

GUERNSEY STATUTORY INSTRUMENT

1973 No. 32

**The Immigration (Control on Entry) (Commonwealth
Citizens) (Guernsey) Rules, 1973**

Made	26th June, 1973.
Laid before the States ...	1973.
Coming into Operation ...	1st July, 1973.

ARRANGEMENT OF RULES

PART I. INTRODUCTORY

	<i>Paragraph</i>
Interpretation	1
General	2
Common Travel Area	8
Passengers in transit	9
Entry Clearances	10
Restricted returnability	14

PART II. PASSENGERS COMING FOR TEMPORARY PURPOSES

Visitors	15
Students	18
"Au pair" girls	23

PART III. PASSENGERS COMING FOR EMPLOYMENT OR BUSINESS OR AS PERSONS OF INDEPENDENT MEANS

Work permits	25
Exception on grounds of United Kingdom ancestry	27
Working holidays	28
Permit-free employment	29
Businessmen	31
Persons of independent means	35
Self-employed persons	36
Wives and children	37

PART IV. PASSENGERS COMING FOR SETTLEMENT

United Kingdom passport holders	38
Dependants: general provisions	39
Wives	41
Children	43
Parents and grandparents	45

Distressed relatives	...	...	...	...	...	...	...	...	...	46
Husbands	...	...	...	...	...	...	...	...	...	47
Fiancés	...	...	...	...	...	...	...	...	...	48
Fiancées	...	...	...	...	...	...	...	...	...	50
Returning residents	...	...	...	...	...	...	...	...	...	51
PART V. POLITICAL ASYLUM										54
PART VI. REFUSAL OF LEAVE TO ENTER										
General	...	...	...	...	...	...	...	...	...	55
Medical	...	...	...	...	...	...	...	...	...	56
Criminal record	...	...	...	...	...	...	...	...	...	61
Subject to deportation order	...	...	...	...	...	...	...	...	...	62
Exclusion conducive to the public good	...	...	...	...	...	...	...	...	...	63
Country of destination on removal	...	...	...	...	...	...	...	...	...	64
Communication with friends, etc.	...	...	...	...	...	...	...	...	...	65
Commencement	...	...	...	...	...	...	...	...	...	66

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

PART I. INTRODUCTORY

Interpretation

1. In these rules "the Bailiwick" means the Bailiwick of Guernsey; "the Act" means the Immigration Act 1971, as extended to the Bailiwick of Guernsey; "Immigration Officer" includes a Customs Officer acting as an Immigration Officer; and "passenger" means any Commonwealth citizen or British protected person who is required by the Act to have leave to enter, except a member of the crew of a ship, aircraft or hovercraft. A person is "settled in the Bailiwick" when he is ordinarily resident here without having entered or remained in breach of the immigration laws, and is free from any restriction on the period for which he may remain.*

General

2. Immigration Officers will carry out their duties without regard to the race, colour or religion of people seeking to enter the Bailiwick.

3. A person must, on arrival in the Bailiwick, produce on request by the Immigration Officer a valid national passport or other document satisfactorily establishing his identity and nationality. Everyone arriving in the Bailiwick is liable to be examined and must furnish the Immigration Officer with such information as may be required for the purpose of deciding whether he requires leave to enter and, if so, whether and on what terms leave should be given.

4. A citizen of the United Kingdom and Colonies does not require leave to enter if he or she has the right of abode in the Bailiwick under section 2(1)(a) or (b) of the Act, or by virtue of marriage to a man to whom section 2(1)(a) or (b) applies. Any other person requires leave to enter unless he has the right of abode and, in proof of that right, holds a certificate of patriality duly issued to him by a British Government representative overseas; by the Home Office, London; by the immigration authorities in the Channel Islands or by the appropriate authority in the Isle of Man.

* But a person entitled to an exemption under section 8 of the Act (otherwise than as a member of the home forces) is not to be regarded as settled in the Bailiwick except in so far as section 8(5) so provides.

5. A citizen of the United Kingdom and Colonies (or a British subject not possessing that citizenship or the citizenship of any other Commonwealth country or territory) who holds a United Kingdom passport issued in the United Kingdom and Islands or the Irish Republic should be admitted freely, without proof of patriality, unless the passport is endorsed to show that he is subject to immigration control. Citizens of the United Kingdom and Colonies who hold United Kingdom passports wherever issued, and satisfy the Immigration Officer that they have previously been admitted for settlement in the Bailiwick should be freely readmitted. "United Kingdom passport" includes a passport issued by the Lieutenant-Governor of the Isle of Man or one of the Channel Islands, but not one issued by or on behalf of the government of a dependent territory.

