

WORK PERMIT APPLICATION FORM



WORK PERMIT APPLICATION FORM

States of Guernsey Committee for Home Affairs

Immigration Act 1971 as extended to the Bailiwick

Work permits will be issued or refused on behalf of the Committee for Home Affairs by officers of the Immigration & Nationality Division acting in accordance with the Committee's work permit policy working under the direction of the Chief of the Guernsey Border Agency.

Guidance Notes for Employers on how to apply for a work permit in all sectors

These guidance notes are to help you, the employer, apply for a work permit in order to employ a non European Economic Area (EEA) national who needs permission to work in the Bailiwick of Guernsey. The form must be completed and signed by you, NOT the prospective employee. Work permits will be issued only to skilled/qualified workers. The period for which the permit will be valid, will be for the period specified in the work permit application up to a maximum period of 5 years.

If you are applying to extend an existing work permit please use the work permit extension form.

If you are applying to employ a person who is already in the Bailiwick of Guernsey as the holder of an approved work permit, and that person is currently employed elsewhere, please note that the person **does not** have permission to start employment with you until a decision on this application has been made.

PLEASE READ ALL THE FOLLOWING NOTES BEFORE COMPLETING THE APPLICATION. APPLICATIONS THAT ARE INCOMPLETE OR NOT CORRECTLY COMPLETED WILL BE RETURNED TO YOU

- Only an employer based in the Bailiwick of Guernsey can apply for a work permit
- The work permit application should be in respect of a named person to do a specific job on a full time basis.
- Permit free workers DO NOT need a work permit. A **'permit free worker'** is a person who is an EEA (European Economic Area) national, a national of Switzerland, or who has settled status in the United Kingdom within the meaning of the Immigration Act 1971.
- Work permits will not be considered for those who are in the United Kingdom, Channel Islands or Isle of Man at the time of application, and have an employment prohibition on their stay (e.g.: visitor). Such persons must be outside the United

Kingdom, Channel Islands and Isle of Man before any application is made, and must remain so whilst it is being considered.

- Work permits made valid for periods of 6 months or less will not be extended unless the permit holder otherwise qualifies for a work permit under this policy. This includes fully satisfying the advertising and English language requirements. A period of at least 3 months must be spent outside the United Kingdom and Islands before another such short term permit can be considered for the same person.
- Applications for work permits under the “intra-company transfer” section of the policy, do not need to meet the advertising or English language requirement. If you are applying for a work permit under this category, please refer to the Committee *for* Home Affairs work permit policy for details of the specific requirements to be met by the prospective employee.

RECRUITMENT OF A PERMIT FREE WORKER

In considering an application for a work permit the Committee will take into account steps taken to recruit permit free workers. All jobs must be advertised locally, for example, at the Social Security Department Job Centre, in the local press or by using a local recruitment agency. The job must also be advertised in the European Economic Area. The job must be advertised in the most appropriate medium that provides the best way of reaching suitably qualified permit free workers.

Any advertisement must include the following:

- Job Title;
- the main duties and responsibilities of the job;
- the qualifications and experience needed;
- an indication of the salary package or salary range or terms on offer.

Any one of the following will be accepted as advertising in the EEA

- **Internet**
- **Recruitment Agency**
- **Professional or trade journal**
- **Newspaper advertising**

The employer should allow at least 3 weeks from the date the advertisement first appeared or recruitment process commenced before submitting a work permit application.

Evidence of advertising or recruitment process must be produced. Details of the responses the employer has received to all advertising or other recruitment methods used must also accompany any application. This should include the total number of people who responded, the number short-listed for interview and full reasons why no permit free worker was suitable for the post.

ENGLISH LANGUAGE REQUIREMENT

In all cases, (except for short term legacy policy permits and intracompany transfer permits), the potential work permit holder must have an adequate command of the English language. The English language requirement will assume to be met if the prospective employee is a national of a majority English speaking country as set out below.

Majority English Speaking Countries: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Canada, Dominica, Grenada, Guyana, Jamaica, New Zealand, St Christopher (Kitts) and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the United States of America

If you wish to employ a national who is not a national of one of the above Countries, and for further information regarding the English language requirement please see separate 'English Language Requirement' leaflet. If you require a copy of this leaflet, please contact the Immigration & Nationality Division.

