

The Immigration (Bailiwick of Guernsey) Rules, 2008

(Guernsey Statutory Instrument No.26 of 2008)

Please note:

This is a consolidated version of the Guernsey Rules incorporating amendments made by the following Guernsey Statutory Instruments (GSI) and Ordinance:

The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2011 – GSI No.18 of 2011;

The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2013 – GSI No.33 of 2013;

The Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2015 – GSI No. 27 of 2015;

and

The Same-Sex Marriage (Consequential and Miscellaneous Amendments and Contrary Provisions)
(Guernsey) Ordinance, 2017

It is not authoritative and has no legal effect, having been prepared in-house for the assistance of officers of the Guernsey Border Agency.

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Knowledge of Language and Life

The Immigration (Bailiwick of Guernsey) Rules, 2008

THE STATES HOME DEPARTMENT, in exercise of the powers conferred upon it by subsection (2) of section three of the Immigration Act 1971 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993 hereby makes the following Rules: –

REPEALS.

1. The Immigration (Guernsey) Rules 1999^a are hereby repealed.

INTRODUCTION.

2. Immigration Officers and all staff of the Immigration and Nationality Division of the States of Guernsey will carry out their duties without regard to the race, colour or religion of persons seeking to enter or remain in the Bailiwick of Guernsey and in compliance with the provisions of the Human Rights (Bailiwick of Guernsey) Law, 2000.

3. In these Rules words importing the masculine gender include the feminine unless the contrary intention appears.

IMPLEMENTATION AND TRANSITIONAL PROVISIONS.

4. These Rules come into effect on 25th April 2008 and will apply to all decisions taken on or after that date save that any application made before 25th April 2008 for entry clearance, leave to enter or remain or variation of leave to enter or remain shall be decided under the provisions of the Immigration (Guernsey) Rules 1999^a as if these Rules had not been made.

APPLICATION.

5. Save where expressly indicated, these Rules do not apply to those persons who are entitled to enter or remain in the Bailiwick of Guernsey by virtue of section 7 of the Immigration Act 1988. But any person who is not entitled to rely on the provisions of that Act is covered by these Rules.

^a GSI 1999/5.

^a GSI 1999/5.

INTERPRETATION.

6. In these Rules the following interpretations apply –

"abroad" or **"overseas"** means in any country or territory that is outside the common travel area,

"Academic Visitor" means a person –

- (a) who is from an overseas academic institution, or
- (b) who is highly qualified within his own field of expertise,

seeking leave to enter the Bailiwick of Guernsey to carry out research and associated activities for his own purposes,

"accommodation and accommodated" and any reference thereto shall include compliance with the provisions of any legislation controlling the occupation of housing,

"adequate" and **"adequately"**, in relation to a maintenance and accommodation requirement, means that, after income tax and housing costs have been deducted, there must be available to the family the level of income that would be available to them if the family was in receipt of supplementary benefits under and in accordance with the Supplementary Benefit (Guernsey) Law, 1971,

"adoption" unless the contrary intention appears, includes a *de facto* adoption in accordance with the requirements of paragraph 309A of these Rules, and **"adopted"** and **"adoptive parent"** should be construed accordingly,

"amateur" means a person who engages in a sport or creative activity solely for personal enjoyment and who is not seeking to derive a living from the activity,

"appropriate adult" means the parent, guardian or some other responsible adult aged 18 or over who is not an Immigration Officer, an officer of the Lieutenant Governor or a Police Officer,

"approved by the Lieutenant Governor" means approved by public notice given by the Lieutenant Governor in any manner His Excellency considers appropriate,

"Approved Destination Status Agreement with China" means the Memorandum of Understanding on visa and related issues concerning tourist groups from the People's Republic of China to the United Kingdom as an approved destination, signed on 21st January 2005,

"Bailiwick of Guernsey" includes all the islands of the Bailiwick and the territorial waters adjacent thereto,

"Business Visitor" means a person granted leave to enter the Bailiwick of Guernsey under paragraphs 46G-46L,

"Common European Framework of Reference" means the guideline entitled *Common European Framework of Reference for Languages: Learning, Teaching, Assessment* issued by the Council of Europe (Published by Cambridge University Press, 2001),

"conviction" however expressed includes references to a conviction by or before a court outside the Bailiwick,

"EEA national" means a national of a State other than the United Kingdom which is a Contracting Party to the European Economic Area Agreement. A Swiss national shall be treated as an EEA national for the purposes of these Rules,

"EEA state" means a State other than the United Kingdom which is a Contracting Party to the European Economic Area Agreement. Switzerland shall be treated as an EEA state for the purposes of these Rules,

"employment", unless the contrary intention appears, includes paid and unpaid employment, paid and unpaid work placements undertaken as part of a course or period of study, self-employment and engaging in business or any professional activity,

"Entertainer Visitor" means a person granted leave to enter the Bailiwick of Guernsey under paragraphs 46S-46X,

"extension of stay", for the avoidance of doubt, has the same meaning as leave to remain,

"family member" in relation to an EEA national means –

- (a) his spouse, or

- (b) descendants of his or his spouse who are under 21 or are their dependants, or
- (c) dependent relatives in his ascending line or that of his spouse, or
- (d) a person who is a relative of an EEA national or his spouse and –
 - (i) the person is residing in an EEA State in which the EEA national also resides and is dependent upon the EEA national or is a member of his household, or
 - (ii) the person satisfied the condition in subparagraph (i) and is accompanying the EEA national to the Bailiwick of Guernsey or wishes to join him there, or
 - (iii) the person satisfied the condition in subparagraph (i), has joined the EEA national in the Bailiwick of Guernsey and continues to be dependent upon him or to be a member of his household, or
- (e) a person who is a relative of an EEA national or his spouse and, on serious health grounds, strictly requires the personal care of the EEA national or his spouse, or
- (f) a person who is a relative of an EEA national and would meet the requirements in the Rules (other than those relating to entry clearance) for indefinite leave to enter or remain in the Bailiwick of Guernsey as a dependent relative of the EEA national were the EEA national a person present and settled in the Bailiwick of Guernsey, or
- (g) a person who is the partner of an EEA national and can prove to the decision maker that he is in a durable relationship with an EEA national,

and for these purposes "**decision maker**" means the Lieutenant Governor, an

immigration officer or an entry clearance officer (as the case may be),

"fee paying school" means a school providing primary education or secondary education to students for a fee,

"General Visitor" means a person granted leave to enter the Bailiwick of Guernsey under paragraphs 41-46,

"the Hague Convention" means the Convention on Protection of Children and Co operation in Respect of Intercountry Adoption, concluded at The Hague on 29th May 1993,

"Human Rights Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the Bailiwick of Guernsey,

"Immigration Act 1971" and **"Immigration Act 1988"** shall mean those Acts as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993; and any reference to any provision of those Acts is (unless the context requires otherwise) a reference thereto as so extended,

"Immigration and Asylum Act 1999" shall mean that Act as extended to the Bailiwick of Guernsey by the Immigration and Asylum Act 1999 (Guernsey) Order 2003; and any reference to any provision of that Act is (unless the context requires otherwise) a reference thereto as so extended,

"Immigration Officer" includes a person authorised by the Home Department to act as an officer of Customs and Excise who is acting as an Immigration Officer,

"Immigration employment document" means a work permit or any other document which relates to employment and is issued for the purpose of these Rules or in connection with leave to enter or remain in the Bailiwick of Guernsey,

"in breach of immigration laws" means without valid leave where such leave is required, or in breach of the conditions of leave,

"intention to live permanently with the other" and **"intend to live together permanently"** means an intention to live together evidenced by a clear commitment from both parties that they will live together permanently in the Bailiwick of Guernsey immediately following the outcome of the

application in question or as soon as circumstances permit,

"Islands" means the Channel Islands and the Isle of Man,

"national of a majority English speaking country" means a national of 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 or the United States of America,

"occupy exclusively", in relation to accommodation and any person, means that part of the accommodation must be for the exclusive use of the family,

"other Islands" means the Bailiwick of Jersey and the Isle of Man,

"overseas business" means a business which has its headquarters and principal place of business outside the Bailiwick of Guernsey,

"a parent" includes –

- (a) the stepfather of a child whose father is dead,
- (b) the stepmother of a child whose mother is dead,
- (c) the father as well as the mother of an illegitimate child where he is proved to be the father,
- (d) an adoptive parent, where a child was adopted in accordance with a decision taken by the competent administrative authority or court in a country whose adoption orders are recognised by the Bailiwick of Guernsey or where a child is the subject of a *de facto* adoption in accordance with the requirements of paragraph 309A of these Rules (except that an adopted child or a child who is the subject of a *de facto* adoption may not make an application for leave to enter or remain in order to accompany, join or remain with an adoptive parent under paragraphs 297-303),
- (e) in the case of a child born in the United Kingdom and Islands who is not a British citizen, a person to whom there has been a genuine transfer of parental

responsibility on the ground of the original parent(s)' inability to care for the child,

"period of imprisonment" referred to in these rules –

- (i) includes a reference to a person who is sentenced to detention, or ordered to be detained, in an institution other than a prison, but
- (ii) does not include a reference to a person who receives a suspended sentence (unless a court subsequently orders that the sentence or any part of it is to take effect),

"permissible activity" means any of the following activities –

- (a) attending meeting or conferences,
- (b) arranging deals, negotiating or signing trade agreements or contracts,
- (c) undertaking fact finding missions provided the information is of benefit to a branch abroad only, checking details or goods, or
- (d) conducting site visits and promotional activities,

"Person Accompanying An Academic Visitor" means a person granted leave to enter the Bailiwick of Guernsey under paragraphs 46AA to 46AF,

"Point Based System" means the system referred to by that name set out in Part 6A of the Immigration Rules for the time being in force in the United Kingdom,

"present and settled" means that the person concerned is settled in the Bailiwick of Guernsey, and, at the time that an application under these Rules is made, is physically present here or is coming here with or to join the applicant and intends to make the Bailiwick of Guernsey their home with the applicant if their application is successful,

"public funds" means any benefit paid by the States of Guernsey or

any committee thereof to any person who has not paid any contribution towards the receipt of such benefit,

"Secretary of State" means one of Her Majesty's principal Secretaries of State in the United Kingdom,

"self-sufficient person" means a person who –

- (a) has sufficient resources to avoid his becoming a charge on public funds, and
- (b) is covered by sickness insurance in respect of all risks in the Bailiwick of Guernsey, and

"series of events" means two or more linked events, such as a tour, or rounds of a competition, which do not add up to a league or a season,

