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.

** But holders of refugee travel documents issued under the 1951 Convention relating to the Status of Refugees by countries which are signatories of the Council of Europe Agreement of 1959 on the Abolition of Visas for Refugees do not require visas if coming on visits of 3 months or less.

country in which he is living for the issue of a visa or a letter of consent; or application for a letter of consent may be made to the Immigration and Nationality Department on his behalf by someone in the Bailiwick. This procedure is of particular value when the claim to admission depends on proof of facts entailing enquiries in this Bailiwick or overseas.

12. A Commonwealth citizen who wishes to ascertain in advance whether he is eligible for admission to the Bailiwick can apply to the entry clearance officer in the country in which he is living for the issue of an entry certificate. This procedure is of particular value when the claim to admission depends on proof of facts entailing enquiries in this Bailiwick or overseas.
13. Visas, entry certificates and letters of consent are to be taken as evidence of the holder's eligibility for entry to the Bailiwick and accordingly accepted as 'entry clearances' within the meaning of the Act. Entry clearances may be granted at the appropriate British mission abroad in accordance with the provisions in these rules governing the grant or refusal of leave to enter by an immigration officer and, where appropriate, the term 'entry clearance officer' may be substituted for 'immigration officer' accordingly. Applications are 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 under paragraphs 51 or 52 solely on account of his becoming over age between the receipt of his application and the date of the decision on it.
14. A passenger who holds an entry clearance^(e.g. visa) which was duly issued to him and is still current is not to be refused leave to enter unless the immigration officer is satisfied that:
 - (a) 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 clearance; or
 - (b) 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 under paragraphs 51 or 52 since the issue of the entry clearance; or
 - (c) refusal is justified on grounds of restricted returnability, on medical grounds, on grounds of criminal record, because the passenger is the subject of a deportation order or because exclusion would be conducive to the public good. The scope of the power to refuse leave to enter on these grounds is set out in paragraphs 16 and 81 - 86.
15. An immigration officer may examine the holder of an entry clearance so far as is necessary to determine whether any of the exceptions mentioned in paragraph 14 applies, and in determining this question may act on reasonable inferences from the results of that examination and any other information available to him. But the examination should not be carried further than is necessary for this purpose and for the purpose of deciding whether leave to enter should be given for a limited period and subject to any conditions.

Restricted returnability

16. A person who does not satisfy the immigration officer that he will be admitted to another country after a stay in the Bailiwick may be refused leave to enter. If his permission to enter another country has to be exercised before a given date, the length of his stay in the Bailiwick should be restricted so as to terminate at least 2 months before that date. 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 stay in the Bailiwick should be limited so as not to extend beyond the period of authorised absence. The holder of a travel document issued by the Home Office, London, or the appropriate authorities in the Channel Islands

should not be given leave to enter for a period extending beyond the validity of that document. This paragraph does not apply to persons who are eligible for admission for settlement.

Refugees

17. Where a person is a refugee full account is to be taken of the provisions of the Convention and Protocol relating to the Status of Refugees (Cmd. 9171 and Cmd. 3096). Nothing in these rules is to be construed as requiring action contrary to the United Kingdom's obligations under these instruments.

Part II of these rules deals with admission for temporary purposes, Part III with admission for employment or for marriage and Part IV with admission for settlement. Part V makes provision for children born in the United Kingdom who are not British citizens. In all cases admission is subject to the possession of a valid current entry clearance where that is required by these rules and to the passenger being acceptable under Part IX. Part VI contains special provisions concerning nationals of European Community countries and their families.

PART II: PASSENGERS COMING FOR TEMPORARY PURPOSES

Visitors

18. A passenger seeking entry as a visitor, including one coming to stay with relatives or friends, is to be admitted if he satisfies the immigration officer that he is genuinely seeking entry for the period of the visit as stated by him and that for that period he will maintain and accommodate himself and any dependants, or will, with any dependants, be maintained and accommodated adequately by relatives or friends, without working or recourse to public funds, and can meet the cost of the return or onward journey. But in all cases leave to enter is to be refused if the immigration officer is not so satisfied, and in particular, leave to enter is to be refused where there is reason to believe that the passenger's real purpose is to take employment or that he may become a charge on public funds if admitted.
19. Visitors may be admitted for private medical treatment at their own expense provided that in the case of a passenger suffering from a communicable disease the Medical Inspector is satisfied that there is no danger to public health. The immigration officer must be satisfied as to the passenger's intentions in accordance with paragraph 18 and that the maintenance and accommodation requirements of that paragraph are met. He should also take into account the Medical Inspector's assessment of the likely cost of treatment in deciding whether the passenger's means would be adequate. The passenger may be required to produce evidence that arrangements have been made for consultation or treatment.
20. Passengers admitted to the Bailiwick as visitors are free to transact business during their visit. Those wishing to establish themselves in business or self-employment in the Bailiwick must, however, comply with paragraphs 36-38.
21. The immigration officer should impose a time limit on the period of the visitor's stay and on that of any dependants accompanying him. A period of 6 months will normally be appropriate; but a longer period (not exceeding one year) may be allowed to a passenger who satisfies the immigration officer of his ability to maintain and accommodate himself and his dependants for that time as required by paragraph 18. The period should not be restricted to less than 6 months unless this is justified by special reasons - for example, in cases of restricted returnability (see paragraph 16), or if the passenger is due to leave the Bailiwick on a particular charter service, or in transit to another country, or if his case ought to be subject to early review by the Immigration and Nationality Department, Guernsey. Visitors should normally be prohibited from taking employment.

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Students

22. A passenger seeking to study in the Bailiwick should be admitted (subject to paragraph 14) if he presents a current entry clearance granted for that purpose. An entry clearance will be granted if the applicant produces evidence which satisfies the entry clearance officer that he has been accepted for a course of study at a college of education or further education, an independent school or any bona fide private educational institution; that the course will occupy the whole or a substantial part of his time; and that he can, without working and without recourse to public funds, meet the cost of the course and of his own maintenance and accommodation and that of any dependants during the course.
23. An applicant is to be refused an entry clearance as a student if the entry clearance officer is not satisfied that the applicant is able, and intends, to follow a full-time course of study and to leave the country on completion of it. In assessing the case the officer should consider such points as whether the applicant's qualifications are adequate for the course he proposes to follow, and whether there is any evidence of sponsorship by his home government or any other official body. As a general rule an entry clearance is not to be granted unless the applicant proposes to spend not less than 15 hours a week in organised daytime study of a single subject or of related subjects, and is not to be granted for the taking of a correspondence course.
 - . An applicant accepted for training as a nurse or midwife at a hospital should be granted an entry clearance as a student unless there is evidence that he or she had obtained acceptance by misrepresentation or does not intend to follow the course. Doctors and dentists are admissible for full-time postgraduate study even though they also intend during their stay to seek employment in training posts related to their studies.
25. A passenger who holds a current entry clearance, or who can satisfy the immigration officer that he fulfills the requirements of paragraphs 22-24, may be admitted for an appropriate period depending on the length of the course of study and on his means, with a condition restricting his freedom to take employment; he should be advised to apply to the Immigration and Nationality Department, Guernsey, before the expiry of his leave to enter for any extension of stay that may be required. A passenger who satisfies the immigration officer that he has genuine and realistic intentions of studying in the Bailiwick and that he intends to leave the Bailiwick on completion of his studies but cannot satisfy the other requirements of paragraphs 22-24 may be admitted for a short period, within the limit of his means, with a prohibition on the taking of employment, and should be advised to apply to the Immigration and Nationality Department for further consideration of his case. Otherwise a passenger arriving without an entry clearance who is seeking entry as a student is to be refused admission.
26. The wife and children under 18 (as defined in paragraphs 49-51) of a person admitted as a student should be given leave to enter for the period of his authorised stay if they can be maintained and accommodated without recourse to public funds. Their freedom to take employment should not be restricted unless the student himself is prohibited from taking employment, in which case the prohibition should extend to the wife and children.

"Au Pair"

27. "Au Pair" is an arrangement under which an unmarried girl aged 17 to 27 inclusive and without dependants who is a national of a Western European country, including Malta, Cyprus and Turkey, may come to the Bailiwick to learn the English language and to live for a time as a member of an English speaking family. A girl coming for full-time domestic employment requires a work permit; and a girl admitted under an "au pair" arrangement has no claim to stay in the Bailiwick in some other capacity. When the immigration officer is satisfied that an "au pair" arrangement has been made he may admit the passenger for a period of up to 12 months with a prohibition on her taking employment. If a passenger has previously spent time in the

Bailiwick as an "au pair" girl she may be admitted for a further period as an "au pair" girl but the total aggregate period should not exceed 2 years.

