

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Immigration (Fees) (Bailiwick of Guernsey) Order, 2019 *

[CONSOLIDATED TEXT]

NOTE

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* G.S.I. No. 29 of 2019; as amended by the: Immigration (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2019 (G.S.I. No. 120 of 2019); Immigration (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2021 (G.S.I. No. 6 of 2021); Immigration (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2022 (G.S.I. No. 3 of 2022); Immigration (Fees) (Bailiwick of Guernsey) (Amendment No. 2) Order, 2022 (G.S.I. No. 26 of 2022); Immigration (Fees) (Bailiwick of Guernsey) (Amendment No. 3) Order, 2022 (G.S.I. No. 28 of 2022).

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The Immigration (Fees) (Bailiwick of Guernsey) Order, 2019

ARRANGEMENT OF ARTICLES

1. Fees in respect of immigration-related applications.
2. Exemptions.
3. Simultaneous multiple applications.
4. Committee may waive or reduce fee in exceptional circumstances.
5. Interpretation.
6. Revocation.
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SCHEDULE Fees for applications.

Explanatory Note.

(Made on 18th March, 2019.)

The Immigration (Fees) (Bailiwick of Guernsey) Order, 2019

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by sections 67A, 67B and 67C of the Immigration Act 2014^a as extended to the Bailiwick by the Immigration (Guernsey) Order 2016^b and section 33(1) of the Immigration Act 1971^c as extended to the Bailiwick by the Immigration (Guernsey) Order 1993^d, hereby makes the following Order: –

Fees in respect of immigration-related applications.

1. (1) The Schedule prescribes the fee for the consideration and determination of an application for the following –

- (a) a work permit,
- (b) leave to remain in the Bailiwick for a limited or indefinite period, other than a work permit[, Appendix EU leave or Appendix Ukraine Scheme leave], and

a An Act of Parliament (Chapter 22 of 2014).

b UK S.I. 2016 No. 996 registered on the records of the Island on the 14th November, 2016.

c An Act of Parliament (Chapter 77 of 1971).

d UK S.I. 1993 No. 1796 registered on the records of the Island on 24th August, 1993 and published in Ordres en Conseil Vol. XXXIV, p. 491; as amended by UK S.I. 2011 No. 2444 registered on the records of the Island on 7th November 2011. See also Recueil d'Ordonnances, Tome XXIX p. 406 and Ordinance No. IX of 2016.

- (c) variation of leave to enter or remain in the Bailiwick, other than variation of a work permit[, of Appendix EU leave or of Appendix Ukraine Scheme leave].

(2) The person who makes the application must pay to the States of Guernsey (through the Committee) the fee prescribed in the Schedule for the application.

(3) If the fee prescribed for the application is not paid, the decision-maker must not consider or determine the application.

(4) This article is subject to articles 2, 3 and 4.

(5) For the avoidance of doubt, no fee is payable for the consideration or determination of an application for –

[(a) Appendix EU leave, or

(aa) Appendix Ukraine Scheme leave,]

(b) ...

NOTES

In Article 1,

first, the words in square brackets in paragraph (1)(b) and, second, the words in square brackets in paragraph (1)(c) were substituted and, third, subparagraph (a) of paragraph (5) was substituted and subparagraph (aa) thereof inserted by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment No. 3) Order, 2022, respectively article 2(a)(i), article 2(a)(ii) and article 2(b), with effect from 8th April, 2022;

paragraph (5)(b) was revoked by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2021, article 1(2), with effect from 18th

January, 2021.

Exemptions.

2. Each of these applications is exempt from the fee that would otherwise be payable for the application under article 1 –

- (a) an application for leave to remain in the Bailiwick (for a limited or indefinite period) made by a person who –
 - (i) has been granted limited leave to enter or remain in the Bailiwick outside the provisions of the Immigration Rules following the rejection of their claim for asylum, or the dependent of any such person, or
 - (ii) is under the age of 18 and, in the Committee's view, is being provided with financial, or similar, assistance from the States of Guernsey,
- (b) an application for leave to remain in the Bailiwick for an indefinite period made by a person who is a victim of domestic violence and, in the Committee's view, appears to be destitute, and
- (c) an application for variation of leave to enter or remain in the Bailiwick for a period of up to 6 months made to an immigration officer on the applicant's arrival at a port of entry in the Bailiwick.

Simultaneous multiple applications.

3. (1) This article applies where two or more applications of one or

both kinds specified in article 1(1)(a), (b) or (c) are made –

- (a) at the same time, and
 - (b) in respect of the same person.
- (2) Where this article applies –
- (a) only a single fee is payable under article 1 in respect of all those applications, and
 - (b) the fee payable under article 1 is the highest fee prescribed in the Schedule for any of those applications.

Committee may waive or reduce fee in exceptional circumstances.

4. The Committee may waive or reduce any fee payable for an application under article 1 where the Committee considers it appropriate to do so due to –

- (a) circumstances beyond the control of the applicant, or
- (c) compelling practical or compassionate reasons.

Interpretation.

