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1999 No 5

THE IMMIGRATION (GUERNSEY) RULES 1999

Made: 19<sup>th</sup> January 1999

Laid before the States: 31<sup>st</sup> March 1999

Coming into operation: 1<sup>st</sup> February 1999

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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 of Guernsey by the Immigration (Guernsey) Order 1993 hereby makes the following rules:-

## **REPEALS**

1. The Immigration (Guernsey) Rules 1983 <sup>(a)</sup> (as amended) <sup>(b), (c) (d), (e), (f), (g), (h) and (i)</sup> are hereby repealed.

## **INTRODUCTION**

2. Immigration Officers and all staff of the Immigration and Nationality Department of the States of Guernsey will carry out their duties without regard to the race, colour or religion of persons seeking to enter or remain in the Bailiwick of Guernsey.

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

## **IMPLEMENTATION AND TRANSITIONAL PROVISIONS**

4. These Rules come into effect on 1<sup>st</sup> February 1999 and will apply to all decisions taken on or after that date save that any application made before 1<sup>st</sup> February 1999 for entry clearance, leave to enter or remain or variation of leave to enter or remain shall be decided under the provisions of The Immigration (Guernsey) Rules 1983 (as amended) <sup>(a)</sup> as if these Rules had not been made.

## **APPLICATION**

5. Save where expressly indicated, these Rules do not apply to a European Economic Area (EEA) national or the family member of such a national in circumstances in which he would be entitled to enter or remain in the United Kingdom by virtue of the provisions of the Immigration (European Economic Area) Order 1994. But an EEA national or his family member who would not be entitled to rely on the provisions of that Order is covered by these Rules.

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<sup>(a)</sup> GSI 1983/24;

<sup>(d)</sup> GSI 1986/37;

<sup>(g)</sup> GSI 1989/22;

<sup>(b)</sup> GSI 1986/21;

<sup>(e)</sup> GSI 1987/7;

<sup>(h)</sup> GSI 1990/31;

<sup>(c)</sup> GSI 1986/31;

<sup>(f)</sup> GSI 1988/25;

<sup>(i)</sup> GSI 1992/5.

## INTERPRETATION

6. In these Rules the following interpretations apply:

**“Bailiwick of Guernsey”** includes the territorial waters adjacent thereto.

**“EEA national”** means a national of a State which is a Contracting Party to the European Economic Area Agreement other than the United Kingdom.

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

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

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

**“Immigration Act 1971”** and **“Immigration Act 1988”** shall mean those Acts as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993; and any reference to any provision of those Acts is (unless the context requires otherwise) a reference thereto as so extended.

**“Immigration Officer”** includes a person authorised by the Board of Administration to act as an officer of Customs and Excise who is acting as an Immigration Officer.

**“a parent”** includes:

- (a) the stepfather of a child whose father is dead;
- (b) the stepmother of a child whose mother is dead;
- (c) the father as well as the mother of an illegitimate child where he is proved to be the father;
- (d) an adoptive parent but only where a child was adopted in accordance with a decision taken by the competent administrative authority or court in a country whose adoption orders are recognised by the Bailiwick of Guernsey (except where an application for leave to enter or remain is made under paragraphs 310-316);
- (e) in the case of a child born in the United Kingdom and Islands who is not a British citizen, a person to whom there has been a genuine

transfer of parental responsibility on the ground of the original parent(s)' inability to care for the child.

**“public funds”** means any benefit paid by the States of Guernsey or any committee thereof to any person who has not paid any contribution towards the receipt of such benefit.

**“Secretary of State”** means the Secretary of State for the Home Department in the United Kingdom.

**“settled in the Bailiwick of Guernsey”** means that the person concerned:

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

**“the 1994 EEA Order”** is the Immigration (European Economic Area) Order 1994 <sup>(i)</sup>.

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

**“United Kingdom and Islands”** means the United Kingdom, Channel Islands and the Isle of Man taken together.

**“visa nationals”** are the persons who need a visa for the Bailiwick of Guernsey being the foreign nationals, Commonwealth citizens, stateless persons and other holders of non-national documents specified from time to time in the Appendix to the United Kingdom Statement of Changes in Immigration Rules.

The Interpretation (Guernsey) Law, 1948 shall apply to the interpretation of these Rules.

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<sup>(i)</sup> UKSI 1994 No.1895

## **PART 1: GENERAL PROVISIONS REGARDING LEAVE TO ENTER OR REMAIN IN THE BAILLIWICK OF GUERNSEY.**

### **Leave to enter the Bailiwick of Guernsey**

7. A person who is neither a British citizen nor a Commonwealth citizen with the right of abode nor an EEA national or the family member of such a national who would be entitled to enter or remain in the United Kingdom by virtue of the provisions of the Immigration (European Economic Area) Order 1994 requires leave to enter the Bailiwick of Guernsey.

8. Under Sections 3 and 4 of the Immigration Act 1971 an Immigration Officer when admitting to the Bailiwick of Guernsey 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 or prohibiting employment or occupation in the Bailiwick of Guernsey or requiring the person to register with the Immigration and Nationality Department of the States of Guernsey or both. He may also require him to report to the Medical Officer of Health. Under Section 24 of the Immigration Act 1971 it is an offence knowingly to remain beyond the time limit or to fail to comply with such a condition or requirement.

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

### **Exercise of the power to refuse leave to enter the Bailiwick of Guernsey**

10. The power to refuse leave to enter the Bailiwick of Guernsey is not to be exercised by an Immigration Officer acting on his own. The authority of a Senior Immigration Officer must always be obtained.

### **Requirement for persons arriving in the Bailiwick of Guernsey to produce evidence of identity and nationality**

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

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

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

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

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

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

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

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

**Common Travel Area**

15. The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However certain persons

subject to the Immigration (Control of Entry through the Republic of Ireland) (Guernsey) (No.1) Order 1972 <sup>(k)</sup> as amended <sup>(l), and (m)</sup> and Immigration (Control of Entry through the Republic of Ireland) (Guernsey) (No. 2) Order 1972 <sup>(n)</sup> as amended <sup>(o)</sup> who enter the Bailiwick of Guernsey through the Republic of Ireland do require leave to enter. This includes:

- (i) those who merely passed through the Republic of Ireland;
- (ii) persons requiring visas;
- (iii) persons who entered the Republic of Ireland unlawfully;
- (iv) persons who are subject to directions given by the Lieutenant Governor for their exclusion from the Bailiwick of Guernsey on the ground that their exclusion is conducive to the public good;
- (v) persons who entered the Republic from the United Kingdom and Islands after entering there unlawfully or overstaying their leave.

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

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

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

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<sup>(k)</sup> GSI 1972/62; <sup>(l)</sup> GSI 1979/17; <sup>(m)</sup> GSI 1982/30; <sup>(n)</sup> GSI 1972/65;  
<sup>(o)</sup> GSI 1982/31.

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

### **Returning Residents**

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

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

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

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

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

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

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

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

### **Entry Clearance**

24. A visa national and any other person who is seeking entry to the Bailiwick of Guernsey for a purpose for which prior entry clearance is required under these Rules must produce to the Immigration Officer a valid passport or other identity document endorsed with an entry clearance issued to him for the purpose for which he seeks entry. Such a person will be refused leave to enter if he has no such current entry clearance. Any other person who wishes to ascertain in advance whether he is eligible for admission to the Bailiwick of Guernsey may apply for the issue of an entry clearance.

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

26. An application for entry clearance will be considered in accordance with the provisions in these Rules governing the grant or refusal of leave to enter. Where appropriate, the term "Entry Clearance Officer acting under such directions as may be given by or on behalf of the Lieutenant Governor" should be substituted for "Immigration Officer".

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

28. An applicant for an entry clearance must be outside the United Kingdom and Islands at the time of the application. An applicant for

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

29. For the purposes of [paragraph 28](#) "post" means a British Diplomatic Mission, British consular post or the office of any person outside the United Kingdom and Islands who has been authorised by the Secretary of State to accept applications for entry clearance. A list of designated posts is published by the Foreign and Commonwealth Office.

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

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

(i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the entry clearance; or

(ii) a change of circumstances since the entry clearance was issued has removed the basis of the holder's claim to be admitted to the Bailiwick of Guernsey, except where the change of circumstances amounts solely to his exceeding the age for entry in one of the categories contained in [paragraphs 296 - 316](#) of these rules since the issue of the entry clearance; or

(iii) the holder's exclusion from the Bailiwick of Guernsey would be conducive to the public good.

#### **Variation of leave to enter or remain in the Bailiwick of Guernsey**

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

appropriate) or the decision may be made known in writing in some other appropriate way.

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

33. [Not used]

#### **Withdrawn applications for variation of leave to enter or remain in the Bailiwick of Guernsey**

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

#### **Undertakings**

35. A sponsor of a person seeking leave to enter or variation of leave to enter or remain in the Bailiwick of Guernsey may be asked to give an undertaking in writing to be responsible for that person's maintenance and accommodation for the period of any leave granted, including any further variation. The States of Guernsey may recover from the person giving such an undertaking any public monies paid to or for the benefit of the person in respect of whom the undertaking is given.

#### **Medical**

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

37. Where the Medical Officer of Health advises that a person seeking entry is suffering from a specified disease or condition

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

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

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

## **PART 2: PERSONS SEEKING TO ENTER OR REMAIN IN THE BAILLIWICK OF GUERNSEY FOR VISITS**

### **VISITORS**

#### **Requirements for leave to enter as a visitor**

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

41. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a visitor are that he:

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

#### **Leave to enter as a visitor**

42. A person seeking leave to enter the Bailiwick of Guernsey as a visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, provided the

Immigration Officer is satisfied that each of the requirements of [paragraph 41](#) is met.

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

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

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

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

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

#### **Extension of stay as a visitor**

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

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

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

### **VISITORS IN TRANSIT**

#### **Requirements for admission as a visitor in transit to another country**

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

- (i) is in transit to a country outside the common travel area; and

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

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

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

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

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

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

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

### **VISITORS SEEKING TO ENTER OR REMAIN FOR PRIVATE MEDICAL TREATMENT**

#### **Requirements for leave to enter as a visitor for private medical treatment**

51. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a visitor for private medical treatment are that he:

- (i) meets the requirements set out in [paragraph 41](#) (iii)-(vii) for entry as a visitor; and
- (ii) in the case of a person suffering from a communicable disease, has satisfied the Medical Officer of Health that there is no danger to public health; and

- (iii) can show, if required to do so, that any proposed course of treatment is of finite duration; and
- (iv) intends to leave the Bailiwick of Guernsey at the end of his treatment; and
- (v) can produce satisfactory evidence, if required to so, of:
  - (a) the medical condition requiring consultation or treatment; and
  - (b) satisfactory arrangements for the necessary consultation or treatment at his own expense; and
  - (c) the estimated costs of such consultation or treatment; and
  - (d) the likely duration of his visit; and
  - (e) sufficient funds available to him in the Bailiwick of Guernsey to meet the estimated costs and his undertaking to do so.