REFERENCES (for HOSPITALITY work permits only)

- References are required to be produced in support of this application. References **must** be originals. Photocopies, faxes or e-mails are not acceptable. They should be in English where possible and must be on business letter headed paper and show the dates the employment started and ended and the title, duties and responsibilities of the job(s) held. Where it is not possible for a reference to be in English, it must be accompanied by a notarised translation. References not complying with these requirements will be rejected.
- Applications will be refused or work permission withdrawn where any checks to confirm the veracity of references are unsuccessful for whatever reason, eg where a previous employer fails to respond or an establishment no longer exists. This may also include circumstances where a British Diplomatic Mission is unable to establish the *bona fides* of a particular reference or establishment.

PASSPORTS:

- You **MUST** enclose a copy of the biodata (photo page) of the prospective employee's passport, and that of any dependant included in this form.
- If the prospective employee is in the United Kingdom, Bailiwick of Jersey or Isle of Man you **MUST** provide a copy of each page of their passport, and that of any dependant included in this form, that shows an immigration stamp / visa, and any relevant paperwork from that authority (eg Home Office paperwork if in UK)

POPULATION MANAGEMENT (Guernsey only)

- Please note that work permit holders and any dependants still need to comply with The Population Management (Guernsey) Law, 2016. If you have not already done so, we would strongly recommend that you contact the States of Guernsey Population Management Department– telephone: 715790 or e-mail: population@gov.gg

VISAS / ENTRY CLEARANCES

- A work permit holder requires a valid entry clearance (visa) for entry in this capacity where he/she holds a work permit valid for more than 6 months, regardless of nationality. However, please note that some nationalities require a visa for entry to the United Kingdom, Channel Islands and Isle of Man for whatever purpose, including circumstances where a work permit may have been issued for 6 months or less. A work permit does not replace the necessity for a visa regardless of its validity. The relevant entry clearance application must be made to a British Consular representative designated for accepting such applications – for further information please refer to <https://www.gov.uk> We would strongly advise that no travel arrangements are made until the issue of such an entry clearance has been authorised and placed in the prospective employees passport.
- Any accompanying dependants (eg: spouse / children) **MUST** hold a valid entry clearance for entry in this capacity. The relevant entry clearance application must be made to a British Consular representative designated for accepting such applications. We would strongly advise that no travel arrangements are made until the issue of the visa has been authorised and placed in the passport. **Please note work permit dependants are not permitted if the work permit holder is in employment for 12 months or less.**

OTHER INFORMATION

- This form **MUST** be accompanied by the original criminal record declaration form (form CR1) – photocopies or e-mails are not acceptable.
- The prospective employee will need to have a tuberculosis (TB) test if they're coming to the Bailiwick of Guernsey for more than 6 months and are resident in any of the countries listed on the UK Home Office website. More information on the TB test and the list of countries can be found here:

<https://www.gov.uk/tb-test-visa/overview>

- Work permits will not be issued to those who have an adverse immigration record or who pose a security, criminal or immigration threat to the United Kingdom or Islands (Bailiwicks of Guernsey and Jersey and the Isle of Man).
- Work permit applications cannot be submitted by fax or e-mail.
- If the prospective employee is in the Bailiwick of Guernsey in a different immigration category, that permits employment, he/she will need to apply to vary and/or extend their existing immigration permission to that of a work permit holder. Any such application will attract a statutory fee.

Applications that do not comply with all of the above will not be accepted and will be returned to you.

How long will it take to consider the application?

There will be cases where we will need to obtain further information from within the Bailiwick or from establishments overseas. When you submit the application we should be able to give you an estimate as to how long it will take. Travel should not be booked until a decision on this application has been made. There is no guarantee that a permit will be issued just because an application has been made. **FOR THE REASONS SET OUT ABOVE PLEASE ALLOW A MINIMUM OF 6 WEEKS BEFORE CONTACTING THIS OFFICE WITH REGARD TO THE PROGRESS OF SUBMITTED APPLICATIONS.**

Cost of work permit applications & payment methods

Work permit valid for a period of one month or less.	£50
Work permit valid for a period of more than one month but not exceeding 3 years.	£300
Work permit valid for a period exceeding 3 years.	£500

Cheques should be made payable to The States of Guernsey

Payment may also be made by cash, debit card and credit card.

Work permits made valid for periods of 6 months or less will not be extended unless the permit holder otherwise qualifies for a work permit under this policy. This includes fully satisfying the advertising and English language requirements

Where do I submit the completed application form?