5. In this Order, unless the context requires otherwise –

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

"Appendix EU leave" means limited or indefinite leave to enter or remain granted by virtue of Appendix EU to the Immigration Rules, as

inserted by the Immigration (Bailiwick of Guernsey) Amendment) Rules, 2019^e,

["**Appendix Ukraine Scheme leave**" means leave to enter or remain granted by virtue of Appendix Ukraine Scheme to the Immigration (Bailiwick of Guernsey) Rules, 2008,]

"the Bailiwick" means the Bailiwick of Guernsey,

"claim for asylum" means a claim that it would be contrary to the United Kingdom's obligations in respect of the Bailiwick of Guernsey under –

- (a) the United Nations Convention relating to the Status of Refugees and its Protocol, or
- (b) Article 3 of the Human Rights Convention for the claimant to be removed from, or required to leave, the Bailiwick of Guernsey,

"the Committee" means the Committee for Home Affairs,

"the decision-maker", in relation to an application specified in article 1(1), means the Lieutenant Governor, the Committee, an immigration officer or any other person carrying out the function of considering and determining applications of that kind,

"dependant", in relation to any person, means –

- (a) a spouse of the person, or

^e Made by the Committee for Home Affairs on the 4th March, 2019.

- (b) a child under the age of eighteen years of that person or that person's spouse,

"the Immigration Rules" means the Immigration (Bailiwick of Guernsey) Rules, 2008^f,

"the Human Rights Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on the 4th November, 1950 as it has effect for the time being in relation to the Bailiwick,

"leave to enter the Bailiwick" or **"leave to remain in the Bailiwick"** means leave of that kind under the provisions of the 1971 Act or the Immigration Rules,

"spouse" includes an unmarried partner,

"unmarried partner" has the meaning given in paragraph 6 of the Immigration Rules,

"variation of leave to remain in the Bailiwick" means such a variation to leave of that kind under the provisions of the 1971 Act or the Immigration Rules, and

"work permit" –

^f G.S.I. No. 26 of 2008; as amended by G.S.I. No. 18 of 2011; G.S.I. No. 33 of 2013; G.S.I. No. 27 of 2015 and the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2019.

- (a) means a work permit within the meaning of section 33(1) of the 1971 Act, and
- (b) includes a duplicate or replacement work permit.

(2) The Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^g applies to the interpretation of this Order throughout the Bailiwick.

NOTE

In Article 5, the definition of the expression "Appendix Ukraine Scheme leave" in paragraph (1) was inserted by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment No. 3) Order, 2022, article 3, with effect from 8th April, 2022.

Revocation.

6. The following Orders are revoked –

- (a) the Immigration and Asylum Act 1999 (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2016^h,
- (b) the Immigration (Work Permit Fee) (Bailiwick of Guernsey) Order, 2016ⁱ, and
- (c) the Immigration and Asylum Act 1999 (Fees) (Bailiwick of Guernsey) Order, 2011^j.

^g Order in Council No. V of 2018; as amended by Ordinances No. 68 and 82 of 2018.

^h G.S.I. No. 34 of 2016.

ⁱ G.S.I. No. 33 of 2016.

Citation.

7. This Order may be cited as the Immigration (Fees) (Bailiwick of Guernsey) Order, 2019.

Commencement.

8. This Order shall come into force on the 30th March, 2019.

FEES FOR APPLICATIONS

[† **"Pre-approval", "revalidation" and "pre-approved work permit"** means a pre-approval of a work permit revalidation of such a pre-approval, and a pre-approved work permit, respectively, issued under the Pre-approved Work Permit Scheme set out in the Work Permit Policy issued by the Committee on the 18th January, 2021, as amended from time to time.

* **"Sector Based Scheme work permit"** means a work permit granted under the Sector Based Scheme set out in the Work Permit Policy issued by the Committee on the 18th January, 2021, as amended from time to time.

** **"General Employment Scheme work permit"** means a work permit granted under the General Employment Scheme set out in the Work Permit Policy issued by the Committee on the 18th January, 2021, as amended from time to time.

Applications for pre-approvals, revalidations, and pre-approved work permits †

	For employment not exceeding 12 months	For employment exceeding 12 months but not exceeding 3 years	For employment exceeding 3 years
Pre-approval of work permit	£50	£200	£400
Revalidation of work permit pre-approval	£75	£75	£75
Issue of pre-approved work permit	£100	£100	£100

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Applications for Sector Based Scheme Work Permits

	Type of Application	Fee
1.	First issue of a Sector Based Scheme work permit* valid for a period of one month or less.	£50
2.	First issue of a Sector Based Scheme work permit valid for a period exceeding one month but not exceeding 12 months.	£100
[2A.	Subsequent issue of Sector Based Scheme work permit for a period exceeding one month but not exceeding 12 months	£100]
3.	First issue of a Sector Based Scheme work permit valid for a period exceeding 12 months but not exceeding 3 years.	£300
4.	First issue of a Sector Based Scheme work permit valid for a period exceeding 3 years.	£500
5.	Issue of a Sector Based Scheme work permit for change of employment where the work permit first issued was for a period exceeding 2 years.	£75
6.	Issue of a duplicate Sector Based Scheme work permit in any case where the work permit is reported as lost stolen or damaged.	£20
7.	Issue of a replacement Sector Based Scheme work permit where necessary as a result of the employer providing incorrect information to the Committee.	£100

