

27 SEP 2021

D.M.J.

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2021 No. 107

## The Directions of the Lieutenant Governor Concerning Leave to Enter and Remain (Amendment), 2021

*Given* 27 September, 2021

*Coming into operation* 1<sup>st</sup> October, 2021

In exercise of the powers conferred upon me by sections 3A and 3B of the Immigration Act 1971<sup>a</sup> as extended to the Bailiwick of Guernsey, and all other powers enabling me in that behalf, I give the following directions –

### Amendment of the 2019 Directions.

1. The Directions of the Lieutenant Governor Concerning Leave to Enter and Remain, 2019<sup>b</sup> ("the principal Directions") are amended as set out in paragraphs 2, 3 and 4.

2. In paragraph 1(1) of the principal Directions, insert the following definitions in the appropriate alphabetical order –

""EEA citizen" means a national of an EEA State," and

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

<sup>b</sup> G.S.I. No. 53 of 2019; amended by No. 151 of 2020.

""EEA State" means a Member State of the European Union, Liechtenstein, Iceland, Norway or Switzerland,".

3. Immediately after paragraph 10 of the principal Directions, insert the following paragraphs –

**"Grant of leave to citizens of specified countries.**

11. (1) This paragraph applies to a person who –

- (a) is –
  - (i) an EEA citizen, or
  - (ii) a citizen of New Zealand, Australia, Canada, the United States of America, Japan, Singapore or South Korea,
- (b) requires leave to enter the Bailiwick of Guernsey,
- (c) meets the requirements (for a person seeking leave to enter the Bailiwick of Guernsey as a General Visitor under Part 2 of the immigration rules) specified in paragraph 41 of the immigration rules,
- (d) is travelling on a valid passport issued by an EEA State or by the competent authority of one of the countries specified in subparagraph (a)(ii),

- (e) does not otherwise have leave to enter the Bailiwick of Guernsey,
- (f) does not have an entry clearance complying with the requirements of paragraph 3 of these Directions,
- (g) is not a person to whom paragraph 12 of these Directions applies,
- (h) arrives in the Bailiwick of Guernsey on a private vessel or private aircraft,
- (i) has had the person's name and other particulars submitted to an immigration officer in accordance with arrangements approved by the immigration officer –
  - (i) in the case of arrival on a private vessel, in a completed Form GC27, or
  - (ii) in the case of arrival on a private aircraft, in a completed General Aviation Report, and
- (j) does not apply for leave to enter the Bailiwick of Guernsey as a visitor within the meaning of the immigration rules.

(2) Subject to the condition in subparagraph (3), a person to whom this paragraph applies is given leave to enter the Bailiwick of Guernsey under section 3A(7) of the Act.

(3) A person given leave to enter under subparagraph (2) –

- (a) must not engage in any occupation for reward or any employment during the person's stay in the Bailiwick of Guernsey, and
- (b) must maintain and accommodate the person's self, and any dependants of that person, without recourse to public funds.

(4) In this paragraph –

"**employment**" includes paid and unpaid employment, paid and unpaid work placements undertaken as part of a course or period of study, self-employment, and engaging in business or any professional activity,

"**private aircraft**" means any civilian aircraft –

- (a) the owner, agent or captain of which has been specifically required or directed by an immigration officer to submit a completed General Aviation Report, or
- (b) that is not an aircraft operated commercially and carrying passengers for reward, and

"private vessel" means any civilian vessel –

- (a) the owner, agent or captain of which has been specifically required or directed by an immigration officer to submit a completed Form GC27, or
- (b) that is not a vessel operated commercially and carrying passengers for reward.

