

GUERNSEY STATUTORY INSTRUMENT

2015 No. 27

**The Immigration (Bailiwick of Guernsey)  
(Amendment) Rules 2015**

*Made*

30<sup>th</sup> March 2015

*Coming into force*

1<sup>st</sup> June, 2015

*Laid before the States*

, 2015

**THE HOME DEPARTMENT**, in exercise of the powers conferred upon it by section 3(2) of the Immigration Act 1971<sup>a</sup> as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993<sup>b</sup> hereby makes the following rules:-

**Amendments to Rules of 2008.**

1. The principal Rules are amended in the manner set out in the Schedule.

**Transitional and savings.**

2. (1) Any application made before the commencement date for entry clearance, leave to enter or remain, variation of leave to enter or remain, or indefinite leave to remain shall be determined in accordance with the principal Rules as if the amendments made to the principal Rules by paragraph 1 of these Rules had not been made.

- (2) Neither the substitution of paragraphs 277 to 295O of the principal Rules nor the insertion of Appendices A and B by paragraph 1 of these Rules shall

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<sup>a</sup> An Act of Parliament (Chapter 77 of 1971).

<sup>b</sup> UK S.I. 1993 No. 1796.

prejudice an application made, on or after the commencement date, for leave to enter or remain, variation of leave to enter or remain, or indefinite leave to remain, if –

- (a) the application is for leave to enter or remain, variation of leave to enter or remain, or indefinite leave to remain, as the spouse, fiancé(e) or unmarried partner of a person present and settled in the Bailiwick of Guernsey, and
- (b) immediately before the commencement date, the applicant holds a valid entry clearance, leave to enter or leave to remain as the spouse, fiancé(e) or unmarried partner of a person present and settled in the Bailiwick of Guernsey.

(3) Where applying the principal Rules subject to the substitution of paragraphs 277 to 295O of those Rules or the insertion of Appendices A and B into those Rules ("**the relevant amendments**") by paragraph 1 of these Rules would prejudice an application of the kind mentioned in subparagraph (2) ("**the relevant application**"), the relevant application shall be determined in accordance with the principal Rules as if the relevant amendments had not been made.

**Interpretation.**

3. (1) In these Rules, unless the context requires otherwise –

"**commencement date**" means the date set out for the commencement of these Rules in paragraph 5;

"**enactment**" means any Law, Ordinance or subordinate legislation;

**"principal Rules"** means the Immigration (Bailiwick Of Guernsey) Rules 2008<sup>c</sup>; and

**"subordinate legislation"** means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

(2) In these Rules, unless the context requires otherwise, a reference to any enactment is a reference to the enactment concerned as from time to time amended, varied, re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948<sup>d</sup> applies to the interpretation of these Rules throughout the Bailiwick as it applies to the interpretation of a Guernsey enactment.

(4) For the avoidance of doubt, unless the context requires otherwise, an expression used in these Rules has the same meaning as in the Immigration Act 1971.

**Citation.**

4. These Rules may be cited as the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2015.

**Commencement and application.**

5. These Rules come into force on the 1<sup>st</sup> June, 2015, and, subject to paragraph 2, apply to all decisions taken on or after that date.

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<sup>c</sup> G.S.I. 2008 No. 26; as amended by G.S.I. 2011 No. 18 and G.S.I. No. 33 of 2013.

<sup>d</sup> Ordres en Conseil Vol. XIII, p. 355.

Dated this 30<sup>th</sup> day of March 2015

A handwritten signature in black ink, appearing to be 'Peter Gillson', written in a cursive style.

DEPUTY PETER GILLSON  
Minister of the States Home Department  
For and on behalf of the Department

## SCHEDULE

### AMENDMENTS TO THE IMMIGRATION (BAILIWICK OF GUERNSEY)

RULES, 2008

Paragraph 1.

Provision	Amendment
Paragraph 6	<p>Insert the following definitions in the appropriate alphabetical order –</p> <p>" <b>adequate</b>" and "<b>adequately</b>", in relation to a maintenance and accommodation requirement, means that, after income tax and housing costs have been deducted, there must be available to the family the level of income that would be available to them if the family was in receipt of supplementary benefits under and in accordance with the Supplementary Benefit (Guernsey) Law, 1971.</p> <p>"<b>approved by the Lieutenant Governor</b>" means approved by public notice given by the Lieutenant Governor in any manner His Excellency considers appropriate.</p> <p>"<b>extension of stay</b>", for the avoidance of doubt, has the same meaning as leave to remain.</p> <p>"<b>in breach of immigration laws</b>" means without valid leave where such leave is required, or in breach of the conditions of leave.</p> <p>"<b>occupy exclusively</b>", in relation to accommodation and any person, means that part of the accommodation must be for the exclusive use of the family.</p> <p>"<b>overseas business</b>" means a business which has its headquarters and principal place of business outside the Bailiwick of Guernsey.</p> <p>"<b>period of imprisonment</b>" referred to in these rules :-</p> <p style="padding-left: 2em;">(i) includes a reference to a person who is sentenced to detention, or ordered to be detained, in an institution other than a prison, but</p> <p style="padding-left: 2em;">(ii) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it is to take effect).</p> <p>"<b>Tuberculosis Screening Specified Country</b>" means a country or territory designated as such by the Lieutenant Governor by public notice given in any manner His Excellency considers appropriate.</p> <p>Delete the definition of "<b>employment</b>" which reads "'<b>employment</b>", unless the contrary intention appears, includes paid and unpaid employment,</p>

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	<p>self-employment and engaging in business or any professional activity."</p> <p>For the definition of "<b>intention to live permanently with the other</b>", substitute –</p> <p>" "<b>intention to live permanently with the other</b>" and "<b>intend to live together permanently</b>" 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."</p> <p>For the definition of "<b>Overstayed</b>" or "<b>Overstaying</b>", substitute –</p> <p>" "<b>Overstayed</b>" or "<b>Overstaying</b>" means the applicant has stayed in the Bailiwick of Guernsey beyond the later of –</p> <ul style="list-style-type: none"> <li>(i) the time limit attached to the last period of leave granted, or</li> <li>(ii) the end of the period that his leave was extended to under section 3C of the Immigration Act 1971." <p>In the definition of "<b>Sponsor</b>", for "paragraphs 277 to 295O", substitute "Appendix A".</p> </li></ul>
Paragraph 23	For "paragraph 282", substitute "paragraph 6 of Appendix A".
Paragraph 35	<p>Delete "or variation of leave to enter".</p> <p>Immediately after "further variation", insert ", or for a period of 5 years from date of grant where indefinite leave to enter or remain is granted".</p>
Paragraph 39	Immediately before "The Entry Clearance Officer", insert "Subject to paragraphs 39A and 39B,".
New paragraphs 39A and 39B	<p>Immediately after paragraph 39 insert the following paragraphs –</p> <p><b>39A.</b> Any person making an application for entry clearance to come to the Bailiwick of Guernsey for more than six months from a Tuberculosis Screening Specified Country must present at the time of application a valid medical certificate issued by a medical practitioner from a screening clinic approved by the Lieutenant Governor confirming that the applicant has undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.</p> <p><b>39B.</b> Applicants seeking leave to enter as a returning resident</p>

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	under paragraph 19 of these rules, having been absent from the Bailiwick of Guernsey for more than two years are also subject to the requirements in paragraph 39A."
Paragraph 41	Immediately after sub-paragraph 41(xii) insert – "; and (xiii) where he is seeking leave to enter as a general visitor to take part in archaeological excavations, provides a letter from the director or organiser of the excavation stating the length of his visit and, where appropriate, what arrangements have been made for his accommodation and maintenance."
Paragraph 42	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
Paragraph 44	Immediately after subparagraph 44(iv) insert – "; and (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 45	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
Paragraph 46B	Immediately after "prohibiting employment" insert "and recourse to public funds".
Paragraph 46D	Immediately after subparagraph 46D(vi) insert – "; and (vii) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 46E	Immediately after "prohibiting employment" insert "and recourse to public funds".
Paragraph 46G(iii)(b)	Immediately after "film crew" insert "meaning he is a film actor, producer, director or technician paid or employed by an overseas company and is coming to the Bailiwick of Guernsey for location sequences only".
Paragraph 46G(iii)(d)	For "he has been working as an academic in an institution of higher education overseas, or in the field of his academic expertise

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	<p>immediately prior to seeking entry", substitute</p> <p>"-</p> <p>(A) he is an academic who is –</p> <p>(1) on sabbatical leave from an overseas academic institution to carry out research;</p> <p>(2) taking part in formal exchange arrangements with UK and Islands counterparts (including doctors);</p> <p>(3) coming to share knowledge or experience, or to hold informal discussions with their UK and Islands counterparts; or</p> <p>(4) taking part in a single conference or seminar that is not a commercial or non-profit venture;</p> <p>(5) an eminent senior doctor or senior dentist taking part in research, teaching or clinical practice; and</p> <p>(B) he has been working as an academic in an institution of higher education overseas or in the field of his academic expertise immediately prior to seeking entry;"</p>
Paragraph 46H	Immediately after "prohibiting employment", insert ", study and recourse to public funds".
Paragraph 46J	<p>Immediately after paragraph 46J(v) insert –</p> <p>"; and</p> <p>(vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."</p>
Paragraph 46K	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
Paragraph 46N	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
Paragraph 46P	<p>Immediately after paragraph 46P(iv) insert –</p> <p>"; and</p> <p>(v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."</p>
Paragraph 46Q	Immediately after "prohibiting employment" insert ", study and recourse

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	to public funds".
Paragraph 46T	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
Paragraph 46V	Immediately after paragraph 46V(iv), insert – "; and (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 46W	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
Paragraph 48	For "with a prohibition on employment", substitute "subject to a condition prohibiting employment, study and recourse to public funds".
Paragraph 52	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
Paragraph 54(ii)	Immediately after "evidence", insert "in the form of a letter on headed notepaper giving a private practice address". For "satisfactory arrangements for private medical consultation or treatment and its likely duration; and, where treatment has already begun, evidence as to its progress", substitute "that provides full details of the –  (a) nature of the illness; and (b) proposed or continuing treatment; and (c) frequency of consultations; and (d) probable duration of the treatment; and (e) details of the cost of treatment and confirmation that all expenses are being met; and (f) where treatment amounts to private visits to a consultant for a relatively minor ailment, details of the progress being made".
Paragraph 54(iii)	For "can show", substitute "has produced evidence that".
Paragraph 54	For subparagraph (iv), substitute the following subparagraph – "(iv) has produced evidence that he has sufficient funds available to him in the Bailiwick of Guernsey, or, if relying on funds from

