

GUERNSEY STATUTORY INSTRUMENT

2022 No. 41

**The Immigration (Bailiwick of Guernsey)  
(Amendment No. 3) Rules, 2022**

<i>Made</i>	23 <sup>rd</sup> May, 2022
<i>Coming into operation</i>	24 <sup>th</sup> May, 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 and 3.

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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. In paragraph 11A of the principal Rules, immediately after subparagraph (g), insert the following paragraph -

"(ga) a national of one of the countries listed in paragraph 11B who is under the age of 19 years and who is travelling as a member of an organised group of school pupils where –

(i) the school is a general education school recognised as such in the country where the school is located, and

(ii) the group is accompanied by a teacher from the school, or"

3. In Appendix Ukraine Scheme to the principal Rules, for paragraph UKR 19.1 (interpretation), substitute the headings and paragraphs set out in the Appendix to these Rules.

**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 Rules may be cited as the Immigration (Bailiwick of Guernsey) (Amendment No. 3) Rules, 2022.

**Commencement and application.**

6. These Rules come into force on 24<sup>th</sup> May, 2022 and apply to all decisions made on or after that date.

Dated this 23<sup>rd</sup> day of May, 2022

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

Deputy Robert Prow  
President of the Committee for Home Affairs  
For and on behalf of the Committee

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## APPENDIX

### HEADINGS AND PARAGRAPHS TO BE SUBSTITUTED FOR PARAGRAPH UKR 19.1 OF APPENDIX UKRAINE SCHEME

Paragraph 3

#### **"BAILIWICK OF GUERNSEY UKRAINE SPONSORSHIP SCHEME**

##### **Validity requirements for the Bailiwick of Guernsey Ukraine Sponsorship Scheme.**

UKR 19.1 A person applying for entry clearance or leave to enter or remain under the Bailiwick of Guernsey Ukraine Sponsorship Scheme must apply online on the gov.uk website on the specified form as follows: "Ukraine Scheme".

UKR 19.2 An application for entry clearance or leave to enter or remain under the Bailiwick of Guernsey Ukraine Sponsorship 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 outside the Bailiwick of Guernsey on the date of application; and
- (d) the applicant must have provided the name of an approved sponsor who has offered the applicant accommodation in the Bailiwick of Guernsey.

UKR 19.3 The applicant must be aged 18 years or over on the date of application, unless -

- (a) the applicant is applying with, or to join in the Bailiwick of Guernsey, a parent or legal guardian; and
- (b) the parent or legal guardian will be living with and looking after the applicant while the applicant is under 18 years of age and living in the Bailiwick.

UKR 19.4 An application which does not meet all the validity requirements in paragraphs UKR 19.1, UKR 19.2 and UKR 19.3 is invalid and may be rejected and not considered.

**Suitability requirements for the Bailiwick of Guernsey Ukraine Sponsorship Scheme.**

UKR 20.1 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 20.2 An entry clearance or leave to enter or remain granted under the Bailiwick of Guernsey Ukraine Sponsorship 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 Bailiwick of Guernsey Ukraine Sponsorship Scheme.**

**Entry requirements for the Bailiwick of Guernsey Ukraine Sponsorship Scheme**

UKR 21.1 A person seeking to come to the Bailiwick of Guernsey under the Bailiwick of Guernsey Ukraine Sponsorship 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 22.1 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.

**Approved sponsor requirement for the Bailiwick of Guernsey Ukraine Sponsorship Scheme**

UKR 23.1 An applicant under the Bailiwick of Guernsey Ukraine Sponsorship Scheme must have a sponsor approved under the Bailiwick of Guernsey Ukraine Sponsorship Scheme Policy **before** the application is submitted. Approval under that Policy is subject to paragraph UKR 23.2.

UKR 23.2 An individual must not be approved as a sponsor under the Policy specified in paragraph UKR 23.1 unless the individual is -

- (a) a British citizen; or
- (b) a person who is present and settled in the Bailiwick of Guernsey; or
- (c) 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); or
- (d) any other person with leave to enter or remain in the Bailiwick for a period of at least 12 months from the end of the month in which their application to be a sponsor is approved.