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

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

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

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

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

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

- (i) meets the requirements set out in [paragraph 41](#) (iii)-(vii) and [paragraph 51](#) (ii)-(vi); and
- (ii) has produced evidence from a recognised medical practitioner, registered by the Board of Health under the

Doctors, Dentists and Pharmacists Ordinance 1987 to practise in the Bailiwick of Guernsey, of satisfactory arrangements for private medical consultation or treatment and its likely duration; and, where treatment has already begun, evidence as to its progress; and

- (iii) can show that he has met, out of the resources available to him, any costs and expenses incurred in relation to his treatment in the Bailiwick of Guernsey; and
- (iv) has sufficient funds available to him in the Bailiwick of Guernsey to meet the likely costs of his treatment and intends to meet those costs.

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

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

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

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

**PART 3: PERSONS SEEKING TO ENTER OR REMAIN IN THE  
BAILIWICK OF GUERNSEY FOR STUDIES**

**STUDENTS**

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

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

- (i) has been accepted for a course of study at:
  - (a) a *bona fide* private education institution which maintains satisfactory records of enrolment and attendance; or
  - (b) an independent fee paying school; and
- (ii) is able and intends to follow either:
  - (a) a weekday full-time course involving attendance at a single institution for a minimum of 15 hours organised daytime study per week of a single subject or directly related subjects; or
  - (b) a full-time course of study at an independent fee paying school; and
- (iii) if under the age of 16 years is enrolled at an independent fee paying school on a full-time course of studies which meets the requirements of the Education (Guernsey) Law, 1970<sup>(k)</sup>; and
- (iv) intends to leave the Bailiwick of Guernsey at the end of his studies; and
- (v) does not intend to engage in business or to take employment; and
- (vi) is able to meet the costs of his course and accommodation and the maintenance of himself without taking employment or engaging in business or having recourse to public funds.

**Leave to enter as a student**

58. A person seeking leave to enter the Bailiwick of Guernsey as a student may be admitted for an appropriate period depending on

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the length of his course of study and his means, and with a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of [paragraph 57](#) is met.

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

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

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

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

- (i) was admitted to the Bailiwick of Guernsey with a valid student entry clearance if he is a visa national; and
- (ii) meets the requirements for admission as a student set out in [paragraph 57](#) (i)-(vi); and
- (iii) has produced evidence of his enrolment on a course which meets the requirements of [paragraph 57](#); and
- (iv) can produce satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past; and
- (v) can show evidence of satisfactory progress in his course of study including the taking and passing of any relevant examinations; and
- (vi) would not, as a result of an extension of stay, spend more than 4 years on short courses (i.e. courses of less than 2 years duration, or longer courses broken off before completion); and
- (vii) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his original sponsor for a further period of study in the Bailiwick of Guernsey and satisfactory evidence that sufficient sponsorship funding is available.

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

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

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

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

63-87 [Not Used]

**PART 4: PERSONS SEEKING TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY IN AN "AU PAIR" PLACEMENT OR AS A WORKING HOLIDAYMAKER.**

**"AU PAIR" PLACEMENTS**

**Definition of an "au pair" placement**

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

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

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

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

- (i) is seeking entry for the purpose of taking up an arranged placement which can be shown to fall within the definition set out in paragraph 88; and
- (ii) is aged between 17-27 inclusive or was so aged when first given leave to enter in this capacity; and
- (iii) is unmarried; and
- (iv) is without dependants; and
- (v) is a national of one of the countries specified from time to time in the United Kingdom Statement of Changes in Immigration Rules and, pursuant to the said Statement, is for the time being eligible on grounds of nationality to be granted leave to enter the United Kingdom as an "au pair"; and
- (vi) does not intend to stay in the Bailiwick of Guernsey for more than 2 years as an "au pair"; and
- (vii) intends to leave the Bailiwick of Guernsey on completion of his stay as an "au pair"; and

(viii) if he has previously spent time in the Bailiwick of Guernsey as an “au pair” is not seeking leave to enter to a date beyond 2 years from the date on which he was first given leave to enter the Bailiwick of Guernsey in this capacity; and

(ix) is able to maintain and accommodate himself without recourse to public funds.

#### **Leave to enter as an “au pair”**

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

#### **Refusal of leave to enter as an “au pair”**

91. An application for leave to enter as an “au pair” is to be refused if the Immigration Officer is not satisfied that each of the requirements of [paragraph 89](#) is met.

#### **Requirements for an extension of stay as an “au pair”**

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

(i) was given leave to enter the Bailiwick of Guernsey as an “au pair” under [paragraph 90](#); and

(ii) is undertaking an arranged “au pair” placement which can be shown to fall within the definition set out in paragraph 88: and

(iii) meets the requirements of [paragraph 89](#) (ii)-(ix); and

(iv) would not, as a result of an extension of stay, remain in the Bailiwick of Guernsey as an “au pair” to a date beyond 2 years from the date on which he was first given leave to enter the Bailiwick of Guernsey in this capacity.

### **Extension of stay as an “au pair”**

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

### **Refusal of extension of stay as an “au pair”**

94. An extension of stay as an “au pair” is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 92](#) is met.

## **WORKING HOLIDAYMAKERS**

### **Requirements for leave to enter as a working holidaymaker**

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

- (i) is a Commonwealth citizen; and
- (ii) is aged 17-27 inclusive or was so aged when first given leave to enter in this capacity; and
- (iii) is unmarried or is married to a person who meets the requirements of this paragraph and the parties to the marriage intend to take a working holiday together; and
- (iv) has the means to pay for his return or onward journey; and
- (v) is able and intends to maintain and accommodate himself without recourse to public funds; and
- (vi) is intending to take employment incidental to a holiday but not to engage in business, provide services as a professional sportsman or entertainer or pursue a career in the Bailiwick of Guernsey; and
- (vii) does not have dependent children any of whom are 5 years of age or over or who will reach 5 years of age before the applicant completes his working holiday; or commitments which would require him to earn a regular income; and
- (viii) intends to leave the Bailiwick of Guernsey at the end of his working holiday; and

- (ix) if he has previously spent time in the Bailiwick of Guernsey as a working holidaymaker, is not seeking leave to enter to a date beyond 2 years from the date he was first given leave to enter in this capacity; and
- (x) holds a valid entry clearance for entry in this capacity.

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

96. A person seeking leave to enter the Bailiwick of Guernsey as a working holidaymaker may be admitted for a period not exceeding 2 years with a condition restricting his freedom to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

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

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

#### **Requirements for an extension of stay as a working holidaymaker**

98. The requirements for an extension of stay as a working holidaymaker are that the applicant:

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as a working holidaymaker; and
- (ii) meets the requirements of [paragraph 95](#) (i)-(viii); and
- (iii) would not, as a result of an extension of stay, remain in the Bailiwick of Guernsey as a working holidaymaker to a date beyond 2 years from the date on which he was first given leave to enter the Bailiwick of Guernsey in this capacity.

#### **Extension of stay as a working holidaymaker**

99. An extension of stay as a working holidaymaker may be granted with a condition restricting his freedom to take employment, provided the Lieutenant Governor is satisfied that the applicant meets each of the requirements of [paragraph 98](#).

#### **Refusal of extension of stay as a working holidaymaker**

100. An extension of stay as a working holidaymaker is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 98](#) is met.

## **CHILDREN OF WORKING HOLIDAYMAKERS**

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

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

- (i) he is the child of a parent admitted to or allowed to remain in the Bailiwick of Guernsey as a working holidaymaker; and
- (ii) he is under the age of 5 and will leave the Bailiwick of Guernsey before reaching that age; and
- (iii) he can and will be maintained and accommodated adequately without recourse to public funds or without his parent(s) engaging in business or taking employment except as provided by [paragraph 95](#) above; and
- (iv) both parents are being or have been admitted to or allowed to remain in the Bailiwick of Guernsey save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Bailiwick of Guernsey undesirable and suitable arrangements have been made for his care; and
- (v) if seeking leave to enter, he holds a valid entry clearance for entry in this capacity, or if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity.

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

102. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a working holidaymaker may be admitted or allowed to remain for the same period of leave as that granted to the working holidaymaker provided that, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival or, in the case of an application for leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 101 \(i\)-\(iv\)](#) is met.

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

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

104-109 [ Not used ]

**TEACHERS AND LANGUAGE ASSISTANTS COMING TO THE BAILIWICK OF GUERNSEY UNDER APPROVED EXCHANGE SCHEMES**

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

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

- (i) is coming to an educational establishment in the Bailiwick of Guernsey under an exchange scheme approved by the States Education Council; and
- (ii) intends to leave the Bailiwick of Guernsey at the end of his exchange period; and
- (iii) does not intend to take employment except in the terms of this paragraph; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds; and

- (v) holds a valid entry clearance for entry in this capacity.

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

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

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

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

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

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

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as a teacher or language assistant; and
- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question, as certified by the employer; and
- (iv) meets the requirements of paragraph 110 (ii)-(iv); and
- (v) would not, as a result of an extension of stay, remain in the Bailiwick of Guernsey as an exchange teacher or language assistant for more than 2 years from the date on which he was first given leave to enter the Bailiwick of Guernsey in this capacity.

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

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

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

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

116-121 [Not used]

**SPOUSES OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN UNDER [PARAGRAPHS 110-115](#)**

**Requirements for leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#)**

122. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#) are that.

- (i) the applicant is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#); and
- (ii) each of the parties intends to live with the other as his or her spouse during the applicant's stay and the marriage is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (v) the applicant does not intend to stay in the Bailiwick of Guernsey beyond any period of leave granted to his spouse; and
- (vi) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity or, if seeking leave to

remain, was admitted with a valid entry clearance for entry in this capacity.

**Leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#)**

123. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#) may be given leave to enter or remain in the Bailiwick of Guernsey for a period of leave not in excess of that granted to the person with limited leave to enter or remain under [paragraphs 110-115](#) provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 122](#) (i)-(v) is met.

**Refusal of leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#)**

124. Leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#) is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 122](#) (i)-(v) is met.

**CHILDREN OF PERSONS ADMITTED OR ALLOWED TO REMAIN UNDER PARAGRAPHS 110-115**

**Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 110-115**

125. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 110-115 are that;

- (i) he is the child of a parent who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 110-115; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the Bailiwick of Guernsey beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the Bailiwick of Guernsey save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Bailiwick of Guernsey undesirable and suitable arrangements have been made for his care; and
- (vii) if seeking leave to enter, he holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#)**

126. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#) may be given leave to enter or remain in the Bailiwick of Guernsey for a period of leave not in excess of that granted to the person with limited leave to enter or remain under [paragraphs 110-115](#) provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 125 \(i\)-\(vi\)](#) is met.