PART III: PASSENGERS COMING FOR EMPLOYMENT OR BUSINESS, AS PERSONS OF INDEPENDENT MEANS, OR FOR MARRIAGE

Work Permits

28. If a passenger is coming to the Bailiwick to seek employment or to take employment for which he has no work permit, and he is not eligible for admission under paragraphs ~~30-45~~ or Part IV, leave to enter is to be refused. Permits are issued by the States Board of Administration in respect of a specific post with a specific employer. The possession of a work permit does not absolve the holder from complying with visa requirements. 30-32
29. The holder of a current work permit should normally be admitted for the period specified in the permit, subject to a condition permitting him to take or change employment only with the permission of the States Board of Administration. The immigration officer is, however, to refuse leave to enter if his examination reveals good reason for doing so. For example, leave to enter should be refused where, 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 permit, or the holder's true age puts him outside the limits for employment, or he does not intend to take the employment specified, or is not capable of doing so. But if the period of validity of the permit has expired the immigration officer may nevertheless admit the passenger if satisfied that circumstances beyond his control prevented his arrival before the permit expired and that the job is still open to him.

Exception on grounds of United Kingdom ancestry

30. Upon proof that one of his grandparents was born in the United Kingdom and Islands, a Commonwealth citizen who wishes to take or seek employment in the Bailiwick will be granted an entry clearance for that purpose. A passenger holding an entry clearance granted in accordance with this paragraph does not need a work permit and, subject to paragraph 14, should be given indefinite leave to enter.

Working holidays

Young Commonwealth citizens aged 17 to 27 inclusive who satisfy the immigration officer that they are coming to the Bailiwick for an extended holiday before settling down in their own countries, and that they intend to take only employment which will be incidental to their holiday, may be admitted, on the understanding that they will not have recourse to public funds, for up to 2 years provided that they have the means to pay for their return journey. Where the immigration officer has reason to believe that recourse to public funds is likely, he will refuse leave to enter. If a passenger has previously spent time in the Bailiwick on a working holiday he may be admitted for a further period for the same purpose but the total aggregate period should not exceed 2 years.

Permit-free employment

32. Passengers in the following categories, although coming for employment, do not need work permits and may, subject to paragraph 14, be admitted for an appropriate period not exceeding 12 months if they hold a current entry clearance granted for the purpose:
- (a) ministers of religion, missionaries and members of religious orders, if they are coming to work full-time as such and can maintain and accommodate themselves and their dependants without recourse to public funds. Members of religious orders engaged in teaching at establishments maintained by their order will not require work

permits, but if they are otherwise engaged in teaching, permits will be required;

- (b) representatives of overseas firms which have no branch, subsidiary or other representative in the Bailiwick;
- (c) representatives of overseas newspapers, news agencies and broadcasting organisations, on long-term assignment to the Bailiwick.

33. Doctors and dentists coming to take up professional appointments do not need work permits and may, subject to paragraph 14, be admitted for an appropriate period not exceeding 12 months if they hold a current entry clearance granted for the purpose. Doctors eligible for hospital employment under arrangements approved by the States of Guernsey Board of Health, and dentists seeking employment in or practising their profession, should be admitted without work permits for up to 6 months.

34. Passengers in the following categories, although coming for employment, do not need work permits and may, subject to paragraph 14, be admitted for an appropriate period not exceeding 12 months if they hold a current entry clearance granted for the purpose or other satisfactory documentary evidence that they do not require permits:

- (a) private servants (aged 16 and over) of members of the staffs of diplomatic or consular missions or of members of the family forming part of the household of such persons;
- (b) persons coming for employment by an overseas Government or in the employment of the United Nations Organisation or other international organisation of which the United Kingdom is a member;
- (c) teachers and language assistants coming to schools in the Bailiwick under any exchange scheme approved by the States of Guernsey Education Council;
- (d) seamen under contract to join a ship in British waters;
- (e) operational staff (but not other staff) of overseas owned airlines.

35. Doctors coming under arrangements approved by the States of Guernsey Board of Health should be admitted without work permits for up to 6 months.

Businessmen and self-employed persons

36. A passenger seeking admission for the purpose of establishing himself in the Bailiwick in business or in self-employment, whether on his own account or in partnership, must hold a current entry clearance issued for that purpose. A passenger who has obtained such an entry clearance should be admitted, subject to paragraph 14, for a period not exceeding 12 months with a condition restricting his freedom to take employment. For an applicant to obtain an entry clearance for this purpose he will need to satisfy the requirements of either paragraph 37 or paragraph 38. In addition he will need to show that he will be bringing money of his own to put into the business; that his level of financial investment will be proportional to his interest in the business; that he will be able to bear his share of the liabilities; that he will be occupied full-time in the running of the business; and that there is a genuine need for his services and investment. In no case should the amount of money to be invested by the applicant be less than £150,000 and evidence that this amount or more is under his control and disposable in the Bailiwick must be produced.

37. Where the applicant intends to take over, or join as a partner, an existing business, he will need, in addition to meeting the requirements of the preceding paragraph, to show that his share of the profits will be sufficient to maintain and accommodate him and his dependants. Audited accounts of the business for previous years must be produced to the entry

clearance officer in order to establish the precise financial position, together with a written statement of the terms on which he is to enter or take over the business. There must be evidence to show that his services and investment will create new, paid, full-time employment in the business for persons already settled here. An entry clearance is to be refused if an applicant cannot satisfy all the relevant requirements of this or the preceding paragraph or where it appears that the proposed partnership or directorship amounts to disguised employment or where it seems likely that, to obtain a livelihood, the applicant will have to supplement his business activities by employment of any kind or by recourse to public funds.

38. If the applicant wishes to establish a new business in the Bailiwick on his own account or to be self-employed he will need to meet the requirements of paragraph 36 and satisfy the entry clearance officer that he will be bringing into the country sufficient funds of his own to establish an enterprise that can realistically be expected to maintain and accommodate him and any dependants without recourse to employment of any kind (other than his self-employment) or to public funds. He will need to show in addition that the business will provide new, paid, full-time employment in the business for persons already settled here. An entry clearance is to be refused if an applicant cannot satisfy all the requirements of this paragraph and of paragraph 36.

Persons of independent means

39. A passenger seeking entry as a person of independent means must hold a current entry clearance issued to him for that purpose. He should, subject to paragraph 14, be admitted for an initial period of up to 12 months with a prohibition on the taking of employment. For an applicant to obtain an entry clearance he will need to show that he has, under his control and disposable in the Bailiwick, a sum not less than £500,000 or income of not less than £50,000 a year. He must also be able and willing to maintain himself and support and accommodate any dependants indefinitely in the Bailiwick without working, with no assistance from any other persons and without recourse to public funds. An entry clearance is not, however, to be granted solely because these financial conditions are met. In addition the applicant must demonstrate a close connection with the Bailiwick (including for example the presence of close relatives here or periods of previous residence), or that his admission would be in the general interests of the Bailiwick.

Writers and artists

40. A passenger seeking entry as a writer or an artist must hold a current entry clearance granted to him for that purpose. He may be admitted for an initial period of up to 12 months subject to a condition restricting his freedom to take employment. For an applicant to obtain an entry clearance he will need to show that he does not intend to do work other than that related to his self-employment as a writer or artist and that he will be able to maintain and accommodate himself and any dependants from his own resources including the proceeds of that self-employment without recourse to public funds.

Dependants of persons admitted under paragraphs 28-40

41. The wife and the children under 18 of a person admitted to the Bailiwick to take or seek employment, or as a businessman, a self-employed person, a writer or artist or a person of independent means, should be given leave to enter for the period of his authorised stay if, apart from his having only limited leave to enter, the requirements of paragraphs 47-51 are fulfilled. Their freedom to take employment should not be restricted unless the head of the family is himself prohibited from taking employment, in which case the prohibition should extend to the wife and children. No other dependants are to be admitted before the person is settled here.

Fiancés

42. A man seeking to enter the Bailiwick for marriage to a woman settled here and who intends himself to settle thereafter should not be admitted unless he holds a current entry clearance granted to him for that purpose. An entry clearance will be refused unless the entry clearance officer is satisfied:

- (a) that it is not the primary purpose of the intended marriage to obtain admission to the Bailiwick; and
- (b) that there is an intention that the parties to the marriage should live together permanently as man and wife; and
- (c) that the parties to the proposed marriage have met.

Where the entry clearance officer is satisfied that all the conditions at (a) to (c) above apply, an entry clearance will, subject to the maintenance and accommodation requirements of this paragraph, be issued provided that the woman is a British citizen. An entry clearance should not be issued unless the entry clearance officer is satisfied that adequate maintenance and accommodation will be available for the fiancé until the date of his marriage, without the need to have recourse to public funds.

43. A man holding an entry clearance issued under the preceding paragraph should, subject to paragraph 14 be admitted for 3 months and advised to apply to the Immigration and Nationality Department, Guernsey, once the marriage has taken place for an extension of stay. A prohibition on employment should be imposed.

44. A man seeking limited leave to enter the Bailiwick for marriage to a woman settled here may be admitted only if the immigration officer is satisfied that the marriage will take place within a reasonable time; that the passenger and his wife will leave the Bailiwick shortly after the marriage; and that the requirements of paragraph 18 are met. Where the immigration officer is so satisfied, the passenger may be admitted for 3 months, with a prohibition on employment.