"settled in the Bailiwick of Guernsey" means that the person concerned –

- (a) is free from any restriction on the period for which he may remain in the Bailiwick of Guernsey save that a person entitled to an exemption under section 8 of the Immigration Act 1971 (otherwise than as a member of the home forces) is not to be regarded as settled in the Bailiwick of Guernsey except in so far as section 8 (5A) so provides, and
- (b) is either –
 - (i) ordinarily resident in the Bailiwick of Guernsey without having entered or remained in breach of the immigration laws, or
 - (ii) despite having entered or remained in breach of the immigration laws, has subsequently entered lawfully or has been granted leave to remain and is ordinarily resident,

"sponsor" means a person in relation to whom an applicant is seeking leave to enter or remain as their spouse, fiancé(e), unmarried partner or dependent relative as the case may be, under Appendix A or 317 to 319,

"Sports Visitor" means a person granted leave to enter the Bailiwick of Guernsey under paragraphs 46M-46R,

"Tuberculosis Screening Specified Country" means a country or territory designated as such by the Lieutenant Governor by public notice given in any manner His Excellency considers appropriate,

"United Kingdom Bachelors degree" means a programme of study or research which leads to the award, by or on behalf of a university, college or other body which is authorised by Royal Charter or by or under an Act of Parliament to grant degrees, of a qualification designated by the awarding institution to be of Bachelors degree level,

"unmarried partner", in relation to any person, includes a partner of the same sex as that person even if the two are in a relationship registered or otherwise recognised by any country or territory as a civil partnership,

"United Kingdom passport" bears the meaning it has in the Immigration Act 1971,

"United Kingdom and Islands" means the United Kingdom, Channel Islands and the Isle of Man taken together,

"visa nationals" are the persons who need a visa for the Bailiwick of Guernsey being the foreign nationals, Commonwealth citizens, stateless persons and other holders of non-national documents specified from time to time in the Appendix to the United Kingdom Statement of Changes in Immigration Rules. **"Non-visa nationals"** are persons who are not specified in that Appendix,

"visitor undertaking permitted paid engagements" is someone who is granted leave to enter under paragraphs 56X-56Z of these Rules,

"Youth Mobility Scheme" means the scheme referred to in Tier 5 (Youth Mobility Scheme) Temporary Migrant of the Points Based System.

In paragraph 320(7B) of these Rules –

"deception" means making false representations or submitting false documents (whether or not material to the application), or failing to disclose material facts,

"illegal entrant" has the same definition as in section 33(1) of the

Immigration Act 1971,

"Overstayed" or **"Overstaying"** means the applicant has stayed in the Bailiwick of Guernsey beyond the later of –

- (i) the time limit attached to the last period of leave granted, or
- (ii) the end of the period that his leave was extended to under section 3C of the Immigration Act 1971.

6A. For the purpose of these Rules, a person is not to be regarded as having (or potentially having) recourse to public funds merely because he is (or will be) reliant in whole or in part on public funds provided to his sponsor, unless, as a result of his presence in the Bailiwick of Guernsey, the sponsor is (or would be) entitled to increased or additional public funds.

The Interpretation (Guernsey) Law, 1948 shall apply to the interpretation of these Rules.

PART 1: GENERAL PROVISIONS REGARDING LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY.

Leave to enter the Bailiwick of Guernsey.

7. A person who is neither a British citizen nor a Commonwealth citizen with the right of abode nor an EEA national or the family member of such a national who would be entitled to enter or remain in the Bailiwick of Guernsey by virtue of section 7 of the Immigration Act 1988 requires leave to enter the Bailiwick of Guernsey.

8. Under sections 3 and 4 of the Immigration Act 1971 an Immigration Officer when admitting to the Bailiwick of Guernsey a person subject to control under that Act may give leave to enter for a limited period and, if he does, may impose all or any of the following conditions –

- (i) a condition restricting or prohibiting employment or occupation in the Bailiwick of Guernsey,
- (ii) a condition requiring the person to maintain and accommodate himself, and any dependents of his, without recourse to public funds, and
- (iii) a condition requiring the person to register with the Immigration and Nationality Division of the States of Guernsey.

He may also require him to report to the Medical Officer of Health.

Under section 24 of the Immigration Act 1971 it is an offence knowingly to remain beyond the time limit or to fail to comply with such a condition or requirement.

9. The time limit and any conditions attached will normally be made known to the person concerned either –

- (i) by written notice given to him or endorsed by the immigration officer in his passport or travel document, or
- (ii) in any other manner permitted by directions of the Lieutenant Governor concerning leave to enter and remain.

Exercise of the power to refuse leave to enter the Bailiwick of Guernsey or to cancel leave to enter or remain which is in force.

10. The power to refuse leave to enter the Bailiwick of Guernsey or to cancel leave to enter or remain which is already in force is not to be exercised by an Immigration Officer acting on his own. The authority of an Immigration Officer not below the rank of Senior Immigration Officer must always be obtained.

Suspension of leave to enter or remain in the Bailiwick of Guernsey.

10A. Where a person has arrived in the Bailiwick of Guernsey with leave to enter or remain which is in force but which was given to him before his arrival he may be examined by an Immigration Officer under paragraph 2A of Schedule 2 to the Immigration Act 1971. An Immigration Officer examining a person under paragraph 2A may suspend that person's leave to enter or remain in the Bailiwick of Guernsey until the examination is completed.

Cancellation of leave to enter or remain in the Bailiwick of Guernsey.

10B. Where a person arrives in the Bailiwick of Guernsey with leave to enter or remain in the Bailiwick of Guernsey which is already in force, an Immigration Officer may cancel that leave.

Requirement for persons arriving in the Bailiwick of Guernsey to produce evidence of identity and nationality.

11. A person must, on arrival in the Bailiwick of Guernsey produce on request by the Immigration Officer) –

- (i) a valid national passport or other document satisfactorily establishing his identity and nationality, and
- (ii) such information as may be required to establish whether he requires leave to enter the Bailiwick of Guernsey and, if so, whether and on what terms leave to enter should be given.

Requirement for a person not requiring leave to enter the Bailiwick of Guernsey to prove that he has the right of abode.

12. A person claiming to be a British citizen must prove that he has the

right of abode in the Bailiwick of Guernsey by producing either –

- (i) a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom, or
- (ii) a certificate of entitlement duly issued by or on behalf of the Government of the United Kingdom certifying that he has the right of abode.

13. A person claiming to be a Commonwealth citizen with the right of abode in the United Kingdom must prove that he has the right of abode by producing a certificate of entitlement duly issued to him by or on behalf of the Government of the United Kingdom certifying that he has the right of abode.

14. A Commonwealth citizen who has been given limited leave to enter the Bailiwick of Guernsey may later claim to have the right of abode. The time limit on his stay may be removed if he is able to establish a claim to the right of abode, for example by showing that –

- (i) immediately before the commencement of the British Nationality Act 1981 he was a Commonwealth citizen born to or legally adopted by a parent who at the time of the birth had citizenship of the United Kingdom and Colonies by his birth in the United Kingdom and Islands, and
- (ii) he has not ceased to be a Commonwealth citizen in the meanwhile.

Common Travel Area.

15. The United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. However certain persons subject to the Immigration (Control of Entry through the Republic of Ireland) (Guernsey) (No. 1) Order 1972^b as amended^c and ^d and Immigration (Control of

^b GSI 1972/62.

^c GSI 1979/17.

Entry through the Republic of Ireland) (Guernsey) (No. 2) Order 1972^e as amended^f who enter the Bailiwick of Guernsey through the Republic of Ireland do require leave to enter. This includes –

- (i) those who merely passed through the Republic of Ireland,
- (ii) persons requiring visas,
- (iii) persons who entered the Republic of Ireland unlawfully,
- (iv) persons who are subject to directions given by the Lieutenant Governor for their exclusion from the Bailiwick of Guernsey on the ground that their exclusion is conducive to the public good,
- (v) persons who entered the Republic from the United Kingdom and Islands after entering there unlawfully or overstaying their leave.

Admission of certain British passport holders.

16. A person in any of the following categories may be admitted freely to the Bailiwick of Guernsey on production of a United Kingdom passport issued in the United Kingdom and Islands or the Republic of Ireland prior to 1st January 1973, unless his passport has been endorsed to show that he was subject to immigration control –

- (i) a British Dependent Territories citizen,
- (ii) a British National (Overseas),
- (iii) a British Overseas citizen,
- (iv) a British protected person,
- (v) a British subject by virtue of section 30(a) of the British Nationality Act 1981, (who immediately before the

d GSI 1982/30.

e GSI 1972/65.

f GSI 1982/31.

commencement of the 1981 Act, would have been a British subject not possessing citizenship of the United Kingdom and Colonies or the citizenship of any other Commonwealth country or territory).

17. British Overseas citizens who hold United Kingdom passports wherever issued and who satisfy the Immigration Officer that they have, since 1st March 1968, been given indefinite leave to enter or remain in the Bailiwick of Guernsey may be given indefinite leave to enter.

Persons outside the Bailiwick of Guernsey.

17A. Where a person is outside the Bailiwick of Guernsey but wishes to travel to the Bailiwick of Guernsey an Immigration Officer may give or refuse him leave to enter. An Immigration Officer may exercise these powers whether or not he is, himself, in the Bailiwick of Guernsey. However, an Immigration Officer is not obliged to consider an application for leave to enter from a person outside the Bailiwick of Guernsey.

17B. Where a person, having left the common travel area, has leave to enter the Bailiwick of Guernsey which remains in force under paragraph 13 of the Directions of the Lieutenant Governor Concerning Leave to Enter and Remain an Immigration Officer may cancel that leave. An Immigration Officer may exercise these powers whether or not he is, himself, in the Bailiwick of Guernsey. If a person outside the Bailiwick of Guernsey has leave to remain in the Bailiwick of Guernsey which is in force in this way, the Lieutenant Governor may cancel that leave.

Returning Residents.

18. A person seeking leave to enter the Bailiwick of Guernsey as a returning resident may be admitted for settlement provided the Immigration Officer is satisfied that the person concerned –

- (i) had indefinite leave to enter or remain in the Bailiwick of Guernsey when he last left, and
- (ii) has not been away from the Bailiwick of Guernsey for more than two years, and
- (iii) did not receive assistance from public funds towards the cost of leaving the Bailiwick of Guernsey, and
- (iv) now seeks admission for the purpose of settlement.

19. A person who does not benefit from the preceding paragraph by reason only of having been away from the Bailiwick of Guernsey too long may nevertheless be admitted as a returning resident if, for example, he has lived here for most of his life.