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#)**

127. Leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 110-115](#) is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 125 \(i\)-\(vi\)](#) is met.

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

### **WORK PERMIT EMPLOYMENT**

#### **Requirement for leave to enter the Bailiwick of Guernsey for work permit employment**

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

- (i) holds a valid Board of Administration work permit; and
- (ii) is not of an age which puts him outside the limits for employment; and
- (iii) is capable of undertaking the employment specified in the work permit; and
- (iv) does not intend to take employment except as specified in his work permit; and
- (v) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (vi) intends to leave the Bailiwick of Guernsey at the end of his approved employment unless he meets the requirements of [paragraph 134](#).

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

129. A person seeking leave to enter the Bailiwick of Guernsey for the purpose of work permit employment may be admitted for the period specified in his work permit (not exceeding 12 months) subject to a condition restricting him to employment approved by the Board of Administration, provided the Immigration Officer is satisfied that each of the requirements of [paragraph 128](#) is met.

#### **Refusal of Leave to enter for employment**

130. Leave to enter for the purpose of employment is to be refused if the Immigration Officer is not satisfied that each of the requirements of [paragraph 128](#) is met (unless the applicant is otherwise eligible for admission for employment under these Rules

or is eligible for admission as a seaman under contract to join a ship due to leave British waters).

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

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

- (i) entered the Bailiwick of Guernsey with a valid work permit under [paragraph 129](#); and
- (ii) has the approval of the Board of Administration for the continuation of his employment; and
- (iii) meets the requirements of [paragraph of 128](#) (ii)-(vi)

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

132. An extension of stay for work permit employment may be granted for a period not exceeding the period of employment approved by the Board of Administration (up to a maximum of 12 months) provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 131](#) is met. An extension of stay is to be subject to a condition restricting the applicant to employment approved by the Board of Administration.

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

133. An extension of stay for employment is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 131](#) is met ( unless the applicant is otherwise eligible for an extension of stay for employment under these Rules).

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

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

- (i) he has spent a continuous period of 5 years in the Bailiwick of Guernsey in this capacity; and
- (ii) he has met the requirements of [paragraph 131](#) throughout the 5 year period; and

- (iii) he is still required for the employment in question as certified by his employer.

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

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

136-168 [Not used]

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

169. For the purposes of these Rules:

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

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

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

- (i) (a) if seeking leave to enter as a minister of religion has either been working for at least one year as a minister of religion or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years' part-time training for the ministry, or
- (b) if seeking leave to enter as a missionary has been trained as a missionary or has worked as a missionary and is being sent to the Bailiwick of Guernsey by an overseas organisation; or

- (c) if seeking leave to enter as a member of a religious order is coming to live in a community maintained by the religious order of which he is a member and, if intending to teach, does not intend to do so save at an establishment maintained by his order; and
- (ii) intends to work full-time as a minister of religion, missionary or for the religious order of which he is a member; and
- (iii) does not intend to take employment except within the terms of this paragraph; and
- (iv) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (v) holds a valid entry clearance for entry in this capacity.

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

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

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

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

**Requirements for an extension of stay as a minister of religion, missionary or member of a religious order**

173. The requirements for an extension of stay as a minister of religion, missionary or a member of a religious order are that the applicant:

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as a minister of religion, missionary or member of a religious order; and

- (ii) is still engaged in the employment for which his entry clearance was granted; and
- (iii) is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of his religious order; and
- (iv) meets the requirements of [paragraph 170](#) (ii)-(iv).

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

174. An extension of stay as a minister of religion, missionary or member of a religious order may be granted for a period not exceeding 12 months provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 173](#) is met.

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

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

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

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

- (i) he has spent a continuous period of 4 years in the Bailiwick of Guernsey in this capacity; and
- (ii) he has met the requirements of [paragraph 173](#) throughout the 4 year period; and
- (iii) he is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of the religious order to which he belongs.

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

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

178-185 [Not used]

**PERSONS WITH UNITED KINGDOM ANCESTRY**

**Requirements for leave to enter on the grounds of United Kingdom ancestry**

186. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey on the grounds of his United Kingdom ancestry are that he:

- (i) is a Commonwealth citizen; and
- (ii) is aged 17 or over; and
- (iii) is able to provide proof that one of his grandparents was born in the United Kingdom and Islands; and
- (iv) is able to work and intends to take or seek employment in the Bailiwick of Guernsey; and
- (v) will be able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (vi) holds a valid entry clearance for entry in this capacity.

**Leave to enter the Bailiwick of Guernsey on the grounds of United Kingdom ancestry**

187. A person seeking leave to enter the Bailiwick of Guernsey on the grounds of his United Kingdom ancestry may be given leave to enter for a period not exceeding 4 years provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

### **Refusal of leave to enter on the grounds of United Kingdom ancestry**

188. Leave to enter the Bailiwick of Guernsey on the grounds of United Kingdom ancestry is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

### **Requirements for an extension of stay on the grounds of United Kingdom ancestry**

189. The requirements to be met by a person seeking an extension of stay on the grounds of United Kingdom ancestry are that he is able to meet each of the requirements of [paragraph 186 \(i\)-\(v\)](#) .

### **Extension of stay on the grounds of United Kingdom ancestry**

190. An extension of stay on the grounds of United Kingdom ancestry may be granted for a period not exceeding 4 years provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 186 \(i\)-\(v\)](#) is met.

### **Refusal of extension of stay on the grounds of United Kingdom ancestry**

191. An extension of stay on the grounds of United Kingdom ancestry is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 186 \(i\)-\(v\)](#) is met.

### **Indefinite leave to remain on the grounds of United Kingdom ancestry**

192. Indefinite leave to remain may be granted, on application, to a Commonwealth citizen with a United Kingdom born grandparent provided:

- (i) he meets the requirements of [paragraph 186 \(i\)-\(v\)](#); and
- (ii) he has spent a continuous period of 4 years in the Bailiwick of Guernsey in this capacity.

### **Refusal of indefinite leave to remain on the grounds of United Kingdom ancestry**

193. Indefinite leave to remain in the Bailiwick of Guernsey on the grounds of a United Kingdom born grandparent is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 192](#) is met.

**SPOUSES OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 128-193**

**Requirements for leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

194. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 are that;

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

**Leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

195. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 may be given leave to enter or remain in the Bailiwick of Guernsey for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid entry clearance

for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 194 \(i\)-\(v\)](#) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 194 \(i\)-\(v\)](#) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain under [paragraphs 128-193](#).

**Refusal of leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

196. Leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 128-193](#) is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 194 \(i\)-\(v\)](#) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 194 \(i\)-\(v\)](#) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain under [paragraphs 128-193](#).

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

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

197. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as a child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 128-193](#) are that:

- (i) he is the child of a parent with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 128-193](#); and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the Bailiwick of Guernsey beyond any period of leave granted to his parent(s); and
- (vi) both parents are being or have been admitted to or allowed to remain in the Bailiwick of Guernsey save where:
  - (a) the parent he is accompanying or joining is his sole surviving parent; or
  - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
  - (c) there are serious and compelling family or other considerations which make exclusion from the Bailiwick of Guernsey undesirable and suitable arrangements have been made for his care; and
- (vii) if seeking leave to enter, he holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 128-193](#)**

198. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 128-193](#) may be given leave to enter or remain in the Bailiwick of Guernsey for a period of leave not in excess of that granted to the person with limited leave to enter or remain under [paragraphs 128-193](#) provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry

clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 197 \(i\)-\(vi\)](#) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 197 \(i\)-\(vi\)](#) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain under [paragraphs 128-193](#).

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 128-193](#)**

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

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

**PERSONS INTENDING TO ESTABLISH THEMSELVES IN BUSINESS**

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

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

- a sole trader; or
- a partnership; or
- a company registered in the Bailiwick of Guernsey.

201. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey to establish himself in business are that he has the approval of the Board of Administration and:

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

- (viii) that there is a genuine need for his investment and services in the Bailiwick of Guernsey; and
- (ix) that his share of the profits of the business will be sufficient to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds; and
- (x) that he does not intend to supplement his business activities by taking or seeking employment in the Bailiwick of Guernsey other than his work for the business; and
- (xi) that he holds a valid entry clearance for entry in this capacity.

202. Where a person intends to take over or join as a partner or director an existing business in the Bailiwick of Guernsey he will need, in addition to meeting the requirements at [paragraph 201](#), to produce:

- (i) a written statement of the terms on which he is to take over or join the business; and
- (ii) audited accounts for the business for previous years; and
- (iii) evidence that his services and investment will result in a significant net increase in the employment provided by the business to persons settled in the Bailiwick of Guernsey or that his services and investment will otherwise be in the general interests of the Bailiwick of Guernsey.

203. Where a person intends to establish a new business in the Bailiwick of Guernsey he will need, in addition to meeting the requirements at [paragraph 201](#) above, to produce evidence:

- (i) that he will be bringing into the country sufficient funds of his own to establish a business; and
- (ii) that the business will create significant new full-time paid employment for persons already settled in the Bailiwick of Guernsey or that the establishment of the new business will otherwise be in the general interests of the Bailiwick of Guernsey.

**Leave to enter the Bailiwick of Guernsey as a person seeking to establish himself in business**

204. A person seeking leave to enter the Bailiwick of Guernsey to establish himself in business may be admitted for a period not exceeding 12 months with a condition restricting his freedom to take

employment provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

**Refusal of leave to enter the Bailiwick of Guernsey as a person seeking to establish himself in business**

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

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

206. The requirements for an extension of stay in order to remain in business in the Bailiwick of Guernsey are that the applicant has the continued approval of the Board of Administration and can show:

- (i) that he entered the Bailiwick of Guernsey with a valid entry clearance as a businessman; and
- (ii) audited accounts which show the precise financial position of the business and which confirm that he has invested not less than £200,000 of his own money directly into the business in the Bailiwick of Guernsey; and
- (iii) that he is actively involved on a full-time basis on trading or providing services on his own account or in partnership or in the promotion and management of the company as a director; and
- (iv) that his level of financial investment is proportional to his interest in the business; and
- (v) that he has either a controlling or equal interest in the business and that any partnership or directorship does not amount to disguised employment ; and
- (vi) that he is able to bear his share of any liability the business may incur; and
- (vii) that there is a genuine need for his investment and services in the Bailiwick of Guernsey; and
- (viii) (a) that where he has established a new business, significant new full-time paid employment has been created in the business for persons settled in the Bailiwick of Guernsey or that the establishment of the

new business has otherwise been in the general interests of the Bailiwick of Guernsey; or

- (b) that where he has taken over or joined an existing business, his services and investment have resulted in a significant net increase in the employment provided by the business to persons settled here or that his services and investment have otherwise been in the general interests of the Bailiwick of Guernsey; and
- (ix) that his share of the profits of the business is sufficient to maintain and accommodate him and any dependants without recourse to employment (other than his work for the business) or to public funds; and
- (x) that he does not and will not have to supplement his business activities by taking or seeking employment in the Bailiwick of Guernsey other than his work for the business.