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	<p>abroad has provided evidence that those funds are fully transferable to the Bailiwick of Guernsey, to meet the likely costs of his treatment and intends to meet those costs;".</p> <p>Immediately after subparagraph (v), insert –</p> <p>"; and</p> <p>(vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.".</p>
Paragraph 55	For "with a prohibition on employment", substitute "subject to a condition prohibiting employment, study and recourse to public funds".
Paragraph 56A	<p>In subparagraph (vi), immediately before "was", insert "the parent".</p> <p>Immediately after subparagraph (vi), insert –</p> <p>"; and</p> <p>(vii) if seeking leave to remain, the parent is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.".</p>
Paragraph 56B	Immediately after "prohibiting employment", insert ", study and recourse to public funds".
Paragraph 56E	Immediately after "prohibiting employment" insert ", study and recourse to public funds".
New paragraph 128A	<p>In Part 5, immediately after the cross-heading "WORK PERMIT EMPLOYMENT", insert the following heading and paragraph –</p> <p><b>"General requirements for indefinite leave to remain</b></p> <p><b>128A.</b> For the purposes of references in this Part to requirements for indefinite leave to remain -</p> <p>(a) <b>"continuous period of 5 years in the Bailiwick of Guernsey"</b> means residence in the Bailiwick of Guernsey for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where –</p> <p>(i) the applicant has been absent from the Bailiwick of Guernsey for a period of 180 days or less in any of the five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain; and</p>

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	<p>(ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of that application shall be disregarded; and</p> <p>(iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded; and</p> <p>(b) except for periods when the applicant had leave as a writer, composer or artist or on the grounds of his United Kingdom ancestry –</p> <p>(i) the applicant must have been employed in the Bailiwick of Guernsey continuously throughout the five years, under the terms of his work permit or in the employment for which he was given leave to enter or remain, except that any breaks in employment in which he applied for leave as a work permit holder or as an employee under any provision of this section to work for a new employer shall be disregarded provided this is within 60 days of the end of his employment with his previous employer; and</p> <p>(ii) any absences from the Bailiwick of Guernsey must have been for a purpose that is consistent with the continuous permitted employment in item (i), including paid annual leave or for serious or compelling reasons."</p>
<p>New Paragraphs 144 - 151</p>	<p>For "136-168 [Not used]", substitute the following –</p> <p>"136 -143 [Not used]</p> <p><b>REPRESENTATIVES OF OVERSEAS BUSINESSES</b></p> <p><b>Requirements for leave to enter as a representative of an overseas business</b></p> <p>144. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a representative of a business which has its headquarters and principal place of business outside</p>

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	<p>the Bailiwick of Guernsey are that he -</p> <ul style="list-style-type: none"> <li>(i) has been recruited and taken on as an employee outside the Bailiwick of Guernsey of a business which is actively trading as a genuine commercial enterprise and which has its headquarters and principal place of business outside the Bailiwick of Guernsey; and</li> <li>(ii) is seeking entry to the Bailiwick of Guernsey as a senior employee of that business which has no branch, subsidiary or other representative in the Bailiwick of Guernsey with full authority to take operational decisions on behalf of the business for the purpose of representing it in the Bailiwick of Guernsey by establishing and operating a registered branch or wholly owned subsidiary of that business, the branch or subsidiary of which will be concerned with same type of business activity as that business; and</li> <li>(iii) (a) will be the sole representative of the employer present in the Bailiwick of Guernsey under the terms of this paragraph; and <ul style="list-style-type: none"> <li>(b) intends to be employed full time as a representative of that business; and</li> <li>(c) is not a majority shareholder in that business; and</li> </ul> </li> <li>(iv) has satisfied the Home Department that his entry and employment as a representative of that business and the presence of that business in the Bailiwick of Guernsey will be in the general interests of the Bailiwick of Guernsey by, for example, creating significant new full time paid employment for persons already settled in the Bailiwick of Guernsey; and</li> <li>(v) does not intend to take employment except within the terms of this paragraph; and</li> <li>(vi) has competence in the English language to the required standard on the basis that - <ul style="list-style-type: none"> <li>(a) he is a national of a majority English speaking country; or</li> <li>(b) he has a knowledge of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning, and</li> </ul> </li> </ul> <p>(A) provides an original English language</p>

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	<p>test certificate from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name, the qualification obtained (which must meet or exceed the standard described above) and the date of the award; or</p> <p>(B) provides an original certificate of an academic qualification (not a professional or vocational qualification) which clearly shows the applicant's name which is deemed by UK NARIC to meet the recognised standard of a Bachelor's degree in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English to level C1 of the Council of Europe's Common European Framework for Language learning or above; or</p> <p>(C) provides an original certificate of an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree in the UK together with confirmation from the institution the person attended that he has the qualification and that the qualification was taught or researched in English; or</p> <p>(D) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; and</p> <p>(vii) can maintain and accommodate himself and any</p>

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	<p>dependants adequately without recourse to public funds; and</p> <p>(viii) holds a valid entry clearance for entry in this capacity.</p> <p><b>144A.</b> With regard to academic qualifications specified in paragraph 144(vi) (b) (B), (C) and (D), if the applicant is awaiting graduation having successfully completed the qualification, or no longer has the certificate and the awarding institution is unable to provide a replacement, an academic transcript (or original letter in the case of a PhD qualification) from the awarding institution on its official headed paper is acceptable evidence of competence in the English language to the required standard provided it clearly shows –</p> <ul style="list-style-type: none"> <li>(i) the applicant's name; and</li> <li>(ii) the name of the awarding institution; and</li> <li>(iii) the title of the award; and</li> <li>(iv) confirmation that the qualification has been or will be awarded; and</li> <li>(v) the date that the certificate will be issued (if the applicant has not yet graduated) or confirmation that the institution is unable to reissue the original certificate or award; and</li> <li>(vi) in the case of qualification specified in paragraph 144(vi) (b) (B) or (C), confirmation that the qualification was taught in English.</li> </ul> <p><b>144B.</b> In addition to meeting the requirements in paragraphs 144 and 144A above, the overseas business must provide the following –</p> <ul style="list-style-type: none"> <li>(i) a full description of its activities, including details of its assets and accounts and the company share distribution for the previous year; and</li> <li>(ii) a letter confirming that the overseas business will establish a wholly-owned subsidiary or branch in the Bailiwick of Guernsey which is in the same business activity as the parent company; and</li> <li>(iii) the applicant's job description, salary and contract of employment; and</li> </ul>

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	<p>(iv) a letter confirming that the applicant is fully familiar with the company's activities and that he has full powers to negotiate and take operational decisions without reference to the parent company; and</p> <p>(v) a notarised statement confirming that –</p> <ul style="list-style-type: none"> <li>(a) the applicant will be their sole representative in the Bailiwick of Guernsey; and</li> <li>(b) they have no other branch, subsidiary or representative in the Bailiwick of Guernsey; and</li> <li>(c) the company's operations will remain centred outside the Bailiwick of Guernsey; and</li> </ul> <p>(vi) a notarised statement from the applicant confirming that he will not engage in a business of his own nor will he represent any other company's interest.</p> <p><b>Leave to enter as a representative of an overseas business</b></p> <p>145. A person seeking leave to enter the Bailiwick of Guernsey as a representative of an overseas business may be admitted for a period not exceeding 3 years provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity, and his leave may be subject to the following conditions -</p> <ul style="list-style-type: none"> <li>(i) no recourse to public funds, and</li> <li>(ii) no employment other than working for the business which the applicant has been admitted to represent.</li> </ul> <p><b>Refusal of leave to enter as a representative of an overseas business</b></p> <p>146. Leave to enter as a representative of an overseas business is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.</p> <p><b>Requirements for an extension of stay as a representative of an overseas business</b></p> <p>147. The requirements for an extension of stay as a representative of an overseas business are that the applicant--</p> <ul style="list-style-type: none"> <li>(i) entered the Bailiwick of Guernsey with a valid entry</li> </ul>

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	<p>clearance as a sole representative of that business; and</p> <p>(ii) can show that:</p> <p>(a) that business still has its headquarters and principal place of business outside the Bailiwick of Guernsey; and</p> <p>(b) he is employed full time as a representative of that business and has established and is in charge of its registered branch or wholly owned subsidiary; and</p> <p>(c) he is still required for the employment in question, as certified by his employer; and</p> <p>(iii) satisfies the Home Department that his stay and employment as a representative of that business and the presence of that business in the Bailiwick of Guernsey continues to be in the general interests of the Bailiwick of Guernsey; and</p> <p>(iv) does not intend to take employment except within the terms of this paragraph; and</p> <p>(v) can maintain and accommodate himself and any dependants adequately without recourse to public funds; and</p> <p>(vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.</p> <p><b>147A.</b> In addition to meeting the requirements in paragraph 147 above, the applicant must provide the following –</p> <p>(i) a letter from the parent company stating that they wish to continue to employ the applicant as previously; and</p> <p>(ii) evidence in the form of accounts of the business generated; and</p> <p>(iii) evidence of the salary paid to the applicant and the terms on which the salary will in future be paid; and</p> <p>(iv) evidence that the applicant has established and is in charge of a branch or wholly owned subsidiary of the parent company.</p> <p><b>Extension of stay as a representative of an overseas business</b></p>

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	<p data-bbox="560 331 1382 499"><b>148.</b> An extension of stay as a representative of an overseas business may be granted if the Lieutenant Governor is satisfied that each of the requirements of paragraphs 147 and 147A is met. The extension of stay will be granted for a period not exceeding 2 years and will be subject to the following conditions –</p> <ul style="list-style-type: none"> <li data-bbox="651 517 1062 551">(i) no recourse to public funds,</li> <li data-bbox="651 568 1382 633">(ii) no employment other than working for the business which the applicant has been admitted to represent.</li> </ul> <p data-bbox="560 752 1358 817"><b>Refusal of extension of stay as a representative of an overseas business</b></p> <p data-bbox="560 835 1382 936"><b>149.</b> An extension of stay as a representative of an overseas business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 147 and 147A is met.</p> <p data-bbox="560 1005 1350 1070"><b>Indefinite leave to remain for a representative of an overseas business</b></p> <p data-bbox="560 1088 1358 1153"><b>150.</b> Indefinite leave to remain may be granted, on application, to a representative of an overseas business if the applicant:</p> <ul style="list-style-type: none"> <li data-bbox="651 1171 1382 1236">(i) has spent a continuous period of 5 years in the Bailiwick of Guernsey in this capacity; and</li> <li data-bbox="651 1254 1382 1319">(ii) has met the requirements of paragraph 147 throughout the 5 year period; and</li> <li data-bbox="651 1337 1382 1402">(iii) is still required for the employment in question, as certified by his employer; and</li> <li data-bbox="651 1420 1382 1552">(iv) has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B, and</li> <li data-bbox="651 1570 1382 1635">(v) does not fall for refusal under the general grounds for refusal; and</li> <li data-bbox="651 1653 1382 1753">(vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.</li> </ul> <p data-bbox="560 1832 1350 1861"><b>Refusal of indefinite leave to remain for a sole representative</b></p>