**Persons not granted leave under paragraph 11.**

12. This paragraph applies to each of the following persons –

- (a) a person who is subject to a deportation order, or a decision to make a deportation order, under section 5 of the Act (procedure for, and further provisions as to, deportation) or an equivalent statutory provision in force anywhere else in the United Kingdom and Islands,
- (b) a person who is an excluded person for the purposes of section 8B of the Act (persons excluded from the Bailiwick of Guernsey under international obligations) or an equivalent statutory provision in force anywhere else in the United Kingdom and Islands,
- (c) a person in respect of whom directions have been given by the Lieutenant Governor under

section 3ZA (Irish citizens) or 9 (further provisions as to a common travel area) of the Act for that person not to be given entry to the Bailiwick of Guernsey on the ground that the person's exclusion is conducive to the public good,

- (d) a person in respect of whom a removal direction has been given under section 10 of the Immigration and Asylum Act 1999 (removal of persons unlawfully in the Bailiwick of Guernsey) as extended to the Bailiwick of Guernsey, and who has not since then been granted admission to the Bailiwick, and
- (e) a person in respect of whom a removal direction has been given or a removal decision made under the immigration laws in force in any jurisdiction in the United Kingdom and Islands (other than the Bailiwick of Guernsey), and who has not since then been granted admission to the jurisdiction.

**Nature of leave granted under paragraph 11.**

13. (1) A person given leave to enter under paragraph 11 is to be treated for the purposes of the Immigration Acts and the immigration rules as if the person had been given leave to enter as a General Visitor by notice in accordance with section 4 of the Act (administration of control).

(2) For the avoidance of doubt, leave to enter given under paragraph 11 may at any time be varied or cancelled (or revoked) under any of the Immigration Acts as if it were leave to enter as a General Visitor given by an immigration officer.

**Duration and deemed revocation of leave granted under paragraph 11.**

14. (1) Subject to subparagraph (2), a leave to enter given to any person under paragraph 11 is given for a period of six months.

(2) The leave to enter is deemed to be revoked if an immigration officer requires the person to submit to an examination in accordance with Schedule 2 to the Act.”

**Transitional.**

4. (1) For the purposes of paragraph 11(1)(d) of the principal Directions, a person travelling on a valid national identity card issued by the competent authority of an EEA State is to be regarded as travelling on a valid passport issued by the EEA State.

(2) Subparagraph (1) expires at the end of 30<sup>th</sup> September, 2021.

**Citation.**

5. These Directions may be cited as the Directions of the Lieutenant Governor Concerning Leave to Enter and Remain (Amendment), 2021.

**Commencement.**

6. These Directions shall come into force on the 1<sup>st</sup> October, 2021.

Dated this 27<sup>th</sup> day of September, 2021



Vice Admiral Sir Ian Corder KBE, CB  
LIEUTENANT-GOVERNOR  
BAILIWICK OF GUERNSEY

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#### EXPLANATORY NOTE

*(This note is not part of these Directions)*

These Directions amend the Directions of the Lieutenant Governor Concerning Leave to Enter and Remain, 2019 ("the principal Directions")

Paragraph 2 of these Directions amend paragraph 1(1) of the principal Directions to insert definitions of "EEA citizen" and "EEA State" in the principal Directions.

Paragraph 3 of these Directions insert new paragraphs 11, 12, 13 and 14 into the principal Directions (the Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020 had previously revoked paragraphs of the principal Directions corresponding to those numbers).

The new paragraphs 11, 12, 13 and 14 of the principal Directions give automatic leave to enter and remain for six months to citizens of EU Member States, Liechtenstein, Iceland, Norway, Switzerland or one of a number of other countries considered to be low-risk (New Zealand, Australia, Canada, USA, Japan, Singapore or South Korea) arriving by vessel or aircraft, who complete and submit the relevant form on arrival.

There are a number of specified exceptions, and if an immigration officer requires the person to submit to an examination, the automatic leave is deemed to be revoked.

Paragraph 4 of these Directions provides for persons travelling on a valid national identity card issued by an EEA State to be regarded as if they were travelling on a passport issued by the EEA State until the end of 30<sup>th</sup> September, 2021.

These Directions will come into force on the 1<sup>st</sup> October, 2021.