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

207. An extension of stay in order to remain in business with a condition restricting his freedom to take employment may be granted for a period not exceeding 12 months provided the Lieutenant Governor is satisfied that each of the requirements [of paragraph 206](#) is met.

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

208. An extension of stay in order to remain in business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 206](#) is met.

#### **Indefinite leave to remain for a person established in business**

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

- (i) has spent a continuous period of 4 years in the Bailiwick of Guernsey in this capacity and is still engaged in the business in question; and
- (ii) has met the requirements of [paragraph 206](#) throughout the 4 year period; and
- (iii) submits audited accounts for the first 3 years of trading and management accounts for the 4<sup>th</sup> year.

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

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

211-223 [Not used]

## **INVESTORS**

### **Requirements for leave to enter the Bailiwick of Guernsey as an investor**

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

- (i) has money of his own under his control and disposal in the Bailiwick of Guernsey amounting to no less than £1 million; and
- (ii) intends to invest not less than £750,000 of his capital in the Bailiwick of Guernsey or the United Kingdom by way of United Kingdom Government Bonds, share capital or loan capital in active and trading Bailiwick of Guernsey or United Kingdom registered companies (other than those principally engaged in property investment and excluding investment by the applicant by way of deposits with a bank, building society or other enterprise whose normal course of business includes the acceptance of deposits); and
- (iii) intends to make the Island of Guernsey or the Island of Alderney his main home; and
- (iv) is able to maintain and accommodate himself and any dependants without taking employment (other than transacting business in connection with his investments) or recourse to public funds; and
- (v) holds a valid entry clearance for entry in this capacity.

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

225. A person seeking leave to enter the Bailiwick of Guernsey as an investor may be admitted for a period not exceeding 12 months in the first instance with a restriction on his right to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

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

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

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

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

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as an investor; and
- (ii) has no less than £1 million of his own money under his control in the Bailiwick of Guernsey or the United Kingdom; and
- (iii) has invested not less than £750,000 of his capital in the Bailiwick of Guernsey or the United Kingdom on the terms set out in [paragraph 224](#) (ii) above and intends to maintain that investment on the terms set out in [paragraph 224](#) (ii); and
- (iv) has made the Island of Guernsey or the Island of Alderney his main home; and
- (v) is able to maintain and accommodate himself and any dependants without taking employment (other than transacting business in connection with his investments) or recourse to public funds.

### **Extension of stay as an investor**

228. An extension of stay as an investor, with a restriction on the taking of employment, may be granted for a period of 12 months provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 227](#) is met.

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

229. An extension of stay as an investor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 227](#) is met.

### **Indefinite leave to remain for an investor**

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

- (i) has spent a continuous period of 4 years in the Bailiwick of Guernsey in this capacity; and
- (ii) has met the requirements of [paragraph 227](#) throughout the 4 year period including the requirement as to the investment of £750,000 and continues to do so.

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

231. Indefinite leave to remain in the Bailiwick of Guernsey for an investor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 230](#) is met.

## **WRITERS, COMPOSERS AND ARTISTS**

### **Requirements for leave to enter the Bailiwick of Guernsey as a writer, composer or artist**

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

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

- (iv) will be able to maintain himself and any dependants from his own resources without working except as a writer, composer or artist and without recourse to public funds; and
- (v) is able to accommodate himself and any dependants without recourse to public funds; and
- (vi) holds a valid entry clearance for entry in this capacity.

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

233. A person seeking leave to enter the Bailiwick of Guernsey as a writer, composer or artist may be admitted for a period not exceeding 12 months, subject to a condition restricting his freedom to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

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

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

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

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

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as a writer, composer or artist; and
- (ii) meets the requirements of [paragraph 232](#) (ii)-(v).

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

236. An extension of stay as a writer, composer or artist may be granted for a period not exceeding 12 months with a restriction on his freedom to take employment, provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 235](#) is met.

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

237. An extension of stay as a writer, composer or artist is to be

refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 235](#) is met.

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

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

- (i) has spent a continuous period of 4 years in the Bailiwick of Guernsey in this capacity; and
- (ii) has met the requirements of [paragraph 235](#) throughout the 4 year period.

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

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

#### **SPOUSES OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN UNDER [PARAGRAPHS 200 - 239](#)**

##### **Requirements for leave to enter or remain as the spouse of a person with limited leave to enter or remain under [paragraphs 200-239](#)**

240. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#) are that:

- (i) the applicant is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#); and
- (ii) each of the parties intends to live with the other as his or her spouse during the applicant's stay and the marriage is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

- (v) the applicant does not intend to stay in the Bailiwick of Guernsey beyond any period of leave granted to his spouse: and
- (vi) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity.

**Leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#)**

241. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#) may be given leave to enter or remain in the Bailiwick of Guernsey for a period of leave not in excess of that granted to the person with limited leave to enter or remain under [paragraphs 200-239](#) provided that, in relation to an application for leave to enter, he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 240 \(i\)-\(v\)](#) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 240 \(i\)-\(v\)](#) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to remain under [paragraphs 200-239](#).

**Refusal of leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#)**

242. Leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#) is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 240 \(i\)-\(v\)](#) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the

Lieutenant Governor that each of the requirements of [paragraph 240 \(i\)-\(v\)](#) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to remain under [paragraphs 200-239](#).

#### **CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN UNDER [PARAGRAPHS 200-239](#)**

##### **Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#)**

243. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as a child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#) are that:

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

admitted with a valid entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#)**

244. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#) may be admitted to or allowed to remain in the Bailiwick of Guernsey for the same period of leave as that granted to the person given limited leave to enter or remain under [paragraphs 200-239](#) provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 243 \(i\)-\(vi\)](#) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 243 \(i\)-\(vi\)](#) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to remain under [paragraphs 200-239](#).

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under [paragraphs 200-239](#)**

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

## **PART 7: OTHER CATEGORIES**

### **PERSONS EXERCISING RIGHTS OF ACCESS TO A CHILD RESIDENT IN THE BAILIWICK OF GUERNSEY**

#### **Requirements for leave to enter the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey**

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

- (i) produces evidence that a court in the Bailiwick of Guernsey has granted him access rights to his child; and
- (ii) is seeking leave to enter for the purpose of exercising access rights to his child; and
- (iii) is either divorced or legally separated from the other parent of the child; and
- (iv) intends to leave the Bailiwick of Guernsey at the expiry of his leave to enter; and
- (v) does not intend to take employment in the Bailiwick of Guernsey; and
- (vi) does not intend to produce goods or provide services within the Bailiwick of Guernsey, including the selling of goods or services direct to members of the public; and
- (vii) will maintain and accommodate himself and any dependants adequately out of resources available to him without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends; and
- (viii) can meet the cost of the onward or return journey; and
- (ix) holds a valid entry clearance for entry in this capacity.

#### **Leave to enter as a person exercising right of access to a child resident in the Bailiwick of Guernsey**

247. A person seeking leave to enter the Bailiwick of Guernsey to exercise right of access to a child resident in the Bailiwick of Guernsey may be granted leave to enter for a period which will enable him to exercise his access rights but in any case for no longer

than 12 months provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity. Leave to enter is to be subject to a condition prohibiting employment.

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

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

249-254 [ Not used ]

**EEA NATIONALS AND THEIR FAMILIES**

255. The family member of an EEA national may on application have his passport endorsed to show that he may remain in the Bailiwick of Guernsey for a period of twelve months from the date of such application if:

- (i) he is not himself an EEA national; and
- (ii) would, if in the United Kingdom, hold or be issued with a residence document in accordance with the 1994 EEA Order.

256. The family member of an EEA national may on application have his passport endorsed to show that he may remain in the Bailiwick of Guernsey indefinitely if:

- (i) he is not himself an EEA national; and
- (ii) would, if in the United Kingdom, have his residence document endorsed in accordance with the United Kingdom Statement of Immigration Rules to show permission to remain there indefinitely.

257. [ Not used ]

**The EEA family permit**

258. An “EEA family permit” means an entry clearance issued, free of charge, to a family member (as defined in the 1994 EEA Order) who is not an EEA national and who is a visa national or a person who wishes to install himself in the Bailiwick of Guernsey with an

EEA national who is a qualified person with the terms of the 1994 EEA Order.

#### **Requirements for the issue of an EEA family permit**

259. The requirements for the issue of an EEA family permit are that:

- (i) the applicant is the family member (as defined in the 1994 EEA Order) of an EEA national who is a qualified person within the terms of the 1994 EEA Order; and
- (ii) the applicant is coming to the Bailiwick of Guernsey for a purpose provided for in the 1994 EEA Order; and
- (iii) the applicant is not a person who falls to be excluded on grounds of public policy, public security or public health.

#### **Issue of an EEA family permit**

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

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

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

#### **Registration of family members of EEA nationals**

262. The requirements relating to registration of EEA nationals are set out in Part 10

### **RETIRED PERSONS OF INDEPENDENT MEANS**

#### **Requirements for leave to enter the Bailiwick of Guernsey as a retired person of independent means**

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

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

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

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

264. A person seeking leave to enter the Bailiwick of Guernsey as a retired person of independent means may be admitted subject to a condition prohibiting employment for a period not exceeding 12 months, provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

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

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

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

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

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

267. An extension of stay as a retired person of independent means, with a prohibition on the taking of employment, may be granted for a period of 12 months, provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 266](#) is met.

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

268. An extension of stay as a retired person of independent means is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 266](#) is met.

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

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

- (i) has spent a continuous period of 4 years in the Bailiwick of Guernsey in this capacity; and
- (ii) has met the requirements of [paragraph 266](#) throughout the 4 year period and continues to do so.

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

270. Indefinite leave to remain in the Bailiwick of Guernsey for a retired person of independent means is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 269](#) is met.

## **SPOUSES OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS RETIRED PERSONS OF INDEPENDENT MEANS**

### **Requirements for leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means.**

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

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

**Leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

272. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means may be given leave to enter or remain in the Bailiwick of Guernsey for a period not in excess of that granted to the person given limited leave to enter or remain as a retired person of independent means provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity, or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 271](#) (i)-(v) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 271](#) (i)-(v) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means. Leave to enter or remain is to be subject to a condition prohibiting

employment except in relation to the grant of indefinite leave to remain.

**Refusal of leave to enter or remain as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

273. Leave to enter or remain in the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 271\(i\)-\(v\)](#) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 271\(i\)-\(v\)](#) is met or if indefinite leave to remain is not, at the same time, being granted to the person of independent means.