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	<p><b>of an overseas business</b></p> <p><b>151.</b> Indefinite leave to remain in the Bailiwick of Guernsey for a representative of an overseas business is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 150 is met.</p> <p><b>152 – 168</b> [Not used]".</p>
Paragraph 176	<p>For subparagraph (v), substitute the following subparagraphs –</p> <p>"(v) he does not fall for refusal under the general grounds for refusal; and</p> <p>(vi) he is not in the Bailiwick of Guernsey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded."</p>
Paragraph 177E	<p>At the end of subparagraph (v), for "; and", substitute ".".</p>
Paragraph 189	<p>Immediately after subparagraph 189(ii) insert –</p> <p>"; and</p> <p>(iii) he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."</p>
Paragraph 192	<p>For subparagraph (iv), substitute the following subparagraphs –</p> <p>"(iv) he does not fall for refusal under the general grounds for refusal; and</p> <p>(v) he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."</p>
Paragraph 196A	<p>Immediately after subparagraph (v) insert –</p> <p>"; and</p> <p>(vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."</p>
Paragraph 196D	<p>For subparagraph (vi), substitute the following subparagraphs –</p> <p>"(vi) does not fall for refusal under the general grounds for refusal; and</p>

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	(vii) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 197	Immediately after subparagraph (vii) insert – "; and (viii) if seeking leave to remain, he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraphs 198 and 199	Immediately after "paragraph 197 (i)-(vi)" in each place where it occurs, insert "and (viii)".
Paragraph 209	For subparagraph (v), substitute the following subparagraphs – "(v) does not fall for refusal under the general grounds for refusal; and (vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 230	In subparagraph (i), immediately after "5 years" insert "lawfully".  For subparagraph (iv), substitute the following subparagraphs – "(iv) does not fall for refusal under the general grounds for refusal; and (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 238	In subparagraph (i), immediately after "5 years" insert "lawfully".  For subparagraph (iv), substitute the following subparagraphs – "(iv) does not fall for refusal under the general grounds for refusal; and (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 242A	Immediately after subparagraph 242A(v) insert – "; and

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	(vi) is not in the Bailiwick of Guernsey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 242D	For subparagraph (vi), substitute the following subparagraphs – "(vi) does not fall for refusal under the general grounds for refusal; and (vii) is not in the Bailiwick of Guernsey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraph 243	Immediately after subparagraph 243(vii) insert – "; or (viii) if seeking leave to remain, he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."
Paragraphs 244 and 245	Immediately after "paragraph 243 (i)-(vi)" in each place where it occurs, insert "and (viii)".
Paragraph 256	In each of subparagraphs (ii) and (iii), insert "he" at the beginning.
Paragraph 276A3	In subparagraphs (i) and (ii), for "14" in each place where it occurs, substitute "20".
Paragraph 276B	For subparagraph (i), substitute – "(i) he has had at least 10 years continuous lawful residence in the Bailiwick of Guernsey; and"  In subparagraph (ii)(f), delete "and ;".  For subparagraph (iii), substitute the following subparagraph – "(iii) he does not fall for refusal under the general grounds for refusal; and".  Immediately after subparagraph (iv) insert – "(v) the applicant is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded."

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<p>New Paragraphs 276ADE – 276DH</p>	<p>Immediately after paragraph 276D, insert the following headings and paragraphs -</p> <p><b>"PRIVATE LIFE</b></p> <p><b>Requirements to be met by an applicant for leave to remain on the grounds of private life</b></p> <p><b>276ADE.</b> The requirements to be met by an applicant for leave to remain on the grounds of private life in the Bailiwick of Guernsey are that at the date of application, the applicant does not fall for refusal under any of the grounds in paragraph 276DH(ii) – (viii), and the applicant meets one of the other requirements in the following subparagraphs –</p> <ul style="list-style-type: none"> <li>(i) has lived continuously in the Bailiwick of Guernsey for at least 20 years (discounting any period of imprisonment); or</li> <li>(ii) [not used];</li> <li>(iii) is under the age of 18 years and has lived continuously in the Bailiwick of Guernsey for at least 7 years (discounting any period of imprisonment); or</li> <li>(iv) is aged 18 years or above and under 25 years and has spent at least half of his life living continuously in the Bailiwick of Guernsey (discounting any period of imprisonment); or</li> <li>(v) is aged 18 years or above, has lived continuously in the Bailiwick of Guernsey for less than 20 years (discounting any period of imprisonment) but has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the Bailiwick of Guernsey.</li> </ul> <p><b>Leave to remain on the grounds of private life in the Bailiwick of Guernsey</b></p> <p><b>276BE.</b> Limited leave to remain on the grounds of private life in the Bailiwick of Guernsey may be granted for a period not exceeding 30 months provided that the Lieutenant-Governor is satisfied that the requirements in paragraph 276ADE are met or, in respect of the requirements in paragraph 276ADE (iii) and (iv), were met in a previous application which led to a grant of limited leave to remain under paragraph 276BE. Such leave shall be given subject to such conditions as the Lieutenant-Governor deems appropriate.</p>

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	<p data-bbox="502 383 1396 450"><b>Refusal of limited leave to remain on the grounds of private life in the Bailiwick of Guernsey</b></p> <p data-bbox="588 468 1396 602">276CE. Limited leave to remain on the grounds of private life in the Bailiwick of Guernsey is to be refused if the Lieutenant-Governor is not satisfied that the requirements in paragraph 276ADE are met.</p> <p data-bbox="502 672 1396 739"><b>Requirements for indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey</b></p> <p data-bbox="588 757 1396 857">276DE. The requirements to be met for the grant of indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey are that –</p> <ul style="list-style-type: none"> <li data-bbox="668 875 1396 976">(i) the applicant has been in the Bailiwick of Guernsey with continuous leave on the grounds of private life for a period of at least 120 months; and</li> <li data-bbox="668 994 1396 1061">(ii) the applicant meets the requirements of paragraph 276ADE; and</li> <li data-bbox="668 1079 1396 1113">(iii) the applicant has no unspent convictions; and</li> <li data-bbox="668 1131 1396 1265">(iv) the applicant has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B; and</li> <li data-bbox="668 1283 1396 1417">(v) there are no reasons why it would be undesirable to grant the applicant indefinite leave to remain based on the applicant’s conduct, character or associations or because the applicant represents a threat to national security.</li> </ul> <p data-bbox="502 1487 1396 1554"><b>Indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey</b></p> <p data-bbox="588 1572 1396 1706">276DF. Indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey may be granted provided that the Lieutenant-Governor is satisfied that each of the requirements of paragraph 276DE is met.</p> <p data-bbox="588 1776 1396 1877">276DG. If the applicant does not meet the requirements for indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey only for one or both of the following</p>

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	<p>reasons –</p> <ul style="list-style-type: none"> <li>(i) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because he has been convicted of an offence for which he has been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence;</li> <li>(ii) the applicant has, within the 24 months preceding the date of the application, been convicted of or admitted an offence for which he received a non-custodial sentence or other out of court disposal that is recorded on his criminal record;</li> <li>(iii) the applicant has not met the requirements of paragraphs 33B to 33G of these Rules;</li> </ul> <p>the applicant may be granted further limited leave to remain on the grounds of private life in the Bailiwick of Guernsey for a period not exceeding 30 months, and subject to such conditions as the Lieutenant-Governor deems appropriate.</p> <p><b>Refusal of indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey</b></p> <p><b>276DH.</b> Indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey is to be refused if –</p> <ul style="list-style-type: none"> <li>(i) the Lieutenant-Governor is not satisfied that each of the requirements of paragraph 276DE is met, subject to paragraph 276DG; or</li> <li>(ii) the applicant is at the date of application the subject of a deportation order; or</li> <li>(iii) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because he has been convicted of an offence for which he has been sentenced to imprisonment for at least 4 years; or</li> <li>(iv) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because he has been convicted of an offence for which he has been sentenced to imprisonment for less than 4 years but at least 12 months; or</li> <li>(v) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because, in the view of the Lieutenant-Governor, the applicant's</li> </ul>

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	<p>offending has caused serious harm or he is a persistent offender who shows a particular disregard for the law; or</p> <p>(vi) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because his conduct (including convictions which do not fall within any of subparagraphs (iii) to (v)), character, associations, or other reasons, make it undesirable to allow them to remain in the Bailiwick of Guernsey; or</p> <p>(vii) the applicant has failed without reasonable excuse to comply with a requirement to –</p> <ul style="list-style-type: none"> <li>(a) attend an interview; or</li> <li>(b) provide information; or</li> <li>(c) provide physical data; or</li> <li>(d) undergo a medical examination; or</li> <li>(e) provide a medical report,</li> </ul> <p>when required to do so; or</p> <p>(viii) whether or not to the applicant's knowledge –</p> <ul style="list-style-type: none"> <li>(a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application); or</li> <li>(b) there has been a failure to disclose material facts in relation to the application; or</li> </ul> <p>When considering whether the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good any legal or practical reasons why the applicant cannot presently be removed from the Bailiwick of Guernsey must be ignored."</p>
Paragraph 276F	<p>For subparagraph (v), substitute the following subparagraph –</p> <p>"(v) he does not fall for refusal under the general grounds for refusal."</p>
Paragraph 276I	<p>For subparagraphs (iv) and (v), substitute the following subparagraphs –</p> <p>"(iv) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded; and</p> <p>(v) does not fall for refusal under the general grounds for</p>

