

GUERNSEY STATUTORY INSTRUMENT

2023 No. 26

**The Immigration (Bailiwick of Guernsey)
(Amendment) Rules, 2023**

<i>Made</i>	24 th April, 2023
<i>Coming into operation</i>	26 th April, 2023
<i>Laid before the States</i>	, 2023

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 follows.

^a An Act of Parliament, 1971 c. 77; this enactment 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.

2. In paragraph 11A of the principal Rules, immediately after subparagraph (h), insert "or" and the following subparagraph –

"(i) a French national, travelling directly to the Bailiwick of Guernsey from France on a commercial passenger ferry, who -

(i) holds a valid national identity card; and

(ii) is travelling to the Bailiwick on a day trip with return travel to France booked for the same day; and

(iii) is travelling between 26th April, 2023 and 30th September, 2023, inclusive of both dates; and

(iv) is not transiting through the Bailiwick to another country or territory in the common travel area.".

3. Renumber paragraph 134 of the principal Rules, "134(1)" and immediately after the new paragraph 134(1), insert the following subparagraph -

"(2) For the purposes of subparagraph (1)(i) -

(i) a person who has spent a continuous period of 5 years in two or more jurisdictions in the United Kingdom and Islands as holder of leave granted by each of those jurisdictions for the purpose of taking waged or salaried employment is deemed to have spent a

continuous period of 5 years in the Bailiwick of Guernsey as a work permit holder, if -

- (a) each leave granted could have resulted in the person being granted settlement in the jurisdiction for which the leave was granted had the person remained in that jurisdiction as a holder of that leave, and
 - (b) the most recent period of that time was spent in the Bailiwick of Guernsey as a work permit holder, and
- (ii) for this purpose, paragraph 128A has effect as if a reference to the Bailiwick of Guernsey is a reference to the United Kingdom and Islands."

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) Rules, 2023.

Commencement and application.

6. These Rules shall come into force on 26th April, 2023 and apply to all decisions made on or after that date.

Dated this 24th day of April 2023



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**") in respect of the use of national identity cards as proof of identity and nationality, and the granting of indefinite leave to remain to a work permit holder.

Paragraph 11A of the principal Rules is amended to allow French nationals who arrive in the Bailiwick on a day-trip by commercial ferry to use their national identity cards as proof of identity and nationality for the purposes of paragraph 11(i) of the principal Rules. This is only for a pilot trial period (26th April to 30th September, 2023).

Paragraph 134 of the principal Rules is amended to provide for time spent in the United Kingdom, the Bailiwick of Jersey or the Isle of Man to be taken into account for the purposes of applying for indefinite leave to remain as a work permit holder: where a work permit holder has spent a continuous period of 5 years in total as the holder of leave for the purpose of taking waged or salaried employment, made up of time spent in the Bailiwick of Guernsey and one or more other jurisdictions in the United Kingdom and Islands, the holder is deemed to have spent a continuous period

of 5 years in the Bailiwick of Guernsey as a work permit holder for the purposes of an application for indefinite leave to remain as a work permit holder.

This applies only if the most recent period of time spent by the holder was in the Bailiwick of Guernsey as a work permit holder, and the leave granted in the other jurisdiction(s) could have resulted in the person being granted settlement in the respective jurisdictions.

These Rules will come into force on the 26th April, 2023.