Fiancées

45. A woman seeking to enter to marry a man settled in the Bailiwick should be admitted if the immigration officer is satisfied that the marriage will take place within a reasonable time and that adequate maintenance and accommodation will be available, without the need to have recourse to public funds, both before and after the marriage. She may be admitted for a period of up to 3 months subject to a condition prohibiting the taking of employment and should be advised to apply to the Immigration and Nationality Department, Guernsey, for an extension of stay once the marriage has taken place.

PART IV: PASSENGERS COMING FOR SETTLEMENT

United Kingdom passport holders

46. Where the passenger is a British Overseas citizen and presents a special voucher issued to him by a British Government representative overseas (or an entry clearance in lieu), he is to be admitted for settlement, as are his dependants if they have obtained entry clearances for that purpose and satisfy the requirements of paragraph 47; but such a passenger who comes for settlement without a special voucher or entry clearance is to be refused leave to enter.

Dependants: general provisions

47. This paragraph and paragraphs 48-54 cover the admission for settlement of the dependants of a person who is present in the Bailiwick and settled here.

or who is on the same occasion given indefinite leave to enter. In all such cases (except those mentioned in the last sentence of this paragraph) that person must be able and willing to maintain and accommodate his dependants without recourse to public funds in accommodation of his own or which he occupies himself and he should give an undertaking in writing to this effect if requested. This requirement does not apply to the admission of the wife, or a child under the age of 18, of a Commonwealth citizen who has the right of abode or was settled in the Bailiwick on the coming into force of the Act.

48. In addition, a passenger seeking admission as a dependant under this Part of the rules must hold a current entry clearance granted to him for that purpose.

Wives

49. The wife of a person who is settled in the Bailiwick or is on the same occasion being admitted for settlement is herself to be admitted for settlement if the requirements of paragraphs 47 and 48 are satisfied. A member of H M Forces based in the United Kingdom but serving overseas should be regarded for this purpose as being settled in the United Kingdom and Islands.
50. A woman who has been living in permanent association with a man has no claim to enter but may be admitted, subject to the requirements of paragraphs 47 and 48, as if she were his wife, due account being taken of any local custom or tradition tending to establish the permanence of the association. A woman is not, however, to be admitted under this provision unless any previous marriage by either party has permanently broken down. Nor may she be admitted if the man has already been joined by his wife, or another woman admitted under this paragraph, whether or not the relationship still subsists.

Children

51. If the requirements of paragraphs 47 and 48 are satisfied, children under 18, provided that they are unmarried, are to be admitted for settlement:
- (a) if both parents are settled in the Bailiwick; or
 - (b) if both parents are on the same occasion admitted for settlement; or
 - (c) if one parent is settled in the Bailiwick and the other is on the same occasion admitted for settlement; or
 - (d) if one parent is dead and the other parent is settled in the Bailiwick or is on the same occasion admitted for settlement; or
 - (e) if one parent is settled in the Bailiwick or is on the same occasion admitted for settlement and has had the sole responsibility for the child's upbringing; or
 - (f) if one parent or a relative other than a parent is settled or accepted for settlement in the Bailiwick and there are serious and compelling family or other considerations which make exclusion undesirable - for example, where the other parent is physically or mentally incapable of looking after the child - and suitable arrangements have been made for the child's care.

In this paragraph "parent" includes the stepfather of a child whose father is dead; the stepmother of a child whose mother is dead; and the father as well as the mother of an illegitimate child. It also includes an adoptive parent, but only where there has been a genuine transfer of parental responsibility on the ground of the original parents' inability to care for the child, and the adoption is not one of convenience arranged to facilitate the child's admission.

52. Children aged 18 or over must qualify for settlement in their own right unless there are the most exceptional compassionate circumstances (in which case their cases should be considered under paragraph 53). Special consideration may, however, be given to fully dependent and unmarried daughters over 18 and under 21 who formed part of the family unit overseas and have no other close relatives in their own country to turn to. The requirements of paragraphs 47 and 48 must be met in all cases.

Parents, grandparents and other relatives

53. Widowed mothers, fathers who are widowers aged 65 or over and parents travelling together of whom at least one is aged 65 or over should be admitted for settlement only where the requirements of paragraphs 47 and 48 and the following conditions are met. They must be wholly or mainly dependent upon sons or daughters settled in the Bailiwick who have the means to maintain their parents and any other relatives who would be admissible as dependents of the parents and adequate accommodation for them. They must also be without other close relatives in their own country to turn to. This provision should not be extended to people below 65 (other than widowed mothers) except where they are living alone in the most exceptional compassionate circumstances, including having a standard of living substantially below that of their own country, but may in such circumstances be extended to sons, daughters, sisters, brothers, uncles and aunts of whatever age who are mainly dependant upon relatives settled in the Bailiwick. The requirements of paragraphs 47 and 48 must be met in any such cases.
54. Where a parent has remarried admission should not be granted under the preceding paragraph unless he or she cannot look to the spouse or children of the second marriage for support, and the children in the Bailiwick have sufficient means and accommodation to maintain both the parent and any spouse or children of the second marriage who would be admissible as dependants. The provisions of this and the preceding paragraph apply to grandparents of persons settled in the Bailiwick as they apply to parents.

Husbands

55. The husband of a woman who is settled in the Bailiwick, or who is on the same occasion being admitted for settlement, is to be admitted if he holds a current entry clearance granted to him for that purpose. An entry clearance will be refused unless the entry clearance officer is satisfied:
- (a) that the marriage was not entered into primarily to obtain admission to the Bailiwick; and
 - (b) that each of the parties has the intention of living permanently with the other as his or her spouse; and
 - (c) that the parties to the marriage have met.

Where the entry clearance officer is satisfied that all the conditions at (a) to (c) above apply, an entry clearance will be issued provided that the wife is a British citizen.

56. A passenger who holds an entry clearance issued under the preceding paragraph should, subject to paragraph 14, be admitted for an initial period of up to 12 months provided that leave to enter shall not be refused on grounds of restricted returnability or on medical grounds.

Returning residents

57. A Commonwealth citizen who satisfies the immigration officer that he was settled in the Bailiwick at the coming into force of the Act, and that he has been settled here at any time during the 2 years preceding his return, is to be admitted for settlement. Any other passenger returning to the Bailiwick from overseas (except one who received assistance from public

funds towards the cost of leaving this country) is to be admitted for settlement on satisfying the immigration officer that he had indefinite leave to enter or remain in the Bailiwick when he left and that he has not been away for longer than 2 years.

58. A passenger who has been away from the Bailiwick too long to benefit from the preceding paragraph may nevertheless be admitted if, for example, he has lived here for most of his life.
59. A passenger whose stay in the Bailiwick was subject to a time limit and who returns after a temporary absence abroad has no claim to admission as a returning resident. His application to re-enter should be dealt with in the light of all the relevant circumstances. The same time limit and any conditions attached may be re-imposed or it may be more appropriate to treat him as a new arrival.

PART V: CHILDREN BORN IN THE UNITED KINGDOM AND ISLANDS WHO ARE NOT BRITISH CITIZENS

60. This Part applies only to unmarried dependant children aged under 18 who were born* in the United Kingdom and Islands but who, because neither of their parents was a British citizen or settled in the United Kingdom and Islands at the time of their birth, are not British citizens and are, therefore, subject to immigration control.
61. A child to whom this Part applies requires leave to enter. He may have obtained leave to remain before he embarked from the Bailiwick, and where such leave has been obtained it will assist the immigration officer in deciding the child's claim to enter. It would be advisable for a child, or a parent on his behalf, to apply for leave to remain under paragraphs 122-126 if it is expected that the child will travel and seek readmission to the Bailiwick.
62. If he qualifies under any other Part of Section One of these rules, a child to whom this Part applies may be given leave to enter in accordance with the provisions in that other Part.
63. Paragraphs 64-66 make special provision for the admission of a child to whom this Part applies. If the conditions in those paragraphs are satisfied a child may be admitted under those paragraphs, and for the purpose of those paragraphs only, admission is not dependent upon requirements elsewhere in these rules which would otherwise apply as to maintenance and accommodation and as to the presence in the Bailiwick of both parents; and a child travelling with parents neither of whom requires an entry clearance, or travelling without his parents, need not have an entry clearance himself in order to qualify for leave under those paragraphs. However a visa national will need to produce a current visa.
64. A child is to be given leave to enter for the same period (which may be an indefinite period) as his parents, on the immigration officer being satisfied that he was born in the United Kingdom and Islands, that he has not been away from the Bailiwick for more than 2 years, and that he is coming with or to join his parents or a parent in the Bailiwick. If the parents have or are given leaves of different duration the child may be given leave for 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.

In this paragraph and in paragraphs 63, 65 and 66 "parents" and "parent" includes the stepfather of a child whose father is dead; the stepmother of a child whose mother is dead; and the father as well as the mother of an illegitimate child. It may also include a person who is not a parent, but only where there has been a genuine transfer of parental responsibility on the ground of the parents' inability to care for the child.