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	refusal."
Paragraph 276L	For subparagraph (v), substitute the following subparagraph – "(v) he does not fall for refusal under the general grounds for refusal."
Paragraph 276O	For subparagraph (iv), substitute the following subparagraphs – "(iv) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded; and (v) does not fall for refusal under the general grounds for refusal."
Paragraph 276R	For subparagraph (vii), substitute the following subparagraph – "(vii) the applicant does not fall for refusal under the general grounds for refusal."
Paragraph 276U	For subparagraph (vii), substitute the following subparagraph – "(vii) he does not fall for refusal under the general grounds for refusal."
Paragraph 276X	For subparagraph (v), substitute the following subparagraph – "(v) he does not fall for refusal under the general grounds for refusal."
Paragraph 276AA	For subparagraph (iv), substitute the following subparagraphs – "(iv) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded; and (v) does not fall for refusal under the general grounds for refusal."
Paragraphs 277 to 295O	For these paragraphs, substitute the following heading and paragraph – <b>"Appendices A and B to have effect.</b> A277. (1) The provisions of Appendices A and B have effect. (2) In these rules, the term "sponsor" includes – (i) the applicant's spouse; or (ii) the applicant's unmarried partner; or (iii) the applicant's fiancé(e) or proposed unmarried partner; or

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	(iv) a person who has been living together with the applicant in a relationship akin to a marriage or unmarried partnership for at least two years prior to the date of application,".
Paragraph 296	For "paragraph 278", substitute "paragraph 2 of Appendix A".
Paragraph 297	For subparagraph (vii), substitute the following subparagraph – "(vii) does not fall for refusal under the general grounds for refusal."
Paragraph 298	For subparagraph (vi), substitute the following subparagraph – "(vi) does not fall for refusal under the general grounds for refusal."
Paragraph 310	For subparagraph (xiii), substitute the following subparagraph – "(xiii) does not fall for refusal under the general grounds for refusal."
Paragraph 311	For subparagraph (xii), substitute the following subparagraph – "(xii) does not fall for refusal under the general grounds for refusal."
Paragraph 317	For subparagraph (vii), substitute the following subparagraph – "(vii) does not fall for refusal under the general grounds for refusal."
Part 9	<p>For the heading of Part 9 and the cross-heading immediately preceding paragraph 320, substitute the following –</p> <p><b>"PART 9: GENERAL GROUNDS FOR THE REFUSAL OF ENTRY CLEARANCE, LEAVE TO ENTER, LEAVE TO REMAIN, VARIATION OF LEAVE TO ENTER OR REMAIN AND CURTAILMENT OF LEAVE IN THE BAILIWICK OF GUERNSEY.</b></p> <p><b>REFUSAL OF ENTRY CLEARANCE, LEAVE TO ENTER OR LEAVE TO REMAIN IN THE BAILIWICK OF GUERNSEY</b></p> <p>A320. Neither paragraph 320 (except sub-paragraph (3), (10) and (11)) nor paragraph 322 applies to an application for entry clearance, leave to enter or leave to remain under Appendix A; and nothing in Part 9 (except paragraph 322 (1)) applies to an application for leave to remain on the</p>

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	grounds of private life under any of paragraphs 276ADE-276DH."
Paragraph 320(2)	<p>For this subparagraph, substitute the following subparagraph –</p> <p>"(2) the fact that the person seeking entry to the Bailiwick of Guernsey -</p> <ul style="list-style-type: none"> <li>(a) is currently the subject of a deportation order; or</li> <li>(b) has been convicted of an offence for which he has been sentenced to a period of imprisonment of at least 4 years; or</li> <li>(c) has been convicted of an offence for which he has been sentenced to a period of imprisonment of at least 12 months but less than 4 years, unless a period of 10 years has passed since the end of the sentence; or</li> <li>(d) has been convicted of an offence for which he has been sentenced to a period of imprisonment of less than 12 months, unless a period of 5 years has passed since the end of the sentence.</li> </ul> <p>Where this subparagraph applies, unless refusal would be contrary to the Human Rights Convention or the United Nations Convention and Protocol relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors;"</p>
Paragraph 320(7B)	<p>Immediately after "Bailiwick of Guernsey's immigration laws" the first time it occurs, insert "(and was over 18 at the time of his most recent breach)".</p> <p>In the final paragraph at the end of subparagraph (7B), for "this paragraph", substitute "this subparagraph".</p>
Paragraph 320(7B)(d)(i)	For "28 days" substitute "90 days".
Paragraph 320(7C)	Delete this subparagraph.
Paragraph 320(11)	<p>For subparagraph (11), substitute –</p> <p>"(11) where the applicant has previously contrived in a significant way to frustrate the intentions of the Rules by:</p> <ul style="list-style-type: none"> <li>(i) overstaying; or</li> </ul>

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	<p>(ii) breaching a condition attached to his leave; or</p> <p>(iii) being an illegal entrant; or</p> <p>(iv) using deception in an application for entry clearance, leave to enter or remain or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application (whether successful or not); and there are other aggravating circumstances, such as absconding, not meeting temporary admission or reporting restrictions or bail conditions, using an assumed identity or multiple identities, switching nationality, making frivolous applications or failing to cooperate in obtaining a travel document for himself."</p>
Paragraph 320(13)	Delete "or a spouse eligible for admission under paragraph 282".
Paragraph 320(18)	<p>For this subparagraph, substitute the following subparagraphs –</p> <p>"(18A) within the 12 months preceding the date of the application, the person has been convicted of or admitted an offence for which that person received a non-custodial sentence or other out of court disposal that is recorded on that person's criminal record;</p> <p>(18B) the person has been convicted of or admitted an offence, that is recorded on that person's criminal record, and in the view of the Lieutenant Governor –</p> <p>(a) the person's offending has caused serious harm; or</p> <p>(b) the person is a persistent offender who shows a particular disregard for the law;"</p>
Paragraph 320(19)	<p>For this subparagraph, substitute the following subparagraph –</p> <p>"(19) the Immigration Officer deems the exclusion of the person from the Bailiwick of Guernsey to be conducive to the public good; for example, because the person's conduct (including convictions which do not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant that person leave to enter."</p>
Paragraph 321	<p>For subparagraph (iii), substitute the following subparagraph –</p> <p>"(iii) refusal is justified on grounds of restricted returnability; on medical grounds, on grounds which would have led to a refusal under paragraph 320(2), (6), (18A), (18B) or (19)."</p>
Paragraph 321A	<p>Immediately after subparagraph (4), insert the following subparagraph–</p> <p>"(4A) grounds which would have led to a refusal under paragraph</p>

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	<p>320(2), (6), (18A) or (19) if the person concerned were making a new application for leave to enter or remain; or".</p> <p>For subparagraph (5), substitute the following subparagraph –</p> <p>"(5) where the Immigration Officer or the Lieutenant Governor deems the exclusion of the person from the Bailiwick of Guernsey to be conducive to the public good. For example, because the person's conduct (including convictions which do not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant them leave to enter the Bailiwick of Guernsey; or".</p>
<p>Cross-heading above paragraph 322</p>	<p>For this cross-heading, substitute –</p> <p><b>"REFUSAL OF LEAVE TO REMAIN, VARIATION OF LEAVE TO ENTER OR REMAIN OR CURTAILMENT OF LEAVE".</b></p>
<p>Paragraph 322</p>	<p>In paragraph 322, immediately after "application for", insert "leave to remain,".</p>
<p>Heading before paragraph 322(1)</p>	<p>For this heading, substitute -</p> <p><b>"Grounds on which leave to remain and variation of leave to enter or remain in the Bailiwick of Guernsey are to be refused".</b></p>
<p>New paragraph 322(1B) and (1C)</p>	<p>Immediately after paragraph 322(1A), insert the following subparagraphs –</p> <p>"(1B) the applicant is, at the date of application, the subject of a deportation order or a decision to make a deportation order;</p> <p>(1C) where the person is seeking indefinite leave to enter or remain, and -</p> <ul style="list-style-type: none"> <li>(a) has been convicted of an offence for which he has been sentenced to imprisonment for at least 4 years; or</li> <li>(b) has been convicted of an offence for which he has been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence; or</li> <li>(c) has been convicted of an offence for which he has been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence; or</li> <li>(d) has, within the 24 months preceding the date</li> </ul>

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	of the application, been convicted of or admitted an offence for which he has received a non-custodial sentence or other out of court disposal that is recorded on his criminal record."
Heading before paragraph 322(2)	For this heading, substitute - <b>"Grounds on which leave to remain and variation of leave to enter or remain in the Bailiwick of Guernsey should normally be refused".</b>
Paragraph 322(5)	For "character, conduct or associations", substitute "conduct (including convictions which do not fall within paragraph 322(1C)), character or associations".
New paragraph 322(5A)	Immediately after paragraph 322(5), insert the following subparagraph – "(5A) it is undesirable to permit the person concerned to enter or remain in the Bailiwick of Guernsey because that person has been convicted of or admitted an offence that is recorded on that person's criminal record, and in the view of the Lieutenant Governor or an Immigration Officer – (a) that person's offending has caused serious harm; or (b) that person is a persistent offender who shows a particular disregard for the law;"
New paragraph 323(v) and (vi)	Immediately after subparagraph (iv), insert – "; or (v) on any of the grounds set out in paragraph 341 (i)-(v); or (vi) where a person has, within the first 6 months of being granted leave to enter, committed an offence for which he is subsequently sentenced to a period of imprisonment."
Paragraph 324	For "paragraph 284", substitute "paragraph 8 of Appendix A".
Paragraphs 364 and 367	Delete these paragraphs.
New paragraph 390A	Immediately after paragraph 390, insert the following paragraph – <b>"390A.</b> Where paragraph 398 applies, the Lieutenant-Governor will consider whether paragraph 399 or 399A applies and, if it does not, it will only be in exceptional circumstances that the public interest in maintaining the deportation order will be outweighed by other factors."