Applications for General Employment Scheme Work Permits for Employment in Alderney, Herm or Sark

	Type of Application	Fee
1.	First issue of a General Employment Scheme work permit** valid for any period of time.	£100
2.	Issue of a General Employment Scheme work permit for change of employment in any case.	£75

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3.	Issue of a duplicate General Employment Scheme work permit in any case where the work permit is reported as lost, stolen or damaged.	£20
4.	Issue of a replacement General Employment Scheme work permit where necessary as a result of the employer providing incorrect information to the Committee.	£100

Applications for General Employment Scheme Work Permits for Employment in the Island of Guernsey

No Fee.

Applications for Leave to Remain, other than [...] Appendix EU Leave [or Appendix Ukraine Scheme Leave]

	Type of Application	Fee
1.	Indefinite leave to remain.	£2,389.00
[1A.	Leave to remain for a limited period exceeding one month but not exceeding 12 months, where the application is made solely in conjunction with the issue of a subsequent Sector Based Scheme work permit	£244]
2.	Leave to remain for a limited period[, not falling within item 1A,] where the application is made in relation to – <div style="margin-left: 40px;">(a) a person who is a Sector Based Scheme work permit holder, or</div> <div style="margin-left: 40px;">(b) a dependant of a Sector Based</div>	£704.00

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	Scheme work permit holder.	
3.	Leave to remain for a limited period where the application is made in relation to a person who is the holder of a General Employment Scheme work permit.	£100 for the first period (of the leave to remain) of 12 months or less; and then a further £100 for each further period (of the leave to remain) of 12 months or less
4.	Leave to remain for a limited period where the application is made in relation to a dependent of a General Employment Scheme work permit holder.	£704.00
5.	Leave to remain for a limited period in any case not falling within any of items [1A,] 2, 3 and 4 above.	£1,033.00

Applications for Variation of Leave to Enter or Remain

£1,033.00

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NOTES

The Schedule was substituted by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2021, article 1(3), with effect from 18th January, 2021.¹

In the Schedule,

the words and table in the first pair of square brackets were substituted by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment No. 2) Order, 2022, article 1(2), with effect from 11th April, 2022;

first, in the table headed "Applications for Sector Based Scheme Work Permits", entry 2A was inserted, second, the words omitted in square brackets in the heading to the table headed (after the amendment) "Applications for Leave to Remain, other than Appendix EU Leave" were revoked, third, entry 1A in that table was inserted, fourth, the words in square brackets in item 2 of that table and, fifth, the figure, letter and

punctuation in square brackets in item 5 thereof were all inserted by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2022, respectively article 1(2), article 1(3)(a), article 1(3)(b), article 1(3)(c) and article 1(3)(d), with effect from 19th January, 2022;

the words in square brackets in the table headed "Applications for Leave to Remain, other than Appendix EU Leave" were inserted by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment No. 3) Order, 2022, article 4, with effect from 8th April, 2022.

EXPLANATORY NOTE

*(This note is not part of the Order)***

This Order prescribes fees in respect of various applications under the Immigration Act 1971, as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993, and under the Immigration (Bailiwick of Guernsey) Rules, 2008, as amended ("**Immigration Rules**"). It also consolidates the fees prescribed in the Immigration (Work Permit Fee) (Bailiwick of Guernsey) Order, 2016.

Article 1 of this Order, together with the Schedule, prescribes the fees payable for applications for –

- a work permit,
- indefinite or limited leave to remain in the Bailiwick, other than a work permit or leave to enter or remain under Appendix EU to the Immigration Rules ("**Appendix EU leave**"), or
- variation of leave to enter or remain in the Bailiwick.

No fee is payable in respect of an application for Appendix EU leave or a notice in writing (given to EEA nationals or family members) under paragraph 255,256,257 or 257A of the Immigration Rules.

Article 2 of this Order exempts an application of the kind specified in paragraph (a), (b) or (c) of that article from the fee that would otherwise be payable under article 1 of this Order.

Article 3 of this Order provides that, in any case where multiple applications are made at the same time in respect of the same person, only a single fee is payable in respect of those applications. That single fee is the highest fee prescribed for any of those applications in the Schedule to this Order.

Article 4 of this Order authorises the Committee for Home Affairs to waive or reduce any fee payable for an application under article 1 due to circumstances beyond the applicant's control or compelling practical or compassionate reasons.

Article 5 of this Order defines expressions used in this Order and sets out other interpretation provisions.

Article 6 of this Order revokes three earlier Orders prescribing immigration-related

** The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes.

fees, including fees payable for applications for work permits.

Articles 7 and 8 of this Order are the citation and commencement provisions respectively.

This Order comes into force on the 30th March, 2019.

1 Prior to its substitution, the Schedule was amended by the Immigration (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2019, article 1, with effect from 2nd December, 2019.