

GUERNSEY STATUTORY INSTRUMENT

2024 No. 66

**The Immigration (Bailiwick of Guernsey)
(Amendment) Rules, 2024**

<i>Made</i>	<i>6th August, 2024</i>
<i>Coming into operation</i>	<i>7th August, 2024</i>
<i>Laid before the States</i>	<i>, 2024</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 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 6 of the principal Rules, in the definition of "**sponsor**", for "317 to 319", substitute "Appendix FM".

3. In paragraph 11A(i)(iii) of the principal Rules, for "between 26th April, 2023 and 30th September, 2023, inclusive of both dates" substitute "on or before 30th September, 2024".

4. For paragraphs 317 to 319 of the principal Rules, and the headings for these paragraphs, substitute the following heading and paragraph –

"Appendix FM.

316G. Appendix FM has effect."

5. Immediately after Appendix Relationship with Partner to the principal Rules, insert the appendix set out in the Appendix to these Rules.

Transitional and savings.

6. (1) This paragraph applies to an application for indefinite leave to enter or remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick where the application is made before the commencement of these Rules.

(2) An application to which this paragraph applies shall be determined under the principal Rules as if the amendments made to those Rules by these Rules had not been made.

Interpretation.

7. 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.

8. These Rules may be cited as the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2024.

Commencement and application.

9. These Rules shall come into force on 7th August, 2024.

Dated this 6th day of August, 2024

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

Paragraph 5

APPENDIX TO INSERT AFTER APPENDIX RELATIONSHIP WITH PARTNER

"APPENDIX FM

Paragraph 316G

DEPENDENT RELATIVE OF PERSONS PRESENT AND SETTLED IN THE
BAILIWICK OF GUERNSEY

Requirements for indefinite leave to enter or remain as an adult dependent relative.

FM1. (1) The requirements to be met by a person seeking indefinite leave to enter or remain in the Bailiwick of Guernsey as a dependent relative of a person present and settled in the Bailiwick are that –

- (a) the applicant must be the –
 - (i) parent aged 18 years or over; or
 - (ii) grandparent; or
 - (iii) brother or sister aged 18 years or over; or
 - (iv) son or daughter aged 18 years or over;of a person ("**the sponsor**") who is present and settled in the Bailiwick; and
- (b) the applicant must be outside the United Kingdom and Islands; and
- (c) if the applicant is the sponsor's parent or grandparent the applicant must not be in a subsisting relationship with a partner unless that partner is also the sponsor's parent or

grandparent and is applying for entry clearance at the same time as the applicant; and

(d) the applicant or (if the applicant and the applicant's partner are the sponsor's parents or grandparents) the applicant's partner must as a result of age, illness or disability require long-term personal care to perform everyday tasks; and

(e) the applicant or (if the applicant and the applicant's partner are the sponsor's parents or grandparents) the applicant's partner must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because –

(i) it is not available and there is no person in that country who can reasonably provide it; or

(ii) it is not affordable; and

(f) the applicant must provide evidence that the applicant can be adequately maintained, accommodated and cared for in the Bailiwick by the sponsor without recourse to public funds; and

(g) the applicant must provide a written and legally binding undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance,

accommodation and care, for a period of five years from the date the applicant enters the Bailiwick; and

- (h) the sponsor must at the date of application –
 - (i) be aged 18 years or over; and
 - (ii) be present and settled in the Bailiwick; and
 - (i) the applicant does not fall for refusal under the general grounds for refusal; and
 - (j) in the case of indefinite leave to enter, the applicant holds a valid entry clearance for entry in this capacity.
- (2) Nothing in subparagraph (1) limits paragraph 35 of these Rules; and the States of Guernsey may recover from the person giving the undertaking required under subparagraph (1)(f) any public monies paid to or for the benefit of the person in respect of whom the undertaking is given.

Indefinite leave to enter or remain as a dependent relative.

FM2. A person seeking indefinite leave to enter or remain in the Bailiwick of Guernsey, as a dependent relative of a person present and settled in the Bailiwick, who satisfies each of the requirements of paragraph FM1 may be given leave to enter or remain for an indefinite period.

Refusal of indefinite leave to enter or remain as an adult dependent relative.

FM3. Indefinite leave to enter or remain in the Bailiwick of Guernsey, as a dependent relative of a person present and settled in the Bailiwick, is

to be refused if the immigration officer is not satisfied that each of the requirements of paragraph FM1 is met.

Definition of "partner".

FM4. For the purposes of this Appendix, 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**") in respect of the granting of indefinite leave to enter or remain as a dependant relative of a person present and settled in the Bailiwick.

These Rules also amend the principal Rules to enable French nationals travelling to the Bailiwick on commercial ferry day-trips on or before 30th September, 2024 to continue to use their national identity cards to satisfy the requirement in the principal Rules to prove their identity and nationality.

These Rules will come into force on 7th August, 2024.