Guernsey Border Agency
Immigration and Nationality Division
New Jetty
White Rock
St Peter Port
Guernsey
GY1 2LL

For further information please contact us:

Telephone: 01481 741420

Facsimile: 01481 723442

E-mail: immigration@gba.gov.gg

Please tick as appropriate:

What type of work permit are you applying for:

- New work permit (one month or less)
- New work permit (more than 1 month, but not exceeding 3 years)
- New work permit (exceeding 3 years)
- Change of employment (for persons currently in the Bailiwick of Guernsey as the holder of an approved work permit)

Please tick one of the following boxes indicating the sector of employment:

- Finance
- Industry
- Health
- Education
- Government
- Veterinary Surgeons
- Hospitality
- Legacy Policy Permit
- Intracompany transfer

BAILIWICK OF GUERNSEY WORK PERMIT APPLICATION FOR EMPLOYMENT

DETAILS OF PERSON TO BE EMPLOYED

Title (delete as appropriate): Mr / Mrs / Miss / Ms

1. Surname / Family Name (as it appears on their passport)	2. First Names
3. Name at birth, if different, plus any other name by which the person has been known	
4. Sex (Male or Female)	5. Date of Birth Day Month Year
6. Place of Birth	7. Nationality
8. Passport Number	9. Passport issuing Authority
10. Date of Issue	11. Date of Expiry
12. Current residential address	13. Where will they reside in Guernsey?

14. Do you have a valid document that was issued under the Population Management Law in respect of the above named?

YES – please enclose evidence

NO – your attention is drawn to the ‘Population Management section of the guidance notes

15. Is the person currently in the Bailiwick of Guernsey, Jersey, United Kingdom or Isle of Man?

NO

YES – please provide details below:

Date of arrival into the United Kingdom and Islands: _____

Current immigration permission (eg, Guernsey / Jersey work permit holder, UK Tier 1, UK Tier 2, employment etc) please include expiry date of any such permission

You must enclose copies of the prospective employee’s passport and any related visa pages as described in the passport section of the guidance notes

16. Has the prospective employee *ever* worked in the United Kingdom and Islands (Bailiwicks of Guernsey and Jersey, and the Isle of Man)?

NO

YES: Please give details below

Previous immigration permission in UK and Islands: _____

Date of departure from UK and Islands: _____

You may be asked to provide evidence of the prospective employee’s date of departure from the UK & Islands.

17. Will the person be accompanied by any dependants?

NO

YES (please give details below)

Full Name	Date of Birth	Nationality	Relationship to Employee

EMPLOYER'S DETAILS

18. Full name of employer in Bailiwick of Guernsey	
19. Full business address in the Bailiwick of Guernsey	20. Establishment where prospective employee will be based if different to that given in 19.
21. Name of contact in organisation who is dealing with this application Mr / Mrs / Miss / Ms (delete as appropriate) Full name: _____	
22. Position in organisation	
23. Telephone Number	24. Fax Number
25. E-mail address	

RECRUITMENT OF A PERMIT FREE WORKER

(not required for intracompany transfer work permits)

Please give details and supporting evidence to show what advertising you have undertaken to recruit a permit free worker to fill the post.

<p>26. Please explain how you advertised for the post – eg Newspaper, Job Centre etc</p>
<p>27. Date(s) of the advertisement(s)</p>
<p>28. If you used a different recruitment method, please give details and explain why you considered this to be more appropriate?</p>
<p>29. Details of the people who applied:</p> <p>Number of applicants _____ of which _____ were permit free workers</p> <p>Number shortlisted _____ of which _____ were permit free workers</p>
<p>30. Please give specific reasons why you did not employ any of the permit free workers that applied for the post – including those that were not shortlisted. You may submit this information by letter if necessary</p>

DETAILS OF EMPLOYMENT

31. How long do you need to employ the person in the Bailiwick of Guernsey?

for _____ months

OR

for _____ years

32. What will their job title be? (NOTE: This will appear on the work permit)

33. Please describe the main duties and responsibilities of the post - further details can be submitted by letter if necessary

34. What will their normal hours of work be?

_____ Hours per week

35. Please give details of remuneration package (including any benefits such as accommodation and health cover)

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QUALIFICATIONS AND EXPERIENCE

36. Please give details of the persons higher education, vocational, or professional qualifications and membership – this can be submitted by letter if necessary

Qualifications & Date	Subject	Awarding Body / Place of Education

Professional memberships:

37. What high level or specialist skills and experience does this person have which are needed for this job?

38. Please give relevant details of the prospective employee's employment over the last 3 years. This can be submitted by letter if necessary

From Month and Year	To Month and Year	Name and address of employer	Type of business	Job Title

39. If the prospective employee is currently unemployed please provide an explanation as to what they have been doing since their last date of employment.