6. A passenger who produces a national passport or travel document issued by a government which is not recognised by Her Majesty's Government, or which does not accept valid United Kingdom or Island passports for the purpose of its own immigration control, or a passport or travel document which does not comply with international passport practice, may be refused leave to enter on that ground alone.

7. Leave to enter will normally be given for a limited period. The time limit and any conditions attached—for example a condition restricting employment—will be made known to the passenger by a notice which will normally be endorsed by the Immigration Officer in the passenger's passport or travel document. After admission application may be made to the Immigration Office, Guernsey, for extension of the time limit or variation of conditions.

Common Travel Area

8. The United Kingdom, the Channel Islands, the Isle of Man and the Irish Republic collectively form a common travel area. Passengers who have been examined for the purpose of immigration control at the point at which they entered the area are thereafter free to enter any other part of it without further examination. A passenger arriving in the Bailiwick is to be refused leave to enter if there is reason to believe that he intends to enter any of the other parts of the Common Travel Area, and that he is not acceptable to the immigration authorities there.

Passengers in transit

9. Detailed examination of a passenger in transit to a country outside the Common Travel Area is unlikely to be required once he has satisfied the Immigration Officer that he has both the means and the intention of proceeding at once to another country and is assured of entry there. If the Immigration Officer is not so satisfied, leave to enter should be refused.

Entry clearances

10. A Commonwealth citizen who wishes to ascertain in advance whether he is eligible for admission to the Bailiwick can apply to the appropriate

British representative in the country in which he is living for the issue of an entry certificate. This procedure is of particular value when the claim to admission depends on proof of facts entailing enquiries in this country or overseas.

11. A passenger seeking admission as the wife, child or other dependant of a person settled in the Bailiwick (or of a person admitted for employment etc. see *paragraph 37*) or as the husband or fiancé of such a person must hold a current entry certificate issued for that purpose.

12. Entry certificates are issued in accordance with the rules contained in this statement: they are to be taken as evidence of the holder's eligibility for entry to the Bailiwick, and accordingly accepted as "entry clearances" within the meaning of the Act. A passenger who holds an entry clearance which was duly issued to him and is still current is not to be refused leave to enter unless the Immigration Officer is satisfied that:

- (a) false representations were employed or material facts were concealed, whether or not to the holder's knowledge, for the purpose of obtaining the clearance, or
- (b) a change of circumstances since it was issued has removed the basis of the holder's claim to admission,

or unless refusal is justified on grounds of restricted returnability, on medical grounds, on grounds of criminal record, because the passenger is the subject of a deportation order or because exclusion would be conducive to the public good. The scope of the power to refuse leave to enter on these grounds is set out in *paragraphs 14 and 59-63*.

13. An Immigration Officer may examine the holder of an entry clearance so far as is necessary to determine whether any of the exceptions mentioned in *paragraph 12* applies, and in determining this question may act on reasonable inferences from the results of that examination and any other information available to him. But the examination should not be carried further than is necessary for this purpose and for the purpose of deciding whether leave to enter should be given for a limited period and subject to any conditions.

Restricted returnability

14. A person who does not satisfy the Immigration Officer that he will be admitted to another country after a stay in the Bailiwick may be refused leave to enter. If his permission to enter another country has to be exercised before a given date, the length of his stay in the Bailiwick should be restricted so as to terminate at least 2 months before that date. If his passport or travel document is endorsed with a restriction on the period for which he may remain outside his country of normal residence, his stay in the Bailiwick should be limited so as not to extend beyond the period of authorised absence. The holder of a travel document issued by the Home Office, London, or by the immigration authorities in the Channel Islands, should not be given

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

Part II of these rules deals with admission for temporary purposes, Part III with admission for employment and Part IV with admission for settlement. In all cases admission is subject to the possession of a valid current entry clearance where that is required by these rules and to the passenger being acceptable under Part VI.

