

Agreed Absences Policy

Introduction

If a person and everyone who will be absent from Guernsey with them are already Permanent Residents, they don't need to apply for an Agreed Absence. This is because they already have the right to live in Local Market housing and to work in Guernsey, no matter how long they spend away from the Island.

We recognise that people might want to spend time away from Guernsey while living here under a Permit. An agreed absence is a way to make sure that any qualifying residence that a person has built up is protected while they are away and, in some cases, for their Employment Permit to remain valid during the absence.

Some agreed absences are **automatic** – a person doesn't even need to let us know they are spending time away from Guernsey, and, if they were building up qualifying residence before the absence, they will still be building up qualifying residence during the absence.

For **common** types of absence that are not automatic agreed absences, a person will need to apply for their time away to be treated as an agreed absence, and this policy explains how they can generally expect their application to be treated.

For **other** absences, where the reason for the absence is not covered by this policy, or where a person will be away for longer than the policy allows, applications for an agreed absence will be assessed on a case-by-case basis.

Time away from Guernsey

If the absence is agreed, a person's time away from Guernsey will either be:

- treated as qualifying residence as though they were living in Guernsey during the agreed absence - in this policy, this is referred to as **Continuous Residence**; or
- taken out of their qualifying period so that their residence in Guernsey before and after the agreed absence is treated as one single period of qualifying residence - in this policy, this is referred to as **Unbroken Residence**.

Taking someone else away too?

If other people who are not yet Permanent Residents live with a person in Guernsey and will be going away with them, an agreed absence can also be used to protect their qualifying residence while they are away. The person applying for an agreed absence will need to let

us know who will be going with them, so that we can decide whether they can have an agreed absence too. If the reason for an absence is covered by this policy, a person can generally expect immediate family members to also be able to benefit from this policy.

Changes while a person is away

Sometimes things change during an agreed absence. For example, a person might start a relationship with someone they want to bring to Guernsey to live with them when they return, or a person might have a baby while they're away. If something changes while a person is away, they should contact us for advice. For example, we might be able to treat a new baby as though he/she was born in Guernsey.

Automatic Agreed Absences

A person whose parents/guardians currently live in Guernsey and who is away from Guernsey at **boarding school** will be treated as having Continuous Residence in Guernsey without needing to apply for an agreed absence.

(Reference AA1)

A person whose parents/guardians currently live in Guernsey and who is away from Guernsey at **university on an undergraduate course or in similar tertiary education** of not more than 4 years duration will be treated as having Continuous Residence in Guernsey without needing to apply for an agreed absence.

(Reference AA2)

A person aged between 16 and 25 whose parents/guardians currently live in Guernsey, or who is over 25 and has lived in Guernsey for the last 3 or more years and who is away from Guernsey **travelling** for a continuous period of not more than 12 months will be treated as having Continuous Residence in Guernsey without needing to apply for an agreed absence.

(Reference AA3)

A person who is resident in Guernsey as the holder of an Employment Permit cannot benefit from agreed absence reference AA3.

(Reference AA4)

A person who has lived in Guernsey for the last 3 or more years and who is away from Guernsey on a **work secondment (including professional training)** of not more than 6 months duration will be treated as having Continuous Residence in Guernsey without needing to apply for an agreed absence.

(Reference AA5)

Common Agreed Absences

A person who is absent from Guernsey in the following situations **will need to apply for an agreed absence**. A person will be treated as having Continuous Residence in Guernsey unless the Administrator becomes aware of information that leads him/her to believe that doing so would not be in line with the purpose of this policy.

A person who has lived in Guernsey for the last 3 or more years who is away from Guernsey **travelling** for a continuous period of more than 12 months but not more than two years can generally expect that they will be will be treated as having Continuous Residence in Guernsey.

(Reference AA6)

A person whose parents/guardians currently live in Guernsey and who is away from Guernsey at **university on an undergraduate course or in similar tertiary education** of more than 4 years' duration can generally expect that they will be will be treated as having Continuous Residence in Guernsey.