65. If a child who otherwise qualifies for admission under paragraphs 63 and 64

* On or after 1 January 1983 when the British Nationality Act 1981 came into force.

is seeking to enter with or to join a parent who is a British citizen or has the right of abode though he is not a British citizen, he should be given indefinite leave to enter under paragraph 64. Indefinite leave to enter should also be given under that paragraph in any case where the parental rights and duties in relation to the child are vested solely in a local authority and he otherwise qualifies for admission under paragraphs 63 and 64.

66. If a child does not qualify for leave to enter under paragraph 64 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. However he may be granted leave for a limited period only, if both of his parents are in the Bailiwick and it appears unlikely that they will be removed in the immediate future, and if there is no other person outside the Bailiwick who could reasonably be expected to care for him.

**PART VI: NATIONALS OF EUROPEAN COMMUNITY COUNTRIES
AND THEIR FAMILIES**

67. The provisions in Section One of these rules apply to nationals of Member States of the European Community and their families only to the extent permitted by Community law.
- f A national of a Member State of the European Community is entitled to admission to take or seek employment*, to set up in business, to become self-employed or otherwise to exercise the right of establishment or the rights relating to the provision or receipt of services as provided in Community law.**
69. Members of the family of a Community national entitled to be admitted in accordance with paragraph 68, whether or not themselves Community nationals, are to be admitted on the same basis as the family member on whom they are dependent, provided that family members who are not themselves Community nationals and who are coming for settlement must hold a current entry clearance granted for that purpose. Members of the family comprise the person's spouse, their children under 21, their other children and grandchildren if still dependent, and their dependent parents, grand parents, and great-grandparents.
70. A person entitled to be admitted in accordance with paragraph 67, 68 or 69 may be refused admission only if exclusion is conducive to the public good on grounds of public policy, public security or public health.
71. Provided he does not fall a charge on public funds, a person admitted in accordance with paragraph 67, 68 or 69 is free to remain for up to 6 months without further formality, but is required to apply for a residence permit if he wishes to stay longer (see paragraph 135).
72. A Community national who would be entitled to benefit from the Community law provisions relating to the free movement of labour if coming to work or to seek work will normally be admitted for 6 months without restriction as regards employment or occupation if the purpose of his visit does not fall within the terms of paragraph 68 or 69 provided that he satisfies the immigration officer that he is not likely to become a charge on public funds or otherwise liable to refusal of leave to enter under Part IX of these rules.

* The entitlement to admission to take or seek employment does not apply to nationals of Greece until 1988.

** The more important relevant provisions of Community law include: Council Regulations 1612/68 EEC, 1251/70 EEC; Council Directives 64/221 EEC, 68/360 EEC, 72/194 EEC, 73/148 EEC, 75/34 EEC, 75/35 EEC; Council Declaration 1451/68 EEC.

73. The provisions of Part VIII of these rules will not normally apply to a person admitted in accordance with paragraph 68, 69 or 72, except in the case of a family member who is not himself a Community national.

PART VII: ASYLUM

74. Special considerations arise where the only country to which a person could be removed is one to which he is unwilling to go owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Any case in which it appears to the immigration officer as a result of a claim or information given by the person seeking entry at a port that he might fall within the terms of this provision is to be referred to the Immigration and Nationality Department, Guernsey, for decision regardless of any grounds set out in any provision of these rules which may appear to justify refusal of leave to enter. Leave to enter will not be refused if removal would be contrary to the provisions of the Convention and Protocol relating to the Status of Refugees.

PART VIII: REGISTRATION OF FOREIGN NATIONALS

75. A condition requiring registration at the Immigration and Nationality Department, Guernsey, should normally be imposed on any foreign national aged 16 or over who is given limited leave to enter:

- (a) for employment for longer than 3 months, unless he is in one of the permit-free categories listed in paragraphs 32(a), 33, 34(a) or 35;
- (b) for longer than 6 months under the following provisions of these rules:

- ~~paragraph 18 (visitors)~~
 - paragraph 22 (students)
 - paragraph 27 ("au pair")
 - paragraph 36 (businessmen and self-employed persons)
 - paragraph 39 (persons of independent means)
 - paragraph 40 (writers and artists)
 - paragraph 55 (husbands)
 - paragraph 73 (family members who are not themselves Community nationals);

- (c) under paragraphs 26 or 41 as the wife or child, of a person who is required to register at the Immigration and Nationality Department, Guernsey.

76. Such a condition may also be imposed, exceptionally, in any other case where the immigration officer considers it necessary in order to ensure that a foreign national complies with the terms of a limited leave to enter.

PART IX: REFUSAL OF LEAVE TO ENTER

General

77. A passenger who does not qualify for admission under the foregoing provisions of these rules is to be refused leave to enter. In addition, the immigration officer has power (subject to the restrictions contained in the next paragraph) to refuse leave to enter on any of the grounds set out in paragraphs 81-86 below. Except as provided for in paragraph 74, the fact that a passenger satisfies the formal requirements of the foregoing provisions of these rules is not conclusive in his favour. Leave to enter may be refused if, for example, the passenger has not observed the time limit or conditions imposed on any grant of leave to enter or remain; if, whether or not to his knowledge, false representations have been employed or material facts not disclosed, orally or in writing, for the purpose of obtaining an entry clearance; or if a previous leave to enter or remain has been obtained by deception. But a passenger who holds a current entry clearance is not to be refused leave to enter except in the circumstances described in paragraph 14.

78. A passenger who

- (a) is a Commonwealth citizen who was settled in the Bailiwick at the coming into force of the Act, and qualifies for re-admission under paragraph 57, or
- (b) qualifies for admission under paragraph 49 or 51 as the wife or the child under 18 of a Commonwealth citizen who was settled in the Bailiwick at the coming into force of the Act and holds an entry clearance issued for that purpose,

is to be refused leave to enter only on the ground that he or she is currently subject to a deportation order.

79. The power to refuse leave to enter is not to be exercised by an immigration officer acting on his own. The authority of a senior immigration officer must always be obtained.

Medical

80. A passenger who intends to remain in the Bailiwick 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 passenger who mentions health or medical treatment as a reason for his visit, or who appears not to be in good health or appears to be mentally or physically abnormal, 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.
81. Where the Medical Inspector advises that for medical reasons it is undesirable to admit the passenger the immigration officer should refuse leave to enter unless he considers admission warranted by strong compassionate reasons. He may also refuse leave to enter where the passenger declines to submit to a medical examination. And where the Medical Inspector advises that a passenger 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 the passenger.
82. Returning residents or the spouses and children under 18 of people settled in the Bailiwick should not be refused leave to enter on medical grounds. But where a person would be refused leave to enter on medical grounds if he were not a returning resident or the spouse or child of a resident, or in any case where it is decided on compassionate grounds not to exercise the power to refuse leave to enter, or in any other case in which the Medical Inspector so recommends, the immigration officer should give the person a notice requiring him to report to the Medical Officer of Health with a view to further examination and any necessary treatment.
83. The entry clearance officer has the same discretion to refer applicants for entry clearance for medical examination as an immigration officer to refer passengers to a Medical Inspector and the same principles will apply when he decides whether or not to issue an entry clearance.

Criminal record

84. Any passenger, other than the wife or child under 18 of a person settled in the Bailiwick, who has been convicted in any country, including the Bailiwick, either of an offence included in the list of extradition crimes contained in the First Schedule to the Extradition Act 1870, as amended, or of an offence for which a person is returnable under the Fugitive Offenders Act 1967, is to be refused leave to enter unless the immigration officer considers admission to be justified for strong compassionate reasons.

Subject to deportation order

85. Any passenger who is currently subject to a deportation order is to be

refused leave to enter. If he wishes to make representations, he should be advised that after his departure it will be open to him to apply to the Lieutenant-Governor for revocation of the order.

Exclusion conducive to the public good

86. Any passenger except the wife and child under 18 of a person settled in the Bailiwick may be refused leave to enter on the ground that his exclusion is conducive to the public good, where
- (a) the Lieutenant-Governor has personally so directed, or
 - (b) from the information available to the immigration officer it seems right to refuse leave to enter on that ground - if, for example, in the light of the passenger's character, conduct or associations it is undesirable to give him leave to enter.

Country of destination on removal

87. The power to refuse leave to enter should normally be exercised so as to secure the passenger's removal to the country in which he boarded the ship or aircraft that brought him to the Bailiwick. Removal to a different country may, however, be justified by the circumstances of a particular case.

Communication with friends, etc.

88. Before removal a passenger should be given the opportunity to telephone friends or relatives in this country, or his High Commission or Consul, if he wishes to do so.

SECTION TWO: CONTROL AFTER ENTRY

The powers conferred by the Act are to be exercised without regard to a person's race, colour or religion.