19A. Where a person who has indefinite leave to enter or remain in the Bailiwick of Guernsey accompanies, on a tour of duty abroad, a spouse who is a member of HM Forces, serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK based staff member of the British Council, or a staff member of the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey, sub-paragraphs (ii) and (iii) of paragraph 18 shall not apply.

20. The leave of a person whose stay in the Bailiwick of Guernsey is subject to a time limit lapses on his going to a country or territory outside the common travel area if the leave was given for a period of six months or less or conferred by a visit visa. In other cases, leave lapses on the holder remaining outside the Bailiwick of Guernsey for a continuous period of more than two years. A person whose leave has lapsed and who returns after a temporary absence abroad within the period of this earlier leave has no claim to admission as a returning resident. His application to re-enter the Bailiwick of Guernsey should be considered in the light of all the relevant circumstances. The same time limit and any conditions attached will normally be re-imposed if he meets the requirements of these Rules, unless he is seeking admission in a different capacity from the one in which he was last given leave to enter or remain.

Non-lapsing leave.

20A. Leave to enter or remain in the Bailiwick of Guernsey will usually lapse on the holder going to a country or territory outside the common travel area. However, under paragraph 13 of the Direction of the Lieutenant Governor concerning Leave to Enter and Remain such leave will not lapse where it was given for a period exceeding six months or where it was conferred by means of an entry clearance (other than a visit visa).

Holders of restricted travel documents and passports.

21. The leave to enter or remain in the Bailiwick of Guernsey of the holder of a passport or travel document whose permission to enter another country has to be exercised before a given date may be restricted so as to terminate at least 2 months before that date.

22. If his passport or travel document is endorsed with a restriction on the period for which he may remain outside his country of normal residence, his leave to enter or remain in the Bailiwick of Guernsey may be limited so as not to extend beyond the period of authorised absence.

23. The holder of a travel document issued by the Home Office or the Lieutenant Governor should not be given leave to enter or remain for a period extending beyond the validity of that document. This paragraph and paragraphs 21-22 do not apply to a person who is eligible for admission for settlement or to a spouse who is eligible for admission under paragraph 6 of Appendix A or to a person who qualifies for the removal of the time limit on his stay.

Leave to enter granted on arrival in the Bailiwick of Guernsey.

23A. A person who is not a visa national and who is seeking leave to enter on arrival in the Bailiwick of Guernsey for a period not exceeding 6 months for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, for a period not exceeding 6 months. This paragraph does not apply where the person is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject.

23B. A person who is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person, or a person who under the British Nationality Act 1981 is a British subject, and who is seeking leave to enter on arrival in the Bailiwick of Guernsey for a purpose for which prior entry clearance is not required under these Rules may be granted such leave, irrespective of the period of time for which he seeks entry, for a period not exceeding 6 months.

Entry Clearance.

24. The following must produce to the Immigration Officer a valid passport or other identity document endorsed with an entry clearance issued to him for the purpose for which he seeks entry –

- (i) a visa national,
- (ii) any other person (other than British Nationals (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject) who is seeking entry for a period

exceeding six months or is seeking entry for a purpose for which prior entry clearance is required under these Rules.

Such a person will be refused leave to enter if he has no such current entry clearance. Any other person who wishes to ascertain in advance whether he is eligible for admission to the Bailiwick of Guernsey may apply for the issue of an entry clearance.

25. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non visa nationals). These documents are to be taken as evidence of the holder's eligibility for entry into the Bailiwick of Guernsey and accordingly accepted as "**entry clearances**" within the meaning of the Immigration Act 1971.

25A. An entry clearance which satisfies the requirements set out in paragraph 3 of the Direction of the Lieutenant Governor concerning Leave to Enter and Remain will have effect as leave to enter the Bailiwick of Guernsey. The requirements are that the entry clearance must specify the purpose for which the holder wishes to enter the Bailiwick of Guernsey and should be endorsed with the conditions to which it is subject or with a statement that it has effect as indefinite leave to enter the Bailiwick of Guernsey. The holder of such an entry clearance will not require leave to enter on arrival in the Bailiwick of Guernsey and, for the purposes of these Rules, will be treated as a person who has arrived in the Bailiwick of Guernsey with leave to enter the Bailiwick of Guernsey which is in force but which was given to him before his arrival.

26. An application for entry clearance will be considered in accordance with the provisions in these Rules governing the grant or refusal of leave to enter. Where appropriate, the term "Entry Clearance Officer" should be substituted for "Immigration Officer".

27. An application for entry clearance is to be decided in the light of the circumstances existing at the time of the decision, except that an applicant will not be refused an entry clearance where entry is sought in one of the categories contained in paragraphs 296-316 solely on account of his attaining the age of 18 years between receipt of his application and the date of the decision on it.

28. An applicant for an entry clearance must be outside the United Kingdom and Islands at the time of the application. An applicant for an entry clearance who is seeking entry as a visitor must apply to a post designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant. Any other application must be made to the post in the country or territory where the applicant is living which has been designated by the Secretary of State to accept applications for entry clearance for that purpose and from

that category of applicant. Where there is no such post the applicant must apply to the appropriate designated post outside the country or territory where he is living.

29. For the purposes of paragraph 28 "**post**" means a British Diplomatic Mission, British consular post or the office of any person outside the United Kingdom and Islands who has been authorised by the Secretary of State to accept applications for entry clearance. A list of designated posts is published by the Foreign and Commonwealth Office.

30. An application for an entry clearance is not made until any fee required to be paid has been paid.

30A. An entry clearance may be revoked if the Entry Clearance Officer is satisfied that –

- (i) whether or not to the holder's knowledge, false representations were employed or material facts were not disclosed, either in writing or orally, for the purpose of obtaining the entry clearance, or
- (ii) a change of circumstances since the entry clearance was issued has removed the basis of the holder's claim to be admitted to the Bailiwick of Guernsey, except where the change of circumstances amounts solely to his exceeding the age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance, or
- (iii) the holder's exclusion from the Bailiwick of Guernsey would be conducive to the public good.

30B. An entry clearance shall cease to have effect where the entry clearance has effect as leave to enter and an Immigration Officer cancels that leave in accordance with paragraph 2A(8) of Schedule 2 to the Immigration Act 1971.

30C. An Immigration Officer may cancel an entry clearance which is capable of having effect as leave to enter if the holder arrives in the Bailiwick of Guernsey before the day on which the entry clearance becomes effective or if the holder seeks to enter the Bailiwick of Guernsey for a purpose other than the purpose specified in the entry clearance.

Variation of leave to enter or remain in the Bailiwick of Guernsey.

31. Under section 3(3) of the Immigration Act 1971 a limited leave to enter or remain in the Bailiwick of Guernsey may be varied by extending or restricting its duration, by adding varying or revoking conditions or by removing the time limit (whereupon any condition attached to the leave ceases to apply). When leave to enter or remain is varied an entry is to be made in the applicant's passport or travel document (and his registration certificate where appropriate) or the decision may be made known in writing in some other appropriate way. Leave to remain may be granted or varied by an immigration officer acting on behalf of the Lieutenant Governor.

31A. Where a person has arrived in the Bailiwick of Guernsey with leave to enter or remain in the Bailiwick of Guernsey which is in force but was given to him before his arrival, he may apply, on arrival at a port of entry in the Bailiwick of Guernsey, for variation of that leave. An Immigration Officer acting on behalf of the Lieutenant Governor may vary the leave at the port of entry but is not obliged to consider an application for variation made at the port of entry. If an Immigration Officer acting on behalf of the Lieutenant Governor has declined to consider an application for variation of leave at a port of entry but the leave has not been cancelled under paragraph 2A(8) of Schedule 2 to the Immigration Act 1971, the person seeking variation should apply to the Immigration and Nationality Division under paragraph 32.

32. After admission to the Bailiwick of Guernsey any application for an extension of the time limit on or variation of conditions attached to a person's stay in the Bailiwick of Guernsey must be made to the Immigration and Nationality Division before the applicant's current leave to enter or remain expires.

33. [Not Used]

33A. Where a person, having left the common travel area, has leave to enter or remain in the Bailiwick of Guernsey which remains in force under paragraph 13 of the Direction of the Lieutenant Governor concerning Leave to Enter and Remain, his leave may be varied (including any conditions to which it is subject) in such form and manner as permitted for the giving of leave to enter. However the Lieutenant Governor is not obliged to consider an application for variation of leave to enter or remain from a person outside the Bailiwick of Guernsey.

Knowledge of language and Life in the United Kingdom and Bailiwick of Guernsey.

33B. A person has sufficient knowledge of the English language and

sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey for the purpose of an application for indefinite leave to remain under these Rules if –

- (a) he has attended a combined English Language and citizenship course run by the Guernsey College of Further Education, or equivalent in the other Islands, and thereby attained a certificate confirming successful completion of that course, or
- (b) he has passed the Citizenship Test administered by the Guernsey College of Further Education or equivalent in the other Islands, or
- (c) he has attended a course for the purpose of attaining sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom as specified from time to time in the United Kingdom Statement of Changes in Immigration Rules and has attained the relevant accredited qualification as specified, or
- (d) he has passed the test known as the "Life in the UK Test" administered by an educational institution or other person approved for this purpose by the Secretary of State, or
- (e) in the case of a person who is the spouse or unmarried ... partner of –
 - (i) a permanent member of HM Diplomatic Service, or
 - (ii) a comparable UK-based staff member of the British Council on a tour of duty abroad, or
 - (iii) a staff member of the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey,

a person designated by the Lieutenant Governor certifies in writing that he has sufficient knowledge of the English language and sufficient knowledge about

life in the United Kingdom and Bailiwick of Guernsey for this purpose.

33C. [Not used]

33D. If in the special circumstances of any particular case the Lieutenant Governor thinks fit, he may waive the need to fulfil the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey if he considers that, because of the applicant's physical or mental condition, it would be unreasonable to expect him to fulfil that requirement.

33E. Where an applicant applies for indefinite leave to remain under these Rules, and –

- (i) is required by these Rules to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, and
- (ii) meets all the other requirements for indefinite leave to remain for the category he has applied under with the exception of the requirement in (i) above, and
- (iii) has not made any false representations or failed to disclose any material fact in his application, his application will automatically fall to be considered under the Rules for an extension of stay in the same category in which he applied for indefinite leave to remain

33F. Where an application is considered under the Rules for an extension of stay in accordance with paragraph 33E above, and the Lieutenant Governor is satisfied that the applicant qualifies for a grant of limited leave, leave should be granted for the duration and subject to the conditions normally imposed on an extension of stay in the category under which the application is being considered.

Withdrawn applications for variation of leave to enter or remain in the Bailiwick of Guernsey.

