



GUERNSEY STATUTORY INSTRUMENT

2022 No. **25**

**The Immigration (Bailiwick of Guernsey)
(Amendment) Rules, 2022**

<i>Made</i>	<i>4th April, 2022</i>
<i>Coming into operation</i>	<i>5th April, 2022</i>
<i>Laid before the States</i>	<i>, 2022</i>

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 to 7.

2. In paragraph 17B of the principal Rules –

^a An Act of Parliament, 1971 c. 77. The 1971 Act has been amended.

^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.

^c G.S.I. No. 26 of 2008; this enactment has been amended.

- (a) delete "paragraph 13 of",
- (b) immediately after "and Remain", insert ", 2019", and
- (c) at the end of this paragraph, insert the following sentence: "Leave must not be cancelled under this paragraph except on a ground specified in paragraph 321A."

3. For paragraph 20A of the principal Rules, substitute the following paragraph –

"Lapse of leave.

20A. Subject to the Directions of the Lieutenant Governor Concerning Leave to Enter and Remain, 2019, leave to enter or remain in the Bailiwick will lapse on the holder going to a country or territory outside the common travel area."

4. For paragraph 25A of the principal Rules, substitute the following paragraph –

"25A. Subject to the Directions of the Lieutenant Governor Concerning Leave to Enter and Remain, 2019 –

- (a) an entry clearance has effect as leave to enter the Bailiwick of Guernsey, and

- (b) on arrival in the Bailiwick of Guernsey, the holder of an entry clearance will be treated as a person who has arrived with leave to enter the Bailiwick of Guernsey which is in force but given to him before his arrival."

5. In paragraph 33A of the principal Rules –

- (a) delete "paragraph 13 of",
- (b) for "Direction", substitute "Directions", and
- (c) immediately after "and Remain", insert ", 2019".

6. Immediately after paragraph 128 of the principal Rules, insert the following paragraph –

"Issue and pre-approval of work permits.

128B. Subject to the other provisions of this Part, the Committee for Home Affairs may, in accordance with any policy published by it –

- (a) issue or withdraw a work permit, or
- (b) pre-approve the issue of a work permit, or withdraw or revalidate such a pre-approval."

7. Revoke the heading "INVESTORS" before paragraph 224, and paragraphs 224 to 231, of the principal Rules.

Interpretation.

8. 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.

Transitional provisions for investors.

9. (1) Despite the revocation of the relevant paragraphs, the following applications must be considered and determined under those paragraphs as if they had not been revoked –

- (a) an application for entry clearance or leave to enter the Bailiwick of Guernsey as an investor submitted before the commencement date,
- (b) an application for an extension of stay as an investor by a person who has entered the Bailiwick of Guernsey with a valid entry clearance as an investor, submitted no later than the earlier of the following –
 - (i) the expiry of the person's leave to enter as an investor, or
 - (ii) the second anniversary of the commencement date,
- (c) an application for indefinite leave to remain as an investor by a person who has been granted an extension of stay as an investor and has spent a period of five years lawfully in the Bailiwick of Guernsey in this capacity, submitted no later than –

- (i) the expiry of the person's extension of stay as an investor,
- (ii) in the case of a person who was granted an extension of stay as an investor before the commencement date, the third anniversary of the commencement date, or
- (iii) in the case of a person who was granted an extension of stay as an investor on or after the commencement date, the fifth anniversary of the commencement date.

(2) For the avoidance of doubt, the following have and continue to have effect after the commencement date as if the relevant paragraphs had not been revoked –

- (a) any entry clearance, or leave to enter or remain (including an extension of stay), as an investor granted under the relevant paragraphs before the commencement date, and
- (b) any entry clearance, or leave to enter or remain (including an extension of stay), as an investor granted under the relevant paragraphs in response to an application falling within subparagraph (1)(a), (b) or (c).

(3) In this paragraph –

"commencement date" means the date on which these Rules come into force, and

"relevant paragraphs" means paragraphs 224 to 231 of the principal Rules.

Citation.

10. These Rules may be cited as the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2022.

Commencement and application.

11. These Rules come into force on 22nd March, 2022 and apply to all decisions made on or after that date.

Dated this 4th day of April, 2022



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 ("the principal Rules") to update various references in those Rules to the Directions of the Lieutenant Governor Concerning Leave to Enter and Remain (which were re-issued

with amendments in 2019), and to provide for the issuance of pre-approvals of work permits as well as revalidations of such pre-approvals.

In addition, these Rules revoke paragraphs 224 to 231 of the principal Rules relating to leave to enter or remain as an investor.

These Rules will come into force on 5th April, 2022.

