

GUERNSEY STATUTORY INSTRUMENT

2021 No.

**The Immigration and Social Security Co-ordination (EU
Withdrawal) (Bailiwick of Guernsey) (Amendment)
Regulations, 2021**

<i>Made</i>	<i>21st June, 2021</i>
<i>Coming into operation</i>	<i>30th June, 2021</i>
<i>Laid before the States</i>	<i>, 2021</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by section 5 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020^a as extended to the Bailiwick by the Immigration (Guernsey) Order 2020^b, and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendment of the Regulations of 2020.

1. The Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) Regulations 2020^c ("**the principal Regulations**") are amended as follows.

^a An Act of Parliament (Chapter 20 of 2020).

^b UK S.I. 2020 No. 1560 registered on the records of the Island of Guernsey on the 18th December, 2020.

^c G. S. I. No. 151 of 2020.

2. In regulation 13 of the principal Regulations –

(a) immediately after paragraph (5), insert the following paragraphs –

"(5A) Where –

(a) immediately before commencement day, a person had been eligible to be given notice in writing under any of paragraphs 256, 257 or 257A of those Rules (as they had effect then) to show that the person may remain in the Bailiwick indefinitely, but

(b) the person had not been given such a notice before commencement day,

the person is deemed to have been given indefinite leave to remain in the Bailiwick by the Lieutenant Governor other than by virtue of Appendix EU to those Rules.

(5B) The indefinite leave to remain in the Bailiwick referred to in paragraph (5A) is deemed to have been given on commencement day.

(5C) On application, a person deemed to have been given indefinite leave to remain in the Bailiwick under paragraph (5A) may be given notice in writing confirming that leave by the Lieutenant Governor.", and

(b) in paragraph (7), immediately after "(5)", insert ", (5A), (5B), (5C)".

Citation.

3. These Regulations may be cited as the Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) (Amendment) Regulations, 2021.

Commencement

4. These Regulations shall come into force on the 30th June 2021.

Dated this 21st day of June, 2021



Deputy Robert Prow

President of the Committee for Home Affairs

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 13 of the Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020 ("**the principal Regulations**").

Regulation 13 of the principal Regulations revoked paragraphs 256, 257 and 257A of the Immigration (Bailiwick of Guernsey) Rules, 2008 ("**the Immigration Rules**") whilst deeming persons who had been given notice under any of those paragraphs that they could remain in the Bailiwick indefinitely to have been given indefinite leave to remain.

Regulation 2 of these Regulations inserts new paragraphs (5A), (5B) and (5C) in regulation 13 of the principal Regulations. These paragraphs deem persons who,

immediately before the principal Regulations commenced, were *eligible* to be given notice that they could remain in the Bailiwick indefinitely under the now-revoked paragraphs of the Immigration Rules, to have been given indefinite leave to remain even if they had not been given such notice under those paragraphs.

This is to preserve the position of those persons, and ensure that none of them would be in the Bailiwick unlawfully (with consequences for any application for British nationality they might make in the future), in case they fail to apply for indefinite leave to remain before 1 July 2021.

These Regulations will come into force on the 30th June 2021