34. Where a person whose application for variation of leave to enter or remain is being considered requests the return of his passport for the purpose of travel outside the common travel area, the application for variation of leave shall, provided

it has not already been determined, be treated as withdrawn as soon as the passport is returned in response to that request.

Undertakings.

35. A sponsor of a person seeking leave to enter ... or remain in the Bailiwick of Guernsey may be asked to give an undertaking in writing to be responsible for that person's maintenance and accommodation for the period of any leave granted, including any further variation , or for a period of 5 years from date of grant where indefinite leave to enter or remain is granted. The States of Guernsey may recover from the person giving such an undertaking any public monies paid to or for the benefit of the person in respect of whom the undertaking is given

Medical.

36. A person who intends to remain in the Bailiwick of Guernsey for more than 6 months may be referred to the Medical Officer of Health for examination. If he produces a medical certificate he should be advised to hand it to the Medical Officer of Health. Any person seeking entry who mentions health or medical treatment as a reason for his visit, or who appears not to be in good mental or physical health, should also be referred to the Medical Officer of Health; and the Immigration Officer has discretion, which should be exercised sparingly, to refer for examination in any other case.

37. Where the Medical Officer of Health advises that a person seeking entry is suffering from a specified disease or condition which may interfere with his ability to support himself or his dependants, the Immigration Officer should take account of this, in conjunction with other factors, in deciding whether to admit that person. The Immigration Officer should also take account of the Medical Officer of Health's assessment of the likely course of treatment in deciding whether a person seeking entry for private medical treatment has sufficient means at his disposal.

38. A returning resident should not be refused leave to enter or have existing leave to enter or remain cancelled on medical grounds. But where a person would be refused leave to enter or have existing leave to enter or remain cancelled on medical grounds if he were not a returning resident, or in any case where it is decided on compassionate grounds not to exercise the power to refuse leave to enter or to cancel existing leave to enter or remain, or in any other case where the Medical Officer of Health so recommends, the Immigration Officer should give the person concerned a notice requiring him to report to the Medical Officer of Health with a view to further examination and any necessary treatment.

39. Subject to paragraphs 39A and 39B, the Entry Clearance Officer has

the same discretion as an Immigration Officer to refer applicants for entry clearance for medical examination and the same principles will apply to the decision whether or not to issue an entry clearance.

39A. Any person making an application for entry clearance to come to the Bailiwick of Guernsey for more than six months from a Tuberculosis Screening Specified Country must present at the time of application a valid medical certificate issued by a medical practitioner from a screening clinic approved by the Lieutenant Governor confirming that the applicant has undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

39B. Applicants seeking leave to enter as a returning resident under paragraph 19 of these rules, having been absent from the Bailiwick of Guernsey for more than two years are also subject to the requirements in paragraph 39A.

PART 2: PERSONS SEEKING TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY FOR VISITS

GENERAL VISITORS

Requirements for leave to enter as a General Visitor.

40. For the purposes of paragraphs 41-46, a General Visitor includes a person living and working outside the Bailiwick of Guernsey who comes to the Bailiwick of Guernsey as a tourist.

41. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a General Visitor are that he –

- (i) is genuinely seeking entry as a General Visitor for a limited period as stated by him, not exceeding 6 months, and
- (ii) intends to leave the Bailiwick of Guernsey at the end of the period of the visit as stated by him, and
- (iii) does not intend to take employment in the Bailiwick of Guernsey, and
- (iv) does not intend to produce goods or provide services within the Bailiwick of Guernsey, including the selling of goods or services direct to members of the public, and
- (v) does not intend to study at a school wholly or partly funded by the States of Guernsey, and
- (vi) will maintain and accommodate himself and any dependants adequately out of resources available to him without recourse to public funds or taking employment; or will, with any dependants, be maintained and accommodated adequately by relatives or friends, and
- (vii) can meet the cost of the return or onward journey, and
- (viii) is not a child under the age of 18,
- (ix) does not intend to do any of the activities specified in

paragraph 46G(iii), 46M(iii) or 46S(iii), and

- (x) does not, during his visit, intend to marry, or to give notice of marriage, and
- (xi) does not intend to receive private medical treatment during his visit, and
- (xii) is not in transit to a country outside the common travel area, and
- (xiii) where he is seeking leave to enter as a general visitor to take part in archaeological excavations, provides a letter from the director or organiser of the excavation stating the length of his visit and, where appropriate, what arrangements have been made for his accommodation and maintenance.

Leave to enter as a General Visitor.

42. A person seeking leave to enter the Bailiwick of Guernsey as a General Visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 41 is met.

Refusal of leave to enter as a General Visitor.

43. Leave to enter as a General Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 41 is met.

Requirements for an extension of stay as a General Visitor.

44. Six months is the maximum permitted leave which may be granted to a General Visitor. The requirements for an extension of stay as a General Visitor are that the applicant –

- (i) meets the requirements of paragraph 41(ii)-(vii) and (ix)-(xii), and
- (ii) has not already spent, nor would as a result of an extension of stay spend, more than 6 months in total in the Bailiwick of Guernsey as a General Visitor (any periods spent as a Child Visitor are to be counted as a

period spent as a General Visitor), and

- (iii) was not last admitted to the United Kingdom and Islands under the Approved Destination Status Agreement with China, and
- (iv) has, or was last granted, entry clearance, leave to enter or leave to remain as a General Visitor or as a Child Visitor, and
- (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as a General Visitor.

45. An extension of stay as a General Visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 44 is met.

Refusal of extension of stay as a General Visitor.

46. An extension of stay as a General Visitor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 44 is met.

PERSONS ACCOMPANYING ACADEMIC VISITOR

Requirements for leave to enter as a Person Accompanying An Academic Visitor.

46AA. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a Person Accompanying An Academic Visitor are that he –

- (i) holds a valid entry clearance, and
- (ii) is genuinely seeking entry to accompany an Academic Visitor who has leave to enter under paragraphs 46G to 46L, and
- (iii) is seeking entry for a limited period as stated by him, not exceeding 12 months, and

- (iv) meets the requirements of paragraph 41(ii)-(iv) and (ix) to (xii), and
- (v) will maintain and accommodate himself, or be maintained and accommodated adequately, without recourse to public funds or taking employment, and
- (vi) if he is 18 years of age or older, –
 - (a) does not intend to study at a school wholly or partly funded by the States of Guernsey, and
 - (b) can meet the cost of the return or onward journey, and
- (vii) if he is under the age of 18, –
 - (a) does not intend to study at a school wholly funded by the States of Guernsey, and
 - (b) can demonstrate that suitable arrangements have been made for his travel to, and reception and care in, the Bailiwick of Guernsey.

Leave to enter as a Person Accompanying An Academic Visitor.

46AB. A person seeking leave to enter the Bailiwick of Guernsey as a Person Accompanying An Academic Visitor may be admitted for a period not exceeding 12 months, subject to a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46AA is met.

Refusal of leave to enter as a Person Accompanying An Academic Visitor.

46AC. Leave to enter as a Person Accompanying An Academic Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46AA is met.

Requirements for an extension of stay as a Person Accompanying An Academic Visitor.

46AD. Twelve months is the maximum permitted leave which may be granted to a Person Accompanying An Academic Visitor. The requirements for an extension of stay as a Person Accompanying An Academic Visitor are that he –

- (i) is genuinely seeking the extension of stay to accompany the Academic Visitor concerned for a limited period as stated by that applicant, and
- (ii) meets the requirements of paragraph 41(ii)-(iv), (vii) and (ix) to (xii), and
- (iii) will maintain and accommodate himself, or be maintained and accommodated adequately, without recourse to public funds or taking employment, and
- (iv) if he is 18 years of age or older, –
 - (a) does not intend to study at a school wholly or partly funded by the States of Guernsey, and
 - (b) can meet the cost of the return or onward journey, and
- (v) if he is under the age of 18, –
 - (a) does not intend to study at a school wholly funded by the States of Guernsey, and
 - (b) can demonstrate that suitable arrangements have been made for his travel to, and reception and care in, the Bailiwick of Guernsey, and
- (vi) has not already spent, nor would as a result of an extension of stay spend, more than 12 months in total in the United Kingdom and Islands as a Person Accompanying An Academic Visitor, a General Visitor or a Child Visitor, and
- (vii) has, or was last granted, entry clearance, leave to enter or leave to remain as a Person Accompanying An Academic Visitor.

Extension of stay as a Person Accompanying An Academic Visitor.

46AE. An extension of stay as a Person Accompanying An Academic Visitor may be granted, subject to a condition prohibiting employment, provided the

Lieutenant Governor is satisfied that each of the requirements of paragraph 46AD is met.

Refusal of extension of stay as a Person Accompanying An Academic Visitor.

46AF. An extension of stay as a Person Accompanying An Academic Visitor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 46AD is met.

CHILD VISITORS

Requirements for leave to enter as a child visitor.

46A. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a child visitor are that he –

- (ai) is genuinely seeking entry as a Child Visitor for a limited period as stated by him, not exceeding 6 months, and
- (i) meets the requirements of paragraph 41(ii)-(vii) and (ix)-(xii), and
- (ii) is under the age of 18, and
- (iii) can demonstrate that suitable arrangements have been made for his travel to, and reception and care in the Bailiwick of Guernsey, and
- (iv) has a parent or guardian in his home country or country of habitual residence who is responsible for his care, and
- (v) if a visa national –
 - (a) holds a valid entry clearance for entry as an accompanied child visitor and is travelling in the company of the adult identified on his entry clearance, who is on the same occasion being admitted to the Bailiwick of Guernsey, or
 - (b) holds a valid entry clearance for entry as an unaccompanied child visitor, and

- (vi) if he has been accepted for a course of study this is to be provided other than at a school wholly or partly funded by the States of Guernsey.

Leave to enter as a child visitor.

46B. A person seeking leave to enter the Bailiwick of Guernsey as a child visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment and recourse to public funds, providing that the Immigration Officer is satisfied that each of the requirements of paragraph 46A is met.

Refusal of leave to enter as a child visitor.

46C. Leave to enter as a child visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46A is met.

Requirements for an extension of stay as a child visitor.

46D. Six months is the maximum permitted leave which may be granted to a child visitor. The requirements for an extension of stay as a child visitor are that the applicant –

- (i) meets the requirements of paragraph 41(ii)-(vii) and (ix)-(xii),
- (ii) is under the age of 18, and
- (iii) can demonstrate that there are suitable arrangements for his care in the Bailiwick of Guernsey, and
- (iv) has a parent or guardian in his home country or country of habitual residence who is responsible for his care, and
- (v) has not already spent, nor would as a result of an extension of stay spend, more than 6 months in total in the Bailiwick as a Child Visitor, and
- (vi) has, or was last granted, entry clearance, leave to enter or leave to remain as a Child Visitor, and
- (vii) is not in the Bailiwick of Guernsey in breach of

immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as a child visitor.

