



THE IMMIGRATION (BAILIWICK OF GUERNSEY) RULES 2008

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**THE STATES HOME DEPARTMENT**, 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 1999 <sup>(a)</sup> are hereby repealed.

## **INTRODUCTION**

2. Immigration Officers and all staff of the Immigration and Nationality Division 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 and in compliance with the provisions of the Human Rights (Bailiwick of Guernsey) Law, 2000.
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 25<sup>th</sup> April 2008 and will apply to all decisions taken on or after that date save that any application made before 25<sup>th</sup> April 2008 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 1999<sup>(a)</sup> as if these Rules had not been made.

## **APPLICATION**

5. Save where expressly indicated, these Rules do not apply to those persons who are entitled to enter or remain in the Bailiwick of Guernsey by virtue of Section 7 of the Immigration Act 1988 . But any person who is not entitled to rely on the provisions of that Act is covered by these Rules.

## **INTERPRETATION**

6. In these Rules the following interpretations apply:

**“accommodation and accommodated”** and any reference thereto shall include compliance with the provisions of any legislation controlling the occupation of housing.

**"adoption"** unless the contrary intention appears, includes a de facto adoption in accordance with the requirements of paragraph 309A of these Rules, and "adopted" and "adoptive parent" should be construed accordingly."

**“appropriate adult”** means the parent, guardian or some other responsible adult aged 18 or over who is not an Immigration Officer, an officer of the Lieutenant Governor or a Police Officer.

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<sup>(a)</sup> GSI 1999/5

**“Approved Destination Status Agreement with China”** means the Memorandum of Understanding on visa and related issues concerning tourist groups from the People's Republic of China to the United Kingdom as an approved destination, signed on 21<sup>st</sup> January 2005

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

**“EEA national”** means a national of a State other than the United Kingdom which is a Contracting Party to the European Economic Area Agreement A Swiss national shall be treated as an EEA national for the purposes of these Rules.

**“EEA state”** means a State other than the United Kingdom which is a Contracting Party to the European Economic Area Agreement. Switzerland shall be treated as an EEA state for the purposes of these Rules.

**“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) his spouse

(b) a descendant of his or his spouse who is under 21 years of age or is their dependant; and

(c) a dependent relative in his ascending line or that of his spouse.

**“the Hague Convention”** means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, concluded at The Hague on 29<sup>th</sup> May 1993

**“Human Rights Convention”** means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4<sup>th</sup> November 1950 as it has effect for the time being in relation to the Bailiwick of Guernsey.”

**“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 and Asylum Act 1999”** shall mean that Act as extended to the Bailiwick of Guernsey by the Immigration and Asylum Act 1999 (Guernsey) Order 2003; and any reference to any provision of that Act is (unless the context requires otherwise) a reference thereto as so extended.

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

**“Immigration employment document”** means a work permit or any other document which relates to employment and is issued for the purpose of these Rules or in connection with leave to enter or remain in the Bailiwick of Guernsey.

**“intention to live permanently with the other”** means an intention to live together evidenced by a clear commitment from both parties that they will live together permanently in the Bailiwick of Guernsey immediately following the outcome of the application in question or as soon as circumstances permit thereafter, and "intends to live permanently with the other" shall be construed accordingly.

**"Islands"** means the Channel Islands and the Isle of Man.

**"other Islands"** means the Bailiwick of Jersey and the Isle of Man.

**“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, 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 or where a child is the subject of a de facto adoption in accordance with the requirements of paragraph 309A of these Rules (except that an adopted child or a child who is the subject of a de facto adoption may not make an application for leave to enter or remain in order to accompany, join or remain with an adoptive parent under paragraphs 297-303);

(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.

**“present and settled”** means that the person concerned is settled in the Bailiwick of Guernsey, and, at the time that an application under these Rules is made, is physically present here or is coming here with or to join the applicant and intends to make the Bailiwick of Guernsey their home with the applicant if their application is successful.

**“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 one of Her Majesty's principal Secretaries of State in the United Kingdom.

**"self-sufficient person"** means a person who -

- (a) has sufficient resources to avoid his becoming a charge on public funds; and
- (b) is covered by sickness insurance in respect of all risks in the Bailiwick of Guernsey; and

**"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.

**"sponsor"** means a person in relation to whom an applicant is seeking leave to enter or remain as their spouse, fiancé(e), unmarried partner or dependent relative as the case may be, under paragraphs 277 to 295O or 317 to 319.

**"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. **"Non-visa nationals"** are persons who are not specified in that Appendix.

In paragraph 320(7B) of these Rules:

**"deception"** means making false representations or submitting false documents (whether or not material to the application), or failing to disclose material facts.

**"illegal entrant"** has the same definition as in section 33(1) of the Immigration Act 1971.

**"overstayed"** or **"overstaying"** means the applicant has stayed in the Bailiwick of Guernsey beyond the time limit attached to his leave, or beyond the period that his leave was extended under sections 3C of the Immigration Act 1971.

**6A.** For the purpose of these Rules, a person is not to be regarded as having (or potentially having) recourse to public funds merely because he is (or will be) reliant in whole or in part on public funds provided to his sponsor, unless, as a result of his presence in the Bailiwick of Guernsey, the sponsor is (or would be) entitled to increased or additional public funds.

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

## **PART 1: GENERAL PROVISIONS REGARDING LEAVE TO ENTER OR REMAIN IN THE BAILIWICK 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 Bailiwick of Guernsey by virtue of Section 7 of the Immigration Act 1988 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 all or any of the following conditions:

- (i) a condition restricting or prohibiting employment or occupation in the Bailiwick of Guernsey
- (ii) a condition requiring the person to maintain and accommodate himself, and any dependents of his, without recourse to public funds; and
- (iii) a condition requiring the person to register with the Immigration and Nationality Division of the States of Guernsey.

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 normally be made known to the person concerned either:

- (i) by written notice given to him or endorsed by the immigration officer in his passport or travel document; or
- (ii) in any other manner permitted by directions of the Lieutenant-Governor concerning leave to enter and remain.

### **Exercise of the power to refuse leave to enter the Bailiwick of Guernsey or to cancel leave to enter or remain which is in force.**

10. The power to refuse leave to enter the Bailiwick of Guernsey or to cancel leave to enter or remain which is already in force is not to be exercised by an Immigration Officer acting on his own. The authority of an Immigration Officer not below the rank of Senior Immigration Officer must always be obtained.

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

10A. Where a person has arrived in the Bailiwick of Guernsey with leave to enter or

remain which is in force but which was given to him before his arrival he may be examined by an Immigration Officer under paragraph 2A of Schedule 2 to the Immigration Act 1971. An Immigration Officer examining a person under paragraph 2A may suspend that person's leave to enter or remain in the Bailiwick of Guernsey until the examination is completed.

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

**10B.** Where a person arrives in the Bailiwick of Guernsey with leave to enter or remain in the Bailiwick of Guernsey which is already in force, an Immigration Officer may cancel that leave.

### **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>(b)</sup> as amended <sup>(c)</sup>, and <sup>(d)</sup> and Immigration (Control of Entry through the Republic of Ireland) (Guernsey) (No. 2) Order 1972 <sup>(e)</sup> as amended <sup>(f)</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>(b)</sup> GSI 1972/62; <sup>(c)</sup> GSI 1979/17; <sup>(d)</sup> GSI 1982/30; <sup>(e)</sup> GSI 1972/65; <sup>(f)</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.

#### **Persons outside the Bailiwick of Guernsey**

**17A.** Where a person is outside the Bailiwick of Guernsey but wishes to travel to the Bailiwick of Guernsey an Immigration Officer may give or refuse him leave to enter. An Immigration Officer may exercise these powers whether or not he is, himself, in the Bailiwick of Guernsey. However, an Immigration Officer is not obliged to consider an application for leave to enter from a person outside the Bailiwick of Guernsey.

**17B.** Where a person, having left the common travel area, has leave to enter the Bailiwick of Guernsey which remains in force under paragraph 13 of the Directions of the Lieutenant Governor Concerning Leave to Enter and Remain an Immigration Officer may cancel that leave. An Immigration Officer may exercise these powers whether or not he is, himself, in the Bailiwick of Guernsey. If a person outside the Bailiwick of Guernsey has leave to remain in the Bailiwick of Guernsey which is in force in this way, the Lieutenant Governor may cancel that leave.

#### **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.

**19A.** Where a person who has indefinite leave to enter or remain in the Bailiwick of Guernsey accompanies, on a tour of duty abroad, a spouse who is a member of HM Forces, serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK based staff member of the British Council, or a staff member of the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey, sub-paragraphs (ii) and (iii) of paragraph 18 shall not apply.

**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 if the leave was given for a period of six months or less or conferred by a visit visa. In other cases, leave lapses on the holder remaining outside the Bailiwick of Guernsey for a continuous period of more than two years. A person whose leave has lapsed and 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.

### **Non-lapsing leave**

**20A.** Leave to enter or remain in the Bailiwick of Guernsey will usually lapse on the holder going to a country or territory outside the common travel area. However, under paragraph 13 of the Direction of the Lieutenant Governor concerning Leave to Enter and Remain such leave will not lapse where it was given for a period exceeding six months or where it was conferred by means of an entry clearance (other than a visit visa).

### **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.

### **Leave to enter granted on arrival in the Bailiwick of Guernsey**

**23A.** A person who is not a visa national and who is seeking leave to enter on arrival in the Bailiwick of Guernsey for a period not exceeding 6 months for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, for a period not exceeding 6 months. This paragraph does not apply where the person is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject.

**23B.** A person who is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the

British Nationality Act 1981 is a British subject, and who is seeking leave to enter on arrival in the Bailiwick of Guernsey for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, irrespective of the period of time for which he seeks entry, for a period not exceeding 6 months.

### **Entry Clearance**

**24.** The following 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:

(i) a visa national;

(ii) any other person (other than British Nationals (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject) who is seeking entry for a period exceeding six months or is seeking entry for a purpose for which prior entry clearance is required under these Rules.

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.

