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GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2022 No. 27

**The Immigration (Bailiwick of Guernsey)  
(Amendment No. 2) Rules, 2022**

<i>Made</i>	11 <sup>th</sup> April, 2022
<i>Coming into operation</i>	11 <sup>th</sup> April, 2022
<i>Laid before the States</i>	, 2022

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred on it by section 3(2) of the Immigration Act 1971<sup>a</sup> as extended to the Bailiwick by the Immigration (Guernsey) Order, 1993<sup>b</sup>, 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<sup>c</sup> ("the principal Rules") are amended as set out in paragraphs 2 to 8.

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<sup>a</sup> An Act of Parliament, 1971 c. 77. The 1971 Act has been amended.

<sup>b</sup> UK S.I. 1993 No. 1796 registered on the records of the Island on 24<sup>th</sup> August, 1993 and published in Ordres en Conseil Vol. XXXIV, p. 491.

<sup>c</sup> G.S.I. No. 26 of 2008; this enactment has been amended.

2. Revoke paragraphs 5 and 7 of the principal Rules.

3. In paragraph 28 of the principal Rules, immediately after "visitor", insert "or under Appendix Ukraine Scheme".

4. In paragraph 39A of the principal Rules, immediately after "Tuberculosis Screening Specified Country", insert ", other than an application made under Appendix Ukraine Scheme,".

5. Immediately after paragraph B255 of the principal Rules, insert the following headings and paragraphs –

**"Appendix Ukraine Scheme.**

C255. Appendix Ukraine Scheme has effect.

**Appendix Relationship with Partner.**

D255. Appendix Relationship with Partner has effect."

6. Immediately after paragraph B320 of the principal Rules, insert the following heading and paragraph –

**Paragraph C320.**

C320. Except as otherwise provided in Appendix Ukraine Scheme, nothing in Part 9 applies to –

- (a) an application for entry clearance, leave to enter or leave to remain under Appendix Ukraine Scheme, or

- (b) a cancellation of entry clearance, or cancellation or curtailment of leave to enter or remain, granted under Appendix Ukraine Scheme."

7. In paragraph 395B of the principal Rules, delete the paragraph beginning with the words "It also applies".

8. Immediately after Appendix HK to the principal Rules, insert the Appendices set out in the Appendix to these Rules.

**Interpretation.**

9. 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.**

10. These Rules may be cited as the Immigration (Bailiwick of Guernsey) (Amendment No. 2) Rules, 2022.

**Commencement and application.**

11. (1) Subject to subparagraph (2), these Rules come into force on 11th April, 2022 and apply to all decisions made on or after that date.

(2) The provisions of the Ukraine Extension Scheme set out in Appendix Ukraine Scheme shall come into force on 3rd May, 2022 and apply to all decisions made on or after that date.

Dated this 11<sup>th</sup> day of April, 2022

A handwritten signature in black ink, consisting of several overlapping loops and a long, straight 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

APPENDIX

APPENDICES TO BE INSERTED IN THE IMMIGRATION (BAILIWICK OF  
GUERNSEY) RULES, 2008

Paragraph 8

"APPENDIX UKRAINE SCHEME

Paragraph C255

**UKRAINE FAMILY SCHEME**

**Validity requirements for the Ukraine Family Scheme.**

UKR 1.1 A person applying for entry clearance or leave to enter or remain under the Ukraine Family Scheme must apply online on the gov.uk website on the specified form as follows: "Ukraine Scheme".

UKR 1.2 An application for entry clearance or leave to enter or remain under the Ukraine Family Scheme must meet all the following requirements –

- (a) the applicant must have provided any biometric information required for the purposes of the application; and
- (b) the applicant must have provided a passport or other document which satisfactorily established the applicant's identity and nationality.

UKR 1.3 An application which does not meet all the validity requirements in paragraphs UKR 1.1 and UKR1.2 is invalid and may be rejected and not considered.