PART II. PASSENGERS COMING FOR TEMPORARY PURPOSES

Visitors

15. A passenger seeking entry as a visitor is to be admitted if he satisfies the Immigration Officer that he is genuinely seeking entry for the period of the visit as stated by him and can, without working, support himself and any dependants for this period and meet the cost of the return or onward journey. Visitors coming to stay with relatives or friends are also to be admitted if the Immigration Officer is satisfied that no more than a visit is intended and that the support available is adequate. But in all cases leave to enter should be refused if the Immigration Officer is not so satisfied, and in particular leave to enter should be refused where there is reason to believe that the passenger's real purpose is to take employment or that he may become a charge on public funds if admitted.

16. The Immigration Officer should impose a time limit on the period of the visitor's stay and on that of any dependants accompanying him. An initial period of 6 months will normally be appropriate; but a longer period may be allowed to a passenger who satisfies the Immigration Officer of his ability to maintain himself and his dependants for that time. The period should not be restricted to less than 6 months unless this is justified by special reasons—for example, in cases of restricted returnability (see *paragraph 14*), or if his case ought to be subject to early review by the Immigration Office, Guernsey. In some cases it may be appropriate to impose a prohibition on the taking of employment.

17. Visitors may be admitted for private medical treatment at their own expense. The Immigration Officer should take into account the Medical Inspector's assessment of the likely cost of treatment (including accommodation) in deciding whether the passenger's means would be adequate. The passenger should be asked to produce evidence that arrangements have been made for consultation or treatment.

Students

18. A passenger seeking entry to study in the Bailiwick should be admitted (subject to *paragraph 12*) if he presents a current entry clearance

granted for that purpose. An entry clearance will be granted if the applicant produces evidence which satisfies the officer to whom he applies that he has been accepted for a course of study at a university, a college of education or further education, an independent school or any *bona fide* private educational institution, that the course will occupy the whole or a substantial part of his time, and that he can meet the cost of the course and of his own maintenance and that of any dependants during the course.

19. An applicant is to be refused an entry clearance as a student if the officer is not satisfied that the applicant is able, and intends, to follow a full-time course of study and to leave the country on completion of it. In assessing the case the officer should consider such points as whether the applicant's qualifications are adequate for the course he proposes to follow, and whether there is any evidence of sponsorship by his home government or any other official body. As a general rule an entry clearance is not to be granted unless the applicant proposes to spend not less than 15 hours a week in organised day-time study of a single subject or of related subjects, and is not to be granted for the taking of a correspondence course.

20. An applicant accepted for training as a nurse or midwife at a hospital should be granted an entry clearance as a student unless there is evidence that he or she has obtained acceptance by misrepresentation or does not intend to follow the course. Doctors and dentists are admissible for full-time post-graduate study even though they also intend during their stay to seek employment in training posts related to their studies.

21. A passenger who holds a current entry clearance, or who can satisfy the Immigration Officer that he fulfils all the requirements of the preceding paragraphs, may be admitted for a period of up to 12 months, depending on the length of the course of study and on his means, with a condition restricting his freedom to take employment; he should be advised that he may apply to the Immigration Office, Guernsey, in due course for an extension of stay. A passenger who satisfies the Immigration Officer that he has genuine and realistic intentions of studying in the Bailiwick but cannot satisfy the requirements of the preceding paragraphs may be admitted for a short period, within the limit of his means, with a prohibition on the taking of employment, and should be advised to apply to the Immigration Office, Guernsey, for further consideration of his case.

22. The wife and children under 18 (as defined in paragraphs 41-43) of a person admitted as a student should be given leave to enter for the period of his authorised stay. Their freedom to take employment should not be restricted unless the student himself is prohibited from doing so, in which case the prohibition should extend to the wife and children. If the student's wife intends to take employment, earnings which she may reasonably expect from it should be taken into account in assessing the adequacy of his means of support.

"Au pair" girls

23. "Au pair" is an arrangement under which a girl of 17 and over may come to the Bailiwick to learn the English language and to live for a

time as a member of a resident English-speaking family. A girl coming for full-time domestic employment requires a work permit; and a girl admitted under an "au pair" arrangement has no claim to stay in the Bailiwick in some other capacity.

24. When the Immigration Officer is satisfied that an "au pair" arrangement has been made he may admit the passenger for a period of up to 12 months with a restriction on her freedom to take employment. If a passenger returns as an "au pair" girl having previously spent 12 months in the Bailiwick on that basis, she may be admitted for a second period of up to 12 months; but a total of 2 years is the maximum period permitted.

