



Access to Public Information Request

Date of receipt: 24 November 2021

Date of response: 10 January 2022

Access to Public Information request regarding applications for Permanent Residency

Request:

Under the terms of the Access to Public Information Law I would like to be provided with the following information please:

1. How many requests for permanent residency have been made over the past 20 years?
2. How many of those requests made over the past 20 years have been approved?
3. How many of those requests made over the past 20 years that were approved for permanent residency were for applicants who had not completed 14 years continuous residency?
4. How many of those requests made over the past 20 years that were rejected for permanent residency were for applicants who had not completed 14 years continuous residency?
5. Of those requests that were approved for permanent residency made over the past 20 years that were for applicants who had not completed 14 years continuous residency, please detail how many were approved for applicants who had only completed continuous residency for a period of between:
 - 13 & 14 years?
 - 12 & 13 years?
 - 11 & 12 years?
 - 10 & 11 years?

- 9 & 10 years?

- 8 & 9 years?

- Less than 8 years?

6. Acknowledging the need to follow GDPR policy requirements re personal data, for each of those requests approved for permanent residency over the past 20 years for those applicants who had not completed 14 years continuous residency, please provide the full reasons accepted and the rationale used for an exception to the 14 year continuous residency policy being made for that applicant to allow for permanent residency to be approved. Please also provide the number of years of continuous residency for each approved application detailed.

Response provided by the Population Management Office:

As a part of the Population Management (Guernsey) Law, 2016 ('the Law'), a number of 'routes' were established that account for a variety of circumstances that lead to Permanent Residency. There exists 26 possible routes to Permanent Residency under the Law. These include paths for individuals who commenced qualification under the repealed Housing Control (Control of Occupation) (Guernsey) Law, 1994.

Broadly, the 26 routes to Permanent Residency under the Law can be split into three categories:

- 1) Section 3 of the Law – 'Population Management' routes:** Pathways to residency with qualifying periods that start and finish after Commencement of the Law.
- 2) Section 6 of the Law – 'Transitional' routes:** Pathways to residency for individuals with qualifying periods that hold a degree of crossover from pre- and post-Commencement of the Law.
- 3) Section 6(1)(K) and 6(1)(L) of the Law – 'Housing Control Law' routes:** For individuals who would have (and may not have been resident on, or their qualifying period spanned Commencement) , or already were, qualified under the previous Housing Control Law.

With regards to questions 1 – 6:

Following the commencement of the Law in April 2017 all Permits and Certificates are issued digitally via the Population Management Portal (H202). All applications are made online via the Portal. Prior to this, under Housing Control, the application process was paper based.

We are therefore unable to provide Permanent Residency application data over a 20-year period. It would take a significant amount of officer time to go through 15-plus years paper-based applications and we cannot justify that use of resources to provide this data. However, we can provide you with high-level Permanent Residency application data from April 2017 onwards:

Permanent Residency applications submitted 8,695

Permanent Residency applications processed 8,508

Under the Law, the Population Management Office (PMO) can only issue a Permanent Residency certificate if the specific criteria under the specific route has been met. Only:

- If a person was born in Guernsey; or
- The child of a Guernsey-born Permanent Resident; or
- Partner/Spouse of a Permanent Resident, whose co-habitation spanned Commencement of PML (Housing Control qualifying route, no new Population Management equivalent); or
- Partner/Spouse of a Permanent Resident, whose co-habitation started before Commencement and who has subsequently died, if the qualification period is below a 14 year qualifying period.

All other qualifying routes require a continuous residence of 14 years to reach Permanent Resident status. The PMO cannot lawfully issue a document otherwise. The Administrator carries no discretionary power with respect to these sections of the Law.

With regards Q6:

Further to the above, if an application does not meet the specific criteria outlined then it will either be rejected on those grounds, or the application will be withdrawn by the applicant.