**25A.** An entry clearance which satisfies the requirements set out in paragraph 3 of the Direction of the Lieutenant Governor concerning Leave to Enter and Remain will have effect as leave to enter the Bailiwick of Guernsey. The requirements are that the entry clearance must specify the purpose for which the holder wishes to enter the Bailiwick of Guernsey and should be endorsed with the conditions to which it is subject or with a statement that it has effect as indefinite leave to enter the Bailiwick of Guernsey. The holder of such an entry clearance will not require leave to enter on arrival in the Bailiwick of Guernsey and, for the purposes of these Rules, will be treated as a person who has arrived in the Bailiwick of Guernsey with leave to enter the Bailiwick of Guernsey which is in force but which was given to him before his arrival.

**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" 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 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.

**30B.** An entry clearance shall cease to have effect where the entry clearance has effect as leave to enter and an Immigration Officer cancels that leave in accordance with paragraph 2A(8) of Schedule 2 to the Immigration Act 1971.

**30C.** An Immigration Officer may cancel an entry clearance which is capable of having effect as leave to enter if the holder arrives in the Bailiwick of Guernsey before the day on which the entry clearance becomes effective or if the holder seeks to enter the Bailiwick of Guernsey for a purpose other than the purpose specified in the entry clearance.

#### **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. Leave to remain may be granted or varied by an immigration officer acting on behalf of the Lieutenant Governor.

**31A.** Where a person has arrived in the Bailiwick of Guernsey with leave to enter or remain in the Bailiwick of Guernsey which is in force but was given to him before his arrival, he may apply, on arrival at a port of entry in the Bailiwick of Guernsey, for variation of that leave. An Immigration Officer acting on behalf of the Lieutenant Governor may vary the leave at the port of entry but is not obliged to consider an application for variation made at the port of entry. If an Immigration Officer acting on behalf of the Lieutenant Governor has declined to consider an application for variation of leave at a port of entry but the leave has not been cancelled under paragraph 2A(8) of Schedule 2 to the Immigration Act 1971, the person seeking variation should apply to the Immigration and Nationality Division under paragraph 32.

**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 Division before the applicant's current leave to enter or remain expires.

**33.** [Not Used]

**33A.** Where a person, having left the common travel area, has leave to enter or remain in the Bailiwick of Guernsey which remains in force under paragraph 13 of the Direction of the Lieutenant Governor concerning Leave to Enter and Remain, his leave may be varied (including any conditions to which it is subject) in such form and manner as permitted for the giving of leave to enter. However the Lieutenant Governor is not obliged to consider an application for variation of leave to enter or remain from a person outside the Bailiwick of Guernsey.

### **Knowledge of language and Life in the United Kingdom and Bailiwick of Guernsey**

**33B.** A person has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey for the purpose of an application for indefinite leave to remain under these Rules if –

(a) he has attended a combined English Language and citizenship course run by the Guernsey College of Further Education, or equivalent in the other Islands, and thereby attained a certificate confirming successful completion of that course; or

(b) he has passed the Citizenship Test administered by the Guernsey College of Further Education or equivalent in the other Islands; or

(c) he has attended a course for the purpose of attaining sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom as specified from time to time in the United Kingdom Statement of Changes in Immigration Rules and has attained the relevant accredited qualification as specified; or

(d) he has passed the test known as the "Life in the UK Test" administered by an educational institution or other person approved for this purpose by the Secretary of State; or

(e) in the case of a person who is the spouse or unmarried or same sex partner of:

i) a permanent member of HM Diplomatic Service; or

ii) a comparable UK-based staff member of the British Council on a tour of duty abroad; or

iii) a staff member of the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey,

a person designated by the Lieutenant Governor certifies in writing that he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey for this purpose.

**33C.** [Not used]

**33D.** If in the special circumstances of any particular case the Lieutenant Governor thinks fit, he may waive the need to fulfil the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey if he considers that, because of the applicant's physical or mental condition, it would be unreasonable to expect him to fulfil that requirement.

**33E.** Where an applicant applies for indefinite leave to remain under these Rules, and:

(i) is required by these Rules to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, and

(ii) meets all the other requirements for indefinite leave to remain for the category he has applied under with the exception of the requirement in (i) above, and

(iii) has not made any false representations or failed to disclose any material fact in his application, his application will automatically fall to be considered under the Rules for an extension of stay in the same category in which he applied for indefinite leave to remain

**33F.** Where an application is considered under the Rules for an extension of stay in accordance with paragraph 33E above, and the Lieutenant Governor is satisfied that the applicant qualifies for a grant of limited leave, leave should be granted for the duration and subject to the conditions normally imposed on an extension of stay in the category under which the application is being considered.

### **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 or have existing leave to enter or remain cancelled on medical grounds. But where a person would be refused leave to enter or have existing leave to enter or remain cancelled 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 to cancel existing leave to enter or remain, 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 BAILIWICK 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. A visitor seeking leave to enter for the purposes of marriage meet the requirements of paragraph 56D.

**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; and

(viii) is not a child under the age of 18.

#### **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; and

(iii) was not last admitted to the United Kingdom and Islands under the Approved Destination Status Agreement with China.

### **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.

## **CHILD VISITORS**

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

46A. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a child visitor are that he:

(i) meets the requirements of paragraph 41 (i)-(vii); and

(ii) is under the age of 18; and

(iii) can demonstrate that suitable arrangements have been made for his travel to, and reception and care in the Bailiwick of Guernsey; and

(iv) has a parent or guardian in his home country or country of habitual residence who is responsible for his care; and

(v) if a visa national:

(a) holds a valid entry clearance for entry as an accompanied child visitor and is travelling in the company of the adult identified on his entry clearance, who is on the same occasion being admitted to the Bailiwick of Guernsey; or

(b) holds a valid entry clearance for entry as an unaccompanied child visitor.

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

**46B.** A person seeking leave to enter the Bailiwick of Guernsey as a child visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, providing that the Immigration Officer is satisfied that each of the requirements of paragraph 46A is met.

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

**46C.** Leave to enter as a child visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46A is met.

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

**46D.** Six months is the maximum permitted leave which may be granted to a child visitor. The requirements for an extension of stay as a child visitor are that the applicant:

- (i) meets the requirements of paragraph 41 (ii) to (vii); and
- (ii) is under the age of 18; and
- (iii) can demonstrate that there are suitable arrangements for his care in the Bailiwick of Guernsey; and
- (iv) has a parent or guardian in his home country or country of habitual residence who is responsible for his care; and
- (v) has not already spent, or would not as a result of an extension of stay spend, more than 6 months in total in the Bailiwick of Guernsey as a child visitor.

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

**46E.** An extension of stay as a child visitor may be granted, subject to a condition prohibiting employment, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 46D is met.

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

**46F.** An extension of stay as a child visitor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 46D 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 United Kingdom and Islands; 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 United Kingdom and Islands 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)-(v); and

(ii) has produced evidence from a recognised medical practitioner, registered by the Health and Social Services Department 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; and

(v) was not last admitted to the United Kingdom and Islands under the Approved Destination Status Agreement with China.

#### **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.

### **PARENT OF A CHILD AT SCHOOL**

#### **Requirements for leave to enter or remain as the parent of a child at School**

**56A.** The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as the parent of a child at school are that:

- (i) the parent meets the requirements set out in paragraph 41 (ii)-(iv); and
- (ii) the child is attending a fee paying school not wholly maintained by the States of Guernsey and meets the requirements set out in paragraph 57 (i)-(vii); and
- (iii) the child is under 12 years of age; and
- (iv) the parent can provide satisfactory evidence of adequate and reliable funds for maintaining a second home in the Bailiwick of Guernsey; and
- (v) the parent is not seeking to make the Bailiwick of Guernsey his main home; and
- (vi) was not last admitted to the United Kingdom and Islands under the Approved Destination Status Agreement with China.

#### **Leave to enter or remain as the parent of a child at school**

**56B.** A person seeking leave to enter or remain in the Bailiwick of Guernsey as the parent of a child at school may be admitted or allowed to remain for a period not exceeding 12 months, subject to a condition prohibiting employment, provided the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor is satisfied that each of the requirements of paragraph 56A is met.

#### **Refusal of leave to enter or remain as the parent of a child at school**

**56C.** Leave to enter or remain in the Bailiwick of Guernsey as the parent of a child at school is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor is not satisfied that each of the requirements of paragraph 56A is met.

## **VISITORS SEEKING TO ENTER FOR THE PURPOSES OF MARRIAGE**

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

**56D.** The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a visitor for marriage are that he:

- (i) meets the requirements set out in paragraph 41 for entry as a visitor; and
- (ii) can show that he intends to marry, in the Bailiwick of Guernsey within the period for which entry is sought; and
- (iii) can produce satisfactory evidence, if required to do so, of the arrangements for his wedding ceremony to take place, in the Bailiwick of Guernsey during the period for which entry is sought; and
- (iv) holds a valid entry clearance for entry in this capacity.

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

**56E.** A person seeking leave to enter the Bailiwick of Guernsey as a visitor for marriage 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 56D is met.

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

**56F.** Leave to enter as a visitor for marriage is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56D 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) a fee paying school not wholly maintained by the States of Guernsey; 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 a fee paying school not wholly maintained by the States of Guernsey; and

(iii) if under the age of 16 years is enrolled at a fee paying school not wholly maintained by the States of Guernsey on a full-time course of studies which meets the requirements of current Bailiwick of Guernsey education legislation; 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

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

**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 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; 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

#### **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 United Kingdom and Islands 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 United Kingdom and Islands 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 national or citizen of a country participating in the Working Holiday scheme as specified from time to time in the Appendix to the United Kingdom Statement of Changes in Immigration Rules, or a British Overseas citizen; a British overseas territories citizen; or a British National (Overseas); and

(ii) is aged between 17 and 30 inclusive or was so aged at the date of his application for leave to enter; 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 only to take employment incidental to a holiday, and not to engage in business, or to provide services as a professional sportsman, and in any event not to work for more than 12 months during his stay; 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; and

(viii) intends to leave the Bailiwick of Guernsey at the end of his working holiday; and

(ix) has not spent time in the Bailiwick of Guernsey on a previous working holidaymaker entry clearance; and

(x) holds a valid entry clearance, granted for a limited period not exceeding 2 years, for entry in this capacity.