40. Has the employee been provided with a written statement of the proposed terms and conditions of employment?

YES

NO

If you have answered NO, your attention is drawn to the Conditions of Employment (Guernsey) Law 1985(as amended), which lays a duty on employers to give employees a written statement of particular specified terms of employment.

English Language Requirement

(not required for intracompany transfer work permits)

A person who applies to enter or remain in the Bailiwick of Guernsey as the holder of an approved work permit is, unless they are exempted from the requirement, required to show that they can speak and understand English. If they are not a national of a majority English speaking country (see note 1 below) they will need to pass an acceptable English language test with a test provider approved by the Lieutenant Governor for this purpose (see note 3 below), or to produce specified evidence that they have an academic qualification which is deemed to meet the recognised standard of a Bachelor's degree in the UK (see Note 2 below). Master's degrees and PhDs are also acceptable.

41. Is the employee aged 65 or over? Yes _____ No _____ (please tick)

If you have answered "No", continue below.

42 Are they a national of a majority English-speaking country? Yes _____ No _____ (please tick)

NOTE 1

If they are a national of a listed majority English-speaking country, under the Immigration Rules they are considered to have met the English language requirement and will not need to take an English test. Please see Appendix 1 to this form for the list of countries considered to be majority English-speaking countries.

If "No", continue below.

43 Do they have one of the following:

- a) An academic qualification deemed equivalent to a Bachelor's Degree in the UK obtained from an educational establishment in one of the specified countries (see Appendix 2 to this form for further information)

Yes _____ No _____ (please tick)

- b) An academic qualification deemed equivalent to a Bachelor's Degree in the UK and which the National Academic Recognition Information Centre for the UK (UK NARIC) has confirmed as being taught or researched in English

Yes _____ No _____ (please tick)

- c) An academic qualification deemed equivalent to a Bachelor's Degree in the UK for which you can provide evidence to show that the qualification was taught or researched in English

Yes _____ No _____ (please tick)

NOTE 2

If you have answered "yes" to 43 a,b or c, and have specified evidence to substantiate that your employee has such an academic qualification, then under the Immigration Rules they are considered to have met the English language and will not need to take an English language test. Please see Appendix 3 to this form for a definition of academic qualifications taught in English.

If you have answered "yes" to 43 a,b or c, please give details of your employees academic qualification here.

Qualification obtained

Subject

Awarding institution

Country of Study

Length of course (years)

Year of award

If they are claiming an exemption from the English language requirement on the basis of an academic qualification taught in English, please submit evidence of this qualification with your application.

44 Have they passed an acceptable English language test provided by a test provider approved by the Lieutenant Governor for this purpose and enclosed the original certificate with this application?

Yes _____ No _____ (please tick)

45 Are they claiming an exemption from the English language requirement because a physical or mental condition prevents them from taking an English language test? (see note 4)

Yes _____ No _____ (please tick)

NOTE 4

If they are claiming exemption, they must provide a qualified doctor's letter or similar satisfactory evidence to show why their condition prevents them from being able to meet the English language requirement. An exemption will only be agreed where such satisfactory evidence has been provided

46 Are they claiming an exemption from the English Language requirement because exceptional compassionate circumstances prevent them from taking an English language test?

Yes _____ No _____ (please tick)

If you have answered "yes" to 46, please explain below how their circumstances prevent them from taking an English language test. Continue on a separate sheet of paper if necessary.

CHECKLIST

- Have you enclosed evidence to support attempts made to recruit a permit free worker? (not applicable for intracompany transfer work permits)
- Does the prospective employee meet the English language requirements? (not applicable for intracompany transfer work permits)
- Have you provided the necessary evidence to support the English language knowledge of the prospective employee? – please refer to the separate ‘English language requirement’ leaflet for further information
- FOR HOSPITALITY** – Have you enclosed the necessary **original** references?
- Have you contacted the States of Guernsey Population Management Department regarding a valid document in respect of the prospective employee and any dependants included in this form?
- Have you enclosed copies of the photo page of the prospective employee’s passport and that of any dependants included in this form?
- If the prospective employee is currently in the United Kingdom and Islands have you enclosed copies of each page of the prospective employee’s passport, and that of any dependants included in this form?
- Have you enclosed the application fee?
- Have you enclosed the original CR1 form signed by the prospective employee? Photocopies, scans or e-mails are not acceptable.
- Have you signed the declaration?