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

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

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

- (i) he is the child of a parent who has been admitted to or allowed to remain in the Bailiwick of Guernsey as a retired person of independent means; and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) he is unmarried, has not formed an independent family unit and is not leading an independent life; and
- (iv) he can, and will, be maintained and accommodated adequately without recourse to public funds in

- accommodation which his parent(s) own or occupy exclusively; and
- (v) he will not stay in the Bailiwick of Guernsey beyond any period of leave granted to his parent(s); and
  - (vi) both parents are being or have been admitted to or allowed to remain in the Bailiwick of Guernsey save where:
    - (a) the parent he is accompanying or joining is his sole surviving parent; or
    - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing; or
    - (c) there are serious and compelling family or other considerations which make exclusion from the Bailiwick of Guernsey undesirable and suitable arrangements have been made for his care; and
  - (vii) if seeking leave to enter, he holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity.

**Leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

275. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means may be given leave to enter or remain in the Bailiwick of Guernsey for a period of leave not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 274 \(i\)-\(vi\)](#) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted to the Bailiwick of Guernsey with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of [paragraph 274 \(i\)-\(vi\)](#) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means. Leave to enter or

remain is to be subject to a condition prohibiting employment except in relation to the grant of indefinite leave to remain.

**Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

276. Leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival, or in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 274 \(i\)-\(vi\)](#) is met. An application for indefinite leave to remain in this category is to be refused if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of [paragraph 274 \(i\)-\(vi\)](#) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain as a retired person of independent means.

## PART 8: FAMILY MEMBERS

### SPOUSES

277. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a spouse of another if either party to the marriage will be aged under 16 on the date of arrival in the Bailiwick of Guernsey or (as the case may be) on the date on which the leave to remain or variation of leave would be granted.

278. Nothing in these Rules shall be construed as allowing a woman to be granted entry clearance, leave to enter, leave to remain or variation of leave as the wife of a man ("the husband") if:

- (i) her marriage to the husband is polygamous; and
- (ii) there is another woman living who is the wife of the husband and who:
  - (a) is, or at any time since her marriage to the husband has been, in the Bailiwick of Guernsey; or
  - (b) has been granted a certificate of entitlement in respect of the right of abode mentioned in Section 2 (1) (a) of the Immigration Act 1988 or an entry clearance to enter the Bailiwick of Guernsey as the wife of the husband.

For the purpose of this paragraph a marriage may be polygamous although at its inception neither party had any other spouse.

279. [Paragraph 278](#) does not apply to any woman who seeks entry clearance, leave to enter, leave to remain or variation of leave where:

- (i) she has been in the Bailiwick of Guernsey before 1<sup>st</sup> August 1993 having been admitted for the purpose of settlement as the wife of the husband; or
- (ii) she has, since her marriage to the husband, been in the Bailiwick of Guernsey at any time when there was no such other woman living as is mentioned in [paragraph 278](#) (ii),

but where a woman claims that [paragraph 278](#) does not apply to her because she has been in the Bailiwick of Guernsey in circumstances which cause her to fall within sub-paragraphs (i) or (ii) of that paragraph it shall be for her to prove that fact.

280. For the purposes of [paragraphs 278](#) and [279](#) the presence of any wife in the Bailiwick of Guernsey in any of the following circumstances shall be disregarded:

- (i) as a visitor; or
- (ii) an illegal entrant; or
- (iii) in circumstances whereby a person is deemed by Section 11 (1) of the Immigration Act 1971 not to have entered the Bailiwick of Guernsey.

**SPOUSES OF PERSONS PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

**Requirements for leave to enter the Bailiwick of Guernsey with a view to settlement as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement**

281. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey with a view to settlement as the spouse of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement are that:

- (i) the applicant is married to a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the marriage have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vi) the applicant holds a valid entry clearance for entry in this capacity.

For the purposes of this paragraph, a member of HM Forces based in the United Kingdom and Islands but serving overseas is to be regarded as present and settled in the Bailiwick of Guernsey.

**Leave to enter as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion**

282. A person seeking leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement may be admitted for an initial period not exceeding 12 months provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**Refusal of leave to enter as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement**

283. Leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**Requirements for an extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey**

284. The requirements for an extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey are that:

- (i) the applicant has limited leave to remain in the Bailiwick of Guernsey; and
- (ii) is married to a person present and settled in the Bailiwick of Guernsey; and
- (iii) the parties to the marriage have met; and
- (iv) the applicant has not remained in breach of the immigration laws; and
- (v) the marriage has not taken place after a decision has been made to deport the applicant or he has been recommended for deportation or been given notice under Section 6 (2) to the Immigration Act 1971; and
- (vi) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and

(vii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and

(viii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds.

### **Extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey**

285. An extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey may be granted for a period of 12 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 284](#) is met.

### **Refusal of extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey**

286. An extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 284](#) is met.

### **Requirements for indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey**

287. The requirements for indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey are that:

- (i) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period of 12 months; and
- (ii) was given an extension of stay for a further 12 months and has completed a period of 24 months as the spouse of a person present and settled here; and
- (iii) the applicant is still the spouse of the person he or she was admitted or granted an extension of stay to join and the marriage is subsisting; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse.

**Indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey**

288. Indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 287](#) is met.

**Refusal of indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey**

289. Indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 287](#) is met.

**FIANCE(E)S**

**Requirements for leave to enter the Bailiwick of Guernsey as a fiance(e) (i.e. with a view to marriage and permanent settlement in the Bailiwick of Guernsey)**

290. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a fiance(e) are that:

- (i) the applicant is seeking leave to enter the Bailiwick of Guernsey for marriage to a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the proposed marriage have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse after the marriage; and
- (iv) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage; and
- (v) there will, after the marriage, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (vi) the parties will be able after the marriage to maintain themselves and any dependants adequately without recourse to public funds; and

- (vii) the applicant holds a valid entry clearance for entry in this capacity.

#### **Leave to enter as a fiance(e)**

291. A person seeking leave to enter the Bailiwick of Guernsey as a fiance(e) may be admitted, with a prohibition on employment, for a period not exceeding 6 months to enable the marriage to take place provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

#### **Refusal of leave to enter as a fiance(e)**

292. Leave to enter the Bailiwick of Guernsey as a fiance(e) is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

#### **Requirements for an extension of stay as a fiance(e)**

293. The requirements for an extension of stay as a fiance(e) are that:

- (i) the applicant was admitted to the Bailiwick of Guernsey with a valid entry clearance as a fiance(e); and
- (ii) good cause is shown why the marriage did not take place within the initial period of leave granted under [paragraph 291](#); and
- (iii) there is satisfactory evidence that the marriage will take place at any early date; and
- (iv) the requirements of [paragraph 290](#) (ii)-(vi) are met.

#### **Extension of stay as a fiance(e)**

294. An extension of stay as a fiance(e) may be granted for an appropriate period with a prohibition on employment to enable the marriage to take place provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 293](#) is met.

### **Refusal of extension of stay as a fiance(e)**

295. An extension of stay is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 293](#) is met.

### **CHILDREN**

296. Nothing in these Rules shall be construed as permitting a child to be granted entry clearance, leave to enter or remain, or variation of leave where his mother is party to a polygamous marriage and any application by her for admission or leave to remain for settlement or with a view to settlement would be refused pursuant to [paragraph 278](#).

### **LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS THE CHILD OF A PARENT, PARENTS OR A RELATIVE PRESENT AND SETTLED OR BEING ADMITTED FOR SETTLEMENT IN THE BAILIWICK OF GUERNSEY**

#### **Requirements for indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey**

297. The requirements to be met by a person seeking indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey are that he:

- (i) is seeking leave to enter to accompany or join a parent, parents or a relative in one of the following circumstances:
  - (a) both parents are present and settled in the Bailiwick of Guernsey; or
  - (b) both parents are being admitted on the same occasion for settlement; or
  - (c) one parent is present and settled in the Bailiwick of Guernsey and the other is being admitted on the same occasion for settlement; or
  - (d) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is dead; or
  - (e) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for

settlement and has had sole responsibility for the child's upbringing; or

- (f) one parent or a relative is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried, and has not formed and independent family unit; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the parent, parents or relative own or occupy exclusively; and
- (v) holds a valid entry clearance for entry in this capacity.

**Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey**

298. The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey are that he:

- (i) is seeking to remain with a parent, parents or a relative in one of the following circumstances:
  - (a) both parents are present and settled in the Bailiwick of Guernsey; or
  - (b) one parent is present and settled in the Bailiwick of Guernsey and the other parent is dead; or
  - (c) one parent is present and settled in the Bailiwick of Guernsey and has had sole responsibility for the child's upbringing; or
  - (d) one parent or a relative is present and settled in the Bailiwick of Guernsey and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and

- (ii) has limited leave to enter or remain in the Bailiwick of Guernsey, and;
  - (a) is under the age of 18; or
  - (b) was given leave to enter or remain with a view to settlement under [paragraph 302](#); and
- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the parent, parents or relative own or occupy exclusively.

**Indefinite leave to enter or remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey**

299. Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 298](#) is met.

**Refusal of indefinite leave to enter or remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey**

300. Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 298](#) is met.

**Requirements for limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.**

301. The requirements to be met by a person seeking limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement are that he:

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances:
  - (a) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement; or
  - (b) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and has had sole responsibility for the child's upbringing; or
  - (c) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the parent or parents own or occupy exclusively; and
- (v) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the Bailiwick of Guernsey; and
- (vi) if seeking leave to enter, holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity.

**Limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement**

302. A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be admitted for a period not exceeding 12 months provided he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity. A person seeking limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be given limited leave to remain for a period not exceeding 12 months provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 301](#) (i)-(v) is met.

**Refusal of limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement**

303. Limited leave to enter the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 301](#) (i)-(v) is met.

**CHILDREN BORN IN THE UNITED KINGDOM AND ISLANDS WHO ARE NOT BRITISH CITIZENS**

304. This paragraph and [paragraphs 305-309](#) apply only to unmarried dependent children under 18 years of age who were born in the United Kingdom and Islands on or after 1 January 1983 ( when the British Nationality Act 1981 came into force ) but who, because neither of their parents was a British citizen or settled in the United Kingdom and Islands at the time of their birth, are not British citizens and are therefore subject to immigration control. Such a child requires leave to enter where admission to the Bailiwick of Guernsey is sought, and leave to remain where permission is sought for the child to be allowed to stay in the Bailiwick of Guernsey. If he

qualifies for entry clearance, leave to enter or leave to remain under any other part of these Rules, a child who was born in the Bailiwick of Guernsey but is not a British citizen may be granted entry clearance, leave to enter or leave to remain in accordance with the provisions of that other part.