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

**96.** A person seeking to enter the Bailiwick of Guernsey as a working holidaymaker may be admitted provided he is able to produce 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.

**98 – 100** [Not used]

#### **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, and currently present 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 employment except as provided by paragraph 95 above; and

(iv) both parents are being or have been admitted to 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) 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, and is seeking leave to a date not beyond the date to which his parent(s) have leave to enter in the working holidaymaker category.

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

**102.** A person seeking to enter the Bailiwick of Guernsey as the child of working holidaymaker/s must be able to produce on arrival a valid entry clearance for entry in this capacity.

#### **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 Education Department; 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 United Kingdom and Islands 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 BAILLIWICK 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 work permit issued by the Home Department; 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; and
- (vii) holds a valid entry clearance for entry in this capacity except where he holds a work permit for 6 months or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

#### **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 a period not exceeding the period of employment approved by the Home Department (as specified in his work permit) subject to a condition restricting him to that approved employment provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity or, where entry clearance is not required, provided the Immigration Officer is satisfied that each of the requirements of paragraph 128 (i-vi) is met.

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

**130.** Leave to enter for the purpose of work permit employment is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 128 (i-vi) is met.

### **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 work permit valid for more than 1 month under paragraph 129; and
- (ii) has the approval of the Home Department 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 Home Department 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 Home Department.

### **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; and
- (iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

### **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 in any of the 5 years immediately prior to the date on which the application is made 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

(iva) if seeking leave as a minister of religion, can produce an International English Language Testing System certificate issued to him to certify that he has achieved level 6 competence in spoken English and that is dated not more than two years prior to the date on which the application is made

(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 2 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 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 where entry to the Bailiwick of Guernsey was granted in that capacity, missionary or member of a religious order**

**173.** The requirements for an extension of stay as a minister of religion where entry to the Bailiwick of Guernsey was granted in that capacity, 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 3 years provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 173 is met.

**Requirements for an extension of stay as a minister of religion where entry to the Bailiwick of Guernsey was not granted in that capacity**

**174A.** The requirements for an extension of stay as a minister of religion for an applicant who did not enter the Bailiwick of Guernsey in that capacity are that he:

(i) entered the Bailiwick of Guernsey, or was given an extension of stay, in accordance with these Rules, except as a minister of religion or as a visitor under paragraphs 40-56 of these Rules, and has spent a continuous period of at least 12 months here pursuant to that leave immediately prior to the application being made; and

(ii) has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made (provided that, when doing so, he was not in breach of a condition of any subsisting leave to enter or remain) 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; and

(iii) is imminently to be appointed, or has been appointed, to a position as a minister of religion in the Bailiwick of Guernsey and is suitable for such a position, as certified by the leadership of his prospective congregation; and

(iv) meets the requirements of paragraph 170(ii)-(iva).

**Extension of stay as a minister of religion where leave to enter was not granted in that capacity**

**174B.** An extension of stay as a minister of religion may be granted for a period not exceeding 3 years at a time provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 174A 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 or 174A 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 5 years in the Bailiwick of Guernsey in this capacity; and

(ii) he has met the requirements of paragraph 173 or 174A throughout the 5 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; and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**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.

**177A.** For the purposes of these Rules:

(i) a visiting religious worker means a person coming to the UK for a short period to perform religious duties at one or more locations in the UK;

(ii) a religious worker in a non-pastoral role means a person employed in the UK by the faith he is coming here to work for, whose duties include performing religious rites within the religious community, but not preaching to a congregation.

**Requirements for leave to enter the Bailiwick of Guernsey as a visiting religious worker or a religious worker in a non-pastoral role**

**177B.** The requirements to be met by a person seeking leave to enter as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant:

(i) (a) if seeking leave to enter as a visiting religious worker:

(i) is an established religious worker based overseas; and

(ii) submits a letter(s) from a senior member or senior representative of one or more local religious communities in the UK confirming that he is invited to perform religious duties as a visiting religious worker at one or more locations in the UK and confirming the expected duration of that employment; and

(iii) if he has been granted leave as a visiting religious worker in the last 12 months, is not seeking leave to enter which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months; or

(b) if seeking leave to enter as a religious worker in a non-pastoral role:

(i) has at least one year of full time training or work experience, or a period of part time training or work experience equivalent to one year full time training

or work experience, accrued in the five years preceding the application in the faith with which he has employment in the UK; and

(ii) can show that, at the time of his application, at least one full-time member of staff of the local religious community which the applicant is applying to join in the UK has a sufficient knowledge of English; and

(iii) submits a letter from a senior member or senior representative of the local religious community which has invited him to the UK, confirming that he has been offered employment as religious worker in a non-pastoral role in that religious community, and confirming the duration of that employment; and

- (ii) does not intend to take employment except as a visiting religious worker or religious worker in a non-pastoral role, whichever is the basis of his application; and
- (iii) does not intend to undertake employment as a Minister of Religion, Missionary or Member of a Religious Order, as described in paragraphs 169-177 of these Rules; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds, or will, with any dependants, be maintained and accommodated adequately by the religious community employing him; and
- (v) intends to leave the UK at the end of his leave in this category; and
- (vi) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

**Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role**

**177C.** Leave to enter the Bailiwick of Guernsey as a visiting religious worker or a religious worker in a non-pastoral role may be granted:

- (a) as a visiting religious worker, for a period not exceeding 6 months; or
- (b) as a religious worker in a non-pastoral role, for a period not exceeding 12 months; provided the Immigration Officer is satisfied that each of the requirements of paragraph 177B is met.

**Refusal of leave to enter as a visiting religious worker or a religious worker in a non-pastoral role**

**177D.** Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 177B is met.

**Requirements for an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

**177E.** The requirements to be met by a person seeking an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant:

(i) entered the Bailiwick of Guernsey with a valid entry clearance in this capacity or was given leave to enter as a visiting religious worker or a religious worker in a non-pastoral role; and

(ii) intends to continue employment as a visiting religious worker or a religious worker in a non-pastoral role; and

(iii) if seeking an extension of stay as a visiting religious worker:

(a) meets the requirement of paragraph 177B(i)(a)(i) above; and

(b) submits a letter from a senior member or senior representative of one or more local religious communities in the UK and Islands confirming that he is still wanted to perform religious duties as a visiting religious worker in the Bailiwick of Guernsey and confirming the expected duration of that employment; and

(c) would not, as the result of an extension of stay, be granted leave as a visiting religious worker which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months; or

(iv) if seeking an extension of stay as a religious worker in a non-pastoral role:

(a) meets the requirements of paragraph 177B(i)(b)(i) and (ii); and

(b) submits a letter from a senior member or senior representative of the local religious community for which he works in the UK and Islands confirming that his employment as a religious worker in a non-pastoral role in that religious community will continue, and confirming the duration of that employment; and

(c) would not, as the result of an extension of stay, remain in the UK and Islands for a period of more than 24 months as a religious worker in a non-pastoral role; and

(v) meets the requirements of paragraph 177B (ii) to (v); and

**Extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

**177F.** An extension of stay as a visiting religious worker or a religious worker in a non-pastoral role may be granted:

(a) as a visiting religious worker, for a period not exceeding 6 months; or

(b) as a religious worker in a non-pastoral role, for a period not exceeding 24 months; if the Lieutenant Governor is satisfied that each of the requirements of paragraph 177E is met.

**Refusal of an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role**

**177G.** An extension of stay as a visiting religious worker or a religious worker in a non-pastoral role is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 177E 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 that any such grandparent is the applicant's blood grandparent or grandparent by reason of an adoption recognised by the laws of the United Kingdom or Islands relating to adoption; 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 5 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:

- (i) he is able to meet each of the requirements of paragraph 186 (i)-(v); and
- (ii) he was admitted to the Bailiwick of Guernsey on the grounds of United Kingdom ancestry in accordance with paragraphs 186 to 188 or has been granted an extension of stay in this capacity.

### **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 5 years provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 189 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 189 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 5 years in the Bailiwick of Guernsey in this capacity; and
- (iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

### **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 WHO HAVE OR HAVE HAD LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 128-193**

**Requirements for leave to enter 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 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 in the Bailiwick of Guernsey under paragraphs 128-193 for 12 months or longer; 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) the applicant holds a valid entry clearance for entry in this capacity.

**Leave to enter 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 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 for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 provided the Immigration Officer is satisfied that each of the requirements of paragraph 194 is met.

**Refusal of leave to enter 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 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 the Immigration Officer is not satisfied that each of the requirements of paragraph 194 is met.

**Requirements for extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

**196A.** The requirements to be met by a person seeking an extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 are that the applicant:

- (i) is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; or

(ii) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 and who is being granted indefinite leave to remain at the same time; or

(iii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 immediately before being granted indefinite leave to remain; and

(iv) meets the requirements of paragraph 194(ii) – (v); and

(v) was admitted with a valid entry clearance for entry in this capacity.

**Extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

**196B.** An extension of stay in the Bailiwick of Guernsey as:

(i) the spouse of a person who has limited leave to enter or remain under paragraphs 128-193 may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or

(ii) the spouse of a person who is being admitted at the same time for settlement, or the spouse of a person who has indefinite leave to remain, may be granted for a period not exceeding 2 years, in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 196A is met.

**Refusal of extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

**196C.** An extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 196A is met.

**Requirements for indefinite leave to remain for the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

**196D.** The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 are that the applicant:

(i) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 and who is being granted indefinite leave to remain at the same time; or

(ii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 immediately before being granted indefinite leave to remain; and

(iii) meets the requirements of paragraph 194(ii) – (v); and

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and

(v) was admitted with a valid entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

**196E.** Indefinite leave to remain in the Bailiwick of Guernsey for the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 196D is met.

**Refusal of indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193**

**196F.** Indefinite leave to remain in the Bailiwick of Guernsey for the spouse of a person who has or has had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 194D is met.