**Suitability requirements for the Ukraine Family Scheme.**

UKR 2.1 The applicant must not fall for refusal under any of the following paragraphs –

- (a) paragraph 320(2) (except item (d)) (deportation order or conviction); or
- (b) paragraph 320(3) (failure to produce passport or other travel document); or
- (c) paragraph 320(4) (failure to establish acceptability in another part of common travel area); or
- (d) paragraph 320(5) (failure to produce valid entry clearance); or
- (e) paragraph 320(6) (exclusion by the Lieutenant Governor for the public good); or
- (f) paragraph 320(7) (Medical Officer of Health confirming undesirable to admit); or
- (g) paragraph 320(7A) (false representations or false documents); or
- (h) paragraph 320(10) (unrecognised passport or travel document); or
- (i) paragraph 320(13) (failure to establish future admissibility to another country after stay); or
- (j) paragraph 320(18B) (offence causing serious harm or by persistent offender); or
- (k) paragraph 320(19) (exclusion by immigration officer for the public good); or
- (l) paragraph 321(i) (refusal of leave to enter for false representations or false documents).

UKR 2.2 An entry clearance, or leave to enter or remain, granted under the Ukraine Family Scheme and in force upon the holder's arrival in, or whilst the holder is outside, the Bailiwick of Guernsey, may be cancelled or curtailed, on a ground specified in any of the following paragraphs –

- (a) paragraph 321A(2) (false representations or false documents); or
- (b) paragraph 321A(3) (undesirable to admit for medical reasons); or

- (c) paragraph 321A(4) (exclusion by the Lieutenant Governor for the public good); or
- (d) paragraph 321A(4A) (miscellaneous grounds), to the extent that it relates to the grounds specified under paragraph 320(2) and (6); or
- (e) paragraph 321A(5) (exclusion by immigration officer or Lieutenant Governor for the public good).

**Eligibility requirements for the Ukraine Family Scheme.**

**Entry requirements for the Ukraine Family Scheme**

UKR 3.1 A person seeking to come to the Bailiwick of Guernsey under the Ukraine Family Scheme must apply for entry clearance and must have been –

- (a) granted entry clearance under the Ukraine Scheme; or
  - (b) given a letter from the Home Office or issued by or on behalf of the Lieutenant Governor confirming the applicant can travel to the Bailiwick under the Ukraine Scheme,
- before the person arrives in the Bailiwick.

**Variation of entry clearance application after arrival for person given letter authorising travel to the Bailiwick**

UKR 4.1 A person who –

- (a) has made an application for entry clearance which has not been decided; and
- (b) has been given a letter from the Home Office or issued by or on behalf of the Lieutenant Governor confirming the applicant can travel to the Bailiwick; and
- (c) is granted leave to enter on arrival in the Bailiwick; and
- (d) provides the person's biometric information after arrival in the Bailiwick,

may, on application to the Lieutenant Governor for leave to remain, have the person's application for entry clearance treated as an application for leave to remain subject to any necessary modifications.

### **Residence requirement for the Ukraine Family Scheme**

UKR 5.1 An applicant applying for entry clearance under the Ukraine Family Scheme must have been ordinarily resident in Ukraine before 1 January 2022 unless the applicant is a child born or adopted on or after that date.

UKR 5.2 An applicant applying for leave to remain under the Ukraine Family Scheme must be in the Bailiwick of Guernsey and either –

- (a) have leave to enter and remain; or
- (b) have had leave to enter and remain immediately before 1 January 2022 which has since expired,

but leave to enter and remain granted after 18 March 2022 does not count as leave to enter and remain for the purpose of this requirement.

### **Relationship requirement for a family member under the Ukraine Family Scheme**

UKR 6.1 The applicant must be a family member (as set out at paragraph UKR 6.2.) of a person ("**Bailiwick-based sponsor**") who is one of the following –

- (a) a British citizen; or
- (b) a person who is present and settled in the Bailiwick of Guernsey;  
or
- (c) a person in the Bailiwick of Guernsey with limited leave as a refugee; or
- (d) an EEA national in the Bailiwick of Guernsey with limited leave to enter or remain granted under paragraph EU3 of Appendix EU on the basis of meeting condition 1 in paragraph EU14 of that Appendix (that is with pre-settled status granted under the EU

Settlement Scheme on the basis that the person was living in the UK and Islands before 2300 GMT on 31 December 2020).