PART III. PASSENGERS COMING FOR EMPLOYMENT OR BUSINESS OR AS PERSONS OF INDEPENDENT MEANS

Work permits

25. If a passenger who is coming to the Bailiwick to take employment has no work permit, and is not eligible for admission under *paragraphs 27-30* or Part IV, leave to enter is to be refused. Permits are issued by the States Board of Administration in respect of a specific post with a specific employer.

26. The holder of a current work permit should normally be admitted for the period specified in the permit, subject to a condition permitting him to take or change employment only with the permission of the States Board of Administration. The Immigration Officer should, however, refuse leave to enter if his examination reveals good reason for doing so: for example, where false representations have been employed or material facts have been concealed, whether or not to the holder's knowledge, for the purpose of obtaining the permit, or the holder's true age puts him outside the limits for employment, or he does not intend to take the employment specified or is not capable of doing so. But if the period of validity of the permit has expired the Immigration Officer may nevertheless admit the passenger if satisfied that circumstances beyond his control prevented his arrival before the permit expired and that the job is still open to him.

Exception on grounds of United Kingdom ancestry

27. Upon proof that one of his grandparents was born in the United Kingdom and Islands, an applicant who wishes to take or seek employment in the Bailiwick will be granted an entry clearance for that purpose. A passenger holding an entry clearance granted in accordance with this paragraph does not need a work permit and, subject to *paragraph 12*, should be given indefinite leave to enter.

Working holidays

28. Young Commonwealth citizens who come to the Bailiwick for extended holidays of up to 5 years before settling down in their own countries, and who satisfy the Immigration Officer that they intend to take only employment which will be incidental to their holiday, should be admitted for 12 months and should be advised that it will be open to them to apply for extensions of stay within the maximum of 5 years allowed.

Permit-free employment

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

- (a) ministers of religion, missionaries and members of religious orders coming to work as such, including those engaged in teaching;
- (b) doctors or dentists coming to take up professional appointments;
- (c) private servants of members of diplomatic missions;
- (d) persons coming for employment in a Government Department with the permission of the States Board of Administration;
- (e) persons coming for employment by an overseas Government or in the employment of the United Nations Organisation or other international organisation of which the United Kingdom is a member;
- (f) representatives of overseas firms which have no branch, subsidiary or other representative in the Bailiwick;
- (g) representatives of overseas newspapers, news agencies and broadcasting organisations, on long-term assignment to the Bailiwick;
- (h) teachers and language assistants coming to schools in the Bailiwick under any exchange schemes approved by the States of Guernsey Education Council;
- (i) seamen under contract to join a ship in British waters;
- (j) operational staff (but not other staff) of overseas-owned airlines.

30. Doctors coming under arrangements approved by the States of Guernsey Board of Health should be admitted without work permits for up to 6 months. Dentists holding current entry clearances issued to them with a view to their seeking employment in or practising their profession in the Bailiwick should similarly be admitted for up to 6 months.

Businessmen

31. Businessmen admitted to the Bailiwick as visitors are free to transact business during their visit.

32. Passengers who have obtained entry clearances for the purpose of establishing themselves in the Bailiwick in business, whether a new or existing business, should be admitted for a period not exceeding 12 months with a condition restricting their freedom to take employment. Passengers who are unable to present such a clearance but nevertheless seem likely to be able to satisfy the requirements of one of the next 2 paragraphs should be admitted for a period of not more than 2 months, with a prohibition on employment, and advised to present their case to the Immigration Office, Guernsey.

33. For an applicant to obtain an entry clearance for this purpose he will need to show, if joining an established business, that he will be bringing money of his own to put into the business; that he will be able to bear his share of the liabilities, that his share of the profits will be sufficient to support him and his dependants; that he will be actively concerned in the running of the business; and that there is a genuine need for his services and investment. The audited accounts of the business for previous years will require to be produced, in order to establish the precise financial position. An entry clearance will not be issued where it appears that the proposed partnership or directorship amounts to disguised employment or where it seems likely that, to obtain a livelihood, the applicant will have to supplement his business activities by employment for which a work permit is required.

34. If the applicant wishes to establish a business in the Bailiwick on his own account, he will need to show that he will be bringing into these Islands sufficient funds to establish a business that can realistically be expected to support him and any dependants without recourse to employment for which a work permit is required.