**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 for 12 months or longer; 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 Home Department 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 disposable in the Bailiwick of Guernsey which is held in 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 Bailiwick of Guernsey 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 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 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 Home

Department 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 3 years at a time 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 5 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 5 year period; and
- (iii) submits audited accounts for the first 4 years of trading and management accounts for the 5<sup>th</sup> year; and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

### **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 disposable 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 in a manner that is of benefit to the Bailiwick of Guernsey
- (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 2 years 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; 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 not exceeding 3 years at a time 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 5 years in the Bailiwick of Guernsey in this capacity; and
- (ii) has met the requirements of paragraph 227 throughout the 5 year period including the requirement as to the investment of £750,000 and continues to do so; and
- (iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

#### **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 2 years, 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 5 years in the Bailiwick of Guernsey in this capacity; and

(ii) has met the requirements of paragraph 235 throughout the 5 year period; and

(iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

## **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 WHO HAVE OR HAVE HAD LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 200-239**

### **Requirements for leave to enter 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 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) the applicant holds a valid entry clearance for entry in this capacity.

### **Leave to enter 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 limited leave to enter 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 for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 200-239 provided the Immigration Officer is satisfied that each of the requirements of paragraph 240 is met.

### **Refusal of leave to enter 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 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 the Immigration Officer is not satisfied that each of the requirements of paragraph 240 is met.

**Requirements for extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239**

**242A.** The requirements to be met by a person seeking an extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain under paragraphs 200 - 239 are that the applicant:

- (i) is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239; or
- (ii) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 immediately before being granted indefinite leave to remain; and
- (iv) meets the requirements of paragraph 240(ii) – (v); and
- (v) was admitted with a valid entry clearance for entry in this capacity.

**Extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239**

**242B.** An extension of stay in the Bailiwick of Guernsey as:

- (i) the spouse of a person who has limited leave to enter or remain under paragraphs 200-239 may be granted for a period not in excess of that granted to the person with limited to enter or remain; or
- (ii) the spouse or of a person who is being admitted at the same time for settlement or the spouse of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years, in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242A is met.

**Refusal of extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239**

**242C.** An extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain under paragraphs 200 - 239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242A is met.

**Requirements for indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239**

**242D.** The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200 – 239 are that the applicant:

(i) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time; or

(ii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain under paragraphs 200 – 239 immediately before being granted indefinite leave to remain; and

(iii) meets the requirements of paragraph 240 (ii) to (v);

(iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless the applicant is under the age of 18 or aged 65 or over at the time he makes his application; and

(v) was admitted with a valid entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239**

242E. Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200 – 239 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242D is met.

**Refusal of indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239**

242F. Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200 – 239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242D is met.

**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:

- (i) the applicant is the parent of a child who is resident in the Bailiwick of Guernsey; and
- (ii) the parent or carer with whom the child permanently resides is resident in the Bailiwick of Guernsey, and
- (iii) the applicant produces evidence that he has access rights to the child in the form of an order granted by a Court in the Bailiwick of Guernsey; and
- (iv) the applicant intends to continue to take an active role in the child's upbringing; and
- (v) the child is under the age of 18; and
- (vi) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and
- (vii) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds; and
- (viii) the applicant holds a valid entry clearance for entry in this capacity.

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

**247.** Leave to enter as a person exercising access rights to a child resident in the Bailiwick of Guernsey may be granted for 12 months in the first instance, provided that a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

#### **Refusal of leave to enter the Bailiwick of Guernsey 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.

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

**248A.** The requirements to be met by a person seeking leave to remain in the Bailiwick of Guernsey to exercise access rights to a child resident in the Bailiwick of Guernsey are that:

- (i) the applicant is a parent of a child who is resident in the Bailiwick of Guernsey; and
- (ii) the parent or carer with whom the child permanently resides is resident in the Bailiwick of Guernsey; and
- (iii) the applicant produces evidence that he has access rights to the child in the form of an order granted by a Court in the Bailiwick of Guernsey; and
- (iv) the applicant takes and intends to continue to take an active role in the child's upbringing; and
- (v) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue; and
- (vi) the child is under the age of 18; and
- (vii) the applicant has limited leave to remain in the Bailiwick of Guernsey as the spouse or unmarried partner of a person present and settled in the Bailiwick of Guernsey who is the other parent of the child; and
- (viii) the applicant has not remained in breach of the immigration laws; and
- (ix) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation with the applicant owns or occupies exclusively; and
- (x) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds.

**Leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey**

**248B.** Leave to remain as a person exercising access rights to a child resident in the Bailiwick of Guernsey may be granted for 12 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 248A is met

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

**248C.** Leave to remain as a person exercising rights of access to a child resident in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 248A is met.

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

**248D.** The requirements for indefinite leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey are that:

(i) the applicant was admitted to the Bailiwick of Guernsey or granted leave to remain the Bailiwick of Guernsey for a period of 12 months as a person exercising rights of access to a child and has completed a period of 12 months as a person exercising rights of access to a child; and

(ii) the applicant takes and intends to continue to take an active role in the child's upbringing; and

(iii) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue; and

(iv) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively; and

(v) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds; and

(vi) the child is under 18 years of age; and

(vii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

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

**248E.** Indefinite leave to remain as a person exercising rights of access to a child may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 248D is met.

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

**248F.** Indefinite leave to remain as a person exercising rights of access to a child is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 248D is met.

**249-254** [ Not used ]

## **EEA NATIONALS AND THEIR FAMILIES**

**255.** The family member of an EEA national, who is not himself an EEA national, who is residing in the Bailiwick of Guernsey may on application be given notice in writing showing that he may remain in the Bailiwick of Guernsey for up to five years. This may take the form of an endorsement in that person's passport.

**256.** The family member of an EEA national may on application be given notice in writing to show that he may remain in the Bailiwick of Guernsey indefinitely if:

(i) he is not himself an EEA national; and

(ii) has remained in the Bailiwick of Guernsey as the family member of an EEA national residing in the Bailiwick of Guernsey and has done so for a continuous period of 5 years and continues to do so; and

(iii) has held a notice in writing given under the terms of paragraph 255 showing that he could remain for the duration of those 5 years.

This may take the form of an endorsement in that person's passport.

**257.** An EEA national who has been ordinarily resident in the Bailiwick of Guernsey for a continuous period of 5 years and continues to do so may be given notice in writing showing that he may remain in the Bailiwick of Guernsey indefinitely.

**257A.** An EEA national who is married to a person present and settled in the Bailiwick of Guernsey may be given notice in writing showing that he may remain in the Bailiwick of Guernsey indefinitely if:

(i) he has been ordinarily resident in the Bailiwick of Guernsey in that capacity for a period of 2 years; and

(ii) the marriage is subsisting.

**257B.** [Not used]

### **Requirements for leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child**

**257C.** The requirements to be met by a person seeking leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child are that the applicant:

(i) is:

(a) the primary carer; or

(b) the parent; or

(c) the sibling,

of an EEA national under the age of 18 who is residing in the Bailiwick of Guernsey as a self-sufficient person; and

(ii) is living with the EEA national or is seeking entry to the Bailiwick of Guernsey in order to live with the EEA national; and

(iii) in the case of a sibling of the EEA national:

(a) is under the age of 18 or has current leave to enter or remain in this capacity; and

(b) is unmarried, has not formed an independent family unit and is not leading an independent life; and

(iv) can, and will, be maintained and accommodated without taking employment or having recourse to public funds; and

(v) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

In this paragraph, "sibling", includes a half-brother or half-sister and a stepbrother or stepsister.

#### **Leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child**

**257D.** Leave to enter or remain in the Bailiwick of Guernsey as the primary carer or relative of an EEA national self-sufficient child may be granted for a period not exceeding five years provided that, in the case of an application for leave to enter, the applicant 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 leave to remain, the applicant is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 257C (i) to (iv) is met. Leave to enter or remain is to be subject to a condition prohibiting employment and recourse to public funds.

#### **Refusal of leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child**

**257E.** Leave to enter or remain in the Bailiwick of Guernsey as the primary carer or relative of an EEA national self-sufficient child is to be refused if, in the case of an application for leave to enter, the applicant is unable 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 leave to remain, if the applicant is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 257C (i) to (iv) is met.

#### **The EEA family permit**

**258.** An "EEA family permit" means a document issued, free of charge, to a family member 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 does not require leave to enter or remain in the Bailiwick of Guernsey in accordance with Section 7(1) of the Immigration Act 1988.

## **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 of an EEA national who does not require leave to enter or remain in the Bailiwick of Guernsey in accordance with Section 7(1) of the Immigration Act 1988; and
- (ii) the applicant will on arrival be accompanying or coming to join that EEA national in the Bailiwick of Guernsey; 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 applicant meets each of the requirements of paragraph 259.

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

**261.** An application for an EEA family permit is to be refused if the applicant does not meet each of the requirements of paragraph 259.

## **Family members of British citizens**

**262.** For the purposes of paragraphs 255 to 261 a person who is the family member of a British citizen returning to the Bailiwick of Guernsey may be treated as if he were the family member of an EEA national if;

- (i) after leaving the Bailiwick of Guernsey, the British citizen resided in an EEA state and;
  - (a) was employed there (other than on a transient or casual basis);
  - or
  - (b) established himself there as a self-employed person
- (ii) the British citizen did not leave the Bailiwick of Guernsey in order to enable his family member to evade the application of Bailiwick of Guernsey immigration law; and
- (iii) on his return to the Bailiwick of Guernsey, the British citizen would, if he were an EEA national not require leave to enter or remain in the Bailiwick of Guernsey in accordance with section 7(1) of the Immigration Act 1988; and
- (iv) if the family member of the British citizen is his spouse, the marriage took place and the parties lived together in an EEA state, before the British citizen returned to the Bailiwick of Guernsey.

## **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 5 years, 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 so as to bring the person's stay in this category up to a maximum of 5 years in aggregate, 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 5 years in the Bailiwick of Guernsey in this capacity; and
- (ii) has met the requirements of paragraph 266 throughout the 5 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 WHO HAVE OR HAVE HAD LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS RETIRED PERSONS OF INDEPENDENT MEANS**

**Requirements for leave to enter 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 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 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 or 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) the applicant holds a valid entry clearance for entry in this capacity.

**Leave to enter 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 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 for a period not in excess of that granted to the person with limited leave to enter or remain as a retired person of independent means, provided the Immigration Officer is satisfied that each of the requirements of paragraph 271 is met.

**Refusal of leave to enter 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 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 the Immigration Officer is not satisfied that each of the requirements of paragraph 271 is met.