Employer Declaration and Indemnity Agreement

This declaration must be signed by the employer in the Bailiwick of Guernsey, whose name appears on this application (“the Employer”).

Name of person you wish to employ: _____

- The Employer warrants that the person signing this Agreement is duly authorised by the Employer to make this application and to sign this Agreement on the Employer’s behalf.
- The Employer hereby applies to the States of Guernsey Committee *for* Home Affairs for permission to employ the person named on this application
- The details given in this application are true and complete to the best of the Employer’s knowledge and belief. The Employer understands that if the Employer knowingly fail(s) to provide any relevant information, or the Employer provide(s) information which is false or misleading, the matter may be referred to the appropriate authorities.
- The Employer knows of no suitable ‘resident worker’ who will be displaced or excluded as a result of the employment of the person who is the subject of this application.
- The Employer understands that the Guernsey Immigration and Nationality Division (“the Division”) may carry out any necessary checks on additional paperwork submitted in support of this application.
- The Employer understands that all the information provided with this application will be treated in confidence but agrees that it may be disclosed to the other States Departments and relevant authorities to enable them to carry out their functions. Any disclosure will only be made subject to the provisions of the Data Protection (Bailiwick of Guernsey) Law 2001 and the Data Protection Principles and Registration details therein.
- The Employer understands that the States of Guernsey may contact any Government authority, including police, judicial and State authorities in all countries in which the person has resided, to seek the release to the insular authorities of all records and information they may possess on the person’s behalf concerning investigations, arrests, charges, trials, convictions and sentences.
- **The Employer hereby promises and undertakes to pay the States of Guernsey on demand firstly all monies which are due to the States of Guernsey from the employee and which are unpaid by or on behalf of the employee on the date of demand, and which fall due in the period starting on the date of commencement of the employee’s employment with the Employer and ending on the date of issue by the Division to another employer of a work permit in respect of the employee; and secondly all costs of repatriating the employee.**
- The Employer also promises and undertakes to effect and maintain medical health insurance in respect of the employee during the period set out above.

Your name _____

Your Signature _____ Date _____

Position _____

For and on Behalf of (the employer in Guernsey) _____

For Official Use Only:

	YES	NO	COMMENTS
POPULATION MANAGEMENT (applicant)			
POPULATION MANAGEMENT (dependants)			
ADVERTISING			
ENGLISH LANGUAGE			
REFERENCES (HOSPITALITY)			
W			
P			
T and N			
CRS and CID			
PERMIT ISSUED			

PERMIT DETAILS:

Number: _____

Date of issue: _____

Duration of permit: _____

REFUSAL DETAILS:

Date of refusal: _____

Reasons for refusal: _____

IO _____

Appendix 1 – Majority English speaking countries - Nationality

If the employee is a national of a majority English speaking country, they are exempt from meeting the English language requirement.

The Immigration & Nationality Division of the Guernsey Border Agency considers the following countries to be majority English speaking countries;

Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America

Appendix 2 – Majority English speaking countries – Academic Qualifications

If they hold an academic qualification equivalent to a Bachelor's degree in the UK which was taught in English, they will not be required to take the English Language test.

Where the academic qualification was taught in one of the majority English speaking countries listed below we will assume it to have been taught in English:

Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America.

Appendix 3 – Academic qualifications taught in English

Academic qualifications taught in countries other than the UK and the designated English speaking countries listed above may also be accepted if they are able to provide evidence to show that the qualification was taught in English and that it is recognised by National Academic Recognition Information Centre for the UK (UK NARIC) as equivalent to a UK Bachelor's degree.

Qualifications awarded outside of the UK must be recognised by the UK NARIC as equivalent to a UK Bachelor's degree. They must provide a letter from UK NARIC stating that their qualification meets this standard.

Master's degrees and PhD's will only be acceptable if recognised by UK NARIC. Evidence of this will be required. If UK NARIC cannot confirm the equivalence of their qualification they will not be able to use it to meet the English language requirement.

More information

A list of English language tests that have been approved by the Home Office for English language requirements for limited leave to enter or remain under the Immigration Rules can be found here:

<https://www.gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests>

Please refer to the link below for links to UK NARIC

<https://www.gov.uk/english-language/degrees-in-english>

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