### **Requirements for leave to enter or remain in the Bailiwick of Guernsey as the child of a parent or parents given leave to enter or remain in the Bailiwick of Guernsey**

305. The requirements to be met by a child born in the United Kingdom and Islands who is not a British citizen who seeks leave to enter or remain in the Bailiwick of Guernsey as the child of a parent or parents given leave to enter or remain in the Bailiwick of Guernsey are that he:

- (i) (a) is accompanying or seeking to join or remain with a parent or parents who have, or are given, leave to enter or remain in the Bailiwick of Guernsey; or
- (b) is accompanying or seeking to join or remain with a parent or parents one of whom is a British citizen or has the right of abode in the United Kingdom ; or
- (c) is a child in respect of whom the parental rights and duties are vested solely in the States Children Board; and
- (ii) is under the age of 18; and
- (iii) was born in the United Kingdom and Islands; and
- (iv) is not leading an independent life, is unmarried, and has not formed an independent family unit; and
- (v) (where an application is made for leave to enter) has not been away from the Bailiwick of Guernsey for more than 2 years.

### **Leave to enter or remain in the Bailiwick of Guernsey**

306. A child born in the United Kingdom and Islands who is not a British citizen and who requires leave to enter or remain in the circumstances set out in [paragraph 304](#) may be given leave to enter for the same period as his parent or parents where [paragraph 305 \(i\)\(a\)](#) applies, provided the Immigration Officer is satisfied that each of the requirements of [paragraph 305 \(ii\)-\(v\)](#) is met. Where leave to remain is sought, the child may be granted leave to remain for the same period as his parent or parents where [paragraph](#)

305 (i)(a) applies, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met. Where the parent or parents have or are given periods of leave of different duration, the child may be given leave to whichever period is longer except that if the parents are living apart the child should be given leave for the same period as the parent who has day to day responsibility for him.

307. If a child does not qualify for leave to enter or remain because neither of his parents has a current leave (and neither of them is a British citizen or has the right of abode), he will normally be refused leave to enter or remain, even if each of the requirements of paragraph 305 (ii)-(v) has been satisfied. However, he may be granted leave to enter or remain for a period not exceeding 3 months if both of his parents are in the Bailiwick of Guernsey and it appears unlikely that they will be removed in the immediate future, and there is no other person outside the Bailiwick of Guernsey who could reasonably be expected to care for him.

308. A child born in the United Kingdom and Islands who is not a British citizen and who requires leave to enter or remain in the Bailiwick of Guernsey in the circumstances set out in paragraph 304 may be given indefinite leave to enter where paragraph 305 (i)(b) or (i)(c) applies provided the Immigration officer is satisfied that each of the requirements of paragraph 305 (ii)-(v) is met. Where an application is for leave to remain, such a child may be granted indefinite leave to remain where paragraph 305 (i)(b) or (i)(c) applies, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 305 (ii)-(iv) is met.

### **Refusal of leave to enter or remain in the Bailiwick of Guernsey**

309. Leave to enter the Bailiwick of Guernsey where the circumstances set out in paragraph 304 apply is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 305 is met. Leave to remain for such a child is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 305 (i)-(iv) is met.

### **ADOPTED CHILDREN**

#### **Requirements for indefinite leave to enter the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey**

310. The requirements to be met in the case of a child seeking indefinite leave to enter the Bailiwick of Guernsey as the adopted

child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey are that he:

- (i) is seeking leave to enter to accompany or join an adoptive parent or parents in one of the following circumstances;
  - (a) both parents are present and settled in the Bailiwick of Guernsey; or
  - (b) both parents are being admitted on the same occasion for settlement; or
  - (c) one parent is present and settled in the Bailiwick of Guernsey and the other is being admitted on the same occasion for settlement; or
  - (d) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is dead; or
  - (e) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and has sole responsibility for the child's upbringing; or
  - (f) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
- (v) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident; and
- (vi) was adopted at a time when:
  - (a) both adoptive parent's were resident together abroad; or

- (b) either or both adoptive parents were settled in the Bailiwick of Guernsey; and
- (vii) has the same rights and obligations as any other child of the marriage; and
- (viii) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
- (ix) has lost or broken his ties with his family of origin; and
- (x) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Bailiwick of Guernsey; and
- (xi) holds a valid entry clearance for entry in this capacity.

**Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey**

311. The requirements to be met in the case of a child seeking indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey are that he:

- (i) is seeking to remain with an adoptive parent or parents in one of the following circumstances;
  - (a) both parents are present and settled in the Bailiwick of Guernsey; or
  - (b) one parent is present and settled in the Bailiwick of Guernsey and the other parent is dead; or
  - (c) one parent is present and settled in the Bailiwick of Guernsey and has had sole responsibility for the child's upbringing; or
  - (d) one parent is present and settled in the Bailiwick of Guernsey and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) has limited leave to enter or remain in the Bailiwick of Guernsey; and

- (a) is under the age of 18; or
- (b) was given leave to enter or remain with a view to settlement under [paragraph 315](#); and
- (iii) is not leading an independent life, is unmarried and has not formed an independent family unit; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
- (v) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident; and
- (vi) was adopted at a time when:
  - (a) both adoptive parents were resident together abroad; or
  - (b) either or both adoptive parents were settled in the Bailiwick of Guernsey; and
- (vii) has the same rights and obligations as any other child of the marriage; and
- (viii) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
- (ix) has lost or broken his ties with his family of origin; and
- (x) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Bailiwick of Guernsey.

**Indefinite leave to enter or remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey**

312. Indefinite leave to enter the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 311](#) is met.

**Refusal of indefinite leave to enter or remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey**

313. Indefinite leave to enter the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 311 is met.

**Requirements for limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement**

314. The requirements to be met in the case of a child seeking limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement are that he:

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances:
  - (a) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement; or
  - (b) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and has had sole responsibility for the child's upbringing; or
  - (c) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care; and
- (ii) is under the age of 18; and

- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and
- (v) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident; and
- (vi) was adopted at a time when:
  - (a) both adoptive parents were resident together abroad; or
  - (b) either or both adoptive parents were settled in the Bailiwick of Guernsey; and
- (vii) has the same rights and obligations as any other child of the marriage; and
- (viii) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents; and
- (ix) has lost or broken his ties with his family of origin; and
- (x) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to the Bailiwick of Guernsey; and
- (xi) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the Bailiwick of Guernsey; and
- (xii) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

**Limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement**

315. A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be admitted for a period not exceeding 12 months provided he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity. A person seeking limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be granted limited leave for a period not exceeding 12 months provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 314 \(i\)-\(xi\)](#) is met.

**Refusal of limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.**

316. Limited leave to enter the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 314 \(i\)-\(xi\)](#) is met.

**PARENTS, GRANDPARENTS AND OTHER DEPENDENT RELATIVES OF PERSONS PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY**

**Requirements for indefinite leave to enter or remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey**

317. The requirements to be met by a person seeking indefinite leave to enter or remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey are that the person:

- (i) is related to a person present and settled in the Bailiwick of Guernsey in one of the following ways:
  - (a) mother or grandmother who is a widow aged 65 years or over; or
  - (b) father or grandfather who is a widower aged 65 years or over; or
  - (c) parents or grandparents travelling together of whom at least one is aged 65 or over; or
  - (d) a parent or grandparent aged 65 or over who has remarried but cannot look to the spouse or children of the second marriage for financial support and where the person settled in the Bailiwick of Guernsey is able and willing to maintain the parent or grandparent and any spouse or child of the second marriage who would be admissible as a dependant; or
  - (e) a parent or grandparent under the age of 65 if living alone outside the Bailiwick of Guernsey in the most exceptional compassionate circumstances and mainly dependent financially on relatives settled in the Bailiwick of Guernsey; or
  - (f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the Bailiwick of Guernsey in the most exceptional compassionate circumstances and mainly dependent financially on relatives settled in the Bailiwick of Guernsey; and
- (ii) is joining or accompanying a person who is present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement; and
- (iii) is financially wholly or mainly dependent on the relative present and settled in the Bailiwick of Guernsey; and
- (iv) can, and will, be maintained and accommodated adequately, together with any dependants, without recourse to public funds in accommodation which the sponsor owns or occupies exclusively; and
- (v) has no other close relatives in his own country to whom he could turn for financial support; and
- (vi) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

**Indefinite leave to enter or remain as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey**

318. Indefinite leave to enter the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of [paragraph 317 \(i\)-\(v\)](#) is met.

**Refusal of indefinite leave to enter or remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey**

319. Indefinite leave to enter the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person settled in the Bailiwick of Guernsey is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of [paragraph 317 \(i\)-\(v\)](#) is met.

**PART 9: GENERAL GROUNDS FOR THE REFUSAL OF ENTRY CLEARANCE, LEAVE TO ENTER OR VARIATION OF LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY**

**REFUSAL OF ENTRY CLEARANCE OR LEAVE TO ENTER THE BAILIWICK OF GUERNSEY**

320. In addition to the grounds for refusal of entry clearance or leave to enter set out in Parts 2-8 of these Rules, and subject to paragraph 321 below, the following grounds for the refusal of entry clearance or leave to enter apply.

**Grounds on which entry clearance or leave to enter the Bailiwick of Guernsey is to be refused**

- (1) the fact that entry is being sought for a purpose not covered by these Rules;
- (2) the fact that the person seeking entry to the Bailiwick of Guernsey is currently the subject of a deportation order;
- (3) failure by the person seeking entry to the Bailiwick of Guernsey to produce to the Immigration Officer a valid national passport or other document satisfactorily establishing his identity and nationality;
- (4) failure to satisfy the Immigration Officer, in the case of a person arriving in the Bailiwick of Guernsey with the intention of entering any other part of the common travel area, that he is acceptable to the immigration authorities there;
- (5) failure, in the case of a visa national, to produce to the Immigration Officer a passport or other identity document endorsed with a valid and current entry clearance issued for the purpose for which entry is sought;
- (6) where the Lieutenant Governor has personally directed that the exclusion of a person from the Bailiwick of Guernsey is conducive to the public good;
- (7) save in relation to a person settled in the Bailiwick of Guernsey or where the Immigration Officer is satisfied that there are strong compassionate reasons justifying admission, confirmation from the Medical Officer of Health that, for medical reasons, it is undesirable to admit a person seeking leave to enter the Bailiwick of Guernsey.

