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DMJ.

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2015 No. 56

**The Immigration (Entry through Republic of Ireland)
(Exclusions and Restrictions) (Bailiwick of Guernsey)
Order, 2015**

Made

31st July, 2015

Coming into operation

17th August, 2015

In exercise of the powers conferred on me by section 9(2) and (6) of the Immigration Act 1971^a, as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993^b, I make the following Order:-

Exclusion of Republic of Ireland for specified purposes.

1. (1) This article applies to –
 - (a) any person (other than a citizen of the Republic of Ireland) who arrives in the Bailiwick on an aircraft which began its flight in that Republic if the person entered that Republic in the course of a journey to the Bailiwick which began outside the common travel area and was not given leave to land in that Republic in accordance with the law in force there, and
 - (b) any person (other than a person to whom subparagraph

^a

An Act of Parliament (Chapter 77 of 1971).

^b

UK S.I. 1993 No. 1796.

(a) applies) who arrives in the Bailiwick on a local journey from the Republic of Ireland, if any of the following conditions is satisfied –

- (i) the person is a visa national who has no valid visa for his entry into the Bailiwick, other than a privileged visa national,
- (ii) the person entered that Republic unlawfully from a place outside the common travel area,
- (iii) the person entered that Republic from a place in the United Kingdom and Islands after entering there unlawfully, or, if he had a limited leave to enter or remain there, after the expiry of the leave, if, in either case, that person has not subsequently been given leave to enter or remain in the United Kingdom or any of the Islands,
- (iv) the Lieutenant-Governor has given directions for the person not to be given entry to the Bailiwick on the ground that that person's exclusion is conducive to the public good, or
- (v) the person has been prohibited from entering the United Kingdom by an order made by the Secretary of State under any provision made under section 2(2) of the European Communities Act 1972^c.

^c

An Act of Parliament (Chapter 68 of 1972).

(2) The Republic of Ireland is excluded from section 1(3) of the Act (provisions relating to persons travelling on local journeys in the common travel area) in so far as persons to whom this article applies are concerned.

Stay of certain privileged visa nationals restricted to period of Republic of Ireland permission.

2. (1) Subject to articles 5 and 6, this article applies to a privileged visa national who enters the Bailiwick on a local journey from the Republic of Ireland, having entered that Republic on coming from a place outside the common travel area.

(2) A privileged visa national to whom this article applies may remain in the Bailiwick for the period ending on the date of the expiry of the person's permission to land or be in the Republic of Ireland, as mentioned in article 8(d).

Stay of certain persons who are not privileged visa nationals restricted to seven days.

3. (1) Subject to articles 5 and 6, this article applies to any person who enters the Bailiwick on a local journey from the Republic of Ireland, having entered that Republic after leaving the Bailiwick whilst having a limited leave to enter or remain there which has since expired, except a person to whom article 2 applies.

(2) A person to whom this article applies may remain in the Bailiwick for a period not exceeding seven days from the date on which the person entered the Bailiwick.

Stay of other persons restricted to three months.

4. (1) Subject to articles 5 and 6, this article applies to any person who enters the Bailiwick on a local journey from the Republic of Ireland after having entered that Republic on coming from a place outside the common travel area, except a person to whom article 2 or 3 applies.

(2) A person to whom this article applies may remain in the Bailiwick for the period not exceeding three months from the date on which the person entered the Bailiwick.

Application of articles 2, 3 and 4.

5. For the avoidance of doubt, nothing in articles 2, 3 and 4 applies to –
- (a) an exempt person, or
 - (b) a person who requires leave to enter the Bailiwick by virtue of section 9(4) of the Act or article 1.

Restrictions cease where person acquires entitlement to enter or remain.

6. A restriction in article 2(2), 3(2) or 4(2) ceases to apply to a person if the person becomes entitled to enter or remain in the Bailiwick by virtue of section 7(1) of the Immigration Act 1988.

Meaning of "exempt person".

7. For the purposes of this Order, an "**exempt person**" means any person who –
- (a) has the right of abode in the Bailiwick under section 2 of the Act,
 - (b) is entitled to enter or remain in the Bailiwick by virtue of section 7(1) of the Immigration Act 1988,
 - (c) arrives in the Bailiwick with leave to enter or remain in the Bailiwick which is in force and which was given to the person before that person's arrival.

Meaning of "privileged visa national".