**Requirements for extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

273A. The requirements to be met by a person seeking an extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means are that the applicant:

(i) is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means; or

(ii) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or

(iii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and

(iv) meets the requirements of paragraph 271 (ii) – (v); and

(v) was admitted with a valid entry clearance for entry in this capacity.

**Extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

273B. An extension of stay in the Bailiwick of Guernsey as:

(i) the spouse of a person who has limited leave to enter or remain as a retired person of independent means may be granted for a period not in excess of that granted to the person with limited leave to enter or remain; or

(ii) the spouse of a person who is being admitted at the same time for settlement or the spouse of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years, in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 273A is met.

**Refusal of extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

**273C.** An extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey 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 273A is met.

**Requirements for indefinite leave to remain for the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

**273D.** The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means are that the applicant:

- (i) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain as a retired person of independent means immediately before being granted indefinite leave to remain; and
- (iii) meets the requirements of paragraph 271 (ii) – (v); and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and
- (v) was admitted with a valid entry clearance for entry in this capacity.

**Indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

**273E.** Indefinite leave to remain in the Bailiwick of Guernsey for the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 273D is met.

**Refusal of indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey as a retired person of independent means**

**273F.** Indefinite leave to remain in the Bailiwick of Guernsey for the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey 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 273D is met.

## **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.

## **LONG RESIDENCE**

### **Long residence in the Bailiwick of Guernsey**

276A. For the purposes of paragraphs 276B to 276D:

(a) "continuous residence" means residence in the Bailiwick of Guernsey for an unbroken period, and for these purposes a period shall not be considered to have been broken where an applicant is absent from the Bailiwick of Guernsey for a period of 6 months or less at any one time, provided that the applicant in question has existing limited leave to enter or remain upon their departure and return, but shall be considered to have been broken if the applicant:

(i) has been removed under Schedule 2 of the 1971 Act, section 10 of the 1999 Act, has been deported or has left the Bailiwick of Guernsey having been refused leave to enter or remain here; or

(ii) has left the Bailiwick of Guernsey and, on doing so, evidenced a clear intention not to return; or

(iii) left the Bailiwick of Guernsey in circumstances in which he could have had no reasonable expectation at the time of leaving that he would lawfully be able to return; or

(iv) has been convicted of an offence and was sentenced to a period of imprisonment or was directed to be detained in an institution other than a prison (including, in particular, a hospital or an institution for young offenders), provided that the sentence in question was not a suspended sentence; or

(v) has spent a total of more than 18 months absent from the Bailiwick of Guernsey during the period in question.

(b) "lawful residence" means residence which is continuous residence pursuant to:

(i) existing leave to enter or remain; or

(ii) temporary admission within section 11 of the 1971 Act where leave to enter or remain is subsequently granted; or

(iii) an exemption from immigration control, including where an exemption ceases to apply if it is immediately followed by a grant of leave to enter or remain.

#### **Requirements for an extension of stay on the ground of long residence in the Bailiwick of Guernsey**

**276A1.** The requirement to be met by a person seeking an extension of stay on the ground of long residence in the Bailiwick of Guernsey is that the applicant meets all the requirements in paragraph 276B of these Rules, except the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey contained in paragraph 276B (iii).

#### **Extension of stay on the ground of long residence in the Bailiwick of Guernsey**

**276A2.** An extension of stay on the ground of long residence in the Bailiwick of Guernsey may be granted for a period not exceeding 2 years provided that the Lieutenant Governor is satisfied that the requirement in paragraph 276A1 is met.

#### **Conditions to be attached to extension of stay on the ground of long residence in the Bailiwick of Guernsey**

**276A3.** Where an extension of stay is granted under paragraph 276A2:

(i) if the applicant has spent less than 14 years in the UK, the grant of leave should be subject to the same conditions attached to his last period of lawful leave, or

(ii) if the applicant has spent 14 years or more in the UK, the grant of leave should not contain any restriction on employment.

## **Refusal of extension of stay on the ground of long residence in the Bailiwick of Guernsey**

**276A4.** An extension of stay on the ground of long residence in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that the requirement in paragraph 276A1 is met.

## **Requirements for indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey**

**276B.** The requirements to be met by an applicant for indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey are that:

(i) (a) he has had at least 10 years continuous lawful residence in the Bailiwick of Guernsey; or

(b) he has had at least 14 years continuous residence in the Bailiwick of Guernsey, excluding any period spent in the Bailiwick of Guernsey following service of removal directions under paragraphs 8, 9, 10, 12, 13 and 14 of Schedule 2 of 1971 Act or section 10 of the 1999 Act; and

(ii) having regard to the public interest there are no reasons why it would be undesirable for him to be given indefinite leave to remain on the ground of long residence, taking into account his:

(a) age; and

(b) strength of connections in the Bailiwick of Guernsey; and

(c) personal history, including character, conduct, associations and employment record; and

(d) domestic circumstances; and

(e) previous criminal record and the nature of any offence of which the person has been convicted; and

(f) compassionate circumstances; and

(g) any representations received on the person's behalf; and

(iii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

## **Indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey**

**276C.** Indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 276B is met.

## **Refusal of indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey**

**276D.** Indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276B is met.

## **HM FORCES**

### **Definition of Gurkha**

**276E.** For the purposes of these Rules the term "Gurkha" means a citizen or national of Nepal who has served in the Brigade of Gurkhas of the British Army under the Brigade of Gurkhas' terms and conditions of service.

## **LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS A GURKHA DISCHARGED FROM THE BRITISH ARMY**

### **Requirements for indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army**

**276F.** The requirements for indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army are that:

- (i) the applicant has completed at least four years' service as a Gurkha with the British Army; and
- (ii) was discharged from the British Army in Nepal on completion of engagement on or after 1 July 1997; and
- (iii) was not discharged from the British Army more than 2 years prior to the date on which the application is made; and
- (iv) holds a valid entry clearance for entry in this capacity.

### **Indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army**

**276G.** A person seeking indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army may be granted indefinite leave to enter provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

### **Refusal of indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army**

**276H.** Indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army 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 indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army**

**276I.** The requirements for indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army are that:

- (i) the applicant has completed at least four years' service as a Gurkha with the British Army; and
- (ii) was discharged from the British Army in Nepal on completion of engagement on or after 1 July 1997; and
- (iii) was not discharged from the British Army more than 2 years prior to the date on which the application is made; and
- (iv) on the date of application has leave to enter or remain in the Bailiwick of Guernsey.

**Indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army**

**276J.** A person seeking indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army may be granted indefinite leave to remain provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 276I is met.

**Refusal of indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army**

**276K.** Indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276I is met.

**LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS A FOREIGN OR COMMONWEALTH CITIZEN DISCHARGED FROM HM FORCES**

**Requirements for indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces**

**276L.** The requirements for indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces are that:

- (i) the applicant has completed at least four years' service with HM Forces; and
- (ii) was discharged from HM Forces on completion of engagement; and
- (iii) was not discharged from HM Forces more than 2 years prior to the date on which the application is made; and
- (iv) holds a valid entry clearance for entry in this capacity.

**Indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces**

**276M.** A person seeking indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces may be granted indefinite leave to enter provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**Refusal of indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces**

**276N.** Indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces 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 indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces**

**276O.** The requirements for indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces are that:

- (i) the applicant has completed at least four years' service with HM Forces; and
- (ii) was discharged from HM Forces on completion of engagement; and
- (iii) was not discharged from HM Forces more than 2 years prior to the date on which the application is made; and
- (iv) on the date of application has leave to enter or remain in the Bailiwick of Guernsey.

**Indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces**

**276P.** A person seeking indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces may be granted indefinite leave to remain provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 276O is met.

**Refusal of indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces**

**276Q.** Indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276O is met.

**SPOUSES OF PERSONS SETTLED OR SEEKING SETTLEMENT IN THE BAILIWICK OF GUERNSEY IN ACCORDANCE WITH PARAGRAPHS 276E TO 276Q (HM FORCES RULES)**

**LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS THE SPOUSE OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING GRANTED SETTLEMENT ON THE SAME OCCASION IN ACCORDANCE WITH PARAGRAPHS 276E TO 276Q**

**Requirements for indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement under paragraphs 276E to 276Q**

**276R.** The requirements to be met by a person seeking indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q are that:

- (i) the applicant is married to a person present and settled in the Bailiwick of Guernsey or who is being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q; and
- (ii) the parties to the marriage have met; and
- (iii) the parties were married at least 2 years ago; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse and
- (v) the marriage is subsisting; and
- (vi) the applicant holds a valid entry clearance for entry in this capacity.

**Indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q**

**276S.** 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 being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q may be granted indefinite leave to enter provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**Refusal of indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q**

**276T.** Leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q 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 indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276U.** The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q are that:

- (i) the applicant is married to a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q; and
- (ii) the parties to the marriage have met; and
- (iii) the parties were married at least 2 years ago; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse; and
- (v) the marriage is subsisting; and
- (vi) has leave to enter or remain in the Bailiwick of Guernsey.

**Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276V.** Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 276U is met.

**Refusal of indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276W.** Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276U is met.

**CHILDREN OF A PARENT, PARENTS OR A RELATIVE SETTLED OR SEEKING SETTLEMENT IN THE BAILIWICK OF GUERNSEY UNDER PARAGRAPHS 276E TO 276Q (HM FORCES RULES)**

**LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS THE CHILD OF A PARENT, PARENTS OR A RELATIVE PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING GRANTED SETTLEMENT ON THE SAME OCCASION IN ACCORDANCE WITH PARAGRAPHS 276E TO 276Q**

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

**admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276X.** 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 in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q are that:

(i) the applicant is seeking indefinite 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 an independent family unit; and

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

**Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276Y.** Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

**Refusal of indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276Z.** Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents, or a relative present and settled in the Bailiwick of Guernsey or being admitted for

settlement on the same occasion in accordance with paragraphs 276E to 276Q 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 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 or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276AA.** 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 or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q are that:

- (i) the applicant is seeking indefinite leave 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 being granted settlement on the same occasion; or
  - (b) one parent is present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion and the other parent is dead; or
  - (c) one parent is present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion 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 or being granted settlement on the same occasion 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) has leave to enter or remain in the Bailiwick of Guernsey.