UKR 6.2 Where applying as a family member under UKR 6.1, the applicant must be a family member in one of the following relationships (and, if the applicant is not Ukrainian, at least one of the immediate family members under (a) must be a Ukrainian national as in UKR 7.1) –

- (a) an immediate family member, meaning a –
  - (i) partner of the Bailiwick-based sponsor; or
  - (ii) child aged under 18 years of the Bailiwick-based sponsor or that sponsor's partner; or
  - (iii) parent of a child (who is aged under 18 years on the date of application), where the child is the Bailiwick-based sponsor; or
  - (iv) fiancé(e) or proposed unmarried partner of the Bailiwick-based sponsor; or
- (b) an extended family member, meaning a –
  - (i) parent of the Bailiwick-based sponsor, or of that sponsor's partner (where the sponsor or partner is aged 18 years or over on the date of application); or
  - (ii) parent of the Bailiwick-based sponsor's child or of the Bailiwick-based sponsor's partner's child (where the child is aged under 18 years on the date of application); or
  - (iii) grandparent of the Bailiwick-based sponsor or of that sponsor's partner; or
  - (iv) grandchild of the Bailiwick-based sponsor or of that sponsor's partner; or
  - (v) sibling of the Bailiwick-based sponsor or of that sponsor's partner; or

- (vi) adult child (aged 18 years or over on the date of application) of the Bailiwick-based sponsor or of that sponsor's partner; or
- (vii) aunt or uncle of the Bailiwick-based sponsor; or
- (viii) cousin of the Bailiwick-based sponsor; or
- (ix) niece or nephew of the Bailiwick-based sponsor; or
- (c) an immediate family member of an extended family member, meaning a –
  - (i) partner of the extended family member; or
  - (ii) child aged under 18 years on the date of application of the extended family member; or
  - (iii) parent of a child aged under 18 years on the date of application, where the child is the extended family member; or
  - (iv) fiancé(e) or proposed unmarried partner of the extended family member.

UKR 6.3 An applicant applying as a partner, fiancé(e) or proposed unmarried partner of a Bailiwick-based sponsor or an extended family member must be in a genuine and subsisting relationship with the Bailiwick-based sponsor or extended family member which commenced before 1 January 2022.

UKR 6.4 An applicant who is applying as a partner must meet the requirements in Appendix Relationship with Partner.

### **Nationality requirement for the Ukraine Family Scheme**

- UKR 7.1 The applicant must be either –
- (a) a Ukrainian national; or

- (b) part of a family group (meaning a group of people as set out in UKR 6.2) which includes an immediate family member of the Bailiwick-based sponsor who is a Ukrainian national who would qualify under the Ukraine Family Scheme (whether or not applying at the same time as the applicant).

**Parental consent requirement for a child applying under the Ukraine Family Scheme**

UKR 8.1 If the applicant is aged under 18 years on the date of application and the applicant is not accompanying a parent to, or joining a parent in, the Bailiwick of Guernsey, the applicant must have written consent from –

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian,

unless the decision-maker is satisfied it is reasonable in the circumstances to grant the child entry clearance or leave to enter or remain without such consent.

UKR 8.2 The written consent must confirm support for all the following –

- (a) the application; and
- (b) the applicant's living and care arrangements in the Bailiwick; and
- (c) if the application is for entry clearance, the applicant's travel to, and reception arrangements in, the Bailiwick.

**Decision under the Ukraine Family Scheme.**

UKR 9.1 If the decision-maker is satisfied that all the suitability and eligibility requirements under the Ukraine Family Scheme are met, the application will be granted; otherwise, the application will be refused.

**Period and conditions of grant under the Ukraine Family Scheme.**

UKR 10.1 The applicant will be granted leave to enter and remain for whatever is the shorter of either –

- (a) 36 months; or
- (b) a period which would mean the applicant has been granted a maximum of 36 months under the Ukraine Scheme.

UKR 10.2 The leave will be granted subject to the following conditions –

- (a) access to public funds permitted; and
- (b) work (including self-employment and voluntary work) permitted; and
- (c) study permitted.