**Grounds on which entry clearance or leave to enter the Bailiwick of Guernsey should normally be refused**

- (8) failure by a person arriving in the Bailiwick of Guernsey to furnish the Immigration Officer with such information as may be required for the purpose of deciding whether he requires leave to enter and, if so, whether and on what terms leave should be given;
- (9) failure by a person seeking leave to enter as a returning resident to satisfy the Immigration Officer that he meets the requirements of [paragraph 18](#) of these Rules or that he seeks leave to enter for the same purpose as that for which his earlier leave was granted;
- (10) production by the person seeking leave to enter the Bailiwick of Guernsey of a national passport or travel document issued by a territorial entity or authority which is not recognised by Her Majesty's Government as a state or is not dealt with as a government by them, or which does not accept valid United Kingdom passports for the purpose of its own immigration control; or a passport or travel document which does not comply with international passport practice;
- (11) failure to observe the time limit or conditions attached to any grant of leave to enter or remain in the Bailiwick of Guernsey;
- (12) the obtaining of a previous leave to enter or remain by deception;
- (13) failure, except by a person eligible for admission to the Bailiwick of Guernsey for settlement or a spouse eligible for admission under [paragraph 282](#), to satisfy the Immigration Officer that he will be admitted to another country after a stay in the Bailiwick of Guernsey;
- (14) refusal by a sponsor of a person seeking leave to enter the Bailiwick of Guernsey to give, if requested to do so, an undertaking in writing to be responsible for that person's maintenance and accommodation for the period or any leave granted;
- (15) whether or not to the holder's knowledge, the making of false representations or the failure to disclose any material fact for the purpose of obtaining a work permit;
- (16) failure, in the case of a child under the age of 18 years seeking leave to enter the Bailiwick of Guernsey otherwise

than in conjunction with an application made by his parent(s) or legal guardian, to provide the Immigration Officer, if required to do so, with written consent to the application from his parent(s) or legal guardian; save that the requirement as to written consent does not apply in the case of a child seeking admission to the Bailiwick of Guernsey as an asylum seeker;

- (17) save in relation to a person settled in the Bailiwick of Guernsey, refusal to undergo a medical examination when required to do so by the Immigration Officer;
- (18) save where the Immigration Officer is satisfied that admission would be justified for strong compassionate reasons, conviction in any country or place including the Bailiwick of Guernsey of an offence which, if committed in the Bailiwick of Guernsey is punishable with imprisonment for a term of 12 months or any greater punishment or, if committed outside the Bailiwick of Guernsey, would be so punishable if the conduct constituting the offence had occurred in the Bailiwick of Guernsey;
- (19) where, from information available to the Immigration Officer, it seems right to refuse leave to enter on the ground that exclusion from the Bailiwick of Guernsey is conducive to the public good; if, for example, in the light of the character, conduct or associations of the person seeking leave to enter it is undesirable to give him leave to enter.

**Refusal of leave to enter in relation to a person in possession of an entry clearance**

321. A person seeking leave to enter the Bailiwick of Guernsey who holds an entry clearance which was duly issued to him and is still current may be refused leave to enter only where the Immigration Officer is satisfied that:

- (i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the entry clearance; or
- (ii) a change of circumstances since it was issued has removed the basis of the holder's claim to admission, except where the change of the circumstances amounts solely to the person becoming over age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance; or

- (iii) refusal is justified on grounds of restricted returnability; on medical grounds, on grounds of criminal record; because the person seeking leave to enter is the subject of a deportation order or because exclusion would be conducive to the public good.

#### **REFUSAL OF VARIATION OF LEAVE TO ENTER OR REMAIN OR CURTAILMENT OF LEAVE**

322. In addition to the grounds for refusal of extension of stay set out in Parts 2-8 of these Rules, the following provisions apply in relation to the refusal of an application for variation of leave to enter or remain or, where appropriate, the curtailment of leave:

#### **Grounds on which an application to vary leave to enter or remain in the Bailiwick of Guernsey is to be refused**

- (1) the fact that variation of leave to enter or remain is being sought for a purpose not covered by these Rules

#### **Grounds on which an application to vary leave to enter or remain in the Bailiwick of Guernsey should normally be refused**

- (2) the making of false representations or the failure to disclose any material fact for the purpose of obtaining leave to enter or a previous variation of leave;
- (3) failure to comply with any conditions attached to the grant of leave to enter or remain;
- (4) failure by the person concerned to maintain or accommodate himself and any dependants without recourse to public funds;
- (5) the undesirability of permitting the person concerned to remain in the Bailiwick of Guernsey in the light of his character, conduct or associations or the fact that he represents a threat to national security;
- (6) refusal by a sponsor of the person concerned to give, if requested to do so, an undertaking in writing to be responsible for his maintenance and accommodation in the Bailiwick of Guernsey or failure to honour such an undertaking once given;
- (7) failure by the person concerned to honour any declaration or undertaking given orally or in writing as to the intended duration and/or purpose of his stay;

- (8) failure, except by a person who qualifies for settlement in the Bailiwick of Guernsey or by the spouse of a person settled in the Bailiwick of Guernsey, to satisfy the Lieutenant Governor that he will be returnable to another country if allowed to remain in the Bailiwick of Guernsey for a further period;
- (9) failure by an applicant to produce within a reasonable time documents or other evidence required by the Lieutenant Governor to establish his claim under these Rules;
- (10) failure, without providing a reasonable explanation, to comply with a request made on behalf of the Lieutenant Governor to attend for interview;
- (11) failure, in the case of a child under the age of 18 years seeking a variation of his leave to enter or remain in the Bailiwick of Guernsey otherwise than in conjunction with an application from his parent(s) or legal guardian, to provide the Lieutenant Governor, if required to do so, with written consent to the application from his parent(s) or legal guardian; save that the requirement as to written consent does not apply in the case of a child who has been admitted to the Bailiwick of Guernsey as an asylum seeker.

#### **Grounds on which leave to enter or remain may be curtailed**

323. A person's leave to enter or remain may be curtailed on any of the grounds set out in [paragraph 322 \(2\)-\(5\)](#) above or if he ceases to meet the requirements of the Rules under which his leave to enter or remain was granted.

#### **Crew Members**

324. A person who has been given leave to enter to join a ship, aircraft, hovercraft or hydrofoil as a member of its crew, or a crew member who has been given leave to enter for hospital treatment, repatriation or transfer to another ship, aircraft, hovercraft or hydrofoil in the Bailiwick of Guernsey is to be refused leave to remain unless an extension of stay is necessary to fulfil the purpose for which he was given leave to enter or unless he meets the requirements for an extension of stay as a spouse in [paragraph 284](#).

**PART 10: REGISTRATION WITH THE IMMIGRATION AND NATIONALITY DEPARTMENT**

325. A condition requiring registration with the Immigration and Nationality Department of the States of Guernsey should normally be imposed on any foreign national aged 16 years or over who is given limited leave to enter the Bailiwick of Guernsey:

- (i) for employment for longer than 3 months unless he has been admitted for permit free employment as a minister of religion; or
- (ii) for longer than 6 months under the following categories of these Rules:
  - (a) students;
  - (b) “au pair”;
  - (c) businessmen and self-employed persons
  - (d) investors or persons of independent means;
  - (e) creative artists;
  - (f) family members of EEA nationals who are not themselves EEA nationals; or
- (iii) as the spouse or child of a person required to register with the Immigration and Nationality Department of the States of Guernsey; or
- (iv) exceptionally, in any case where the Immigration Officer considers it necessary to ensure that a foreign national complies with the terms of a limited leave to enter.

326. A condition requiring registration with the Immigration and Nationality Department of the States of Guernsey should also be imposed when a foreign national on whom a registration requirement was not imposed on arrival is granted an extension of stay which has the effect of allowing him to remain in the Bailiwick of Guernsey for employment for longer than 3 months, or otherwise for longer than 6 months, reckoned from the date of his arrival, save where:

- (i) the person concerned is under the age of 16; or
- (ii) the extension of stay was granted as a minister of religion; or
- (iii) the extension of stay was granted on the basis of marriage to a person settled in the Bailiwick of Guernsey .

## **PART 11: ASYLUM**

### **Definition of asylum applicant**

327. Under these Rules an asylum applicant is a person who claims that it would be contrary to the Bailiwick of Guernsey's obligations under the United Nations Convention and Protocol relating to the Status of Refugees for him to be removed from or required to leave the Bailiwick of Guernsey. All such cases are referred to in these Rules as asylum applications.

### **Applications for asylum**

328. All asylum applications will be determined by the Lieutenant Governor in accordance with the Bailiwick of Guernsey's obligations under the United Nations Convention and Protocol relating to the Status of Refugees. Every asylum application made by a person at a port or airport in the Bailiwick of Guernsey will be referred by the Immigration Officer for determination by the Lieutenant Governor in accordance with these Rules.

329. Until an asylum application has been determined by the Lieutenant Governor, no action will be taken to require the departure of the asylum applicant or his dependants from the Bailiwick of Guernsey.

330. If the Lieutenant Governor decides to grant asylum and the person has not yet been given leave to enter, the Immigration Officer will grant limited leave to enter.

331. If a person seeking leave to enter is refused asylum, the Immigration Officer will then resume his examination to determine whether or not to grant him leave to enter under any other provision of these Rules.

332. If a person who has been refused leave to enter applies for asylum and that application is refused, leave to enter will again be refused unless the applicant qualifies for admission under any other provision of these Rules.

333. A person who is refused leave to enter following the refusal of an asylum application will be provided with a notice informing him of a decision and of the reasons for refusal.

### **Grant of asylum**

334. An asylum applicant will be granted asylum in the Bailiwick of Guernsey if the Lieutenant Governor is satisfied that:

- (i) he is in the Bailiwick of Guernsey or has arrived at a port of entry in the Bailiwick of Guernsey; and
- (ii) he is a refugee, as defined by the Convention and Protocol; and
- (iii) refusing his application would result in his being required to go (whether immediately or after the time limited by an existing leave to enter or remain ) in breach of the Convention and Protocol, to a country in which his life or freedom would be threatened on account of his race, religion, nationality, political opinion or membership of a particular social group.

335. If the Lieutenant Governor decides to grant asylum to a person who has been given leave to enter (whether or not the leave has expired) or to a person who has entered without leave, the Lieutenant Governor will vary the existing leave or grant limited leave to remain.

### **Refusal of asylum**

336. An application which does not meet the criteria set out in [paragraph 334](#) will be refused.

337. The Lieutenant Governor may decide not to consider the substance of a person's claim to a refugee status if he is satisfied that the person's removal to a third country does not raise any issue as to the Bailiwick of Guernsey's obligations under the Convention and Protocol. More details are given in [paragraphs 345](#) and [347](#).

338. When a person in the Bailiwick of Guernsey is notified that asylum has been refused he may, if he is liable to removal as an illegal entrant or to deportation, at the same time be notified of removal directions, or served with a deportation order, as appropriate.

339. When a person with limited leave is refused asylum the leave may be curtailed if he does not meet the requirements of the Rules under which leave was granted. Full account will be taken of all the relevant circumstances known to the Lieutenant Governor, including those listed in [paragraph 364](#).

### **Consideration of cases**

340. A failure, without reasonable explanation, to make a prompt and full disclosure of material factors, either orally or in writing, or otherwise to assist the Lieutenant Governor to the full in establishing

the facts of the case may lead to refusal of an asylum application. This includes failure to complete an asylum questionnaire, or failure to comply with a request to attend an interview concerning the application.