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Paragraph 391	<p>For this paragraph, substitute the following paragraph –</p> <p><b>"391.</b> In the case of a person who has been deported following conviction for a criminal offence, the continuation of a deportation order against that person will be the proper course-</p> <p style="padding-left: 40px;">(i) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of less than 4 years, unless 10 years have elapsed since the making of the deportation order; or</p> <p style="padding-left: 40px;">(ii) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of at least 4 years, at any time,</p> <p>unless, in either case, the continuation would be contrary to the Human Rights Convention or the United Nations Convention and Protocol relating to the Status of Refugees, or there are other exceptional circumstances that mean the continuation is outweighed by compelling factors."</p>
New paragraph 391A	<p>Immediately after paragraph 391, insert –</p> <p><b>"391A.</b> In other cases, revocation of a deportation 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 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."</p>
Paragraph 396	<p>For the current paragraph number "396" substitute paragraph number "401" and move this paragraph to immediately follow the new paragraph 400.</p>
New Paragraphs 396 – 400	<p>Immediately after 395F, insert the following –</p> <p><b>"396.</b> Where a person is liable to deportation the presumption shall be that the public interest requires deportation.</p> <p><b>397.</b> A deportation order will not be made if the person's removal pursuant to the order would be contrary to the Bailiwick of Guernsey's obligations under the Human Rights Convention or the United Nations Convention and Protocol relating to the Status of Refugees. Where deportation would not be contrary to these obligations, it will only be in exceptional circumstances that the</p>

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	<p>public interest in deportation is outweighed.</p> <p><b>Deportation and Article 8</b></p> <p><b>398.</b> Where a person claims that their deportation would be contrary to the Bailiwick of Guernsey's obligations under Article 8 of the Human Rights Convention, and</p> <ul style="list-style-type: none"> <li>(i) the deportation of the person from the Bailiwick of Guernsey is conducive to the public good because that person has been convicted of an offence for which that person has been sentenced to a period of imprisonment of at least 4 years; or</li> <li>(ii) the deportation of the person from the Bailiwick of Guernsey is conducive to the public good because that person has been convicted of an offence for which that person has been sentenced to a period of imprisonment of less than 4 years but at least 12 months; or</li> <li>(iii) the deportation of the person from the Bailiwick of Guernsey is conducive to the public good because, in the view of the Lieutenant-Governor, that person's offending has caused serious harm or that person is a persistent offender who shows a particular disregard for the law;</li> </ul> <p>the Lieutenant-Governor in assessing that claim will consider whether paragraph 399 or 399A applies and, if it does not, it will only be in exceptional circumstances that the public interest in deportation will be outweighed by other factors.</p> <p><b>399.</b> This paragraph applies where paragraph 398 (b) or (c) applies if –</p> <ul style="list-style-type: none"> <li>(i) the person has a genuine and subsisting parental relationship with a child under the age of 18 years who is in the Bailiwick of Guernsey; and <ul style="list-style-type: none"> <li>(a) the child is a British Citizen; or</li> <li>(b) the child has lived in the Bailiwick of Guernsey continuously for at least the 7 years immediately preceding the date of the immigration decision; and in either case <ul style="list-style-type: none"> <li>(A) it would not be reasonable to expect the child to leave the Bailiwick of Guernsey; and</li> </ul> </li> </ul> </li> </ul>

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	<p>(B) there is no other family member who is able to care for the child in the Bailiwick of Guernsey; or</p> <p>(ii) the person has a genuine and subsisting relationship with a partner who is in the Bailiwick of Guernsey and is a British Citizen, settled in the Bailiwick of Guernsey, or in the Bailiwick of Guernsey with valid leave to enter or remain as a refugee as result of the Bailiwick of Guernsey's obligations under Article 8 of the Human Rights Convention; and</p> <p>(a) the person has lived in the Bailiwick of Guernsey with valid leave continuously for at least the 15 years immediately preceding the date of the immigration decision (discounting any period of imprisonment); and</p> <p>(b) there are insurmountable obstacles to family life with that partner continuing outside the Bailiwick of Guernsey.</p> <p><b>399A.</b> This paragraph applies where paragraph 398(b) or (c) applies if –</p> <p>(i) the person has lived continuously in the Bailiwick of Guernsey for at least 20 years immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the Bailiwick of Guernsey; or</p> <p>(ii) the person is aged under 25 years, he has spent at least half of his life living continuously in the Bailiwick of Guernsey immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the Bailiwick of Guernsey.</p> <p><b>399B.</b> Where paragraph 399 or 399A applies, limited leave may be granted for periods not exceeding 30 months. Such leave shall be given subject to such conditions as the Lieutenant-Governor deems appropriate. Where a person who has previously been granted a period of leave under paragraph 399B would not fall for refusal under paragraph 322(1C), indefinite leave to remain may be granted.</p>

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	<p><b>400.</b> Where a person claims that their removal under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971, section 10 of the Immigration and Asylum Act 1999 or section 47 of the Immigration, Asylum and Nationality Act 2006 would be contrary to the Bailiwick of Guernsey's obligations under Article 8 of the Human Rights Convention, the Lieutenant-Governor may require an application under paragraph 276ADE (private life). Where an application is not required, in assessing that claim the Lieutenant-Governor or an immigration officer will, subject to paragraph 353, consider that claim against the requirements to be met under paragraph 276ADE and if appropriate the removal decision will be cancelled."</p>
<p>New Appendices A and B</p>	<p>Between the signature part of the principal Rules and the Explanatory Note, insert the following appendices –</p> <p><b>"APPENDIX A</b></p> <p><b>SPOUSES</b></p> <p>1. 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.</p> <p>2. 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 ("<b>the sponsor</b>") if:</p> <p>(a) his or her marriage to the sponsor is polygamous; and</p> <p>(b) there is another person living who is the husband or wife of the sponsor and who:</p> <p>(i) is, or at any time since his or her marriage to the sponsor has been, in the Bailiwick of Guernsey; or</p> <p>(ii) 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.</p>

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	<p>For the purpose of this paragraph a marriage may be polygamous although at its inception neither party had any other spouse.</p> <p>3. Paragraph 2 of this Appendix does not apply to any person who seeks entry clearance, leave to enter, leave to remain or variation of leave where:</p> <p>(a) 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</p> <p>(b) 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 2 (b) of this Appendix.</p> <p>But where a person claims that paragraph 2 of this Appendix does not apply to him because he has been in the Bailiwick of Guernsey in circumstances which cause him to fall within sub-paragraphs (a) or (b) of that paragraph, it shall be for him to prove that fact.</p> <p>4. For the purposes of paragraphs 2 and 3 of this Appendix, the presence of any wife or husband in the Bailiwick of Guernsey in any of the following circumstances shall be disregarded:</p> <p>(a) as a visitor; or</p> <p>(b) as an illegal entrant; or</p> <p>(c) 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.</p> <p><b>SPOUSES OF PERSONS PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT</b></p> <p><b>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</b></p> <p>5. 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</p>

Provision	Amendment
	<p>a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement are that:</p> <p>(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, and meets the requirements of one or more of items (i) to (vii) below;</p> <p>(i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference); or</p> <p>(ii) the applicant is aged 65 or over at the time he makes his application; or</p> <p>(iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i); or</p> <p>(iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i); or</p> <p>(v) the applicant is a national of a majority English speaking country; or</p> <p>(vi) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; or</p> <p>(vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was</p>

Provision	Amendment
	<p style="text-align: center;">taught or researched in English; and</p> <p>(b) the parties to the marriage have met; and</p> <p>(c) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and</p> <p>(d) 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</p> <p>(e) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and</p> <p>(f) the applicant does not fall for refusal under the general grounds for refusal; and</p> <p>(g) the applicant holds a valid entry clearance for entry in this capacity.</p> <p>For the purposes of this paragraph and paragraphs 6 to 16 of this Appendix, 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.</p> <p><b>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</b></p> <p>6. A person seeking leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement and who satisfies each of the requirements of paragraph 5 of this Appendix may be admitted for an initial period not exceeding 33 months.</p> <p><b>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</b></p> <p>7. Leave to enter the Bailiwick of Guernsey as the spouse of a</p>

Provision	Amendment
	<p>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 5 of this Appendix is met.</p> <p><b>Requirements for leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey</b></p> <p>8. The requirements for leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey are that:</p> <p>(a) 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</p> <p>(b) the applicant is married to a person present and settled in the Bailiwick of Guernsey; and</p> <p>(c) the parties to the marriage have met; and</p> <p>(d) the applicant has not remained in breach of the immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded; and</p> <p>(e) 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 or been given directions for his removal under section 10 of the Immigration and Asylum Act 1999; and</p> <p>(f) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting; and</p> <p>(g) 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</p> <p>(h) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and</p>

Provision	Amendment
	<p>(i) the applicant meets the requirements of one or more of items (i) to (vii) below –</p> <p>(i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference); or</p> <p>(ii) the applicant is aged 65 or over at the time he makes his application; or</p> <p>(iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i); or</p> <p>(iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i); or</p> <p>(v) the applicant is a national of a majority English speaking country; or</p> <p>(vi) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA; or</p> <p>(vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English.</p> <p><b>Extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey</b></p>

Provision	Amendment
	<p data-bbox="544 327 1407 524">9. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey under paragraph 6 of this Appendix may be granted for a period not exceeding 30 months, provided the Lieutenant Governor is satisfied that the requirements of paragraph 8 (b) to (i) of this Appendix are met.</p> <p data-bbox="544 568 1407 766">10. An extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey other than under the provisions of paragraph 6 of this Appendix may be granted for a period not exceeding 30 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 8 of this Appendix is met.</p> <p data-bbox="544 810 1407 1008">11. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey who has been granted leave to remain under paragraph 10 of this Appendix may be granted for a further period not exceeding 30 months, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 8 of this Appendix is met.</p> <p data-bbox="488 1086 1407 1146"><b>Refusal of extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey</b></p> <p data-bbox="544 1191 1407 1357">12. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey, under the provisions of paragraph 9 of this Appendix, is to be refused if the Lieutenant Governor is not satisfied that the requirements of paragraph 8(b) to (i) of this Appendix are met.</p> <p data-bbox="544 1402 1407 1568">13. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey, made under the provisions of paragraph 10 or paragraph 11 of this Appendix, is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 8 of this Appendix is met.</p> <p data-bbox="488 1646 1407 1706"><b>Requirements for indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey</b></p> <p data-bbox="544 1751 1407 1843">14. (a) The requirements for indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey are that:</p>

Provision	Amendment
	<p>(i) (A) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period in accordance with paragraphs 5 to 13 of this Appendix and has completed a period of 60 months as the spouse of a person present and settled in the Bailiwick of Guernsey; or</p> <p>(B) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period in accordance with paragraphs 28 to 37 of this Appendix and during that 60 month period married the person whom he or she was admitted or granted leave to remain to join and has completed a period of 60 months as the unmarried partner and then the spouse of a person present and settled in the Bailiwick of Guernsey; and</p> <p>(ii) the applicant is still the spouse of the person he or she was admitted or granted leave to remain to join and the marriage is subsisting; and</p> <p>(iii) each of the parties intends to live permanently with the other as his or her spouse; and</p> <p>(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</p> <p>(v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and</p> <p>(vi) the applicant has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B; and</p> <p>(vii) the applicant does not fall for refusal under the general grounds for refusal.</p> <p>(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:</p>