PART X: VARIATION OF LEAVE TO ENTER OR REMAIN

Introductory

89. Under sections 3 and 4 of the Act an immigration officer, when admitting to the Bailiwick a person subject to control under that Act, may give leave to enter for a limited period and, if he does may impose conditions restricting employment or occupation in the Bailiwick or requiring the person to register with the Immigration and Nationality Department, Guernsey. He may also require him to report to the Medical Officer of Health. Under section 24 of the Act it is an offence knowingly to remain beyond the time limit or to fail to comply with such a condition or requirement.
90. Under section 3(3) of the Act a limited leave to enter or remain in the Bailiwick may be varied by extending or restricting its duration, by adding, varying or revoking conditions or by removing the time limit (whereupon any conditions attached to the leave cease to apply). The main purpose of this Part of the rules is to set out, in relation to the chief categories concerned, the principles on which leave to enter or remain will, on application, be varied. It also sets out the principles on which leave to remain will be given to a child born in the United Kingdom and Islands who has not obtained leave to enter. In the following paragraphs "leave to enter" includes leave to remain.

Refugees

91. Where a person is a refugee full account has to be taken of the provisions of the Convention and Protocol relating to the Status of Refugees. Nothing in these rules is to be construed as requiring action contrary to the United Kingdom's obligations under these instruments.

General considerations

92. The succeeding paragraphs set out the principles to be followed in dealing with applications for variation of leave or to remain or, in the absence of such an application, in deciding to vary leave. They apply also to applications for leave to remain by children born in the United Kingdom and Islands who are not British citizens and who have not obtained leave to enter. In deciding these matters account is to be taken of all the relevant facts; the fact that the applicant satisfies the formal requirements of these rules for stay, or further stay, in the proposed capacity is not conclusive in his favour. For example, refusal will be the normal course if the applicant has made false representations in obtaining leave to enter (including the giving of undertakings, express or implied, which he has not honoured, as to the duration and purpose of his stay); if he has not observed the time limit or conditions subject to which he was admitted, or given leave to remain; if in the light of his character, conduct or associations it is undesirable to permit him to remain; if he represents a danger to national security; or if he might not be returnable to another country if allowed to remain for the period for which he wishes to stay. In such circumstances it is not necessary to consider any claim by the person concerned that he satisfies the formal requirements of these rules. Refusal of an extension of stay will also be justified where an applicant takes an unreasonable time to produce any evidence required under the rules.
93. A person's leave to enter or remain in the Bailiwick may be curtailed if, for example, he fails to comply with any conditions attached to the leave or, if given leave to enter or remain to follow a course of study, he fails to attend that course regularly or, if having come to the Bailiwick to work and having a work permit issued by the States Board of Administration that employment is terminated and the Board does not approve him taking other employment.

94. Except as provided in paragraph 109, people admitted as visitors or students or for other temporary purposes have no claim to remain here for any other purpose. In particular, except as specified in paragraphs 121 and 128, applications to remain are to be refused where the application is to remain for a purpose for which an entry clearance is required. Applications to remain for other purposes (not including employment, which is dealt with in the next paragraph) may be granted, provided that the relevant requirements of these rules are met, unless it appears that the applicant is attempting to remain permanently.
95. In regard to variation of leave to enter with a view to employment, the general position is that where a person wishes to come to work in the Bailiwick the employer must have obtained a work permit before the person sets out. Applications to remain for employment from persons admitted as visitors or students (including those whose studies were financed by Her Majesty's Government, an international scholarship agency or by their home government) or from persons admitted for other temporary purposes should be refused without reference to the States Board of Administration unless the conditions subject to which the applicant was given leave to enter left him free to take employment without the consent of the Board. In such a case there is still no claim to remain here in employment but it may be appropriate to refer the case to the Board. Only if the Board is prepared in the particular case to approve the proposed employment may an appropriate extension of stay be granted; where the circumstances of the case are such as to make reference to the Board inappropriate (for example where any of the factors mentioned in paragraph 92 apply), or where the Board does not approve the proposed employment, an extension should be refused. This paragraph does not apply to doctors registered with the General Medical Council nor to people who have been offered employment as a nurse or midwife on completion of their training at a hospital in the Bailiwick, provided that the training was not financed by an international scholarship agency or by their home government.

Crew Members

96. A person who has been given leave to enter to join a ship or an aircraft 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 or aircraft in the Bailiwick, should be granted an extension of stay only when this is necessary to fulfil the purpose for which he was given leave to enter, unless he qualifies for an extension of stay in accordance with paragraph 119 or 121.

Visitors

97. People admitted as visitors will have satisfied the immigration officer that their intention was to come for a limited period. Most of them will have been admitted for a stay of 6 months; but the immigration officer may have authorised entry for a shorter or longer period, and will normally have imposed a condition prohibiting employment.
98. Where a visitor wishes to extend his visit, and provided that he has sufficient means to maintain himself and any dependants, without working and without becoming a charge on public funds, for the remainder of his proposed stay and intends to leave at the end of it, an extension should be granted provided that the duration of the visit would not as a result exceed ~~one~~ 6 months ~~year~~.
99. Where a visitor applies for an extension of stay to undergo or continue private medical treatment he should produce evidence about the arrangements made for consultation or treatment, or the progress made with the treatment, and its likely duration, and evidence that he can meet the cost of the treatment and maintain and accommodate himself and any dependants during his stay without recourse to public funds. If the evidence produced is satisfactory an extension may be granted. But an extension is to be refused if insufficient evidence of these matters is forthcoming or there is reason to believe that the treatment will be at public expense or that the applicant does not intend to leave the Bailiwick at the end of his treatment.

Working holidays

100. Young Commonwealth citizens who have come to the Bailiwick on a working holiday will normally have been admitted for up to 2 years. Young Commonwealth citizens, aged 17 to 27 inclusive, admitted for some other temporary purpose may be granted an extension of stay as working holidaymakers provided that they meet the requirements of paragraph 31.

Students

101. A person who satisfied the immigration officer that he had been accepted here for a full-time course as a student, could maintain and accommodate himself during his stay, and would leave when his studies were completed, is likely to have been admitted for an appropriate period, depending on the length of his course, with a condition restricting his freedom to take employment. Alternatively a student may have been given leave to enter for a short period under the provisions of the penultimate sentence of paragraph 25 with a prohibition on employment, and advised to apply to the Immigration and Nationality Department, Guernsey, for a variation of his leave when he had completed his arrangements for study.
102. A student or would-be student who applies for variation of his leave for the purpose of study may, subject to paragraph 103, be granted an extension for an appropriate period if he produces evidence, which is verified on a check being made, that he is enrolled for a full-time course of daytime study which meets the requirements for admission as a student; that he has (if he is a student) given and is giving regular attendance; and that he is able to maintain and accommodate himself and any dependents without working and without recourse to public funds. An extension should be refused if there is reason to believe that the student does not intend to leave at the end of his studies.
103. Extensions of stay should not be granted to students who appear to be moving from one course to another without any intention of bringing their studies to a close. An extension of stay should normally be refused if it would lead to more than four years being spent on short courses. For the purpose of this paragraph a short course is one of less than two years but includes a longer course where this is broken off before being completed.
104. The stay of people whose studies are financed by Her Majesty's Government, an international scholarship agency, or by their home government, should be limited to the duration of their award. They will not thereafter normally be eligible to remain for further studies.
105. Doctors, dentists and nurses admitted as postgraduate students will be permitted to take full-time employment which is associated with their studies. Other bona fide students may, with the consent of the States Board of Administration, work in their free time or vacations and there is no restriction on the freedom of their wives to take employment; earnings so obtained may be taken into account in assessing the adequacy of their arrangements for maintenance. If the immigration officer imposed a condition prohibiting employment on someone who later establishes satisfactorily that he is engaged on a full-time course of studies, the condition may be varied to one permitting him to take approved employment. Except as mentioned in this paragraph, employment is inconsistent with student status.

Training and work experience

106. A person holding a permit from the States Board of Administration for training on the job will have been admitted for the period specified in the permit up to a maximum of 12 months and subject to a condition restricting him to approved employment. When a trainee who is subject to such a condition applies for an extension of stay in order to continue or complete the training for which he was admitted, the application may be granted if the Board confirms that his training is continuing and that he is making satisfactory progress.

107. A person holding a permit from the States Board of Administration for short-term employment not leading to additional qualifications or skills but enabling him to widen his occupational experience and in some cases also to improve his knowledge of English will have been admitted for the period specified in the permit, up to a maximum of 12 months and subject to a condition restricting him to approved employment. An application for extension of stay to continue the engagement for a further limited period will be granted only if, in exceptional circumstances, the Board approve the proposed extension.
108. Transfers from training or work experience to ordinary employment will not be allowed nor does training or employment approved under these paragraphs constitute approved employment for purposes of settlement (see paragraph 128).
109. Visitors and students may be granted extensions to stay as trainees if the States Board of Administration consider the offer of training to be satisfactory and if there is no reason to believe that the applicant does not intend to leave the Bailiwick on completion of his training; otherwise an extension should be refused.