8. For the purposes of this Order, a "**privileged visa national**" is a visa national who is a citizen of a country specified in the Schedule, who –

- (a) has applied to the Republic of Ireland authorities for a visa to travel to the Republic,
- (b) has made the application mentioned in subparagraph (a) to the Republic of Ireland authorities based in the country listed in the Schedule where the visa national is a citizen,
- (c) has been granted a visa to travel to the Republic of Ireland by the Republic of Ireland authorities for the purpose of a stay of a period of 90 days or fewer, as a result of the application mentioned in subparagraph (a), which is endorsed with the letters "BIVS",
- (d) has since been given permission by the Republic of Ireland authorities, endorsed on the visa national's passport, to land or be in the Republic of Ireland pursuant to the visa mentioned in subparagraph (c), and
- (e) is in possession of both the valid Irish visa mentioned in subparagraph (c) and the valid endorsement from the Republic of Ireland authorities conferring permission to land or to be in the Republic mentioned in subparagraph (d), at the time when the visa national enters the Bailiwick on a local journey from the Republic of Ireland.

Interpretation.

9. (1) In this Order, unless the context requires otherwise –

"**the Act**" means the Immigration Act 1971, as extended to the Bailiwick by the Immigration (Guernsey) Order 1993,

"**the Bailiwick**" means the Bailiwick of Guernsey,

"**commencement date**" means the date specified in article 13 for this Order to come into force,

"**enactment**" means any Act of Parliament, Law, Ordinance or subordinate legislation,

"**exempt person**" has the meaning given by article 7,

"**the Immigration Act 1988**" means the Immigration Act 1988^d, as extended to the Bailiwick by the Immigration (Guernsey) Order 1993,

"**privileged visa national**" has the meaning given by article 8,

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

"**visa national**" means a person who is required on entry into

^d

An Act of Parliament (Chapter 14 of 1988).

the Bailiwick to produce a passport or other document of identity endorsed with a valid visa for entry into the Bailiwick and includes a stateless person.

(2) In this Order, 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^e applies to the interpretation of this Order throughout the Bailiwick as it applies to the interpretation of a Guernsey enactment.

Revocations.

10. The following Orders are revoked -

- (a) the Immigration (Control of Entry through Republic of Ireland) (Guernsey) (No. 1) Order, 1972^f,
- (b) the Immigration (Control of Entry through Republic of Ireland) (Amendment) (Guernsey) Order, 1979^g, and
- (c) the Immigration (Control of Entry through Republic of Ireland) (Amendment) (Guernsey) (No. 1) Order, 1982^h.

^e Ordres en Conseil Vol. XIII, p. 355.

^f G.S.I. No. 62 of 1972.

^g G.S.I. No. 17 of 1979.

^h G.S.I. No. 30 of 1982.

Transitional.

11. (1) This article applies to any person who entered the Bailiwick before the commencement date on a local journey from the Republic of Ireland, having entered that Republic –

- (a) on coming from a place outside the common travel area,
or
- (b) after leaving the Bailiwick whilst having a limited leave to enter or remain there which has since expired.

(2) Despite the revocations in article 10, any restriction imposed by a revoked Order before the commencement date relating to the period of time for which a person to whom this article applies may remain in the Bailiwick continues to apply to the person as if this Order had not been made.

(3) In this article, "**a revoked Order**" means an Order revoked by article 10.

Citation.

12. This Order may be cited as the Immigration (Entry through Republic of Ireland) (Exclusions and Restrictions) (Bailiwick of Guernsey) Order, 2015.

Commencement.

13. This Order comes into force on the 17th day of August, 2015.

Dated this 31st day of July, 2015



LIEUTENANT-GOVERNOR
Office of the Lieutenant-Governor
Guernsey

SCHEDULE
COUNTRIES OF PRIVILEGED VISA NATIONALS

Article 8

India

People's Republic of China

EXPLANATORY NOTE

(This note is not part of this Order)

This Order consolidates and simplifies the Immigration (Control of Entry through Republic of Ireland) (Guernsey) (No. 1) Order, 1972, as amended, and includes additional provisions concerning visa nationals who are citizens of India or People's Republic of China ("**privileged visa nationals**").

Article 1 excludes certain persons arriving in the Bailiwick from the Republic of Ireland from Common Travel Area arrangements.

Article 2 allows certain privileged visa nationals arriving in the Bailiwick from the Republic of Ireland to stay in the Bailiwick until the expiry of their permission to land or be in the Republic of Ireland.

Article 3 allows certain persons (who are not privileged visa nationals) arriving in the Bailiwick from the Republic of Ireland, to stay in the Bailiwick for up to seven days.

Article 4 allows other persons arriving in the Bailiwick from the Republic of Ireland, who fall within neither article 2 nor article 3, to stay in the Bailiwick for up to three months.

Article 5 makes it clear that articles 2, 3 and 4 do not apply to persons who have right of abode in, who are entitled to enter or remain in, who arrive with leave to enter or remain in, or who require leave to enter, the Bailiwick.

Article 6 provides that the restrictions on staying in the Bailiwick cease to apply if the person becomes entitled to enter or remain in the Bailiwick by virtue of section 7(1) of the Immigration Act 1988, e.g. becomes an EEA national.

This Order comes into force on the 17th day of August, 2015.