Provision	Amendment
	<p>(i) (A) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period as the spouse of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 5 to 13 of this Appendix; or</p> <p>(B) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period as the unmarried partner of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 28 to 37 of this Appendix and during that 60 month period married the person whom he or she was admitted or granted leave to remain to join; and</p> <p>(ii) the person whom the applicant was admitted or granted leave to remain to join died during that period; and</p> <p>(iii) the applicant was still the spouse of the person he or she was admitted or granted leave to remain to join at the time of the death; and</p> <p>(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; and</p> <p>(v) he does not fall for refusal under the general grounds for refusal.</p> <p><b>Indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey</b></p> <p>15. 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 14 of this Appendix is met.</p> <p><b>Refusal of indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey</b></p> <p>16. 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 14 of this Appendix is met.</p>

Provision	Amendment
	<p data-bbox="464 360 1366 427"><b>Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the victim of domestic violence</b></p> <p data-bbox="517 465 1366 566">17. 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:</p> <ul style="list-style-type: none"> <li data-bbox="592 629 1366 696">(a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period as – <ul style="list-style-type: none"> <li data-bbox="644 757 1366 790">(i) the spouse of a person present and settled here; or</li> <li data-bbox="644 853 1366 920">(ii) the unmarried partner of a person present and settled here; and</li> </ul> </li> <li data-bbox="592 981 1366 1115">(b) the applicant's relationship with his or her spouse or unmarried partner, as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in subparagraph (a)(i) or (ii) above; and</li> <li data-bbox="592 1176 1366 1310">(c) the applicant 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; and</li> <li data-bbox="592 1370 1366 1438">(d) the applicant does not fall for refusal under the general grounds for refusal.</li> </ul> <p data-bbox="464 1496 1238 1529"><b>Indefinite leave to remain as the victim of domestic violence</b></p> <p data-bbox="517 1563 1366 1664">18. 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 17 of this Appendix is met.</p> <p data-bbox="464 1702 1366 1769"><b>Refusal of indefinite leave to remain as the victim of domestic violence</b></p> <p data-bbox="517 1803 1366 1870">19. Indefinite leave to remain as the victim of domestic violence is to be refused if the Lieutenant Governor is not satisfied that each of</p>

Provision	Amendment
	<p>the requirements of paragraph 17 of this Appendix is met.</p> <p>20. If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic violence only because paragraph 322(1C)(c) or (d) of these Rules applies, the applicant may be granted further limited leave to remain for a period not exceeding 30 months subject to such conditions as the Lieutenant Governor deems appropriate.</p> <p><b>FIANCÉ(E)S</b></p> <p>21. 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.</p> <p><b>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)</b></p> <p>22. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a fiancé(e) are that:</p> <ul style="list-style-type: none"> <li>(a) 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</li> <li>(b) the parties to the proposed marriage have met; and</li> <li>(c) each of the parties intends to live permanently with the other as his or her spouse after the marriage; and</li> <li>(d) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage; and</li> <li>(e) 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</li> </ul>

Provision	Amendment
	<p>(f) the parties will be able after the marriage to maintain themselves and any dependants adequately without recourse to public funds; and</p> <p>(g) the applicant meets the requirements of one or more of items (i) to (vii) below –</p> <p>(i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference); or</p> <p>(ii) the applicant is aged 65 or over at the time he makes his application; or</p> <p>(iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i); or</p> <p>(iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i); or</p> <p>(v) the applicant is a national of a majority English speaking country; or</p> <p>(vi) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America; or</p> <p>(vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was</p>

Provision	Amendment
	<p style="text-align: center;">taught or researched in English; and</p> <p style="text-align: center;">(h) the applicant holds a valid entry clearance for entry in this capacity.</p> <p><b>Leave to enter as a fiancé(e)</b></p> <p>23. 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.</p> <p><b>Refusal of leave to enter as a fiancé(e)</b></p> <p>24. 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.</p> <p><b>Requirements for an extension of stay as a fiancé(e)</b></p> <p>25. The requirements for an extension of stay as a fiancé(e) are that:</p> <p style="padding-left: 40px;">(a) the applicant was admitted to the Bailiwick of Guernsey with a valid entry clearance as a fiancé(e); and</p> <p style="padding-left: 40px;">(b) good cause is shown why the marriage did not take place within the initial period of leave granted under paragraph 23; and</p> <p style="padding-left: 40px;">(c) there is satisfactory evidence that the marriage will take place at any early date; and</p> <p style="padding-left: 40px;">(d) the requirements of paragraph 22 (b) to (h) of this Appendix are met.</p> <p><b>Extension of stay as a fiancé(e)</b></p> <p>26. 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 25 of this Appendix is met.</p>

Provision	Amendment
	<p data-bbox="464 353 995 389"><b>Refusal of extension of stay as a fiancé(e)</b></p> <p data-bbox="518 427 1375 524">27. An extension of stay is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 25 of this Appendix is met.</p> <p data-bbox="464 562 831 598"><b>UNMARRIED PARTNERS</b></p> <p data-bbox="464 636 1375 763"><b>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</b></p> <p data-bbox="518 801 1375 1010">28. 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.</p> <p data-bbox="464 1048 1375 1176"><b>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</b></p> <p data-bbox="518 1214 1375 1357">29. 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:</p> <p data-bbox="612 1395 1375 1563">(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; and</p> <p data-bbox="612 1601 1375 1666">(b) the applicant meets the requirements of one or more of items (i) to (vii) below -</p> <p data-bbox="683 1704 1375 1874">(i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or</p>

Provision	Amendment
	<p>exceed level A1 of the Common European Framework of Reference); or</p> <p>(ii) the applicant is aged 65 or over at the time he makes his application; or</p> <p>(iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i); or</p> <p>(iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i); or</p> <p>(v) the applicant is a national of a majority English speaking country; or</p> <p>(vi) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America; or</p> <p>(vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English; and</p> <p>(c) any previous marriage (or similar relationship) by either partner has permanently broken down; and</p> <p>(d) the parties are not involved in a consanguineous relationship with one another; and</p> <p>(e) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation</p>

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	<p>which they own or occupy exclusively; and</p> <p>(f) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and</p> <p>(g) the parties intend to live together permanently; and</p> <p>(h) the applicant does not fall for refusal under the general grounds for refusal; and</p> <p>(i) the applicant holds a valid entry clearance for entry in this capacity.</p> <p>For the purposes of this paragraph and paragraphs 30 to 40 of this Appendix, 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.</p> <p><b>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</b></p> <p>30. A person seeking leave to enter the Bailiwick of Guernsey as 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 who satisfies each of the requirements of paragraph 29 of this Appendix may be admitted for an initial period not exceeding 33 months.</p> <p><b>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</b></p> <p>31. 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 29 of this Appendix is</p>

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	<p data-bbox="555 331 608 360">met.</p> <p data-bbox="499 398 1406 495"><b>LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILLIWICK OF GUERNSEY</b></p> <p data-bbox="499 539 1406 607"><b>Requirements for leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p> <p data-bbox="555 640 1406 741">32. 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:</p> <ul style="list-style-type: none"> <li data-bbox="624 779 1406 1021">(a) 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; and</li> <li data-bbox="624 1059 1406 1126">(b) any previous marriage (or similar relationship) by either partner has permanently broken down; and</li> <li data-bbox="624 1164 1406 1232">(c) the applicant is the unmarried partner of a person who is present and settled in the Bailiwick of Guernsey; and</li> <li data-bbox="624 1270 1406 1370">(d) the applicant has not remained in breach of the immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded; and</li> <li data-bbox="624 1408 1406 1476">(e) the parties are not involved in a consanguineous relationship with one another; and</li> <li data-bbox="624 1514 1406 1581">(f) the parties have been living together in a relationship akin to marriage which has subsisted for two years or more; and</li> <li data-bbox="624 1619 1406 1787">(g) the parties' relationship pre-dates any decision to deport the applicant, recommend him for deportation, give him notice under section 6(2) of the Immigration Act 1971, or give directions for his removal under section 10 of the Immigration and Asylum Act 1999; and</li> <li data-bbox="624 1825 1406 1892">(h) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommo-</li> </ul>

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	<p>ation which they own or occupy exclusively; and</p> <p>(i) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and</p> <p>(j) the parties intend to live together permanently; and</p> <p>(k) the applicant meets the requirements of one or more of items (i) to (vii) below –</p> <p>(i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference); or</p> <p>(ii) the applicant is aged 65 or over at the time he makes his application; or</p> <p>(iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i); or</p> <p>(iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i); or</p> <p>(v) the applicant is a national of a majority English speaking country; or</p> <p>(vi) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America; or</p> <p>(vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is</p>

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	<p>deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English.</p> <p><b>Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p> <p>33. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey under paragraph 30 of this Appendix may be granted for a period not exceeding 30 months, provided the Lieutenant Governor is satisfied that the requirements of paragraph 32 (b) to (k) of this Appendix are met.</p> <p>34. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey other than under the provisions of paragraph 30 of this Appendix may be granted for a period not exceeding 30 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 32 of this Appendix is met.</p> <p>35. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey who has been granted leave to remain under paragraph 34 of this Appendix may be granted for a further period not exceeding 30 months, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 32 of this Appendix is met.</p> <p><b>Refusal of leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p> <p>36. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey, under the provisions of paragraph 33 of this Appendix, is to be refused if the Lieutenant Governor is not satisfied that the requirements of paragraph 32(b) to (k) of this Appendix are met.</p> <p>37. An extension of stay as the unmarried partner of a person present and settled in the Bailiwick of Guernsey, made under the provisions of paragraph 34 or paragraph 35 of this Appendix, is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 32 of this Appendix are met.</p>

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	<p data-bbox="475 349 1386 450"><b>INDEFINITE LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY</b></p> <p data-bbox="475 488 1386 555"><b>Requirements for indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p> <p data-bbox="528 593 1386 689">38. 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 -</p> <ul style="list-style-type: none"> <li data-bbox="600 728 1386 898">(a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period in accordance with paragraphs 28 to 37 of this Appendix and has completed a period of 60 months as the unmarried partner of a person present and settled here; and</li> <li data-bbox="600 936 1386 1032">(b) 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</li> <li data-bbox="600 1070 1386 1144">(c) each of the parties intends to live permanently with the other as his partner; and</li> <li data-bbox="600 1182 1386 1279">(d) 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</li> <li data-bbox="600 1317 1386 1391">(e) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and</li> <li data-bbox="600 1451 1386 1547">(f) the applicant has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B; and</li> <li data-bbox="600 1608 1386 1682">(g) the applicant does not fall for refusal under the general grounds for refusal.</li> </ul> <p data-bbox="475 1765 1386 1832"><b>Indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p>