"Au Pair"

Where the immigration officer was satisfied that an "au pair" arrangement had been made, the girl will normally have been admitted for up to 12 months, with a condition prohibiting her employment. Where she subsequently applies for an extension of stay in the "au pair" capacity, an extension to bring the aggregate of her periods of stay up to 2 years in an "au pair" capacity may be granted if the "au pair" arrangement is satisfactory. When an extension is granted the applicant should be informed that 2 years is the maximum period permitted. An application from a girl admitted on some other temporary basis for an extension of stay in an "au pair" capacity may be granted if she could fulfil the requirements of paragraph 27. Such an extension should be subject to a prohibition on her taking employment.

Work permit holders

111. A person coming here to work, and having a work permit issued by the States Board of Administration, will normally have been admitted for the period specified in the permit up to a maximum of 12 months. At the end of that period an extension of stay may be granted
- (a) if the applicant is still engaged in, and the employer confirms that he wishes to continue to employ him in the employment specified in the permit or other employment approved by the Board, and
 - (b) the continuation of that employment is approved by the Board.

In such circumstances the extension of stay should be for the period of further employment approved by the Board up to a maximum of 12 months. A corresponding extension should be granted to the applicant's wife and children where appropriate and where the maintenance and accommodation requirements of paragraph 47 continue to be met. Where the Board is not prepared to approve the continued employment specified in the permit or other employment, an extension of stay will not be granted.

Permit-free categories

112. A person admitted in accordance with paragraphs 32-35, with the exception of crew members (see paragraph 96), may be granted extensions of stay if he is still engaged in the category of employment for which he was admitted and the employer confirms that he wishes to continue to employ him. Unless there are special reasons to the contrary the extension should be for twelve months. A corresponding extension should be granted to an applicant's wife and children where appropriate and where the support and

accommodation requirements of paragraph 47 continue to be met. A person given leave to enter or remain in some other capacity has no claim to remain for permit-free employment and applications to do so should be refused, except in the case of doctors registered with the General Medical Council who may be granted extensions of stay for up to twelve months.

Businessmen and self-employed persons

113. People given limited leave to enter or remain in some other capacity have no claim to establish themselves here for the purpose of setting up in business whether on their own account or as partners in a new or existing business, or to be self-employed, and their applications for extension of stay or leave to remain for these purposes are to be refused.
114. In considering applications for extension of stay from people admitted with entry clearances for the purpose of setting up in business or self-employment, the following factors are to be taken into account. There must be evidence that the applicant is devoting money of his own to the business proportional to his interest in it and that he is able to bear his share of any liability the business may incur. The applicant's part in the business must not amount to disguised employment; and it must be clear that he does not and will not have to supplement his business activities by employment of any kind or by recourse to public funds. In no case should his investment in the business be less than £150,000. Evidence should be sought that the applicant is occupied full-time in the running of the business and that there is a genuine need for his services and investment. There must be evidence that his share of the profits is sufficient to maintain and accommodate him and any dependents without recourse to public funds. Audited accounts are to be produced to establish the precise financial position. There must also be evidence that his services and investment have created paid full-time employment in the business for persons already settled here. For the purposes of this paragraph business includes self-employment (other than as a writer or an artist).
115. An application for an extension of stay in order to remain in business or self-employment here should not be granted unless the requirements of paragraph 114 are met, in which case the applicant's stay may be extended for a period up to 12 months on a condition restricting his freedom to take employment. Further extensions should only be granted if these requirements continue to be met.

Writers and Artists

1. . A person who was admitted as the holder of an entry clearance issued to him as a writer or an artist may be granted extensions of stay not exceeding 12 months, subject to a condition restricting his freedom to take employment, if he can produce satisfactory evidence that he is maintaining and accommodating himself and his dependants from the proceeds of his self-employment as a writer or artist without recourse to public funds and without having resorted to employment for which a work permit is necessary. People given limited leave to enter or remain in some other capacity have no claim to remain as writers or artists and their applications for extension of stay or leave to remain for these purposes are to be refused.

Persons of independent means

117. A person who was admitted as the holder of an entry clearance issued to him as a person of independent means should be asked to provide evidence that he continues to meet the requirements of paragraph 39. If the evidence is satisfactory, the applicant may be granted an extension of stay, not exceeding 12 months, and prohibited from taking employment. People given limited leave to enter or remain in some other capacity have no claim to remain as persons of independent means and their applications for extension of stay or leave to remain in this capacity are to be refused.

Marriage

118. A woman who satisfied the immigration officer that she was coming to the Bailiwick for early marriage to a man settled here as defined in paragraph 2

will normally have been admitted for 3 months subject to a condition prohibiting her from taking employment. If the marriage takes place within the 3 months period, she should be given indefinite leave to remain. If it does not, an extension of stay is to be granted only if good cause is shown for the delay and there is satisfactory evidence that the marriage will take place at an early date.

119. A woman admitted in a temporary capacity who marries a man settled here should on application be given indefinite leave to remain. If she marries a person who has only limited leave to enter, her leave should, if necessary, be varied by extending its duration so that it coincides with his.
120. Fiancés arriving with entry clearances for the purpose of marriage to a woman settled here are normally admitted for 3 months. Subject to paragraph 121, if the marriage takes place within that period the man's stay should be extended for a further period not exceeding 12 months. Where an extension is granted any prohibition on the taking of employment should be removed and, subject to paragraph 121, the time limit should be removed at the end of that period. If the marriage does not take place within the initial 3 months an extension of stay is to be granted only if good cause is shown for the delay and there is satisfactory evidence that the marriage will take place at an early date thereafter. Subject to paragraph 121, a man who was admitted for a limited period as the husband of a woman settled here may have the time limit removed at the end of that period.
121. Where a man admitted in a temporary capacity marries a woman settled here, an extension of stay or leave to remain will not be granted, nor will any time limit on stay be removed, unless the Lieutenant-Governor is satisfied:
 - (a) that the marriage was not entered into primarily to obtain settlement here; and
 - (b) that the parties to the marriage have met; and
 - (c) that the husband has not remained in breach of the immigration laws before the marriage; and
 - (d) that the marriage has not taken place after a decision has been made to deport him or he has been recommended for deportation or been given notice under section 6(2) of the Act; and
 - (e) that the marriage has not been terminated; and
 - (f) that each of the parties has the intention of living permanently with the other as his or her spouse.

Where the Lieutenant-Governor is satisfied that all the conditions at (a) to (f) above apply, the husband will be allowed to remain, for 12 months in the first instance, provided that the wife is a British citizen. At the end of the 12 months' period the time limit on the husband's stay may, subject to (a) to (f) above, be removed.

Children born in the United Kingdom and Islands who are not British citizens

122. Paragraphs 123-126 apply only to unmarried dependent children aged under 18 who were born* in the United Kingdom and Islands but who, because neither of

* On or after 1 January 1983, when the British Nationality Act 1981 came into force.

their parents was a British citizen or settled in the United Kingdom and Islands at the time of their birth, are not British citizens and are, therefore, subject to immigration control.

123. A child should be given leave to remain for the same period (which may be an indefinite period) as his parents. If the parents have leaves of different duration the child may be given leave for whichever period is longer; except that if the parents are living apart the child should be given leave to remain for the same period as the parent who has day to day responsibility for him.

In this paragraph and in paragraphs 124 and 125 "parents" and "parent" includes the stepfather of a child whose father is dead; the stepmother of a child whose mother is dead; and the father as well as the mother of an illegitimate child. It may also include a person who is not a parent, but only where there has been a genuine transfer of parental responsibility to that person on the ground of the parents' inability to care for the child.

124. A child will qualify for leave to remain under paragraph 123 irrespective of any requirements elsewhere in these rules which would otherwise apply as to maintenance and accommodation, and as to the presence in the Bailiwick of both parents.

125. Where a child is applying for leave to remain with a parent who is a British citizen or has the right of abode in the United Kingdom and Islands though not a British citizen, the leave granted under paragraph 123 should be indefinite leave to remain. Indefinite leave to remain should be granted in any case where the parental rights and duties in relation to the child are vested solely in a local authority.

126. A child may also be given leave to remain if he qualifies under any other paragraph of Section Two of these rules. For this purpose, if the child has not previously been granted leave to enter he should be treated in the same way as if he had been admitted in a temporary capacity.

Holders of restricted travel documents and passports

127. The holder of a passport or travel document which is endorsed with a restriction on the period for which he may remain outside his country of normal residence is not to have his stay in the Bailiwick extended beyond the period of his authorised absence. And if a person's permission to enter another country is limited his stay in the Bailiwick should not be extended to come nearer than 2 months to the expiry of that permission. This paragraph does not apply to a person who qualifies for removal of the time limit of his stay.

Settlement

128. This paragraph applies to persons who were admitted or allowed to remain for one of the following purposes:

- (a) approved employment;
- (b) permit-free employment as described in paragraphs 32, 33 and 34(b) and (e);
- (c) to set up in business;
- (d) in self-employment;
- (e) as a writer or artist;
- (f) as a person of independent means.