(Reference AA7)

A person who has lived in Guernsey for the last 3 or more years and who is away from Guernsey at **university doing a post-graduate course/degree/research** can generally expect that they will be will be treated as having Continuous Residence in Guernsey.

(Reference AA8)

A person who has lived in Guernsey for the last 3 or more years and who is away from Guernsey **gaining post-qualification employment experience** of not more than 2 years duration can generally expect that they will be will be treated as having Continuous Residence in Guernsey.

(Reference AA9)

A person who has lived in Guernsey for the last 3 or more years and who is away from Guernsey on a work **secondment (including training)** of more than 6 months but not more

than 2 years duration can generally expect that they will be will be treated as having Continuous Residence in Guernsey.

(Reference AA10)

A person who has lived in Guernsey for the last 3 or more years and who is away from Guernsey **caring for a close relative** (an immediate family member) for not more than 12 months duration can generally expect that they will be will be treated as having Continuous Residence in Guernsey.

(Reference AA11)

Other Agreed Absences

If a person will be absent from Guernsey for other reasons, and wants to apply for an agreed absence, they will need to make an application explaining the circumstances. Under this policy, there is an assumption that time away from Guernsey under all other agreed absences will be treated as Unbroken Residence.

The Administrator must keep in mind the States population policies when considering all other agreed absence applications.

There are already special arrangements in place for people serving in HM Forces and for people in off-Island placements for medical or welfare reasons.

Transitional arrangements

If a person:

- is not a Permanent Resident (or a Qualified Resident under the Housing Control Law); and
- was away from Guernsey on 3 April 2017 (the date the Population Management Law came into force); and
- the reason for the absence meets the criteria of this policy;

they can make an application for an agreed absence while they are away, or soon after they get back to Guernsey. They might be asked to provide evidence of the reason for the absence, and the dates on which they travelled from and to Guernsey.

(Reference AA12)

These transitional arrangements apply only to absences that span 3 April 2017 (i.e. the commencement date of the Law). Absences that started and ended before this date are not covered by this policy.

(Reference AA13)

Important Information

Applications should be made in advance

Agreed absence applications should be made before the absence period starts. If a person makes a late application, they will be asked to explain why the application was not made on time before the application will be considered, and the application might be refused. A person should make a late application as soon as they realise you need to – they shouldn't wait until they get back to Guernsey. The Administrator might ask for evidence to support an application (such as a letter from the employer confirming a work secondment) before making a decision.

Qualifying Residence either side of the Agreed Absence

This policy generally applies only to people who are building up qualifying residence in Guernsey immediately before the absence. If the Administrator is not satisfied that the person could be – or could reasonably expect to be – building up qualifying residence for the whole of the absence period, the agreed absence request is unlikely to be approved.

Where this policy refers to a person living in Guernsey this includes being treated as living in Guernsey under any Population Management Policy.

(Reference AA14)

Recognised Breaks in Residence

Time away from Guernsey under an agreed absence cannot count towards a Recognised Break in Residence. If it turns out that it would have been better for a person to have their time away from Guernsey counted towards a Recognised Break in Residence instead of as an agreed absence, we will explain this to them and they might have the option to change the way the absence is treated.

(Reference AA15)

Status during an Agreed Absence

This policy deals only with how a person's absence from Guernsey will be treated under the Population Management (Guernsey) Law, 2016. This has no bearing on how their absence/residence will be treated for other purposes, for example to assess their Income Tax or Social Security Contribution liability. A person should make sure they find out about how their absence might affect other aspects of their life in Guernsey before they leave the Island.

Policy Review

This policy will be reviewed on 2 April 2019. The policy should not be relied upon as an indication of the outcome of agreed absence applications made after the review date. If the policy changes as a result of the review, all absences agreed under this version of the policy will still be valid. The Administrator reserves the right to review this policy before the published review date if there is good reason to do so.