**UKRAINE EXTENSION SCHEME**

**Validity requirements for the Ukraine Extension Scheme.**

UKR 11.1. A person applying for leave to remain under the Ukraine Extension Scheme must apply online on the gov.uk website on the specified form as follows: "Ukraine Scheme".

UKR 11.2 An application for leave to remain under the Ukraine Extension Scheme must meet all the following requirements –

- (a) the applicant must have provided any biometric information required for the purposes of the application; and
- (b) the applicant must have provided a passport or other document which satisfactorily established the applicant's identity and nationality; and
- (c) the applicant must be in the Bailiwick of Guernsey.

UKR 11.3. The applicant must have had leave to enter or remain in the Bailiwick of Guernsey on 18 March 2022, unless –

- (a) the applicant was in the Bailiwick with leave to enter or remain immediately before 1 January 2022 but that leave has since expired;  
or
- (b) the applicant was a child born in the Bailiwick after 18 March 2022.

UKR 11.4. An application which does not meet all the validity requirements for the Ukraine Extension Scheme is invalid and may be rejected and not considered.

**Suitability requirements for the Ukraine Extension Scheme.**

UKR 12.1 The applicant must not fall for refusal under any of the following paragraphs –

- (a) paragraph 320(2) (except item (d)) (deportation order or conviction); or
- (b) paragraph 320(3) (failure to produce passport or other travel document); or
- (c) paragraph 320(4) (failure to establish acceptability in another part of common travel area); or
- (d) paragraph 320(5) (failure to produce valid entry clearance); or
- (e) paragraph 320(6) (exclusion by the Lieutenant Governor for the public good); or
- (f) paragraph 320(7) (Medical Officer of Health confirming undesirable to admit); or
- (g) paragraph 320(7A) (false representations or false documents); or
- (h) paragraph 320(10) (unrecognised passport or travel document); or

- (i) paragraph 320(13) (failure to establish future admissibility to another country after stay); or
- (j) paragraph 320(18B) (offence causing serious harm or by persistent offender); or
- (k) paragraph 320(19) (exclusion by immigration officer for the public good); or
- (l) paragraph 321(i) (refusal of leave to enter for false representations or false documents).

UKR 12.2 Leave to remain granted under this scheme and in force upon the holder's arrival in, or whilst the holder is outside, the Bailiwick of Guernsey, may be cancelled or curtailed, on a ground specified in any of the following paragraphs –

- (a) paragraph 321A(2) (false representations or false documents); or
- (b) paragraph 321A(3) (undesirable to admit for medical reasons); or
- (c) paragraph 321A(4) (exclusion by the Lieutenant Governor for the public good); or
- (d) paragraph 321A(4A) (miscellaneous grounds), to the extent that it relates to the grounds specified under paragraph 320(2) and (6); or
- (e) paragraph 321A(5) (exclusion by immigration officer or Lieutenant Governor for the public good).

**Eligibility requirements for the Ukraine Extension Scheme.**

**Nationality requirement for the Ukraine Extension Scheme**

UKR 13.1 The applicant must be either –

- (a) a Ukrainian national; or
- (b) a person who has or last had leave to enter or remain as –
  - (i) a partner of a Ukrainian national; or
  - (ii) a child of a Ukrainian national; or

- (c) a child of a Ukrainian national born in the Bailiwick after 18 March 2022.

**Relationship requirement for a partner or child under the Ukraine Extension Scheme**

UKR 14.1 An applicant who is a partner must meet the requirements in Appendix Relationship with Partner.

UKR 14.2 A child born in the Bailiwick of Guernsey must provide a full birth certificate issued by the Registrar-General of Births, or a deputy of the Registrar-General of Births, in Guernsey, Alderney or Sark.

**Parental consent requirements for a child applying under the Ukraine Extension Scheme**

UKR 15.1 If the applicant is aged under 18 years on the date of application and the applicant is not applying with the applicant's parent or parents, the applicant must have written consent from –

- (a) both parents; or
- (b) one parent, if that parent has sole legal responsibility for the applicant; or
- (c) the applicant's legal guardian,

unless the decision-maker is satisfied it is reasonable in the circumstances to grant the child leave to remain without such consent.

UKR 15.2 The written consent must confirm support for –

- (a) the application; and
- (b) the applicant's living and care arrangements in the Bailiwick of Guernsey.