Such a person may have the time limit on his stay removed if he has remained here in that capacity for 4 years. Applications for removal of the time

limit are to be considered in the light of all the relevant circumstances including those set out in paragraph 92 and, in the case of a person in employment, whether the employer wishes to continue to employ him. Applications for variation of leave to enter or remain with a view to settlement may also be received from persons given leave to enter or remain otherwise than for the purposes set out above, but permission in such cases has to be limited to close relatives of persons who are settled in the Bailiwick. Particulars are set out in paragraphs 47-54.

Asylum

129. A person may apply for asylum in the Bailiwick on the ground that, if he were required to leave, he would have to go to a country to which he is unwilling to go owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion. Any such claim is to be carefully considered in the light of all the relevant circumstances.

Right of abode

130. A Commonwealth citizen who has been given limited leave to enter may later claim to have the right of abode. If such a person establishes a claim to the right of abode, for example by showing that immediately before the commencement of the 1981 Act he was a Commonwealth citizen born to a parent who at the time of the birth had citizenship of the United Kingdom and Colonies by his birth in the United Kingdom or in any of the Islands, and the person has not ceased to be a Commonwealth citizen in the meanwhile, the time limit on his stay should be removed.

Registration of foreign nationals

131. A foreign national given limited leave to enter may be subject to a condition requiring him to register with the Immigration and Nationality Department, Guernsey. When a foreign national on whom this condition was not imposed on arrival is granted an extension of stay which has the effect of allowing him to remain in the Bailiwick for employment for longer than 3 months or otherwise for longer than 6 months, reckoned from the date of his arrival, a condition requiring registration should be imposed unless he is under the age of 16, or the extension of stay is for employment of a kind mentioned in paragraphs 32(a), 33, 34(a) or 35.
132. In response to applications for removal of the condition requiring registration it should be explained that this condition lapses when the time limit on the applicant's stay is removed, but will not be revoked before then.

Procedure

133. When leave to enter is varied an entry is to be made in the applicant's passport or travel document (and in his registration certificate where appropriate) or the decision may be made known in writing in some other appropriate way.

NATIONALS OF EUROPEAN COMMUNITY COUNTRIES AND THEIR FAMILIES

Introductory

134. The provisions in Section Two of these rules apply to a person admitted in accordance with Part VI of these rules only to the extent permitted by Community law (see the second footnote to paragraph 68).

General

135. A person admitted in accordance with Part VI of these rules may normally remain in the Bailiwick for 6 months before applying for a "Residence Permit for a National of a Member State of the EC". Such a residence permit will be issued if the person:
- (Handwritten note: (with) must only be issued if...)*

- (a) has entered employment; or
 - (b) has established himself in business or in a self-employed occupation or otherwise in accordance with the provisions of Community law relating to the right of establishment and the rights relating to the provision and receipt of services; or
 - (c) is a member of the family (see paragraph 69) of a person to whom (a) or (b) above applies. Such a person will be issued with a residence permit if he is a Community national, or granted an extension of stay if he is not, in the same terms as those relating to the spouse or persons on whom he is dependent.
136. In the case of a person to whom paragraph 135 (a) applies the residence permit should be limited to the duration of the employment if this is expected to exceed 3 months but to be less than 12 months; otherwise the residence permit should normally be valid for 5 years. A residence permit should not normally be issued if the person has not entered employment within 6 months of the date of entry to the Bailiwick nor if during that time he has become a charge on public funds.
137. In the case of a person to whom paragraph 135 (b) applies the residence permit should normally be valid for 5 years. If such a person is unable to produce evidence that he has established himself in business or in a self-employed occupation within 6 months of the date of entry to the Bailiwick he may, depending on the circumstances, be refused a residence permit, or he may be granted a short extension of his stay in order to complete arrangements for so establishing himself.
138. A person may be required to leave the Bailiwick if he falls a charge on public funds before issue of a first residence permit, or if, after 6 months from admission, he fails to meet the requirements of paragraph 135 (a) or (b) above. After written warning, the duration of a residence permit may be curtailed if it is evident that the holder no longer satisfies the conditions at 135(a), (b) or (c) above. However, the duration of a residence permit issued to a worker will not be curtailed solely on the grounds that he is no longer in employment where this is because he is temporarily incapable of work as a result of illness or accident or because he is involuntarily unemployed.
139. A person issued with a residence permit for 5 years who has remained in the Bailiwick for 4 years and has throughout that time fulfilled the conditions in paragraph 135(a), (b) or (c) and continues to do so may, on request, have his residence permit endorsed to show permission to remain in the Bailiwick indefinitely. However, a first renewal of the residence permit for a period of not less than 12 months may be more appropriate in the case of a person whose residence permit was issued for employment but who, on its expiry, has been involuntarily unemployed for a period of 12 consecutive months.
140. A person who meets the requirements of paragraph 135 (a), (b) or (c) may not be deported from the Bailiwick on the ground that removal is conducive to the public good except where this is justified on grounds of public policy, public security or public health.
141. The provisions in paragraph 131 will not normally apply to a person who was admitted in accordance with Part VI of these rules except in the case of a family member who is not himself a Community national.

Settlement

142. The time limit on the stay of the following categories of Community nationals should be removed:
- (a) a person who has been continuously resident in the Bailiwick for at least 3 years, has been in employment in the Bailiwick or any other Member State of the European Community for the preceding 12 months, and has reached the age of entitlement to a state retirement position;

- (b) a person 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;
- (c) a person who has been continuously resident in the Bailiwick for more than 2 years, and who has ceased to be employed owing to a permanent incapacity for work;
- (d) a member of the family (see paragraph 69) of a person to whom (a), (b) or (c) above applies;
- (e) a member of the family (see paragraph 69) of a person who dies during his working life after having resided continuously in the Bailiwick for at least 2 years, or whose death results from an accident at work or an occupational disease.

PART XI: DEPORTATION

Ambit of the power to deport

143. Under sections 3(5)-(6) and 5(1)-(4) of the Act the Lieutenant-Governor may, if he thinks fit, make a deportation order requiring a person who does not have the right of abode to leave and to remain thereafter out of the Bailiwick:
- (a) if the person has failed to comply with a condition attached to his leave to enter or remains beyond the authorised time;
 - (b) if the Lieutenant-Governor deems the person's deportation to be conducive to the public good;
 - (c) if the person is the wife or the child under 18 of a person ordered to be deported;
 - (d) if the person, after reaching the age of 17, is convicted of an offence for which he is punishable with imprisonment and the court recommends deportation.
144. The power to deport applies generally to all people subject to control under the Act but, under section 8(3), it does not apply to any member of a mission (within the meaning of the Diplomatic Privileges Act 1964), any person who is a member of the family and forms part of the household of such a member, and any other person entitled to the like immunity from jurisdiction as is conferred by the 1964 Act on a diplomatic agent. Under section 7 a citizen of the Irish Republic or Commonwealth citizen who has been ordinarily resident in the United Kingdom and Islands continuously since the coming into force of the Act is not liable to be deported on the ground that his deportation is conducive to the public good; and if he was ordinarily resident here on the coming into force of the Act and has been so resident for the preceding 5 years he is not liable to deportation on any ground.

Rights of appeal

145. Against the making of a deportation order on the recommendation of a court there is a right of appeal to a higher court against the recommendation itself. 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.

Refugees

146. Where a person is a refugee full account is to be taken of the provisions of the Convention and Protocol relating to the Status of Refugees. Nothing in these rules is to be construed as requiring action contrary to the United Kingdom's obligations under these instruments.

Consideration of the merits

147. In considering whether deportation is the right course on the merits, the public interest will be balanced against any compassionate circumstances of the case. While each case will be considered in the light of the particular circumstances the aim is an exercise of the power of deportation that is consistent and fair as between one person and another, although one case will rarely be identical with another in all material respects.
148. Most of the cases in which deportation may be the appropriate course fall into two main categories. There are, first, those cases which come to notice following a conviction for a criminal offence and in which it is fitting that, because of his conduct, a person should no longer be allowed to remain here; and, second, those cases in which the person is here, or is remaining here, in defiance of the immigration control.

Deportation following a conviction

149. In considering whether to give effect to a recommendation for deportation made by a court on conviction the Lieutenant-Governor will take into account every relevant factor known to him, including:

- age;
- length of residence in the Bailiwick;
- strength of connections with the Bailiwick;
- personal history, including character, conduct and employment record;
- domestic circumstances;
- the nature of the offence of which the person was convicted;
- previous criminal record;
- compassionate circumstances;
- any representations received on the person's behalf.

In certain circumstances, particularly in the case of young or first offenders, supervised departure, with a prohibition on re-entry, may be arranged as an alternative to the deportation recommended by the court provided that the person is willing to leave the country.

150. Where the court has not recommended deportation there may nevertheless be grounds, in the light of all the relevant information, for deportation, for curtailment of stay or a refusal to extend stay followed, after departure, by a prohibition on re-entry.

