



GUERNSEY STATUTORY INSTRUMENT

2021 No. 106

**The Immigration (Bailiwick of Guernsey)
(Amendment No. 2) Rules, 2021**

<i>Made</i>	27 th September, 2021
<i>Coming into operation</i>	1 st October, 2021
<i>Laid before the States</i>	, 2021

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by section 3(2) of the Immigration Act 1971^a as extended to the Bailiwick by the Immigration (Guernsey) Order 1993^b, and all other powers enabling it in that behalf, hereby makes the following rules:-

Amendment to Rules of 2008.

1. The Immigration (Bailiwick of Guernsey) Rules 2008^c ("the principal Rules") are amended as set out in paragraphs 2 and 3.

^a An Act of Parliament (Chapter 77 of 1971).

^b 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 G.S.I. No. 26 of 2008; as amended by G.S.I. No. 18 of 2011; No. 33 of 2013; No. 27 of 2015; No. 17 of 2019; No. 151 of 2020 and No. 14 of 2021.

2. In paragraph 11 of the principal Rules –

- (a) for "the Immigration Officer)", substitute "an Immigration Officer",
- (b) in subparagraph (i), for "other document satisfactorily establishing his", substitute ", subject to paragraph 11A, another document satisfactorily establishing the person's", and
- (c) in subparagraph (ii), for "he", substitute "the person".

3. Immediately after paragraph 11 of the principal Rules, insert the following paragraphs –

"11A. A national identity card is not valid for the purposes of paragraph 11(i), except where the holder is one of the following –

- (a) a British citizen of Gibraltar; or
- (b) a national of Switzerland with a valid entry clearance granted under Appendix Service Providers from Switzerland to the United Kingdom Immigration Rules; or
- (c) a national of one of the countries listed in paragraph 11B with valid indefinite or limited leave to enter or remain granted under Appendix EU to these Rules, or who has made a valid application under that Appendix which has not yet been finally determined; or

- (d) a national of one of the countries listed in paragraph 11B with a valid entry clearance in the form of an EU Settlement Scheme Family Permit; or
- (e) a national of one of the countries listed in paragraph 11B who has indefinite leave to remain in the Bailiwick under regulation 13(5) or (5A) of the Immigration and Social Security Co-ordination) (EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020; or
- (f) a national of one of the countries listed in paragraph 11B with a frontier worker permit issued by the United Kingdom; or
- (g) a national of one of the countries listed in paragraph 11B seeking entry with the intention to enter the United Kingdom as an S2 Healthcare Visitor; or
- (h) a national of one of the countries listed in paragraph 11B who has or has been granted immigration permission equivalent to that set out in sub-paragraphs (b) to (g) above by the competent authority in the United Kingdom, Bailiwick of Jersey or Isle of Man, or who has made a valid application under the equivalent in the United Kingdom, Bailiwick of Jersey or Isle of Man of Appendix EU to these Rules which has not yet been finally determined.

11B. For the purposes of sub-paragraphs (c) to (h) of paragraph 11A, the holder must be a national of one of the following countries:

Austria
Belgium
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Italy
Latvia
Liechtenstein
Lithuania
Luxembourg
Malta
Netherlands
Norway
Poland
Portugal
Romania
Slovakia
Slovenia
Spain
Sweden

Switzerland.”.

Interpretation.

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.

5. These Regulations may be cited as the Immigration (Bailiwick of Guernsey) (Amendment No. 2) Rules, 2021.

Commencement and application.

6. These Rules come into force on the 1st October 2021 and apply to all decisions made on or after that date.

Dated this 27th day of September, 2021

A handwritten signature in black ink, consisting of a circular scribble with a long diagonal stroke extending upwards and to the right.

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 Rules)

These Rules amend the Immigration (Bailiwick of Guernsey) Rules, 2008 to preclude the use of national identity cards as satisfactory proof of identity and nationality, except in the case of British citizens of Gibraltar, or of nationals of European Economic Area countries or Switzerland who hold or are applying for certain types of immigration status.

These Rules will come into force on the 1st October, 2021.