UKR 23.3 Where an immediate family group is applying under the Bailiwick of Guernsey Ukraine Sponsorship Scheme, the Ukrainian national and their immediate family members (as described in paragraph UKR 26.1) must

have the same approved sponsor under the Bailiwick of Guernsey Ukraine Sponsorship Scheme.

#### **Residence requirement for the Bailiwick of Guernsey Ukraine Sponsorship Scheme**

UKR 24.1 An applicant applying for entry clearance under the Bailiwick of Guernsey Ukraine Sponsorship 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.

#### **Nationality requirement for the Bailiwick of Guernsey Ukraine Sponsorship Scheme**

UKR 25.1 The applicant must be either -

- (a) a Ukrainian national; or
- (b) part of an immediate family group (meaning a group of people as set out in paragraph UKR 26.1) which includes an immediate family member who is a Ukrainian national who qualifies under the Bailiwick of Guernsey Ukraine Sponsorship Scheme (whether or not applying at the same time as the applicant).

#### **Relationship requirement for a family member under the Bailiwick of Guernsey Ukraine Sponsorship Scheme**

UKR 26.1 If the applicant is not a Ukrainian national, the applicant must be an immediate family member of a Ukrainian national who qualifies under the Bailiwick of Guernsey Ukraine Sponsorship Scheme, meaning a -

- (a) partner of the Ukrainian national; or
- (b) child aged under 18 years, on the date of the application, of the Ukrainian national or the Ukrainian national's partner; or

- (c) parent of a Ukrainian national child, who is aged under 18 years on the date of application and is also applying or has applied under the Bailiwick of Guernsey Ukraine Sponsorship Scheme; or
- (d) fiancé(e) or proposed unmarried partner of the Ukrainian national.

UKR 26.2 An applicant applying as a partner, fiancé(e) or proposed unmarried partner of a Ukrainian national must be in a genuine and subsisting relationship with the Ukrainian national which commenced before 1 January 2022.

UKR 26.3 An applicant who is applying as a partner must meet the requirements in Appendix Relationship with Partner.

**Decision under the Bailiwick of Guernsey Ukraine Sponsorship Scheme.**

UKR 27.1 If the decision-maker is satisfied that all the suitability and eligibility requirements under the Bailiwick of Guernsey Ukraine Sponsorship Scheme are met, the application will be granted; otherwise, the application will be refused.

**Period and conditions of grant under the Bailiwick of Guernsey Ukraine Sponsorship Scheme.**

UKR 28.1 The applicant will be granted leave to enter and remain for a period of up to 36 months, not exceeding a period which would mean the applicant has been granted a maximum of 36 months under the Ukraine Scheme.

UKR 28.2 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.

## GENERAL

### Interpretation.

UKR 29.1 For the purposes of this Appendix –

"**approved sponsor**", in relation to the Bailiwick of Guernsey Ukraine Sponsorship Scheme, means a sponsor approved under the Bailiwick of Guernsey Ukraine Sponsorship Scheme Policy; and

"**Bailiwick of Guernsey Ukraine Sponsorship Scheme Policy**" means the policy of that name published by the States of Guernsey Committee for Home Affairs on the gov.gg website; and

"**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."

## EXPLANATORY NOTE

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

These Rules amend the Immigration (Bailiwick of Guernsey) Rules, 2008 ("**the principal Rules**") to provide for a method of proving identity and nationality in certain cases, and to add another scheme to the schemes provided for in the Appendix Ukraine Scheme.

These Rules provide for nationals of certain countries under the age of 19 years to prove their identity and nationality using their national identity cards for the purposes of immigration control. In order for national identity cards to be accepted as satisfactory proof, these nationals must be travelling on a school trip organised by a general education school and accompanied by a school teacher.

These Rules also insert a new scheme, the Bailiwick of Guernsey Ukraine Sponsorship Scheme, in the Appendix Ukraine Scheme to the Rules.

These Rules will come into force on 24<sup>th</sup> May, 2022.