341. In determining an asylum application the Lieutenant Governor will have regard to matters which may damage an asylum applicant's credibility if no reasonable explanation is given. Among such matters are:

- (i) that the applicant has failed to apply forthwith upon arrival in the Bailiwick of Guernsey, unless the application is founded on events which have taken place since his arrival in the Bailiwick of Guernsey;
- (ii) that the applicant has made false representations, either orally or in writing;
- (iii) that the applicant has destroyed, damaged or disposed of any passport, other document or ticket relevant to his claim;
- (iv) that the applicant has undertaken any activities in the Bailiwick of Guernsey before or after lodging his application which are inconsistent with his previous beliefs and behaviour and calculated to create or substantially enhance his claim to refugee status;
- (v) that the applicant has lodged concurrent applications for asylum in the Bailiwick of Guernsey or in another country or territory.

If the Lieutenant Governor concludes for these or any other reasons that an asylum applicant's account is not credible, the application will be refused.

342. The actions of anyone acting as an agent of the asylum applicant may also be taken into account in regard to the matters set out in paragraphs 340 and 341.

343. If there is a part of the country from which the applicant claims to be a refugee in which he would not have a well-founded fear of persecution, and to which it would be reasonable to expect him to go, the application may be refused.

344. Cases will normally be considered on an individual basis but if an applicant is part of a group whose claims are clearly not related to the criteria for refugee status in the Convention and Protocol he may be refused without examination of his individual claim. However, the Lieutenant Governor will have regard to any evidence produced

by an individual to show that his claim should be distinguished from those of the rest of the group.

### **Third country cases**

345. If the Lieutenant Governor is satisfied that there is a safe country to which an asylum applicant can be sent, his application will normally be refused without substantive consideration of his claim to refugee status. A safe country is one in which the life or freedom of the asylum applicant would not be threatened (within the meaning of Article 33 of the Convention) and the government of which would not send the applicant elsewhere in a manner contrary to the principles of the Convention and Protocol. The Lieutenant Governor shall not remove an asylum applicant without substantive consideration of his claim unless:

- (i) the asylum applicant has not arrived in the Bailiwick of Guernsey directly from the country in which he claims to fear persecution and has had an opportunity at the border or within the territory of a third country to make contact with that country's authorities in order to seek their protection; or
- (ii) there is other clear evidence of his admissibility to a third country.

Provided that he is satisfied that a case meets these criteria, the Lieutenant Governor is under no obligation to consult the authorities of the third country before the removal of an asylum applicant.

### **Previously rejected applications**

346. When an asylum applicant has previously been refused asylum in the United Kingdom and Islands and can demonstrate no relevant and substantial change in his circumstances since that date, his application will be refused.

347. When an asylum applicant has come to the Bailiwick of Guernsey from another country which is a party to the United Nations Convention relating to the States of Refugees or its Protocol and which has considered and rejected an application for asylum from him, his application for asylum in the Bailiwick of Guernsey may be refused without substantive consideration of his claim to refugee status. He may be removed to that country, or another country meeting the criteria of paragraph 345, and invited to raise any new circumstances with the authorities of the country which originally considered his application.

348 [ Not used ]

## **Dependants**

349. A husband or wife or minor children accompanying a principal applicant may be included in an application for asylum. If the principal applicant is granted asylum any such dependants will be granted leave to enter or remain of the same duration. The case of any dependant who claims asylum in his own right and who would otherwise be refused leave to enter or remain will be considered individually in accordance with [paragraph 334](#) above. It will not normally be necessary separately to interview or otherwise investigate the status of children accompanying a parent who is an asylum applicant except insofar as this is necessary to establish the child's identity. (In this paragraph and [paragraphs 350-352](#) a child means a person who is under 18 years of age or who, in the absence of documentary evidence, appears to be under that age).

## **Unaccompanied children**

350. Unaccompanied children may also apply for asylum and, in view of their potential vulnerability, particular priority and care is to be given to the handling of their cases.

351. A person of any age may qualify for refugee status under the Convention and the criteria in [paragraph 334](#) apply to all cases. However, account should be taken of the applicant's maturity and in assessing the claim of a child more weight should be given to objective indications of risk than to the child's state of mind and understanding of his situation. An asylum application made on behalf of a child should not be refused solely because the child is too young to understand his situation or to have formed a well-founded fear of persecution. Close attention should be given to the welfare of the child at all times.

352. A child will not be interviewed about the substance of his claim to refugee status if it is possible to obtain by written enquiries or from other sources sufficient information properly to determine the claim. When an interview is necessary it should be conducted in the presence of a parent, guardian, representative or another adult who for the time being takes responsibility for the child and is not an Immigration Officer, an officer of the Lieutenant Governor or a police officer. The interviewer should have particular regard to the possibility that a child will feel inhibited or alarmed. The child should be allowed to express himself in his own way and at his own speed. If he appears tired or distressed, the interview should be stopped.

**PART 12: [NOT USED]**

353-361 [Not used]

## PART 13: DEPORTATION

### A deportation order

362. A deportation order requires the subject to leave the Bailiwick of Guernsey and authorises his detention until he is removed. It also prohibits him from re-entering the Bailiwick of Guernsey for as long as it is in force and invalidates any leave to enter or remain in the Bailiwick of Guernsey given him before the order was made or while it is in force.

363. The circumstances in which a person is liable to deportation are set out in the Immigration Act 1971 and include:

- (i) failure to comply with a condition attached to his leave to enter or remain or remaining beyond the time limited by the leave;
- (ii) where the Lieutenant Governor deems the person's deportation to be conducive to the public good;
- (iii) where the person is the wife or child under 18 of a person ordered to be deported; and
- (iv) where a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment.

364. In considering 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 which is consistent and fair as between one person and another, although one case will rarely be identical with another in all material respects. Deportation will normally be the proper course where a person has failed to comply with or has contravened a condition or has remained without authority. Before a decision to deport is reached the Lieutenant Governor will take into account all relevant factors known to him including:

- (i) age;
- (ii) length of residence in the Bailiwick of Guernsey;
- (iii) strength of connections with the Bailiwick of Guernsey;
- (iv) personal history, including character, conduct and employment record;

- (v) domestic circumstances;
- (vi) previous criminal record and the nature of any offence of which the person has been convicted.
- (vii) compassionate circumstances;
- (viii) any representations received on the person's behalf.

### **Deportation of family members**

365. Section 5 of the Immigration Act 1971 gives the Lieutenant Governor power in certain circumstances to make a deportation order against the wife or child of a person against whom a deportation order has been made. The Lieutenant Governor will not normally decide to deport the wife of a deportee where:

- (i) she has qualified for settlement in her own right; or
- (ii) she has been living apart from the deportee.

366. The Lieutenant Governor will not normally decide to deport the child of a deportee where:

- (i) he and his mother are living apart from the deportee; or
- (ii) he has spent some years in the Bailiwick of Guernsey and is nearing the age of 18; or
- (iii) he has left home and established himself on an independent basis; or
- (iv) he married before deportation came into prospect.

367. In considering whether to require a wife or child to leave with the deportee the Lieutenant Governor will take account of the factors listed in paragraph 364 as well as the following:

- (i) the ability of the wife to maintain herself and any children in the Bailiwick of Guernsey, or to be maintained by relatives or friends without charge to public funds, not merely for a short period but for the foreseeable future: and
- (ii) in the case of a child of school age, the effect of removal on his education; and
- (iii) the practicability of any plans for a child's care and maintenance in the Bailiwick of Guernsey if one or both of his parents were deported; and

(iv) any representations made by or on behalf of the wife or child.

368. 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 country voluntarily.

369-372 [Not used]

#### **A deportation order made on the recommendation of a Court**

373. Although there is no appeal against the making of a deportation order, where a deportation order is made 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.

374-384 [Not used]

#### **Arrangements for removal**

385. A person against whom a deportation order has been made will normally be removed from the Bailiwick of Guernsey. The power is to be exercised so as to secure the person's return to the country of which he is a national, or which has most recently provided him with a travel document, unless he can show that another country will receive him. In considering any departure from the normal arrangements, regard will be had to the public interest generally, and to any additional expense that may fall on public funds.

386 [Not used]

#### **Supervised departure**

387. A person liable to deportation may, in certain circumstances, leave the Bailiwick of Guernsey by means of supervised departure without having a deportation order made against him.

#### **Returned deportees**

388. Where a person returns to the Bailiwick of Guernsey when a deportation order is in force against him, he may be deported under

the original order. The Lieutenant Governor will consider every such case in the light of all the relevant circumstances before deciding whether to enforce the order.

### **Returned family members**

389. Persons deported in the circumstances set out in paragraphs 365-368 above (deportation of family members) may be able to seek re-admission to the Bailiwick of Guernsey under the Immigration Rules where:

- (i) a child reaches 18 (when he ceases to be subject to the deportation order); or
- (ii) in the case of a wife, the marriage comes to an end.

### **Revocation of deportation order**

390. An application for revocation of a deportation order will be considered in the light of all the circumstances including the following:

- (i) the grounds on which the order was made;
- (ii) any representations made in support of revocation;
- (iii) the interests of the community, including the maintenance of an effective immigration control;
- (iv) the interests of the applicant, including any compassionate circumstances.

391. In the case of an applicant with a serious criminal record continued exclusion for a long term of years will normally be the proper course. In other cases revocation of the order will not normally be authorised unless the situation has been materially altered, either by a change of circumstances since the order was made, or by fresh information coming to light which was not before the court which made the recommendation or the Lieutenant Governor. The passage of time since the person was deported may also in itself amount to such a change of circumstances as to warrant revocation of the order. However, save in the most exceptional circumstances, the Lieutenant Governor will not revoke the order unless the person has been absent from the Bailiwick of Guernsey for a period of at least 3 years since it was made.

392. Revocation of a deportation order does not entitle the person concerned to re-enter the Bailiwick of Guernsey; it renders him

eligible to apply for admission under the Rules. Application for revocation of the order may be made to the Entry Clearance Officer or direct to the Immigration & Nationality Department of the States of Guernsey.

393-395 [Not used]

### **Commencement**

396. These rules shall come into force on the first day of February 1999.

Dated this nineteenth day of January 1999

SIGNED

**R. C. BERRY**

**President of the States Board of Administration  
for and on behalf of the Board**

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### **EXPLANATORY NOTE**

These Rules repeal and replace the Rules at present in force in the Bailiwick of Guernsey. They make provision as to the practice to be followed in the administration of the Immigration Acts 1971 and 1988 as extended to this Bailiwick, for regulating entry into and the stay in the Bailiwick of Commonwealth citizens, British protected persons, European Economic Area nationals, nationals of foreign states outside the European Economic Area 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. The new Rules closely follow the United Kingdom "Statement of Changes in Immigration Rules" of 1994.