Persons of independent means

35. A passenger is to be admitted if the Immigration Officer is satisfied that he can maintain himself and any dependants indefinitely in the Bailiwick without working. He may do so by producing bank statements, or a statement of pension entitlement or other evidence that he has means of support, under his own control and disposable in the Bailiwick which are adequate not merely for a year or two but for the foreseeable future. Where such a passenger has obtained prior consent to his admission as a person of independent means, and produces a current entry clearance issued for that purpose, he should be admitted for an initial period of up to 12 months. In other cases the Immigration Officer may admit him for a period of up to 2 months, and advise him to make further application to the Immigration Office, Guernsey.

Self-employed persons

36. Self-employed persons, such as artists and writers, may be admitted if the Immigration Officer is satisfied that they do not intend to do work for which a work permit is necessary and that they will be able to support themselves and any dependants without recourse to public funds. Where such a passenger has obtained prior consent and produces a current entry clearance issued for this purpose, he may be admitted for an initial period of up to 12 months subject to a condition restricting his freedom to take employment. In other cases the Immigration Officer may admit him for a period of up to 2 months and advise him to make further application to the Immigration Office, Guernsey.

Wives and children

37. The wife and the children under 18 of a person admitted to the Bailiwick to take or seek employment, or as a businessman, a person of independent means or a self-employed person, should be given leave to enter for the period of his authorised stay if, apart from his having only limited leave to enter, the requirements of *paragraphs* 39-43 are fulfilled. Their freedom to take employment should not be restricted unless the head of the family is himself prohibited from taking employment, in which case the prohibition should extend to the wife and children. No other dependants are to be admitted before the time limit on the person's stay has been removed. Workers admitted for seasonal employment are not normally allowed to bring in dependants, and work permits for resident domestic employment are not issued to people known to have dependent children.

PART IV. PASSENGERS COMING FOR SETTLEMENT

United Kingdom passport holders

38. Where the passenger is a citizen of the United Kingdom and Colonies holding a United Kingdom passport, and presents a special voucher issued to him by a British Government representative overseas (or an entry certificate in lieu), he may be admitted for settlement in the United Kingdom as may his dependants if they have obtained entry certificates for that purpose and satisfy the requirements of *paragraph* 39; but such a passenger who comes for settlement without a special voucher or entry certificate is to be refused leave to enter.

Dependants: general provisions

39. Paragraphs 39-46 of these rules cover the admission for settlement of the dependants of a person who is already in the Bailiwick and settled here, or who is on the same occasion given indefinite leave to enter. In all such cases (except those mentioned in the next sentence) that person must be able and willing to support and accommodate his dependants without recourse to public funds. This requirement does not apply to the admission of the wife, or a child under the age of 18, of a Commonwealth

citizen who has the right of abode or was settled in the Bailiwick on the coming into force of the Act.

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

Wives

41. The wife of a person who is settled in the Bailiwick or is on the same occasion being admitted for settlement is herself to be admitted for settlement if the requirements of *paragraphs 39 and 40* are satisfied.

42. A woman who has been living in permanent association with a man has no claim to enter, but may be admitted as if she were his wife, due account being taken of any local custom or tradition tending to establish the permanence of the association.

Children

43. If the requirements of *paragraphs 39 and 40* are satisfied, children under 18 are to be admitted for settlement:

- (a) if both parents are settled in the Bailiwick, or
- (b) if both parents are on the same occasion admitted for settlement, or
- (c) if one parent is settled in the Bailiwick and the other is on the same occasion admitted for settlement, or
- (d) if one parent is dead and the other parent is settled in the Bailiwick or is on the same occasion admitted for settlement; or
- (e) if one parent is settled in the Bailiwick or is on the same occasion admitted for settlement and has had the sole responsibility for the child's upbringing; or
- (f) if the Lieutenant-Governor has authorised the admission of the child with or to join one parent or a relative other than a parent because family or other considerations make exclusion undesirable—for example, where the other parent is physically or mentally incapable of looking after the child—and suitable arrangements have been made for the child's care.

In this paragraph "parent" includes the stepfather of a child whose father is dead; the stepmother of a child whose mother is dead; and the father as well as the mother of an illegitimate child. It also includes an adoptive parent, but only where there has been a genuine transfer of parental responsibility on the ground of the original parents' inability to care for the

child, and the adoption is not one of convenience arranged to facilitate the child's admission.

44. Generally, children aged 18 or over must qualify for admission in their own right; but, subject to the requirements of *paragraphs 39 and 40*, an unmarried and fully dependent son under 21 or an unmarried daughter under 21 who formed part of the family unit overseas may be admitted if the whole family is settled in the Bailiwick or is being admitted for settlement.