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	<p data-bbox="555 320 1410 454">39. 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 38 of this Appendix is met.</p> <p data-bbox="499 495 1410 562"><b>Refusal of indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p> <p data-bbox="555 595 1410 730">40. 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 38 of this Appendix is met.</p> <p data-bbox="499 770 1410 871"><b>INDEFINITE LEAVE TO REMAIN FOR THE BEREAVED UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY</b></p> <p data-bbox="499 911 1410 1012"><b>Requirements for indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p> <p data-bbox="555 1046 1410 1146">41. 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:</p> <ul style="list-style-type: none"> <li data-bbox="627 1184 1410 1323">(a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period as the unmarried partner of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 28 to 37 of of this Appendix; and</li> <li data-bbox="627 1361 1410 1429">(b) the person whom the applicant was admitted or granted an extension of stay to join died during that period; and</li> <li data-bbox="627 1467 1410 1565">(c) the applicant was still the unmarried partner of the person he was admitted or granted an extension of stay to join at the time of death; and</li> <li data-bbox="627 1603 1410 1702">(d) 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; and</li> <li data-bbox="627 1740 1410 1807">(e) the applicant does not fall for refusal under the general grounds for refusal.</li> </ul> <p data-bbox="499 1845 1410 1874"><b>Indefinite leave to remain for the bereaved unmarried partner of a</b></p>

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	<p><b>person present and settled in the Bailiwick of Guernsey</b></p> <p><b>42.</b> 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 41 of this Appendix is met.</p> <p><b>Refusal of indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey</b></p> <p><b>43.</b> 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 41 of this Appendix is met.</p>
	<p><b>APPENDIX B</b></p> <p><b>KNOWLEDGE OF LANGUAGE AND LIFE</b></p> <p><b>PART 1. GENERAL</b></p> <p><b>1.1</b></p> <p>Purpose</p> <p>This Appendix sets out the way in which an applicant for leave to enter or remain must demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey where it is a requirement of the Rules to demonstrate this for the purposes of an application for indefinite leave to enter or remain. It also sets out general exemptions to the requirement on grounds of age and enables the decision maker to waive the requirement in light of special circumstances in any particular case.</p> <p>This Appendix also sets out the way in which an applicant for leave to enter or remain must show that the applicant is a national of a country, where it is a requirement of the Rules to prove this for the purposes of an application for indefinite leave to enter or remain.</p> <p>Further, this Appendix also sets out a document that is required to be provided where any provision of these Rules requires an applicant for leave to enter or remain to prove that the applicant has obtained an academic qualification which is deemed by UK NARIC to meet the</p>

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	<p>recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom (for example, as a condition to be met).</p> <p>In this Appendix, "<b>specified document</b>", in relation to any requirement, means the document specified in Part IV of this Appendix for the purposes of the requirement.</p> <p><b>PART 2 - KNOWLEDGE OF LANGUAGE AND LIFE</b></p> <p><b>2.1</b> An applicant for leave to enter or remain has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey for the purpose of an application for indefinite leave to enter or remain made under these Rules if, and only if, the requirements set out in paragraphs 2.2 and 2.3 of this Appendix are met, unless the exceptions set out in Part 3 of this Appendix apply.</p> <p><b>2.2</b> For the purposes of paragraph 2.1 of this Appendix, an applicant has sufficient knowledge of the English language if:</p> <p>(a) one of the following conditions is satisfied:</p> <p>(i) the applicant is a national of a majority English speaking country; or</p> <p>(ii) the applicant has passed an English language test in speaking and listening at a minimum level B1 of the Common European Framework of Reference for Languages with a provider approved by the Lieutenant Governor; or</p> <p>(iii) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the United Kingdom; the USA; or</p> <p>(iv) the applicant has obtained an academic qualification</p>

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	<p>(not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and UK NARIC has confirmed that the qualification was taught or researched in English; or</p> <p>(v) the applicant has taken and passed in England, Wales or Northern Ireland a qualification in English for Speakers of Other Languages (ESOL) which:</p> <p style="padding-left: 40px;">(A) includes speaking and listening; and</p> <p style="padding-left: 40px;">(B) is at ESOL Entry level 3, level 1, level 2 or level 3; and</p> <p style="padding-left: 40px;">(C) is regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), the Welsh Government or the Council for Curriculum, Examinations and Assessment (CCEA); and</p> <p style="padding-left: 40px;">(D) is listed as an ESOL qualification on the Register of Regulated Qualifications, or</p> <p>(vi) the applicant has passed in Scotland a National Qualification in English for Speakers of Other Languages at Scottish Credit and Qualifications Framework (SCQF) level 4, 5 or 6 awarded by the Scottish Qualifications Authority; or</p> <p>(b) the applicant -</p> <p style="padding-left: 40px;">(i) has limited leave to enter or remain in the Bailiwick of Guernsey; and</p> <p style="padding-left: 40px;">(ii) that leave (or a grant of leave which preceded it provided any periods of leave since have been unbroken) was given on the basis that the applicant had an English language qualification at a minimum level of B1 on the Common European Framework of Reference for Languages.</p> <p><b>2.3</b> For the purposes of paragraph 2.1 of this Appendix, an applicant has demonstrated sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey if the applicant has provided the specified document to prove that:</p>

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	<p>(a) the applicant has passed the test known as the “Life in the UK test” administered by learndirect Limited; or</p> <p>(b) in respect of an applicant who was resident in the Isle of Man, the applicant took and passed the test in the Isle of Man known as the “Life in the UK test” and which was administered by an educational institution or other person approved by the Lieutenant Governor; or</p> <p>(c) in respect of an applicant who was resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, the applicant took and passed the test known as the “Citizenship Test” and which was administered by an educational institution or other person approved by the Lieutenant Governor of Guernsey or Jersey (as the case may be).</p> <p><b>PART 3</b></p> <p><b>Exceptions</b></p> <p><b>3.1</b> Notwithstanding any requirement to the contrary in these Rules, for the purposes of this appendix, an applicant will not be required to demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey where:</p> <p>(a) the applicant is under 18 years of age at the date of his application; or</p> <p>(b) the applicant is at least 65 years of age at the date of his application; or</p> <p>(c) in all the circumstances of the case, the decision maker considers that, because of the applicant’s mental or physical condition, it would be unreasonable to expect the applicant to fulfil that requirement.</p> <p><b>3.2</b> In the following circumstances, an applicant will be deemed to have demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey where -</p> <p>(a) the application for indefinite leave to remain in the Bailiwick of Guernsey is made under:</p> <p>(i) paragraph 196D of these Rules and the applicant</p>

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	<p>has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years as the spouse of a person who has or has had leave to enter or remain under paragraphs 128 to 193 of these Rules; or</p> <p>(ii) paragraph 198 of these Rules and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years as the child of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128 to 193 of these Rules; or</p> <p>(iii) paragraph 248D of these Rules and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years as a person exercising rights of access to a child resident in the Bailiwick of Guernsey and that child is under the age of 18 at the day on which the applicant's application for indefinite leave is made under paragraph 248D of these Rules; or</p> <p>(iv) [not used]</p> <p>(v) [not used]</p> <p>(vi) paragraph 14 of Appendix A and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years under paragraph 5 of Appendix A ; or</p> <p>(vii) paragraph 38 of Appendix A and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years under paragraph 30 of Appendix A or paragraph 32 of Appendix A; or</p> <p>(viii) paragraph 298 of these Rules and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years under paragraph 302 of these Rules; or</p>

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	<p>(ix) [not used]</p> <p>(x) [not used]</p> <p>(xi) paragraphs 14 to 16 or paragraphs 38 to 40 of Appendix A and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years on the day on which the application is made as a spouse or unmarried partner (except where leave is as a fiancé(e)) under paragraphs 5 to 13 and 28 to 37 of Appendix A.</p> <p>(xii) [not used]</p> <p>and</p> <p>(b) the applicant has provided the specified document to prove that he has attained an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3; and</p> <p>(c) the applicant has provided the specified document from a qualified English teacher to prove that the applicant has made efforts to learn English but does not yet have sufficient knowledge of the English language to pass a qualification at B1 CEFR, or ESOL entry level 3 or Scottish Credit and Qualification Framework level 4; and</p> <p>(d) the applicant is <u>not</u> a national of a majority English speaking country.</p> <p><b>PART 4</b></p> <p><b>SPECIFIED DOCUMENTS</b></p> <p><b>4.1</b> Where these Rules require an applicant to demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey, the applicant must supply the documents specified in paragraphs 4.7 to 4.15 of this Appendix.</p> <p><b>4.2</b> The decision maker will only consider evidence submitted after the date on which an application is made where the circumstances in</p>

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	<p>paragraph 4.3 or paragraph 4.6 of this Appendix apply.</p> <p><b>4.3</b> Where an applicant:</p> <ul style="list-style-type: none"> <li>(a) has submitted a document in the wrong format (for example, if a letter is not on letterhead paper as specified); or</li> <li>(b) has submitted a document that is a copy and not an original document, or</li> <li>(c) has submitted a document which does not contain all of the specified information, or</li> <li>(d) fails to submit a specified document,</li> </ul> <p>the decision maker may contact the applicant or his or her representative (in writing or otherwise), and request the document or the correct version of the document. The document must be received by the Immigration and Nationality Division of the States of Guernsey at the address specified in the request within such time (which will not be unreasonable) as is specified.</p> <p><b>4.4</b> A decision maker may decide not to request a document under paragraph 4.3 where he does not anticipate that the supply of that document will lead to a grant of leave to enter or remain in the Bailiwick of Guernsey because the application may be refused for other reasons.</p> <p><b>4.5</b> Without prejudice to the decision maker's discretion under paragraph 4.3 of this Appendix and also his right in all cases to request the original or specified document and refuse an application in circumstances in which they are not provided, where an applicant submits a specified document:</p> <ul style="list-style-type: none"> <li>(a) in the wrong format, or</li> <li>(b) which is a copy and not an original document, or</li> <li>(c) which does not contain all of the specified information but the missing information is verifiable from, <ul style="list-style-type: none"> <li>(i) other documents submitted with the application, or</li> <li>(ii) the website of the organisation which issued the document,</li> </ul> </li> </ul>