46E. An extension of stay as a child visitor may be granted, subject to a condition prohibiting employment and recourse to public funds, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 46D is met.

Refusal of extension of stay as a child visitor.

46F. An extension of stay as a child visitor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 46D is met.

BUSINESS VISITORS

Requirements for leave to enter as a Business Visitor.

46G. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a Business Visitor are that he –

- (i) is genuinely seeking entry as a Business Visitor for a limited period as stated by him –
 - (a) not exceeding 6 months, or
 - (b) if seeking entry as an Academic Visitor, not exceeding 12 months, and
- (ii) meets the requirements of paragraph 41(ii)-(viii) and (x)-(xii), and
- (iii) intends to do one or more of the following during his visit –
 - (a) to carry out a permissible activity as defined in paragraph 6,
 - (b) to take part in a location shoot as a member of a film crew meaning he is a film actor, producer, director or technician paid or employed by an overseas company and is coming to the

Bailiwick of Guernsey for location sequences only,

(c) to represent overseas-based news media including as a journalist, correspondent, producer or cameraman, but only if he is employed or paid by an overseas company and is gathering information for an overseas publication,

(d) to act as an Academic Visitor, but only if –

(A) he is an academic who is –

(1) on sabbatical leave from an overseas academic institution to carry out research,

(2) taking part in formal exchange arrangements with UK and Islands counterparts (including doctors),

(3) coming to share knowledge or experience, or to hold informal discussions with their UK and Islands counterparts, or

(4) taking part in a single conference or seminar that is not a commercial or non-profit venture,

(5) an eminent senior doctor or senior dentist taking part in research, teaching or clinical practice, and

(B) he has been working as an academic in an institution of higher education overseas or in the field of his academic expertise immediately prior to seeking entry,

- (e) to undertake some preaching or pastoral work as a religious worker, but only if his base is abroad and he is not taking up an office, post or appointment,
- (f) to undergo specific, one-off training on techniques and work practices used in the Bailiwick of Guernsey where –
 - (A) the training is to be delivered by the Bailiwick of Guernsey branch of the same group of companies to which the individual's employer belongs, or
 - (B) the training is to be provided by a Bailiwick of Guernsey company contracted to provide goods or services to the overseas company, or
 - (C) a Bailiwick of Guernsey company is contracted to provide training facilities only, to an overseas company,
- (g) to act as an adviser, consultant, trainer or trouble shooter, to the Bailiwick of Guernsey branch of the same group of companies as the visitor's overseas company, provided the visitor remains employed and paid by the overseas company and does not undertake work, paid or unpaid with the Bailiwick of Guernsey company's clients.

Leave to enter as a Business Visitor.

46H. A person seeking leave to enter the Bailiwick of Guernsey as a Business Visitor may be admitted for a period –

- (i) not exceeding 6 months, or
- (ii) in the case of an Academic Visitor with entry clearance, not exceeding 12 months,

subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46G is met.

Refusal of leave to enter as a Business Visitor.

46I. Leave to enter as a Business Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46G is met.

Requirements for an extension of stay as a Business Visitor.

46J. Twelve months is the maximum permitted leave which may be granted to an Academic Visitor and six months is the maximum that may be granted to any other kind of Business Visitor. The requirements for an extension of stay as a Business Visitor are that the applicant –

- (i) meets the requirements of paragraph 41(ii)-(viii) and (x)-(xii),
- (ii) meets the requirements of 46G(iii), and
- (iii) if he is an Academic Visitor, has not already spent, nor would as a result of an extension of stay spend, more than 12 months in total in the Bailiwick of Guernsey as a Business Visitor, and
- (iv) if he is any other kind of Business Visitor, has not already spent, nor would as a result of an extension of stay spend, more than 6 months in total in the Bailiwick of Guernsey as a Business Visitor, and
- (v) has, or was last granted, entry clearance, leave to enter or leave to remain as a Business Visitor, and
- (vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as a Business Visitor.

46K. An extension of stay as a Business Visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the

Lieutenant Governor is satisfied that each of the requirements of paragraph 46J is met.

Refusal of extension of stay as a Business Visitor.

46L. An extension of stay as a Business Visitor is to refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 46J is met.

SPORTS VISITORS

Requirements for leave to enter as a Sports Visitor.

46M. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a Sports Visitor are that he –

- (i) is genuinely seeking entry as a Sports Visitor for a limited period as stated by him, not exceeding six months, and
- (ii) meets the requirements of paragraph 41(ii)-(viii) and (x)-(xii), and
- (iii) intends to do one or more of the following during his visit –
 - (a) to take part in a particular sporting event, tournament or series of events,
 - (b) to take part in a specific one-off charity sporting event, provided no payment is received other than for travelling and other expenses,
 - (c) to join, as an amateur, a wholly or predominantly amateur team provided no payment is received other than board and lodging and reasonable expenses,
 - (d) to serve as a member of the technical or personal staff, or as an official, attending the same event as a visiting sportsperson coming for one or more of the purposes listed in item (a), (b) or (c), or attending the same event as a

sportsperson carrying out permitted paid engagements as a visitor.

Leave to enter as a Sports Visitor.

46N. A person seeking leave to enter the Bailiwick of Guernsey as a Sports Visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46M is met.

Refusal of leave to enter as a Sports Visitor.

46O. Leave to enter as a Sports Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46M is met.

Requirements for an extension of stay as a Sports Visitor.

46P. Six months is the maximum permitted leave which may be granted to a Sports Visitor. The requirements for an extension of stay as a Sports Visitor are that the applicant –

- (i) meets the requirements of paragraph 41(ii)-(viii) and (x)-(xii), and
- (ii) meets the requirements of paragraph 46M(iii), and
- (iii) has not already spent, nor would as a result of an extension of stay spend, more than 6 months in total in the Bailiwick of Guernsey as a Sports Visitor, and
- (iv) has, or was last granted, entry clearance, leave to enter or leave to remain as a Sports Visitor, and
- (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as a Sports Visitor.

46Q. An extension of stay as a Sports Visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the

Lieutenant Governor is satisfied that each of the requirements of paragraph 46P is met.

Refusal of extension of stay as a Sports Visitor.

46R. An extension of stay as a Sports Visitor is to refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 46P is met.

ENTERTAINER VISITOR

Requirements for leave to enter as an Entertainer Visitor.

46S. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as an Entertainer Visitor are that he –

- (i) is genuinely seeking entry as an Entertainer Visitor for a limited period as stated by him, not exceeding six months, and
- (ii) meets the requirements of paragraph 41(ii)-(viii) and (x)-(xii), and
- (iii) intends to do one or more of the following during his visit –
 - (a) to take part as a professional entertainer in one or more music competitions,
 - (b) to fulfil one or more specific engagements as either an individual amateur entertainer or as an amateur group,
 - (c) to take part, as an amateur or professional entertainer, in a cultural event (or one or more of such events),
 - (d) to serve as a member of the technical or personal staff, or of the production team, of an entertainer coming for one or more of the purposes listed in item (a), (b), or (c), or attending the same event as an entertainer carrying out permitted paid engagements as a visitor.

Leave to enter as an Entertainer Visitor.

46T. A person seeking leave to enter the Bailiwick of Guernsey as an Entertainer Visitor may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 46S is met.

Refusal of leave to enter as an Entertainer Visitor.

46U. Leave to enter as an Entertainer Visitor is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 46S is met.

Requirements for an extension of stay as an Entertainer Visitor.

46V. Six months is the maximum permitted leave which may be granted to an Entertainer Visitor. The requirements for an extension of stay as an Entertainer Visitor are that the applicant –

- (i) meets the requirements of paragraphs 41(ii)-(viii) and (x)-(xii), and
- (ii) meets the requirements of paragraph 46S(iii), and
- (iii) has not already spent, nor would as a result of an extension of stay spend, more than 6 months in total in the Bailiwick of Guernsey as an Entertainer Visitor, and
- (iv) has, or was granted, entry clearance, leave to enter or leave to remain as an Entertainer Visitor, and
- (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as an Entertainer Visitor.

46W. An extension of stay as an Entertainer Visitor may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided

the Lieutenant Governor is satisfied that each of the requirements of paragraph 46V is met.

Refusal of extension of stay as an Entertainer Visitor.

46X. An extension of stay as an Entertainer Visitor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 46V is met.

VISITORS IN TRANSIT

Requirements for admission as a visitor in transit to another country.

47. The requirements to be met by a person (not being a member of the crew of a ship, aircraft, hovercraft or hydrofoil) seeking leave to enter the Bailiwick of Guernsey as a visitor in transit to another country are that he –

- (i) is in transit to a country outside the United Kingdom and Islands, and
- (ii) has both the means and the intention of proceeding at once to another country, and
- (iii) is assured of entry there, and
- (iv) intends and is able to leave the United Kingdom and Islands within 48 hours.

Leave to enter as a visitor in transit.

48. A person seeking leave to enter the Bailiwick of Guernsey as a visitor in transit may be admitted for a period not exceeding 48 hours subject to a condition prohibiting employment, study and recourse to public funds provided the Immigration Officer is satisfied that each of the requirements of paragraph 47 is met.

Refusal of leave to enter as a visitor in transit.

49. Leave to enter as a visitor in transit is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 47 is met.

Extension of stay as a visitor in transit.

50. The maximum permitted leave which may be granted to a visitor in transit is 48 hours. An application for an extension of stay beyond 48 hours from a person admitted in this category is to be refused.

VISITORS SEEKING TO ENTER OR REMAIN FOR PRIVATE MEDICAL TREATMENT

Requirements for leave to enter as a visitor for private medical treatment.

51. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a visitor for private medical treatment are that he –

- (i) meets the requirements of paragraph 41(iii)-(vii), (ix)-(x) and (xii), and
- (ii) in the case of a person suffering from a communicable disease, has satisfied the Medical Officer of Health that there is no danger to public health, and
- (iii) can show, if required to do so, that any proposed course of treatment is of finite duration, and
- (iv) intends to leave the Bailiwick of Guernsey at the end of his treatment, and
- (v) can produce satisfactory evidence, if required to so, of –
 - (a) the medical condition requiring consultation or treatment, and
 - (b) satisfactory arrangements for the necessary consultation or treatment at his own expense, and
 - (c) the estimated costs of such consultation or treatment, and
 - (d) the likely duration of his visit, and
 - (e) sufficient funds available to him in the Bailiwick of Guernsey to meet the estimated costs and his undertaking to do so.