Parents and grandparents

45. Subject to the requirements of *paragraphs 39 and 40*, widowed mothers, widowers aged 65 or over and parents travelling together of whom at least one is aged 65 or over, should be admitted for settlement if wholly or mainly dependent upon children settled in the Bailiwick who have the means to support their parents and any other relatives who would be admissible as their dependants and adequate accommodation for them. Where a parent has remarried admission should not be granted unless he or she cannot look to the spouse or children of the second marriage for support, and the children in the Bailiwick have sufficient means and accommodation to support both the parent and any spouse or children of the second marriage who would be admissible as dependants. The provisions of this paragraph apply to grandparents of persons settled in the Bailiwick as they apply to parents.

Distressed relatives

46. Subject to the requirements of *paragraphs 39 and 40*, the Lieutenant-Governor will authorise the admission as distressed relatives of the near relatives (brothers, sisters, aunts, uncles) of people settled in the Bailiwick if they are over 65 and the relatives here are able to support them and to provide adequate accommodation for them. To qualify as a distressed relative the person must be isolated (that is, living alone with no relatives in his own country to turn to), and distressed (that is, having a standard of living substantially below that of his own country). The concession should not be extended to people below 65 save in the most exceptional compassionate circumstances, but may in such circumstances be extended to parents and grandparents and to more distant relatives.

Husbands

47. A passenger who is married to a woman settled in the Bailiwick is to be admitted if he holds a current entry clearance granted to him for that purpose. An entry clearance will be granted on proof that one of the applicant's grandparents was born in the United Kingdom and Islands. In other cases an entry clearance will be granted if the Lieutenant-Governor is satisfied that there are special considerations, whether of a family nature or otherwise, which render exclusion undesirable; for example, because of

the degree of hardship which, in the particular circumstances of the case, would be caused if the wife had to live outside the Bailiwick in order to be with her husband. A passenger who holds a current entry clearance issued in accordance with this paragraph is, subject to *paragraph 12*, to be admitted for settlement.

Fiancés

48. A man seeking to enter the Bailiwick for marriage to a woman settled here should not be admitted for settlement unless he holds a current entry clearance issued for that purpose. Such a clearance will be issued upon proof that one of the applicant's grandparents was born in the United Kingdom and Islands. In other cases an entry clearance will be granted only where refusal would be undesirable because of the degree of hardship which would be caused if the woman had to live outside the Bailiwick in order to be with her husband after marriage. A passenger in possession of a clearance issued in accordance with this paragraph should, subject to *paragraph 12*, be admitted for 3 months and advised to apply to the Immigration Office, Guernsey, once the marriage has taken place for an extension of stay. It may also be appropriate to impose a prohibition on employment.

49. A man seeking temporary admission to the Bailiwick for marriage to a woman settled here should be admitted only if the Immigration Officer is satisfied that the marriage will take place within a reasonable time and that the passenger and his wife will leave the Bailiwick shortly after the marriage. Where the Immigration Officer is so satisfied, the passenger may be admitted for 3 months with a prohibition on employment. It should be made clear to him that he will have no claim to settlement after marriage.

Fiancées

50. A woman seeking to enter to marry a man settled in the Bailiwick should be admitted if the Immigration Officer is satisfied that the marriage will take place within a reasonable time. She may be admitted for a period of up to 3 months and should be advised to apply to the Immigration Office, Guernsey, for removal of the time limit once the marriage has taken place. It may also be appropriate to impose a prohibition on employment.

Returning residents

51. A passenger who satisfies the Immigration Officer that he was settled in the Bailiwick at the coming into force of the Act, and that he has been settled here at any time during the 2 years preceding his return, is to be admitted for settlement. Any other passenger returning to the Bailiwick from overseas (except one who received assistance from public funds towards the cost of leaving this country) is to be admitted for settlement on satisfying the Immigration Officer that he was settled in the Bailiwick when he left and that he has not been away for longer than 2 years.

52. A passenger who has been away from the Bailiwick too long to benefit from the preceding paragraph may nevertheless be admitted if, for example, he has lived here for most of his life.

53. A passenger whose stay in the Bailiwick was subject to a time limit and who returns after a temporary absence abroad has no claim to admission as a returning resident. His application to re-enter should be dealt with in the light of all the relevant circumstances. The same time limit and any conditions attached may be reimposed or it may be more appropriate to treat him as a new arrival.