**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 or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276AB.** 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 or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q may be granted if the Lieutenant Governor is satisfied that each of the requirements of paragraph 276AA is met.

**Refusal of 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 or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q**

**276AC.** 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 or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276AA is met.

## **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 the applicant or the sponsor will be aged under 18 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 person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the spouse of a man or woman (the sponsor) if:

- (i) his or her marriage to the sponsor is polygamous; and
- (ii) there is another person living who is the husband or wife of the sponsor and who:
  - (a) is, or at any time since his or her marriage to the sponsor 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 husband or wife of the sponsor.

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 person who seeks entry clearance, leave to enter, leave to remain or variation of leave where:

- (i) he or 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 husband or wife of the sponsor; or
- (ii) he or she has, since their marriage to the sponsor, been in the Bailiwick of Guernsey at any time when there was no such other spouse living as is mentioned in paragraph 278 (ii).

But where a person claims that paragraph 278 does not apply to them because they have been in the Bailiwick of Guernsey in circumstances which cause them to fall within subparagraphs (i) or (ii) of that paragraph, it shall be for them to prove that fact.

**280.** For the purposes of paragraphs 278 and 279 the presence of any wife or husband in the Bailiwick of Guernsey in any of the following circumstances shall be disregarded:

- (i) as a visitor; or

(ii) as an illegal entrant; or

(iii) in circumstances whereby a person is deemed by virtue of 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) (a) 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; or
  - (b)(i) the applicant is married to a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the Bailiwick of Guernsey and is on the same occasion seeking admission to the Bailiwick of Guernsey for the purposes of settlement and the parties were married at least 4 years ago, since which time they have been living together outside the Bailiwick of Guernsey; and
  - (b)(ii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application; 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 and paragraphs 282-289 a member of HM forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK based staff member of the British Council on a tour of duty abroad, or a staff member of

the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey, 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 of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement may:

(a) in the case of a person within paragraph 281(i)(a), be admitted for an initial period not exceeding 2 years, or

(b) in the case of a person who meets both of the requirements in paragraph 281(i)(b), be granted indefinite leave to enter, or

(c) in the case of a person who meets the requirement in paragraph 281(i)(b)(i), but not the requirement in paragraph 281(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey, be admitted for an initial period not exceeding 2 years, in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 281 is met.

**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 the Immigration Officer is not satisfied that each of the requirements of paragraph 281 is met.

**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 enter or remain in the Bailiwick of Guernsey which was given in accordance with any of the provisions of these Rules other than where as a result of that leave he would not have been in the Bailiwick of Guernsey beyond 6 months from the date on which he was admitted to the Bailiwick of Guernsey on this occasion in accordance with these Rules unless the leave in question is limited leave as a fiancé(e); 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 2 years 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.** (a) The requirements for indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey are that:

(i) (a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period of 2 years in accordance with paragraphs 281 to 286 of these Rules and has completed a period of 2 years as the spouse of a person present and settled in the Bailiwick of Guernsey; or

(b) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period of 2 years in accordance with paragraphs 295AA to 295F of these Rules and during that 2 year period married the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 2 years as the unmarried partner and then the spouse of a person present and settled in the Bailiwick of Guernsey; or

(c) was admitted to the Bailiwick of Guernsey in accordance with leave granted under paragraph 282(c) of these Rules; and

(ii) 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

(iii) each of the parties intends to live permanently with the other as his or her spouse; 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 has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.”

(b) The requirements for indefinite leave to remain for the bereaved spouse of a person who was present and settled in the Bailiwick of Guernsey are that:

(i) (a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period of 2 years as the spouse of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 281 to 286 of these Rules; or

(b) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period of 2 years as the unmarried partner of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 295AA to 295F of these Rules and during that 2 year period married the person whom he or she was admitted or granted an extension of stay to join; and

(ii) the person whom the applicant was admitted or granted an extension of stay to join died during that 2 year period; and

(iii) the applicant was still the spouse of the person he or she was admitted or granted an extension of stay to join at the time of the death; and

(iv) each of the parties intended to live permanently with the other as his or her spouse and the marriage was subsisting at the time of death.

#### **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.

## **Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the victim of domestic violence**

**289A.** The requirements to be met by a person who is the victim of domestic violence and who is seeking indefinite leave to remain in the Bailiwick of Guernsey are that the applicant:

- (i) was admitted to the Bailiwick of Guernsey or given an extension of stay for a period of 2 years as the spouse of a person present and settled here; or
- (ii) was admitted to the Bailiwick of Guernsey or given an extension of stay for a period of 2 years as the unmarried partner of a person present and settled here; and
- (iii) the relationship with their spouse or unmarried partner, as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in (i) or (ii) above; and
- (iv) is able to produce such evidence as may be required by the Lieutenant Governor to establish that the relationship was caused to permanently break down before the end of that period as a result of domestic violence.

## **Indefinite leave to remain as the victim of domestic violence**

**289B.** Indefinite leave to remain as the victim of domestic violence may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 289A is met.

## **Refusal of indefinite leave to remain as the victim of domestic violence**

**289C.** Indefinite leave to remain as the victim of domestic violence is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 287A is met.

## **FIANCE(E)S**

**289AA.** Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as a fiancé(e) if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the Bailiwick of Guernsey or (as the case maybe) on the date on which the leave to enter or variation of leave would be granted.

**Requirements for leave to enter the Bailiwick of Guernsey as a fiancé(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 fiancé(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 fiancé(e)**

**291.** A person seeking leave to enter the Bailiwick of Guernsey as a fiancé(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 fiancé(e)**

**292.** Leave to enter the Bailiwick of Guernsey as a fiancé(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 fiancé(e)**

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

(i) the applicant was admitted to the Bailiwick of Guernsey with a valid entry clearance as a fiancé(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 fiancé(e)**

**294.** An extension of stay as a fiancé(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 fiancé(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.

#### **LEAVE TO ENTER AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

**295AA.** Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as an unmarried partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the Bailiwick of Guernsey or (as the case may be) on the date on which the leave to enter or variation of leave would be granted.

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

**295A.** The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey with a view to settlement as the unmarried partner of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement, are that:

(i) (a) the applicant is the unmarried partner of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement and the parties have been living together in a relationship akin to marriage which has subsisted for two years or more; or

(b) (i) the applicant is the unmarried or same-sex partner of a person who has a right of abode in the United Kingdom or indefinite leave to enter or remain in the Bailiwick of Guernsey and is on the same occasion seeking admission to the Bailiwick of Guernsey for the purposes of settlement and the parties have been living together outside the Bailiwick of Guernsey in a relationship akin to marriage which has subsisted for 4 years or more; and

(b) (ii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of

Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application; and

(ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and

(iii) the parties are not involved in a consanguineous relationship with one another;

(iv) [not used];

(v) 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

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

(vii) the parties intend to live together permanently; and

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

For the purposes of this paragraph and paragraphs 282-289 a member of HM forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey, is to be regarded as present and settled in the Bailiwick of Guernsey

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

**295B.** A person seeking leave to enter the Bailiwick of Guernsey as the unmarried or same-sex partner of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement may:

(a) in the case of a person within paragraph 295A(i)(a), be admitted for an initial period not exceeding 2 years, or

(b) in the case of a person who meets both of the requirements in paragraph 295A(i)(b), be granted indefinite leave to enter, or

(c) in the case of a person who meets the requirement in paragraph 295A(i)(b)(i), but not the requirement in paragraph 295A(i)(b)(ii) to have sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey, be admitted for an initial period not exceeding 2 years, in all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph 295A is met.

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

**295C.** Leave to enter the Bailiwick of Guernsey with a view to settlement as the unmarried partner of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement, is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 295A is met.

**LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY**

**Requirements for leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey**

**295D.** The requirements to be met by a person seeking leave to remain as the unmarried partner 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 which was given in accordance with any of the provisions of these Rules; and
- (ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and
- (iii) the applicant is the unmarried partner of a person who is present and settled in the Bailiwick of Guernsey; and
- (iv) the applicant has not remained in breach of the immigration laws; and
- (v) the parties are not involved in a consanguineous relationship with one another; and
- (vi) the parties have been living together in a relationship akin to marriage which has subsisted for two years or more; and
- (vii) the parties' relationship pre-dates any decision to deport the applicant, recommended him for deportation, give him notice under Section 6(2) of the Immigration Act 1971 as extended, or give directions for his removal under section 10 of the Immigration and Asylum Act 1999 as extended; and
- (viii) 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
- (ix) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (x) the parties intend to live together permanently.

**Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey**

**295E.** Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey may be granted for a period of 2 years in the first instance provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 295D are met.

**Refusal of leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey**

**295F.** Leave to remain as the unmarried partner of a person and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements off paragraph 295D is met.

**INDEFINITE LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY**

**Requirements for indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey**

**295G.** The requirements to be met by a person seeking indefinite leave to remain as the unmarried partner 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 2 years as the unmarried partner of a person present and settled here; or
- (i)(a) was admitted to the Bailiwick of Guernsey in accordance with leave granted under paragraph 295B(c) of these Rules; and
- (ii) the applicant is still the unmarried partner of the person he was admitted or granted an extension of stay to join and the relationship is still subsisting; and
- (iii) each of the parties intends to live permanently with the other as his partner; 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 has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

**Indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey**

**295H.** Indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 295G is met.

**Refusal of indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey**

**295I.** Indefinite leave to remain as the unmarried partner 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 295G is met.