### **Care requirement for a child under the Ukraine Extension Scheme**

UKR 16.1 If the applicant is aged under 18 years on the date of application, there must be suitable arrangements for the child's care and accommodation in the Bailiwick of Guernsey, which must comply with any applicable legislation in the Bailiwick.

### **Decision under the Ukraine Extension Scheme.**

UKR 17.1 If the decision-maker is satisfied that all the suitability and eligibility requirements under the Ukraine Extension Scheme are met, the application will be granted; otherwise, the application will be refused.

### **Period and conditions of grant under the Ukraine Extension Scheme.**

UKR 18.1 The applicant will be granted leave to remain for whatever is the shorter of either –

- (a) 36 months; or
- (b) a period which would mean the applicant has been granted a maximum of 36 months under the Ukraine Scheme.

UKR 18.2 The leave will be granted subject to the following conditions –

- (a) access to public funds permitted; and
- (b) work (including self-employment and voluntary work) permitted;  
and
- (c) study permitted.

### **Interpretation.**

UKR 19.1 For the purposes of this Appendix –

**"biometric information"** means information about a person's external physical characteristics (including in particular, a biometric photograph, fingerprints and features of the iris); and

A person ("A") is the **"partner"** of another person ("B") if –

- (a) A is B's spouse; or
- (b) A is B's unmarried partner; or
- (c) A has been living together with B in a relationship akin to a marriage or unmarried partnership for at least two years prior to the date of the application.

## APPENDIX RELATIONSHIP WITH PARTNER

Paragraph D255 and Appendix Ukraine Scheme

### **Age requirement for a person applying as a partner**

RWP 1.1. The applicant and the applicant's partner must be aged 18 years or over on the date of application.

### **Requirement that the partners must not be closely related**

RWP 2.1 The applicant and the applicant's partner must not be so closely related that they would be prohibited from marrying each other under section 1 of the Marriage (Bailiwick of Guernsey) Law, 2020.

### **Requirement for previous relationships to have broken down permanently**

RWP 3.1 Any previous marriage, unmarried partnership, or other relationship akin to a marriage or unmarried partnership, of the applicant or the applicant's partner with another person must have permanently broken down unless RWP 7.1 applies.

### **Requirement that any marriage or unmarried partnership is valid**

RWP 4.1 Where the applicant and the applicant's partner are married or in an unmarried partnership, that marriage or unmarried partnership must be recognised by law in the country in which it took place (for example, under a law recognising civil partnerships).

**Requirement for a durable relationship where a person is not married or in a civil partnership**

RWP 5.1 Where the applicant and the applicant's partner are neither married nor in an unmarried partnership, they must have been in a relationship akin to a marriage or unmarried partnership for at least two years before the date of application.

**Genuine and subsisting relationship requirement**

RWP 6.1 The applicant and the applicant's partner must have met in person.

RWP 6.2 The relationship between the applicant and the applicant's partner must be genuine and subsisting.

**Polygamous or polyandrous marriages and unmarried partnerships**

RWP 7.1 If the applicant or the applicant's partner is currently in a polygamous marriage or unmarried partnership, they may only rely on that marriage or unmarried partnership for the purposes of an application for entry clearance, leave to enter or remain or settlement as a partner where no other partner to the marriage or unmarried partnership is seeking, or has been granted –

- (a) leave to enter or remain (except as a visitor or person in transit); or
- (b) settlement; or
- (c) a certificate of entitlement duly issued by or on behalf of the Government of the United Kingdom certifying that that partner has the right of abode."

## EXPLANATORY NOTE

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

These Rules amend the Immigration (Bailiwick of Guernsey) Rules, 2008 ("**the principal Rules**") to insert and give effect to a new Appendix Ukraine Scheme, and for the purposes of that appendix, a new Appendix Relationship with Partner. The amendments also remove references to the now-repealed section 7 of the Immigration Act 1988.

These Rules, other than the Ukraine Extension Scheme set out in Appendix Ukraine Scheme, will come into force on 11<sup>th</sup> April, 2022. The Ukraine Extension Scheme will come into force on the 3<sup>rd</sup> May, 2022.