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	<p style="text-align: center;">or</p> <p>(iii) the website of the appropriate regulatory body; the application for leave to enter or remain in the Bailiwick of Guernsey may be granted exceptionally providing the decision maker is satisfied that the specified documents are genuine and that the applicant meets all the other requirements.</p> <p><b>4.6</b> Where the decision maker is satisfied that there is a valid reason why a document has not been and cannot be supplied, (for example, because the document has been permanently lost or destroyed), he may waive the requirement for the document to be provided or may instead request alternative or additional evidence (which may include confirmation of evidence from the organisation which issued the original document).</p> <p><b>4.7</b> The document required to be provided to prove the matters in paragraph 2.2 of this Appendix is:</p> <p style="padding-left: 40px;">(a) in the case of paragraph 2.2(a)(ii) -</p> <p style="padding-left: 80px;">(i) a certificate that:</p> <p style="padding-left: 120px;">(A) is from an English language test provider approved by the Lieutenant Governor and is in respect of a test approved by the Lieutenant Governor, and</p> <p style="padding-left: 120px;">(B) shows the applicant's name; and</p> <p style="padding-left: 120px;">(C) shows the qualification obtained, and</p> <p style="padding-left: 120px;">(D) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference, and</p> <p style="padding-left: 120px;">(E) shows the date of award of the qualification; or</p> <p style="padding-left: 80px;">(ii) a print out of the online score from a PTE Academic (Pearson) test which:</p> <p style="padding-left: 120px;">(A) is from an English language test provider approved by the Lieutenant Governor; and</p>

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	<p>(B) is in respect of a test approved by the Lieutenant Governor, and</p> <p>(C) can be used to show the qualification obtained; and</p> <p>(D) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference; and</p> <p>(b) in the case of paragraph 2.2.(a)(v), a certificate or other document issued by an awarding organisation that is recognised either by Ofqual, the Welsh Government, or the Council for the Curriculum, Examinations and Assessment (CCEA) that:</p> <p>(i) is issued in England, Wales or Northern Ireland in respect of a qualification listed as an ESOL qualification in the OFQUAL Register of Regulated Qualifications; and</p> <p>(ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded ESOL entry level 3; and</p> <p>(c) in the case of paragraph 2.2.(a)(vi), a certificate that:</p> <p>(i) is issued in Scotland in respect of a National Qualification in English for Speakers of Other Languages awarded by the Scottish Qualifications Authority; and</p> <p>(ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded Scottish Credit and Qualifications Framework level 4.</p> <p><b>4.8</b> Subject to paragraphs 4.9 and 4.10 of this Appendix, where a provision of these Rules requires an applicant for leave to enter or remain to prove that the applicant is a national of a country (for example, as a condition to be met), a valid passport or travel document which satisfactorily establishes the applicant's nationality must be provided.</p> <p><b>4.9</b> If the applicant cannot provide the applicant's passport or travel document, other evidence of nationality of the type described in paragraph 4.10 of this Appendix may exceptionally be supplied in the following circumstances (the reason for which must be indicated by the applicant on their application form), where -</p>

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	<p>(a) the applicant's passport has been lost or stolen; or</p> <p>(b) the applicant's passport has expired and has been returned to the relevant authorities; or</p> <p>(c) the applicant's passport is being kept by any of the immigration authorities of the United Kingdom, the Isle of Man, the Bailiwick of Jersey or the Bailiwick of Guernsey.</p> <p><b>4.10</b> Where paragraph 4.9 of this Appendix applies, the alternative evidence specified for the purposes of establishing the applicant's nationality is -</p> <p>(a) a valid national identity document; or</p> <p>(b) an original letter from the applicant's Home Government or Embassy confirming the applicant's full name, date of birth and nationality.</p> <p><b>4.11</b> Where any provision of these Rules requires an applicant for leave to enter or remain to prove that the applicant has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom (for example, as a condition to be met), the following document must be provided -</p> <p>(a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing -</p> <p>(i) the applicant's name;</p> <p>(ii) the title of the award;</p> <p>(iii) the date of the award;</p> <p>(iv) the name of the awarding institution; and</p> <p>(v) where the provision requires confirmation by UK NARIC that the qualification was taught or researched in English, a statement that the qualification was so taught or researched; or</p> <p>(b) where an applicant has not, at the date of application, formally graduated or no longer has his certificate and is unable to obtain a duplicate certificate -</p>

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	<p>(i) an original academic reference from the institution awarding the academic qualification that -</p> <ul style="list-style-type: none"> <li>(A) is on official letter headed paper; and</li> <li>(B) shows the applicant's name; and</li> <li>(C) shows the title of the award; and</li> <li>(D) where the provision requires confirmation by UK NARIC that the qualification was taught or researched in English, states that the qualification was so taught or researched; and</li> <li>(E) states when the academic qualification was (or as the case may be, will be) awarded; and</li> <li>(F) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued; or</li> </ul> <p>(ii) an original academic transcript that -</p> <ul style="list-style-type: none"> <li>(A) is on official letter headed paper; and</li> <li>(B) shows the applicant's name; and</li> <li>(C) shows the name of the academic institution; and</li> <li>(D) shows the course title; and</li> <li>(E) where the provision requires confirmation by UK NARIC that the qualification was taught or researched in English, states that the qualification was so taught or researched; and</li> <li>(F) confirms the award given.</li> </ul> <p><b>4.12</b> In the absence of any evidence to the contrary, a qualification obtained in one of the following countries will be assumed for the purposes of this Appendix to have been taught or researched in English: Antigua and Barbuda, Australia, the Bahamas, Barbados,</p>

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	<p>Belize, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the United Kingdom or the USA.</p> <p><b>4.13</b> The documents specified for the purposes of paragraph 3.2(b) (evidence of English language speaking and listening) of this Appendix are the same as those specified for the purposes of paragraph 2.2 (a) (vi) and (vii), respectively, of this Appendix, except that:</p> <ul style="list-style-type: none"> <li>(a) a reference to B1 is to be read as a reference to A2,</li> <li>(b) a reference to ESOL level Entry 3, level 1, level 2 or level 3 are to be read as references to ESOL Entry level 2, and</li> <li>(c) a reference to the Scottish Credit and Qualification Framework Level 4, 5 or 6 is to be read as a reference to the Scottish Qualification Framework Level 3.</li> </ul> <p><b>4.14</b> (a) The document specified for the purposes of paragraph 3.2(c) (evidence from qualified English teacher) of this Appendix is a letter from the teacher which is signed by him and dated no more than 3 months before the date on which the application for indefinite leave to remain is made and which includes the following information-</p> <ul style="list-style-type: none"> <li>(i) the applicant's name; and</li> <li>(ii) confirmation that the applicant has attended an English language class taught by that teacher for at least 75 guided learning hours and which was taught during the period of 12 months immediately preceding the date on which the application for indefinite leave to remain was made; and</li> <li>(iii) confirmation that the teacher has assessed that the speaking and listening level attained by the applicant is not at B1 level or above; and</li> <li>(iv) confirmation that the applicant is considered unlikely to attain B1 level through further study; and</li> <li>(v) confirmation of the teacher's qualifications as an English language teacher within the meaning of this Appendix.</li> </ul>

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	<p>(b) For the purposes of subparagraph (a)(ii) “<b>guided learning hours</b>” means the time during which a person is taught or given instruction.</p> <p><b>4.15</b> The document specified for the purposes of paragraph 2.3 of this Appendix is:</p> <p>(a) a pass notification letter issued by learndirect Limited in respect of the test known as the “Life in the UK test”; or</p> <p>(b) where the “Life in the UK test” was taken and passed in the Isle of Man, a pass certificate in respect of the test issued by the relevant educational institution or other person approved by the Lieutenant Governor; or</p> <p>(c) where the “Citizenship test” was taken in the Bailiwick of Guernsey or, as the case may be, in the Bailiwick of Jersey, a pass certificate issued by the relevant educational institution or other person approved by the Lieutenant Governor of Guernsey or Jersey (as the case may be).</p> <p><b>PART 5</b></p> <p><b>INTERPRETATION</b></p> <p><b>5.1</b> For the purposes of this Appendix “<b>decision maker</b>” means the Lieutenant Governor, an Immigration Officer or Entry Clearance Officer.</p> <p><b>5.2</b> For the purposes of this Appendix, “<b>qualified English language teacher</b>” means a person who holds a qualification in teaching English as a foreign language or in teaching English to speakers of other languages which was awarded by an awarding organisation regulated by OFQUAL or the Welsh Government or the Council for the Curriculum, Examinations and Assessment (CCEA) or the Scottish Qualification Authority.</p>

EXPLANATORY NOTE  
*(This note is not part of the Rules)*

These Rules amend the Immigration (Bailiwick of Guernsey) Rules 2008, as amended by the Immigration (Bailiwick of Guernsey) (Amendment) Rules 2011 and the Immigration (Bailiwick of Guernsey) (Amendment) Rules 2013 ("**the principal Rules**").

These Rules will introduce a tuberculosis screening requirement for persons making applications for entry clearance exceeding 6 months from countries or territories designated as Tuberculosis Screening Specified Countries.

These Rules will also impose a re-entry ban where a person fails to depart within 90 days of expiry of the person's leave.

These Rules will introduce a new criminality threshold to replace references to spent convictions. These Rules will provide a consistent approach to applications for leave to enter or remain from persons whose period of leave has expired and a new provision will be introduced to allow the entry of a representative of a business based outside the Bailiwick of Guernsey to set up and run a subsidiary or branch of that business in the Bailiwick.

These rules also make amendments to visitor categories, clarify permitted absences for the purpose of calculating continuous residence for work permit settlement purposes, and provide a clear basis for considering family and private life cases in compliance with Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. These Rules make provision for settlement on the basis of private life in the Bailiwick of Guernsey in compliance with Article 8 of ECHR and remove the 14-year long residence concession for settlement for those in the Bailiwick of Guernsey lawfully or unlawfully.

These Rules also insert two appendices into the principal Rules, Appendix A and Appendix B. Appendix A sets out provisions concerning the grant of entry clearance, leave to enter, leave to remain or variation of leave as a spouse, fiancée or unmarried partner of a person who is present and settled in the Bailiwick of Guernsey. Appendix B sets out the requirements for proving certain matters in Appendix A and in the principal Rules.

Finally, these Rules also correct several typographical errors and minor anomalies.

These Rules come into force on the 1<sup>st</sup> June, 2015.