**LEAVE TO ENTER OR REMAIN AS THE UNMARRIED PARTNER OF A PERSON WITH LIMITED LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY UNDER PARAGRAPHS 128-193; 200-239; OR 263-270**

**Requirements for leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; OR 263-270**

**295J.** The requirements to be met by a person seeking leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270; are that:

- (i) the applicant is the unmarried partner of a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270 for 12 months or longer; and
- (ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and
- (iii) the parties are not involved in a consanguineous relationship with one another; and
- (iv) the parties have been living together in a relationship akin to marriage which has subsisted for 2 years or more; and
- (v) each of the parties intends to live with the other as his partner during the applicant's stay; and
- (vi) 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
- (vii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

(viii) the applicant does not intend to stay in the Bailiwick of Guernsey beyond any period of leave granted to his partner; and

(ix) if seeking 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 unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270**

**295K.** Leave to enter as the unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270; may be granted provided that a valid entry clearance in this capacity is produced to the Immigration Officer on arrival. Leave to remain as the unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270; may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 295J is met.

**Refusal of leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270**

**295L.** Leave to enter as the unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270; is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Leave to remain as the unmarried partner of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193; 200-239; or 263-270; is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 295J is met.

**INDEFINITE LEAVE TO REMAIN FOR THE BEREAVED UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY**

**Requirements for indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey**

**295M.** The requirements to be met by a person seeking indefinite leave to remain as the bereaved unmarried partner 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 2 years as the unmarried partner of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 295AA to 295F of these Rules; and

(ii) the person whom the applicant was admitted or granted an extension of stay to join died during that 2 year period; and

(iii) the applicant was still the unmarried partner of the person he was admitted or granted and extension of stay to join at the time of death; and

(iv) each of the parties intended to live permanently with the other as his partner and the relationship was subsisting at the time of the death.

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

**295N.** Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey, may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 295M is met.

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

**295O.** Indefinite leave to remain for the bereaved unmarried partner 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 295M 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 parent is party to a polygamous marriage and any application by that parent for permission or leave to remain for settlement or with a view to settlement would be refused pursuant to paragraphs 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 accommodated adequately by the parent, parents or relative the child is seeking to join without recourse to public funds, in accommodation which the parent, parents or relative the child is seeking to join own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents or relative the child is seeking to join without recourse to public funds; and

(vi) 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 accommodated adequately by the parent, parents or relative the child was admitted to join without recourse to public funds, in accommodation which the parent, parents or relative the child was admitted to join own or occupy exclusively; and

(v) can, and will, be maintained adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds.

**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 accommodated adequately without recourse to public funds, in accommodation which the parent or parents own or occupy exclusively; and

(iva) can, and will, be maintained adequately by the parent or parents without recourse to public funds; 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)-(vi) 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)-(vi) is met.

**LEAVE TO ENTER AND EXTENSION OF STAY IN THE BAILIWICK OF GUERNSEY AS THE CHILD OF A PARENT WHO IS BEING, OR HAS BEEN ADMITTED TO THE BAILIWICK OF GUERNSEY AS A FIANCÉ(E)**

**Requirements for limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(e)**

**303A.** The requirements to be met by a person seeking limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(e), are that:

- (i) he is seeking to accompany or join a parent who is, on the same occasion that the child seeks admission, being admitted as a fiancé(e), or who has been admitted as a fiancé(e); and
- (ii) he is under the age of 18; and
- (iii) he is not leading an independent life, is unmarried, and has not formed an independent family unit; and
- (iv) he can, and will, be maintained and accommodated adequately without recourse to public funds with the parent admitted or being admitted as a fiancé(e); and
- (v) there are serious and compelling family or other considerations which make the child's exclusion undesirable, that suitable arrangements have been made for his care in the Bailiwick of Guernsey, and there is no other person outside the Bailiwick of Guernsey who could reasonably be expected to care for him; and

(vi) he holds a valid entry clearance for entry in this capacity.

**Limited leave to enter the Bailiwick of Guernsey as the child of a parent who is being or has been admitted to the Bailiwick of Guernsey as a fiancé(e)**

**303B.** A person seeking limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(e), may be granted limited leave to enter the Bailiwick of Guernsey for a period not in excess of that granted to the fiancé(e), provided that a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Where the period of limited leave granted to a fiancé(e) will expire in more than 6 months, a person seeking limited leave to enter as the child of the fiancé(e) should be granted leave for a period not exceeding six months.

**Refusal of limited leave to enter the Bailiwick of Guernsey as the child of a parent who is being, or has been admitted to the Bailiwick of Guernsey as a fiancé(e)**

**303C.** Limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(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 in the Bailiwick of Guernsey as the child of a fiancé(e)**

**303D.** The requirements to be met by a person seeking an extension of stay in the Bailiwick of Guernsey as the child of a fiancé(e), are that:

- (i) the applicant was admitted with a valid entry clearance as the child of a fiancé(e); and
- (ii) the applicant is the child of a parent who has been granted limited leave to enter, or an extension of stay, as a fiancé(e); and
- (iii) the requirements of paragraph 303A (ii)-(v) are met.

**Extension of stay in the Bailiwick of Guernsey as the child of a fiancé(e)**

**303E.** An extension of stay as the child of a fiancé(e) may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 303D is met.

**Refusal of an extension of stay in the Bailiwick of Guernsey as the child of a fiancé(e)**

**303F.** An extension of stay as the child of a fiancé(e) is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 303D 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**

**309A.** For the purposes of adoption under paragraphs 310-316C a de facto adoption shall be regarded as having taken place if:

(a) at the time immediately preceding the making of the application for entry clearance under these Rules the adoptive parent or parents have been living abroad (in applications involving two parents both must have lived abroad together) for at least a period of time equal to the first period mentioned in sub-paragraph (b)(i) and must have cared for the child for at least a period of time equal to the second period material in that sub-paragraph; and

(b) during their time abroad, the adoptive parent or parents have:

(i) lived together for a minimum period of 18 months, of which the 12 months immediately preceding the application for entry clearance must have been spent living together with the child; and

(ii) have assumed the role of the child's parents, since the beginning of the 18 month period, so that there has been a genuine transfer of parental responsibility.

**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 had 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; or

(g) in the case of a de facto adoption one parent has a right of abode in the Bailiwick of Guernsey or indefinite leave to enter or remain in the Bailiwick of Guernsey and is seeking admission to the Bailiwick of Guernsey on the same occasion for the purposes of settlement; 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 accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and

(v) [Not Used]

(vi) (a) 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, being a country whose adoption orders are recognised by the Bailiwick of Guernsey; or

(b) is the subject of a de facto adoption; and

(vii) 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
- (viii) has the same rights and obligations as any other child of the adoptive parent's or parents' family; and
- (ix) 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
- (x) has lost or broken his ties with his family of origin; and
- (xi) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Bailiwick of Guernsey; and
- (xii) 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; or
  - (e) in the case of a de facto adoption one parent has a right of abode in the Bailiwick of Guernsey or indefinite leave to enter or remain in the Bailiwick of Guernsey and is seeking admission to the Bailiwick of Guernsey on the same occasion for the purpose of settlement; 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 or paragraph 316B; and
- (iii) is not leading an independent life, is unmarried, and has not formed an

independent family unit; and

(iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and

(v) [not used]

(vi) (a) 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, being a country whose adoption orders are recognised by the Bailiwick of Guernsey; or

(b) is the subject of a de facto adoption; and

(vii) 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

(viii) has the same rights and obligations as any other child of the adoptive parent's or parents' family; and

(ix) 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

(x) has lost or broken his ties with his family of origin; and

(xi) 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; or

(d) in the case of a de facto adoption one parent has a right of abode in the Bailiwick of Guernsey or indefinite leave to enter or remain in the Bailiwick of Guernsey and is seeking admission to the Bailiwick of Guernsey on the same occasion for the purpose of settlement; 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 accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively; and

(v) (a) 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, being a country whose adoption orders are recognised by the Bailiwick of Guernsey; or

(b) is the subject of a de facto adoption; 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 adoptive parent's or parents' family; 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.

## **Requirements for limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption**

**316A.** The requirements to be satisfied in the case of a child seeking limited leave to enter the Bailiwick of Guernsey for the purpose of being adopted (which, for the avoidance of doubt, does not include a de facto adoption) in the Bailiwick of Guernsey are that he:

(i) is seeking limited leave to enter to accompany or join a person or persons who wish to adopt him in the Bailiwick of Guernsey (the "prospective parent(s)"), in one of the following circumstances:

(a) both prospective parents are present and settled in the Bailiwick of Guernsey; or

(b) both prospective parents are being admitted for settlement on the same occasion that the child is seeking admission; or

(c) one prospective parent is present and settled in the Bailiwick of Guernsey and the other is being admitted for settlement on the same occasion that the child is seeking admission; or

(d) one prospective parent is present and settled in the Bailiwick of Guernsey and the other is being given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement on the same occasion that the child is seeking admission, or has previously been given such leave; or

(e) one prospective parent is being admitted for settlement on the same occasion that the other is being granted limited leave to enter with a view to settlement, which is also on the same occasion that the child is seeking admission; or

(f) one prospective parent is present and settled in the Bailiwick of Guernsey or is being admitted for settlement on the same occasion that the child is seeking admission, and has had sole responsibility for the child's upbringing; or

(g) one prospective parent is present and settled in the Bailiwick of Guernsey or is being admitted for settlement on the same occasion that the child is seeking admission, and there are serious and compelling family or other considerations which would make the child's exclusion 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 prospective parent or parents own or occupy exclusively; and

(v) will have the same rights and obligations as any other child of the marriage; and

(vi) is being adopted due to the inability of the original parent(s) or current carer(s) (or those looking after him immediately prior to him being physically transferred to his prospective parent or parents) to care for him, and there has been a genuine transfer of parental responsibility to the prospective parent or parents; and

(vii) has lost or broken or intends to lose or break his ties with his family of origin; and

(viii) will be adopted in the Bailiwick of Guernsey by his prospective parent or parents in accordance with the law relating to adoption in the Bailiwick of Guernsey, but the proposed adoption is not one of convenience arranged to facilitate his admission to the Bailiwick of Guernsey.

#### **Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption**

**316B.** A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity.

#### **Refusal of limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption**

**316C.** Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption 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 limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention**

**316D.** The requirements to be satisfied in the case of a child seeking limited leave to enter the Bailiwick of Guernsey for the purpose of being adopted in the Bailiwick of Guernsey under the Hague Convention are that he:

(i) is seeking limited leave to enter to accompany one or two people each of whom are habitually resident in the Bailiwick of Guernsey and who wish to adopt him under the Hague Convention (“the prospective parents”);

(ii) is the subject of an agreement made under Article 17(c) of the Hague Convention; and

(iii) has been entrusted to the prospective parents by the competent administrative authority of the country from which he is coming to the Bailiwick of Guernsey for adoption under the Hague Convention; and

(iv) is under the age of 18; and

(v) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively; and

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

**Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention**

**316E.** A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid Bailiwick of Guernsey entry clearance for entry in this capacity.