PART V. POLITICAL ASYLUM

54. A passenger who does not otherwise qualify for admission should not be refused leave to enter if the only country to which he can be removed is one to which he is unwilling to go owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.*

PART VI. REFUSAL OF LEAVE TO ENTER

General

55. A passenger who does not qualify for admission under the foregoing provisions of these rules is to be refused leave to enter. In addition, the Immigration Officer has power (subject to the restrictions contained in the next paragraph) to refuse leave to enter on any of the grounds set out in *paragraphs 59-63* below.

56. A passenger who—

(a) was settled in the Bailiwick at the coming into force of the Act, and qualifies for readmission under *paragraph 51*, or

(b) qualifies for admission under *paragraph 41* or *43* as the wife or the child under 16 of a Commonwealth citizen who was settled in the Bailiwick at the coming into force of the Act and holds an entry clearance issued for that purpose,

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

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

* The criterion for the grant of asylum is in accordance with Article 1 of the Convention Relating to the Status of Refugees (Cmd. 9171).

Medical

58. A passenger who intends to remain in the Bailiwick for more than 6 months should normally be referred to the Medical Inspector for examination. If he produces a medical certificate, he should be advised to hand it to the Medical Inspector. Any passenger who mentions health or medical treatment as a reason for his visit, or who appears not to be in good health or appears to be mentally or physically abnormal, should also be referred to the Medical Inspector and the Immigration Officer has discretion, which should be exercised sparingly, to refer for examination in any other case.

59. Where the Medical Inspector advises that for medical reasons it is undesirable to admit the passenger the Immigration Officer should refuse leave to enter unless he considers admission warranted by strong compassionate reasons. He may also refuse leave to enter where the passenger declines to submit to a medical examination. Where the Medical Inspector advises that a passenger is suffering from a specified disease or condition which may interfere with his ability to support himself or his dependants, the Immigration Officer should take account of this, in conjunction with other factors, in deciding whether to admit the passenger.

60. Returning residents or the wives and children under 18 of people settled in the Bailiwick should not be refused leave to enter on medical grounds. But where a passenger would be refused leave to enter on medical grounds if he were not a returning resident or the wife or child of a resident, or in any case where it is decided on compassionate grounds not to exercise the power to refuse leave to enter, or in any other case in which the Medical Inspector so recommends, the Immigration Officer should give the passenger a notice requiring him to report to the Medical Officer of Health with a view to further examination and any necessary treatment.

Criminal record

61. A passenger, other than the wife or child under 18 of a person settled in the Bailiwick, who has been convicted in any country, including the Bailiwick, of an offence included in the list of extradition crimes contained in the First Schedule to the Extradition Act 1870 (as amended by subsequent enactments) should be refused leave to enter unless the Immigration Officer considers admission to be justified for strong compassionate reasons.

Subject to deportation order

62. Any passenger who is currently subject to a deportation order is to be refused leave to enter. If he wishes to make representations, he should be advised that on return to his own country it will be open to him to apply to the Lieutenant-Governor for revocation of the order.

Exclusion conducive to the public good

63. Any passenger except the wife or child under 18 of a person settled in the Bailiwick may be refused leave to enter on the ground that his exclusion is conducive to the public good, where—

- (a) the Lieutenant-Governor has personally so directed, or
- (b) from information available to the Immigration Officer it seems right to refuse leave to enter on that ground—if, for example, in the light of the passenger's character, conduct or associations it is undesirable to give him leave to enter.

Country of destination on removal

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

Communication with friends, etc.

65. Before removal a passenger should be given the opportunity to telephone friends or relatives in the United Kingdom or Islands, or his High Commission, if he wishes to do so.

Commencement

66. These Rules shall come into force on the 1st day of July, nineteen hundred and seventy-three.

Dated this 26th day of June, nineteen hundred and seventy-three.

J. G. DOREY

President of the States Board of Administration,
for and on behalf of the Board.

EXPLANATORY NOTE

These Rules make provision as to the practice to be followed in the administration of the Immigration Act 1971, as extended to the Bailiwick of Guernsey, for regulating entry into the Bailiwick of Commonwealth citizens and British protected persons. Any reference to a time factor or to a duration of stay has been included with the concurrence of the Lieutenant-Governor whose concurrence has also been given with regard to the directions contained herein attached to the imposition of any time condition; to the grant of indefinite leave to enter or to the refusal of leave to enter.