



Population Management Masterclass



Provisions for HM Forces and Families

15th February 2016



Purpose of this evening



- To explain the provisions in the draft Population Management Law with respect to HM Forces Families
- Not to re-open discussion on decisions the States have already made



Overview



- **The current position under the Housing Control Law 1994**
- **The new provisions in the proposed Population Management Law**
- **Implications for spouses/partners of service personnel**
- **Implications for children/grandchildren of service personnel and ex-service personnel**
- **Questions**



Deemed Residence currently - Spouse



The Spouse of a Qualified Resident serving in the Armed Forces who:

- was born in Guernsey
- was the child of a Guernsey-born parent
- returns to permanent residence in the Island within 6 months of leaving the Forces

is deemed to have been ordinarily resident for the period during which she/he cohabited with that person during the period of his/her service as long as:

- She/he takes up permanent residence in the Island with their spouse/partner within 6 months of their spouse leaving the Forces



Deemed Residence currently - Child



The Child of the above Service man/woman is also deemed to be ordinarily resident in the Island:

- during any period when he/she was a member of their household
- (with a similar proviso about return to the Island)



Current Routes to Qualified Resident



- **The Spouse of that Service man/woman:** 10 years residence (including deemed residence) in the Island as spouse/partner of that service/ex service man/woman
- **Children of that Service Man/woman:** qualify after 10 years' residence (including 'deemed' residence) in the Island in a 20-year period



Deemed Residence – PM Law



Similar provisions though with some relaxations:

- *A period of time spent outside Guernsey by a person (R) as a necessary result of service with Her Majesty's Forces by R's spouse or partner, during which period their relationship subsists, shall be deemed to be a period of ordinary residence for the purposes of this Law if –*
- *(a) R was ordinarily resident at any time during the period of six months ending with the start of the period of service with Her Majesty's Forces,*
- *(b) that period of service ceases on or after Commencement, and*
- *(c) either –*
 - *(i) R and his spouse or partner return to Guernsey in a subsisting relationship and become ordinarily resident, or*
 - *(ii) R's spouse or partner dies during his period of service.*

Spouse Route to Permanent Residence



- On or after commencement of the new Law:
- 14 years consecutive residence
 - (including deemed Residence)
- However:
 - He/she attains Established Residence status after 8 years (including deemed Residence)
 - once an Established Resident has the right to remain in the Island as long as he/she continues to be ordinarily resident

Deemed Residence (Children)



- *A period of time spent outside Guernsey by a person (Q) as a necessary result of service with Her Majesty's Forces by one of Q's parents is deemed to be a period of ordinary residence, if:*
- *(a) that parent:*
 - *(i) was at the start of the period of service with Her Majesty's Forces, or*
 - *(ii) becomes a Permanent Resident during that period of service,*
- *(b) Q was ordinarily resident in the household of that parent as a minor at any point during that period of service, and*
- *(c) that period of service ceases on or after Commencement.*

Deemed Place of Birth (Children)



- In addition: *A person born outside Guernsey as a necessary result of the service with Her Majesty's Forces by one of his parents is deemed to have been **born** in Guernsey for the purposes of this Law, in circumstances where –*
 - *(a) that parent was ordinarily resident at any time during the period of six months ending with the start of the period of service with Her Majesty's Forces, and*
 - *(b) that period of service ceases on or after Commencement.*



Child Routes to Permanent Residence



- **8 Years Residence in any 18** – a child who is:
 - born in Guernsey on or after the PM Law comes into force
 - who has a parent who is a Permanent Resident and was ordinarily resident at the child's birth
- **Birthright (Immediate)** – a child who, on or after the PM Law comes into force
 - is/was born (or deemed to be born) in Guernsey
 - to a Guernsey parent, who was also born to a Guernsey parent
 - is ordinarily resident with that parent in the Island
 - is 8 years old or under



Important Points for Service Families



- **For a child of a service family to gain Birthright:**
 - You need to show that the child was born while a Guernsey-born parent was serving in HM Forces
 - That parent can demonstrate that one of their parents was born in Guernsey

If you and your children have already returned you still need to do this so that their children will be able to take advantage of the Birthright provision



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Questions?