Leave to enter as a visitor for private medical treatment.

52. A person seeking leave to enter the Bailiwick of Guernsey as a visitor for private medical treatment may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 51 is met.

Refusal of leave to enter as a visitor for private medical treatment.

53. Leave to enter as a visitor for private medical treatment is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 51 is met.

Requirements for an extension of stay as a visitor for private medical treatment.

54. The requirements for an extension of stay as a visitor to undergo or continue private medical treatment are that the applicant –

- (i) meets the requirements of paragraph 41(iii)-(vii), (ix)-(X) and (xii) and paragraph 51(ii-v), and
- (ii) has produced evidence in the form of a letter on headed notepaper giving a private practice address from a recognised medical practitioner, registered by the Health and Social Services Department under the Doctors, Dentists and Pharmacists Ordinance, 1987 to practise in the Bailiwick of Guernsey, of that provides full details of the –
 - (a) nature of the illness, and
 - (b) proposed or continuing treatment, and
 - (c) frequency of consultations, and
 - (d) probable duration of the treatment, and
 - (e) details of the cost of treatment and confirmation that all expenses are being met, and

- (f) where treatment amounts to private visits to a consultant for a relatively minor ailment, details of the progress being made, and
- (iii) has produced evidence that that he has met, out of the resources available to him, any costs and expenses incurred in relation to his treatment in the Bailiwick of Guernsey, and
- (iv) has produced evidence that he has sufficient funds available to him in the Bailiwick of Guernsey, or, if relying on funds from abroad has provided evidence that those funds are fully transferable to the Bailiwick of Guernsey, to meet the likely costs of his treatment and intends to meet those costs,
- (v) was not last admitted to the United Kingdom and Islands under the Approved Destination Status Agreement with China, and
- (vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as a visitor for private medical treatment.

55. An extension of stay to undergo or continue private medical treatment may be granted, subject to a condition prohibiting employment, study and recourse to public funds, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 54 is met.

Refusal of extension of stay as a visitor for private medical treatment.

56. An extension of stay as a visitor to undergo or continue private medical treatment is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 54 is met.

PARENT OF A CHILD AT SCHOOL

Requirements for leave to enter or remain as the parent of a child at School.

56A. The requirements to be met by a person seeking leave to enter or

remain in the Bailiwick of Guernsey as the parent of a child at school are that –

- (i) the parent meets the requirements of paragraph 41(ii)-(xii), and
- (ii) the child is attending a fee paying school not wholly maintained by the States of Guernsey and meets the requirements set out in paragraph 57(i)-(vii), and
- (iii) the child is under 12 years of age, and
- (iv) the parent can provide satisfactory evidence of adequate and reliable funds for maintaining a second home in the Bailiwick of Guernsey, and
- (v) the parent is not seeking to make the Bailiwick of Guernsey his main home, and
- (vi) the parent was not last admitted to the United Kingdom and Islands under the Approved Destination Status Agreement with China, and
- (vii) if seeking leave to remain, the parent is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Leave to enter or remain as the parent of a child at school.

56B. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the parent of a child at school may be admitted or allowed to remain for a period not exceeding 12 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor is satisfied that each of the requirements of paragraph 56A is met.

Refusal of leave to enter or remain as the parent of a child at school.

56C. Leave to enter or remain in the Bailiwick of Guernsey as the parent of a child at school is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Lieutenant Governor is not satisfied that each of the requirements of paragraph 56A is met.

VISITORS SEEKING TO ENTER FOR THE PURPOSES OF MARRIAGE

Requirements for leave to enter as a visitor for marriage.

56D. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a visitor for marriage are that he –

- (i) meets the requirements of paragraph 41, and
- (ii) can show that he intends to marry, in the Bailiwick of Guernsey within the period for which entry is sought, and
- (iii) can produce satisfactory evidence, if required to do so, of the arrangements for his wedding ceremony to take place, in the Bailiwick of Guernsey during the period for which entry is sought, and
- (iv) holds a valid entry clearance for entry in this capacity.

Leave to enter as a visitor for marriage.

56E. A person seeking leave to enter the Bailiwick of Guernsey as a visitor for marriage may be admitted for a period not exceeding 6 months, subject to a condition prohibiting employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56D is met.

Refusal of leave to enter as a visitor for marriage.

56F. Leave to enter as a visitor for marriage is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56D is met.

56G-56W. [Not used]

VISITORS UNDERTAKING PERMITTED PAID ENGAGEMENTS

Requirements for leave to enter as a visitor undertaking permitted paid engagements.

56X. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a visitor undertaking permitted paid engagements are that the applicant –

- (i) is genuinely seeking entry as a visitor undertaking a permitted paid engagement for a limited period not exceeding one month, and
- (ii) meets the requirements of paragraphs 41(ii), (v), (vii), (viii), (x)-(xi), and
- (iii) intends to do one of the following pre-arranged permitted paid engagements which can be evidenced by a formal invitation, and can show that the engagement relates to his or her area of expertise and/or qualifications, and full time occupation overseas –
 - (a) examine students and/or participate in or chair selection panels as a visiting academic, who is highly qualified within his or her own field of expertise, invited by a Bailiwick of Guernsey Higher Education Institution or a Bailiwick of Guernsey based research or arts organisation as part of that institution or organisation's quality assurance processes,
 - (b) give one or more lectures in his or her field of expertise as a visiting lecturer, invited by a Bailiwick of Guernsey Higher Education Institution or a Bailiwick of Guernsey based research or arts organisation.
 - (c) *[not used]*
 - (d) provide advocacy in a particular area of law as a qualified lawyer for the purposes of a court or tribunal hearing, arbitration or other form of alternative dispute resolution for legal proceedings within the Bailiwick of Guernsey, at the invitation of a client in the Bailiwick of Guernsey or foreign based client,
 - (e) undertake an activity relating to the arts, entertainment or sporting professions, by invitation of an arts or sports organisation or broadcaster based in the Bailiwick of Guernsey,

and

- (iv) does not intend to take employment, produce goods or provide services within the Bailiwick of Guernsey, including the selling of goods or services direct to members of the public other than as permitted for by the prearranged paid engagement, and
- (v) will maintain and accommodate him or herself adequately out of resources available to the applicant without recourse to public funds or taking employment; or will be maintained and accommodated adequately by relatives or friends.

Leave to enter as a visitor undertaking permitted paid engagements.

56Y. A person seeking leave to enter the Bailiwick of Guernsey as a visitor undertaking permitted paid engagements may be admitted for a single entry and for a period not exceeding 1 month, provided the Immigration Officer is satisfied that each of the requirements of paragraph 56X is met.

Refusal of leave to enter as a visitor undertaking permitted paid engagements.

56Z. Leave to enter as a visitor undertaking permitted paid engagements is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 56X is met.

PART 3 PERSONS SEEKING TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY FOR STUDIES

STUDENTS

Requirements for leave to enter as a student.

57. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a student are that he –

- (i) has been accepted for a course of study at –
 - (a) a bona fide private education institution which maintains satisfactory records of enrolment and attendance, or
 - (b) a fee paying school not wholly maintained by the States of Guernsey, and
- (ii) is able and intends to follow either –
 - (a) a weekday full-time course involving attendance at a single institution for a minimum of 15 hours organised daytime study per week of a single subject or directly related subjects, or
 - (b) a full-time course of study at a fee paying school not wholly maintained by the States of Guernsey, and
- (iii) if under the age of 16 years is enrolled at a fee paying school not wholly maintained by the States of Guernsey on a full-time course of studies which meets the requirements of current Bailiwick of Guernsey education legislation, and
- (iv) intends to leave the Bailiwick of Guernsey at the end of his studies, and
- (v) does not intend to engage in business or to take employment, and
- (vi) is able to meet the costs of his course and

accommodation and the maintenance of himself without taking employment or engaging in business or having recourse to public funds

- (vii) holds a valid entry clearance for entry in this capacity.

Leave to enter as a student.

58. A person seeking leave to enter the Bailiwick of Guernsey as a student may be admitted for an appropriate period depending on the length of his course of study and his means, and with a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph 57 is met.

Refusal of leave to enter as a student.

59. Leave to enter as a student is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 57 is met.

Requirements for an extension of stay as a student.

60. The requirements for an extension of stay as a student are that the applicant –

- (i) was admitted to the Bailiwick of Guernsey with a valid student entry clearance, and
- (ii) meets the requirements for admission as a student set out in paragraph 57(i)-(vi), and
- (iii) has produced evidence of his enrolment on a course which meets the requirements of paragraph 57, and
- (iv) can produce satisfactory evidence of regular attendance during any course which he has already begun; or any other course for which he has been enrolled in the past, and
- (v) can show evidence of satisfactory progress in his course of study including the taking and passing of any relevant examinations, and

Extension of stay as a student.

61. An extension of stay as a student may be granted, subject to a prohibition on his freedom to take employment, provided the Lieutenant Governor is satisfied that the applicant meets each of the requirements of paragraph 60.

Refusal of extension of stay as a student.

62. An extension of stay as a student is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 60 is met.

63-87. [Not Used]

PART 4: PERSONS SEEKING TO ENTER THE BAILIWICK OF GUERNSEY UNDER THE YOUTH MOBILITY SCHEME

88. [Not used]

YOUTH MOBILITY SCHEME

Requirements for leave to enter as a participant in the Youth Mobility Scheme.

89. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a participant in the Youth Mobility Scheme are that he –

- (i) holds a valid and current entry clearance for entry as a Tier 5 (Youth Mobility Scheme) Temporary Migrant, and
- (ii) is genuinely seeking entry as a participant in the Youth Mobility Scheme for a limited period as stated by him, not exceeding 2 years, and
- (iii) has not previously spent time in the Bailiwick of Guernsey as a Working Holidaymaker or a Tier 5 (Youth Mobility Scheme) Temporary Migrant, and
- (iv) meets the requirements of paragraph 41(ii), (v) and (vii)-(xii).

Leave to enter as a participant in the Youth Mobility Scheme.

90. Provided the Immigration Officer is satisfied that each of the requirements of paragraph 89 is met, a person seeking leave to enter the Bailiwick of Guernsey as a participant in the Youth Mobility Scheme may be admitted for a period not exceeding 2 years, subject to the following conditions –

- (i) the person must maintain and accommodate himself adequately out of resources available to him without recourse to public funds; or must be maintained and accommodated adequately by relatives or friends, and
- (ii) the person must not take employment as a professional sportsperson (including as a sports coach), and
- (iii) the person must not be self-employed except where the following conditions are met –

- (A) he has no premises which he owns, other than his home, from which he carries out his business, and
- (B) the total value of any equipment used in his business does not exceed £5,000, and
- (C) he has no employees.