**Refusal of limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention**

**316F.** Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

**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) 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 accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively; and

(iva) can, and will, be maintained adequately, together with any dependants, without recourse to public funds; 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 issued in any part of the United Kingdom and Islands;
- (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.
- (7A) where false representations have been made or false documents have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge), or material facts have not been disclosed, in relation to the application.
- (7B) where the applicant has previously breached the Bailiwick of Guernsey's immigration laws by:
  - (a) overstaying;

(b) breaching a condition attached to his leave;

(c) being an illegal entrant;

(d) using deception in an application for entry clearance, leave to enter or remain (whether successful or not);

unless the applicant:

(i) overstayed for 28 days or less and left the Bailiwick of Guernsey voluntarily, not at the expense (directly or indirectly) of the States of Guernsey;

(ii) used deception in an application for entry clearance more than 10 years ago;

(iii) left the Bailiwick of Guernsey voluntarily, not at the expense (directly or indirectly) of the States of Guernsey, more than 12 months ago;

(iv) left the Bailiwick of Guernsey voluntarily, at the expense (directly or indirectly) of the States of Guernsey, more than 5 years ago, or

(v) was removed or deported from the Bailiwick of Guernsey more than 10 years ago.

Where more than one breach of the Bailiwick of Guernsey's immigration laws has occurred, only the breach which leads to the longest period of absence from the Bailiwick of Guernsey will be relevant under this paragraph.

**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;

(8A) where the person seeking leave is outside the Bailiwick of Guernsey, failure by him to supply any information, documents, copy documents or medical report requested by an Immigration Officer;

(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) [Not used]

(12) [Not used]

(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 an immigration employment document;

(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.

(20) [Not used]

(21) [Not used].

## **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) false representations were made or false documents were submitted (whether or not material to the application, and whether or not to the holder's knowledge), or material facts have not been disclosed, in relation to the application for 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.

## **Grounds on which leave to enter or remain which is in force is to be cancelled at port or while the holder is outside the Bailiwick of Guernsey**

**321A.** The following grounds for the cancellation of a person's leave to enter or remain which is in force on his arrival in, or whilst he is outside, the Bailiwick of Guernsey apply:

(1) there has been such a change in the circumstances of that person's case, since the leave was given, that it should be cancelled; or

(2) false representations were made or false documents were submitted (whether or not material to the application, and whether or not to the holder's knowledge), or material facts have not been disclosed, in relation to the application for leave; or

(3) save in relation to a person settled in the Bailiwick of Guernsey or where the Immigration Officer or the Lieutenant Governor is satisfied that there are strong compassionate reasons justifying admission, where it is apparent that, for medical reasons, it is undesirable to admit that person to the Bailiwick of Guernsey ; or

(4) where the Lieutenant Governor has personally directed that the exclusion of that person from the Bailiwick of Guernsey is conducive to the public good; or

(5) where from information available to the Immigration Officer or the Lieutenant Governor, it seems right to cancel leave 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 that person it is undesirable for him to have leave to enter the Bailiwick of Guernsey ; or

(6) where that person is outside the Bailiwick of Guernsey, failure by that person to

supply any information, documents, copy documents or medical report requested by an Immigration Officer or the Lieutenant Governor.

## **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 leave to 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;

(1A) false representations were made or false documents have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge), or material facts have not been disclosed, in relation to the application.

### **Grounds on which leave to 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 or an immigration officer 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 or an immigration officer 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 or an immigration officer 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 or an 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 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:

- (i) on any of the grounds set out in paragraph 322(2)-(5) above; or
- (ii) if he ceases to meet the requirements of the Rules under which his leave to enter or remain was granted; or
- (iii) if he is the dependant, or is seeking leave to remain as the dependant, of an asylum applicant whose claim has been refused and he does not qualify for leave to remain in his own right

### **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:** Not Used

**324A – 326** [Not used]

## **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 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, other than one refused under paragraph 345, will be referred by the Immigration Officer for determination by the Lieutenant Governor in accordance with these Rules.

**329.** Until an asylum application, other than one refused under paragraph 345, 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 consider whether or not he is in a position to decide to give or refuse leave to enter without interviewing the person further. If the Immigration Officer decides that a further interview is not required he may serve the notice giving or refusing leave to enter by post. If the Immigration Officer decides that a further interview is required, he will then resume his examination to determine whether or not to grant the person leave to enter under any other provision of these Rules. If the person fails at any time to comply with a requirement to report to an Immigration Officer for examination, the Immigration Officer may direct that the person's examination shall be treated as concluded at that time. The Immigration Officer will then consider any outstanding applications for entry on the basis of any evidence before him.

**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.

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 a case meets the above criteria, there is 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 Status 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 spouse or minor child accompanying a principal applicant may be included in his application for asylum as his dependant. A spouse or minor child may also claim asylum in his own right. If the principal applicant is granted asylum and leave to enter or remain any spouse or minor will be granted leave to enter or remain for the same duration. The case of any dependant who claims asylum in his own right will be considered individually in accordance with paragraph 334 above. An applicant under this paragraph, including an accompanied child, may be interviewed where he makes a claim as a dependant or in his own right. If the spouse or minor child in question has a claim in his own right, that claim should be made at the earliest opportunity. Any failure to do so will be taken into account and may damage credibility if no reasonable explanation for it is given. Where an asylum application is unsuccessful, at the same time that asylum is being refused the applicant may be notified of removal directions. 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 establishing age, 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.** An accompanied or unaccompanied child who has claimed asylum in his own right may be interviewed about the substance of his claim or to determine his age and identity. When an interview is necessary it should be conducted in the presence of a parent, guardian, representative or an appropriate adult who for the time being takes responsibility for the child. 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 immediately.

**352A.** The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a refugee are that:

- (i) the applicant is married to a person granted asylum in the Bailiwick of Guernsey; and
- (ii) the marriage did not take place after the person granted asylum left the country of his former habitual residence in order to seek asylum; and
- (iii) the applicant would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the Status of Refugees if he were to seek asylum in his own right; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and
- (v) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity.

**352B.** Limited leave to enter the Bailiwick of Guernsey as the spouse of a refugee may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the Bailiwick of Guernsey as the spouse of a refugee may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 352A(i)-(iii) are met.

**352C.** Limited leave to enter the Bailiwick of Guernsey as the spouse of a refugee 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 as the spouse of a refugee is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 352A (i)-(iii) are met.

**352D.** The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey in order to join or remain with the parent who has been granted asylum in the Bailiwick of Guernsey are that the applicant:

(i) is the child of a parent who has been granted asylum in the Bailiwick of Guernsey; 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) was part of the family unit of the person granted asylum at the time that the person granted asylum left the country of his habitual residence in order to seek asylum; and

(v) would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the States of Refugees if he were to seek asylum in his own right; and

(vi) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

**352E.** Limited leave to enter the Bailiwick of Guernsey as the child of a refugee may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the Bailiwick of Guernsey as the child of a refugee may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 352D(i)-(v) are met.

**352F.** Limited leave to enter the Bailiwick of Guernsey as the child of a refugee 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 as the child of a refugee is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 352D (i)-(v) are met.

**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, including an EEA national or the family member of an EEA national who is not himself an EEA national, is liable to deportation include:

(i) where the Lieutenant Governor deems the person's deportation to be conducive to the public good;

(ii) where the person is the wife or child under 18 of a person ordered to be deported; and

(iii) 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.** While each case will be considered on its merits, where a person is liable to deportation the presumption shall be that the public interest requires deportation. The Lieutenant Governor will consider all relevant factors in considering whether the presumption is outweighed in any particular case, although it will only be in exceptional circumstances that the public interest in deportation will be outweighed in a case where it would not be contrary to the Human Rights Convention and the Convention and Protocol relating to the Status of Refugees to deport. 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 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 all relevant factors, including:

(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]

**387** [Not used]

## **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 and Nationality Division of the States of Guernsey.

**393-395** [Not used]

## **Administrative Removal**

**395A.** A person is now liable to administrative removal in certain circumstances in which he would, prior to 29<sup>th</sup> November 2004, have been liable to deportation.

**395B.** These circumstances are set out in section 10 of the 1999 Act. They are:

- (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 person has obtained leave to remain by deception; and
- (iii) where the person is the spouse or child under 18 of someone in respect of whom directions for removal have been given under section 10.

It also applies to persons who have entered the Bailiwick of Guernsey by virtue of section 7 of the Immigration Act 1988 but who subsequently cease to be entitled to rely on the provisions of that Act.

**395C.** Before directions for removal under section 10 are given, regard will be had to any compassionate circumstances of the case, taking into account all the relevant factors known to the Lieutenant Governor including:

- (i) age;
- (ii) length of residence in the Bailiwick of Guernsey;
- (iii) strengths 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) any representations received on the person's behalf.

In the case of family members, the factors listed in paragraphs 365-368 will also be taken into account.

**395D.** No one shall be removed under section 10 if his removal would be contrary to the United Kingdom's obligations under the Convention and Protocol relating to the Status of Refugees or under the Human Rights Convention.

## **Procedure**

**395E.** When directions for a person's removal under section 10 have been given, a notice will be given to the person concerned informing him of the decision.

**395F.** Following the issue of such a notice an Immigration Officer may authorise detention or make an order restricting a person as to residence, employment or occupation and requiring him to report to the Police or an Immigration Officer, pending the removal.

### **Commencement**

**396.** These Rules shall come into force on the twenty-fifth day of April 2008.

Dated this twenty-fifth day of April, 2008.



G Mahy,  
Minister for the Home Department  
For and on behalf of the Department.

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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, 1988 and 1999 as extended to this Bailiwick, for regulating entry into and the stay in the Bailiwick of Commonwealth citizens, British protected persons, nationals of member states of the European Economic Area, 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".