Deportation for breach of conditions or unauthorised stay

151. Deportation will normally be the proper course where the person has failed to comply with or has contravened a condition or has remained without authorisation. Full account is to be taken of all the relevant circumstances known to the Lieutenant-Governor, including those listed in paragraph 149, before a decision is reached.

Deportation on conducive grounds

152. The Lieutenant-Governor has the power to deport a person if he deems it conducive to the public good. General rules about the circumstances in which deportation is justified on these grounds cannot be laid down, and each case will be considered carefully in the light of the relevant circumstances known to the Lieutenant-Governor including those listed in paragraph 149.

Deportation of members of families

153. There is power to make a deportation order against the wife or children under 18 of a person ordered to be deported on any grounds mentioned in paragraphs 149-152 unless more than 8 weeks have elapsed since that person left the Bailiwick following the making of an order against him. Where the Lieutenant-Governor decides that it would be appropriate to deport a member of a family as such the decision 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 Bailiwick voluntarily.
154. In considering whether to require a wife and children to leave with the head of the family the Lieutenant-Governor will take account of all relevant factors known to him including:
- length of residence in the Bailiwick;
 - any ties which the wife or children have with the Bailiwick otherwise than as dependants of the principal deportee;
 - the ability of the wife to maintain herself and the children in the Bailiwick, or to be maintained by relatives or friends without charge to public funds, not merely for a short period but for the foreseeable future;
 - any compassionate or other special circumstances;
 - any representations received from or on behalf of the wife and children.
155. Where the wife has qualified for settlement in the Bailiwick in her own right, for example, following 4 years in approved employment, she has a valid claim to remain notwithstanding the expulsion of her husband and her deportation will not normally be contemplated. Where the wife has been living apart from the principal deportee it will not normally be right to include her, or any children living with her, in the deportation order.
156. Children cease to be members of the family, as defined in the Act, at 18, and their deportation will not normally be contemplated if they have spent some years in the Bailiwick and are near that age. Nor will deportation normally be appropriate if the child left the family home on taking employment and has established himself on an independent basis, or if he married before deportation came into prospect. In the case of children of school age it will be right to take into account, on the one hand, the disruptive effect of removal on their education and, on the other, whether plans for their care and maintenance in this country if one or both parents were deported are realistic and likely to be effective.
157. In some cases it may be relevant to take into account the possibility of the eventual return of members of the family to the Bailiwick after deportation. When a child reaches 18 he will cease to be subject to the deportation order and it will be open to him to qualify for re-admission under the immigration rules. The wife would cease to be subject to the order if the marriage came to an end, and could similarly qualify for re-admission; but her return would otherwise be dependent on revocation of the order made against her or her husband.

Asylum

158. In accordance with the provisions of the Convention and Protocol relating to the Status of Refugees, a deportation order will not be made against a person if the only country to which he can be removed is one to which he is unwilling to go owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or political opinion.

Returned deportees

159. Where a person returns to this Bailiwick notwithstanding that a deportation order is in force against him, he may lawfully be deported under the

original order and it will normally be right to deport him. But every such case is to be considered in the light of all the relevant circumstances before the intention to enforce the order is notified to the person.

Arrangements for removal

160. Provision is made in the Act for removal from the Bailiwick of a person against whom a deportation order has been made. The power should 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 notwithstanding his deportation from the Bailiwick; but, in considering any departure from the normal arrangements, regard should be had to the public interest generally, and to any additional expense that may fall on public funds.

Revocation of deportation orders

161. Revocation of a deportation order does not entitle the person concerned to re-enter the Bailiwick, it renders him eligible to qualify for admission under the immigration rules. Application for revocation of the order may be made to the entry clearance officer or direct to the Immigration and Nationality Department, Guernsey.

Applications for the revocation of a deportation order will be carefully considered in the light of the grounds on which the order was made and of the case made in support of the application. The interests of the community, including the maintenance of an effective immigration control, are to be balanced against the interests of the applicant, including any circumstances of a compassionate nature. 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 that 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 of circumstances as to warrant revocation of the order. Since so much depends on other relevant circumstances, it is not practicable to specify periods as appropriate in relation to particular grounds of deportation. All applications for revocation will be carefully considered when made but save in the most exceptional circumstances the Lieutenant-Governor will not revoke a deportation order which has been in force for less than 3 years.

SECTION THREE: TRANSITIONAL PROVISIONS

163. Subject to the following paragraphs, these rules apply to all decisions taken on or after 9 August 1983.
164. Where but for these rules a person would, by virtue of the transitional provisions of Section Three of G.S.I.1982/12 (a), have had his application decided under the provisions of G.S.I.1973/32 (b), G.S.I.1973/33 (c), G.S.I.1973/34 (d), or G.S.I.1973/35 (e), Section Three of G.S.I.1982/12 will continue to apply to his application and accordingly it will be decided under the provisions of G.S.I.1973/32, G.S.I.1973/33, G.S.I.1973/34, or G.S.I.1973/35 as appropriate and not under the corresponding provisions of these rules. The fact that the person concerned has become over age for purposes of paragraphs 43 and 44 of G.S.I.1973/32 and paragraphs 38 and 39 of G.S.I.1973/34 is not in itself to be a change of circumstances within the meaning of paragraph 12(b) of G.S.I.1973/32 and paragraph 10(b) of G.S.I.1973/34 where he was under age for these purposes when the application for entry clearance was made; nor does it of itself form a basis for refusal of an entry clearance where he was under age at the time the application for entry clearance was made.
165. Except in a case within paragraph 164, an application made on or before 25 October 1982 by a person seeking entry clearance, leave to enter or remain, or variation of leave to enter or remain as a businessman, self-employed person or person of independent means will be decided under the provisions of G.S.I.1982/12 and not under the corresponding provisions of these rules.
166. Except in a case within paragraph 164, where a person who, before 1 January 1983, had a limited leave to enter or remain in the Bailiwick as a businessman, self-employed person or person of independent means applies to stay for a further limited period in the same capacity, that application will be decided under the provisions of G.S.I.1982/12 and not under the corresponding provisions of these rules.
167. Except in a case within paragraph 164, where a person who, having been granted an entry clearance on the basis of either an application made on or before 25 October 1982 or an application made and granted before 1 January 1983, had a limited leave to enter or remain in the Bailiwick as a businessman, self-employed person or person of independent means granted on or after 1 January 1983, applies to stay for a further limited period in the same capacity, that application will be decided under the provisions of G.S.I.1982/12 and not under the corresponding provisions of these rules.

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- (a) The Immigration (Guernsey) Rules 1982 - laid before the States on 30 June 1982.
- (b) The Immigration (Control on Entry) (Commonwealth Citizens) (Guernsey) Rules, 1973 - laid before the States on 26 July 1973, as amended.
- (c) The Immigration (Control after Entry) (Commonwealth Citizens) (Guernsey) Rules, 1973 - laid before the States on 26 July 1973, as amended.
- (d) The Immigration (Control on Entry) (EEC and Other Non-Commonwealth Nationals) (Guernsey) Rules, 1973 - laid before the States on 26 July 1973, as amended.
- (e) The Immigration (Control after Entry) (EEC and Other Non-Commonwealth Nationals) (Guernsey) Rules, 1973 - laid before the States on 26 July 1973, as amended.

Commencement

168. These rules shall come into force on the 9th day of August 1983.

Dated this 9th day of August 1983.

J G DOREY
President of the States Board of Administration
for and on behalf of the Board

EXPLANATORY NOTE

These Rules repeal and replace the Rules at present in force in the Bailiwick. They make provision as to the practice to be followed in the administration of the Immigration Act 1971 as extended to this Bailiwick, for regulating entry into and the stay in the Bailiwick of Commonwealth citizens, British protected persons, nationals of the European Community, nationals of foreign States outside the Community and Stateless persons. Any reference to a time factor or to a duration of stay has been included with the concurrence of the Lieutenant-Governor whose concurrence has also been given with regard to the directions contained herein attached to the imposition of any time condition, to the grant of indefinite leave to enter, to the refusal of leave to enter, to the variation, extension, removal or curtailment of any limit imposed upon the length of time a person has leave to enter or remain in the Bailiwick.

APPENDIX

NATIONALS OF FOREIGN COUNTRIES WHO NEED VISAS FOR THE UNITED KINGDOM, CHANNEL ISLANDS AND ISLE OF MAN

EUROPE

Nationals of Albania, Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Romania, USSR.

ASIA

Nationals of Pakistan who seek admission to the Bailiwick in accordance with paragraphs 32, 33, 36, 39, 40, 41-43 and 47-56, of these rules and nationals of all other countries except Bahrain, Israel, Japan, Kuwait, Republic of Korea, Qatar, Turkey and United Arab Emirates.

AFRICA

Nationals of all countries except Algeria, Ivory Coast, Morocco, Niger, Tunisia and the Republic of South Africa.

AMERICA

Nationals of Cuba and the Argentine Republic.