Refusal of leave to enter as a participant in the Youth Mobility Scheme.

91. Leave to enter as a participant in the Youth Mobility Scheme is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 89 is met.

92-127. [Not used]

**PART 5: PERSONS SEEKING TO ENTER OR REMAIN IN THE
BAILIWICK OF GUERNSEY FOR EMPLOYMENT**

WORK PERMIT EMPLOYMENT

General requirements for indefinite leave to remain.

128A. For the purposes of references in this Part to requirements for indefinite leave to remain –

- (a) **"continuous period of 5 years in the Bailiwick of Guernsey"** means residence in the Bailiwick of Guernsey for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where –
 - (i) the applicant has been absent from the Bailiwick of Guernsey for a period of 180 days or less in any of the five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain, and
 - (ii) the applicant has existing limited leave to enter or remain upon their departure and return, except that where that leave expired no more than 28 days prior to a further application for entry clearance, that period and any period pending the determination of that application shall be disregarded, and
 - (iii) the applicant has any period of overstaying between periods of entry clearance, leave to enter or leave to remain of up to 28 days and any period of overstaying pending the determination of an application made within that 28 day period disregarded, and
- (b) except for periods when the applicant had leave as a writer, composer or artist or on the grounds of his United Kingdom ancestry –
 - (i) the applicant must have been employed in the Bailiwick of Guernsey continuously throughout

the five years, under the terms of his work permit or in the employment for which he was given leave to enter or remain, except that any breaks in employment in which he applied for leave as a work permit holder or as an employee under any provision of this section to work for a new employer shall be disregarded provided this is within 60 days of the end of his employment with his previous employer, and

- (ii) any absences from the Bailiwick of Guernsey must have been for a purpose that is consistent with the continuous permitted employment in item (i), including paid annual leave or for serious or compelling reasons.

Requirement for leave to enter the Bailiwick of Guernsey for work permit employment.

128. The requirements to be met by a person coming to the Bailiwick of Guernsey to seek or take employment (unless he is otherwise eligible for admission for employment under these Rules or is eligible for admission as a seaman under contract to join a ship due to leave British waters) are that he –

- (i) holds a valid work permit issued by the Home Department, and
- (ii) is not of an age which puts him outside the limits for employment, and
- (iii) is capable of undertaking the employment specified in the work permit, and
- (iv) does not intend to take employment except as specified in his work permit, and
- (v) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds, and
- (vi) intends to leave the Bailiwick of Guernsey at the end of his approved employment unless he meets the requirements of paragraph 134, and

- (vii) holds a valid entry clearance for entry in this capacity except where he holds a work permit for 6 months or less or he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

Leave to enter for work permit employment.

129. A person seeking leave to enter the Bailiwick of Guernsey for the purpose of work permit employment may be admitted for a period not exceeding the period of employment approved by the Home Department (as specified in his work permit) subject to a condition restricting him to that approved employment provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity or, where entry clearance is not required, provided the Immigration Officer is satisfied that each of the requirements of paragraph 128(i)-(vi) is met.

Refusal of leave to enter for employment.

130. Leave to enter for the purpose of work permit employment is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, where entry clearance is not required, if the Immigration Officer is not satisfied that each of the requirements of paragraph 128(i)-(vi) is met.

Requirements for an extension of stay for work permit employment.

131. The requirements for an extension of stay to seek or take employment (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) are that the applicant –

- (i) entered the Bailiwick of Guernsey with a work permit valid for more than 1 month under paragraph 129, and
- (ii) has the approval of the Home Department for the continuation of his employment, and
- (iii) meets the requirements of paragraph of 128(ii)-(vi)

Extension of stay for work permit employment.

132. An extension of stay for work permit employment may be granted for a period not exceeding the period of employment approved by the Home Department provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 131 is met. An extension of stay is to be subject to a condition restricting the applicant to employment approved by the Home Department.

Refusal of extension of stay for employment.

133. An extension of stay for employment is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 131 is met (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules).

Indefinite leave to remain for a work permit holder.

134. Indefinite leave to remain may be granted, on application, to a person admitted as a work permit holder provided –

- (i) he has spent a continuous period of 5 years in the Bailiwick of Guernsey in this capacity, and
- (ii) he has met the requirements of paragraph 131 throughout the 5 year period, and
- (iii) he is still required for the employment in question, as certified by his employer, and
- (iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, in accordance with any of subparagraphs (a) to (e) of paragraph 33B, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (v) he does not have one or more convictions, other than spent convictions within the meaning of the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002.

Refusal of indefinite leave to remain for a work permit holder.

135. Indefinite leave to remain in the Bailiwick of Guernsey for a work permit holder is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 134 is met.

136-143. [Not used]

REPRESENTATIVES OF OVERSEAS BUSINESSES

Requirements for leave to enter as a representative of an overseas business.

144. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a representative of a business which has its headquarters and principal place of business outside the Bailiwick of Guernsey are that he –

- (i) has been recruited and taken on as an employee outside the Bailiwick of Guernsey of a business which is actively trading as a genuine commercial enterprise and which has its headquarters and principal place of business outside the Bailiwick of Guernsey, and
- (ii) is seeking entry to the Bailiwick of Guernsey as a senior employee of that business which has no branch, subsidiary or other representative in the Bailiwick of Guernsey with full authority to take operational decisions on behalf of the business for the purpose of representing it in the Bailiwick of Guernsey by establishing and operating a registered branch or wholly owned subsidiary of that business, the branch or subsidiary of which will be concerned with same type of business activity as that business, and
 - (iii) (a) will be the sole representative of the employer present in the Bailiwick of Guernsey under the terms of this paragraph, and
 - (b) intends to be employed full time as a representative of that business, and
 - (c) is not a majority shareholder in that business, and

- (iv) has satisfied the Home Department that his entry and employment as a representative of that business and the presence of that business in the Bailiwick of Guernsey will be in the general interests of the Bailiwick of Guernsey by, for example, creating significant new full time paid employment for persons already settled in the Bailiwick of Guernsey, and
- (v) does not intend to take employment except within the terms of this paragraph, and
- (vi) has competence in the English language to the required standard on the basis that –
 - (a) he is a national of a majority English speaking country, or
 - (b) he has a knowledge of English equivalent to level A1 or above of the Council of Europe's Common European Framework for Language Learning, and
 - (A) provides an original English language test certificate from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name, the qualification obtained (which must meet or exceed the standard described above) and the date of the award, or
 - (B) provides an original certificate of an academic qualification (not a professional or vocational qualification) which clearly shows the applicant's name which is deemed by UK NARIC to meet the recognised standard of a Bachelor's degree in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English to level C1 of the Council of Europe's Common European Framework for Language learning or above, or

(C) provides an original certificate of an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet or exceed the recognised standard of a Bachelor's or Master's degree in the UK together with confirmation from the institution the person attended that he has the qualification and that the qualification was taught or researched in English, or

(D) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA, and

(vii) can maintain and accommodate himself and any dependants adequately without recourse to public funds, and

(viii) holds a valid entry clearance for entry in this capacity.

144A. With regard to academic qualifications specified in paragraph 144(vi)(b)(B), (C) and (D), if the applicant is awaiting graduation having successfully completed the qualification, or no longer has the certificate and the awarding institution is unable to provide a replacement, an academic transcript (or original letter in the case of a PhD qualification) from the awarding institution on its official headed paper is acceptable evidence of competence in the English language to the required standard provided it clearly shows –

(i) the applicant's name, and

- (ii) the name of the awarding institution, and
- (iii) the title of the award, and
- (iv) confirmation that the qualification has been or will be awarded, and
- (v) the date that the certificate will be issued (if the applicant has not yet graduated) or confirmation that the institution is unable to reissue the original certificate or award, and
- (vi) in the case of qualification specified in paragraph 144(vi)(b)(B) or (C), confirmation that the qualification was taught in English.

144B. In addition to meeting the requirements in paragraphs 144 and 144A above, the overseas business must provide the following –

- (i) a full description of its activities, including details of its assets and accounts and the company share distribution for the previous year, and
- (ii) a letter confirming that the overseas business will establish a wholly-owned subsidiary or branch in the Bailiwick of Guernsey which is in the same business activity as the parent company, and
- (iii) the applicant's job description, salary and contract of employment, and
- (iv) a letter confirming that the applicant is fully familiar with the company's activities and that he has full powers to negotiate and take operational decisions without reference to the parent company, and
- (v) a notarised statement confirming that –
 - (a) the applicant will be their sole representative in the Bailiwick of Guernsey, and
 - (b) they have no other branch, subsidiary or

representative in the Bailiwick of Guernsey, and

- (c) the company's operations will remain centred outside the Bailiwick of Guernsey, and
- (vi) a notarised statement from the applicant confirming that he will not engage in a business of his own nor will he represent any other company's interest.

Leave to enter as a representative of an overseas business.

145. A person seeking leave to enter the Bailiwick of Guernsey as a representative of an overseas business may be admitted for a period not exceeding 3 years provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity, and his leave may be subject to the following conditions –

- (i) no recourse to public funds, and
- (ii) no employment other than working for the business which the applicant has been admitted to represent.

Refusal of leave to enter as a representative of an overseas business.

146. Leave to enter as a representative of an overseas business is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay as a representative of an overseas business.

147. The requirements for an extension of stay as a representative of an overseas business are that the applicant –

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as a sole representative of that business, and
- (ii) can show that –
 - (a) that business still has its headquarters and principal place of business outside the Bailiwick of Guernsey, and

- (b) he is employed full time as a representative of that business and has established and is in charge of its registered branch or wholly owned subsidiary, and
- (c) he is still required for the employment in question, as certified by his employer, and
- (iii) satisfies the Home Department that his stay and employment as a representative of that business and the presence of that business in the Bailiwick of Guernsey continues to be in the general interests of the Bailiwick of Guernsey, and
- (iv) does not intend to take employment except within the terms of this paragraph, and
- (v) can maintain and accommodate himself and any dependants adequately without recourse to public funds, and
- (vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

147A. In addition to meeting the requirements in paragraph 147 above, the applicant must provide the following –

- (i) a letter from the parent company stating that they wish to continue to employ the applicant as previously, and
- (ii) evidence in the form of accounts of the business generated, and
- (iii) evidence of the salary paid to the applicant and the terms on which the salary will in future be paid, and
- (iv) evidence that the applicant has established and is in charge of a branch or wholly owned subsidiary of the parent company.

Extension of stay as a representative of an overseas business.

148. An extension of stay as a representative of an overseas business may be granted if the Lieutenant Governor is satisfied that each of the requirements of paragraphs 147 and 147A is met. The extension of stay will be granted for a period not exceeding 2 years and will be subject to the following conditions –

- (i) no recourse to public funds,
- (ii) no employment other than working for the business which the applicant has been admitted to represent.

Refusal of extension of stay as a representative of an overseas business.

149. An extension of stay as a representative of an overseas business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 147 and 147A is met.

Indefinite leave to remain for a representative of an overseas business.

150. Indefinite leave to remain may be granted, on application, to a representative of an overseas business if the applicant –

- (i) has spent a continuous period of 5 years in the Bailiwick of Guernsey in this capacity, and
- (ii) has met the requirements of paragraph 147 throughout the 5 year period, and
- (iii) is still required for the employment in question, as certified by his employer, and
- (iv) has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B, and
- (v) does not fall for refusal under the general grounds for refusal, and
- (vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Refusal of indefinite leave to remain for a sole representative of an overseas business.

151. Indefinite leave to remain in the Bailiwick of Guernsey for a representative of an overseas business is to be refused if the Secretary of State is not satisfied that each of the requirements of paragraph 150 is met.

152-168. [Not used]

MINISTERS OF RELIGION, MISSIONARIES AND MEMBERS OF RELIGIOUS ORDERS

Ministers of religion, missionaries and members of religious orders.

169. For the purposes of these Rules –

- (i) a minister of religion means a religious functionary whose main regular duties comprise the leading of a congregation in performing the rites and rituals of the faith and in preaching the essentials of the creed,
- (ii) a missionary means a person who is directly engaged in spreading a religious doctrine and whose work is not in essence administrative or clerical,
- (iii) a member of a religious order means a person who is coming to live in a community run by that order.

Requirements for leave to enter as a minister of religion, missionary or member of a religious order.

170. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a minister of religion, missionary or member of a religious order are that he –

- (i) (a) if seeking leave to enter as a minister of religion has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a

minister of religion following at least one year's full-time or two years' part-time training for the ministry, or

- (b) if seeking leave to enter as a missionary has been trained as a missionary or has worked as a missionary and is being sent to the Bailiwick of Guernsey by an overseas organisation, or
- (c) if seeking leave to enter as a member of a religious order is coming to live in a community maintained by the religious order of which he is a member and, if intending to teach, does not intend to do so save at an establishment maintained by his order, and
 - (ii) intends to work full-time as a minister of religion, missionary or for the religious order of which he is a member, and
 - (iii) does not intend to take employment except within the terms of this paragraph, and
 - (iv) can maintain and accommodate himself and any dependants adequately without recourse to public funds, and
 - (iva) if seeking leave to enter as a minister of religion, meets one or more of the following conditions –
 - (a) he is a national of a majority English speaking country, or
 - (b) he has obtained a qualification or results from an English language test, and –
 - (A) has provided evidence of the qualification or results that clearly shows his name, the qualification or results obtained, and the date the qualification was awarded or the results obtained, and
 - (B) the qualification or results obtained, in

the opinion of an Immigration Officer, meets or exceeds the level of English language required for Tier 2 (Minister of Religion) under the Points Based System, or

- (c) he holds a degree that was taught in English and is equivalent to a United Kingdom Bachelors degree or above, and
- (v) holds a valid entry clearance for entry in this capacity.

Leave to enter as a minister of religion, missionary or member of a religious order.

171. A person seeking leave to enter the Bailiwick of Guernsey as a minister of religion, missionary or member of a religious order may be admitted for a period not exceeding 2 years provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

Refusal of leave to enter as a minister of religion, missionary or member of a religious order.

172. Leave to enter as a minister of religion, missionary or member of a religious order is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay as a minister of religion where entry to the Bailiwick of Guernsey was granted in that capacity, missionary or member of a religious order.

173. The requirements for an extension of stay as a minister of religion where entry to the Bailiwick of Guernsey was granted in that capacity, missionary or a member of a religious order are that the applicant –

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as a minister of religion, missionary or member of a religious order, and
- (ii) is still engaged in the employment for which his entry clearance was granted, and
- (iii) is still required for the employment in question as

certified by the leadership of his congregation, his employer or the head of his religious order, and

- (iv) meets the requirements of paragraph 170(ii)-(iva).

Extension of stay as a minister of religion, missionary or member of a religious order.

174. An extension of stay as a minister of religion, missionary or member of a religious order may be granted for a period not exceeding 3 years provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 173 is met.

Requirements for an extension of stay as a minister of religion where entry to the Bailiwick of Guernsey was not granted in that capacity.

174A. The requirements for an extension of stay as a minister of religion for an applicant who did not enter the Bailiwick of Guernsey in that capacity are that he –

- (i) entered the Bailiwick of Guernsey, or was given an extension of stay, in accordance with these Rules, except as a minister of religion or as a visitor under paragraphs 40-56 of these Rules, and has spent a continuous period of at least 12 months here pursuant to that leave immediately prior to the application being made, and
- (ii) has either been working for at least one year as a minister of religion in any of the 5 years immediately prior to the date on which the application is made (provided that, when doing so, he was not in breach of a condition of any subsisting leave to enter or remain) or, where ordination is prescribed by a religious faith as the sole means of entering the ministry, has been ordained as a minister of religion following at least one year's full-time or two years part-time training for the ministry, and
- (iii) is imminently to be appointed, or has been appointed, to a position as a minister of religion in the Bailiwick of Guernsey and is suitable for such a position, as certified by the leadership of his prospective congregation, and

- (iv) meets the requirements of paragraph 170(ii)-(iva).

Extension of stay as a minister of religion where leave to enter was not granted in that capacity.

174B. An extension of stay as a minister of religion may be granted for a period not exceeding 3 years at a time provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 174A is met.

Refusal of extension of stay as a minister of religion, missionary or member of a religious order.

175. An extension of stay as a minister of religion, missionary or member of a religious order is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 173 or 174A is met.

Indefinite leave to remain for a minister of religion, missionary or member of a religious order.

176. Indefinite leave to remain may be granted, on application, to a person admitted as a minister of religion, missionary or member of a religious order provided –

- (i) he has spent a continuous period of 5 years in the Bailiwick of Guernsey in this capacity, and
- (ii) he has met the requirements of paragraph 173 or 174A throughout the 5 year period, and
- (iii) he is still required for the employment in question as certified by the leadership of his congregation, his employer or the head of the religious order to which he belongs, and
- (iv) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (v) he does not fall for refusal under the general grounds for refusal, and

- (vi) he is not in the Bailiwick of Guernsey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

Refusal of indefinite leave to remain for a minister of religion, missionary or member of a religious order.

177. Indefinite leave to remain in the Bailiwick of Guernsey for a minister of religion, missionary or member of a religious order is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 176 is met.

177A. For the purposes of these Rules –

- (i) a visiting religious worker means a person coming to the UK for a short period to perform religious duties at one or more locations in the UK,
- (ii) a religious worker in a non-pastoral role means a person employed in the UK by the faith he is coming here to work for, whose duties include performing religious rites within the religious community, but not preaching to a congregation.

Requirements for leave to enter the Bailiwick of Guernsey as a visiting religious worker or a religious worker in a non-pastoral role.

177B. The requirements to be met by a person seeking leave to enter as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant –

- (i) (a) if seeking leave to enter as a visiting religious worker –
 - (i) is an established religious worker based overseas, and
 - (ii) submits a letter(s) from a senior member or senior representative of one or more local religious communities in the UK confirming that he is invited to perform religious duties as a visiting religious worker at one or more locations in the

UK and confirming the expected duration of that employment, and

- (iii) if he has been granted leave as a visiting religious worker in the last 12 months, is not seeking leave to enter which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months, or
- (b) if seeking leave to enter as a religious worker in a non-pastoral role –
- (i) has at least one year of full time training or work experience, or a period of part time training or work experience equivalent to one year full time training or work experience, accrued in the five years preceding the application in the faith with which he has employment in the UK, and
 - (ii) can show that, at the time of his application, at least one full-time member of staff of the local religious community which the applicant is applying to join in the UK has a sufficient knowledge of English, and
 - (iii) submits a letter from a senior member or senior representative of the local religious community which has invited him to the UK, confirming that he has been offered employment as religious worker in a non-pastoral role in that religious community, and confirming the duration of that employment, and
- (ii) does not intend to take employment except as a visiting religious worker or religious worker in a non-pastoral role, whichever is the basis of his application, and

- (iii) does not intend to undertake employment as a Minister of Religion, Missionary or Member of a Religious Order, as described in paragraphs 169-177 of these Rules, and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds, or will, with any dependants, be maintained and accommodated adequately by the religious community employing him, and
- (v) intends to leave the UK at the end of his leave in this category, and
- (vi) holds a valid entry clearance for entry in this capacity except where he is a British National (Overseas), a British overseas territories citizen, a British Overseas citizen, a British protected person or a person who under the British Nationality Act 1981 is a British subject.

Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role.

177C. Leave to enter the Bailiwick of Guernsey as a visiting religious worker or a religious worker in a non-pastoral role may be granted –

- (a) as a visiting religious worker, for a period not exceeding 6 months, or
- (b) as a religious worker in a non-pastoral role, for a period not exceeding 12 months; provided the Immigration Officer is satisfied that each of the requirements of paragraph 177B is met.

Refusal of leave to enter as a visiting religious worker or a religious worker in a non-pastoral role.

177D. Leave to enter as a visiting religious worker or a religious worker in a non-pastoral role is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 177B is met.

Requirements for an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role.

177E. The requirements to be met by a person seeking an extension of stay as a visiting religious worker or a religious worker in a non-pastoral role are that the applicant –

- (i) entered the Bailiwick of Guernsey with a valid entry clearance in this capacity or was given leave to enter as a visiting religious worker or a religious worker in a non-pastoral role, and
- (ii) intends to continue employment as a visiting religious worker or a religious worker in a non-pastoral role, and
- (iii) if seeking an extension of stay as a visiting religious worker –
 - (a) meets the requirement of paragraph 177B(i)(a)(i) above, and
 - (b) submits a letter from a senior member or senior representative of one or more local religious communities in the UK and Islands confirming that he is still wanted to perform religious duties as a visiting religious worker in the Bailiwick of Guernsey and confirming the expected duration of that employment, and
 - (c) would not, as the result of an extension of stay, be granted leave as a visiting religious worker which, when amalgamated with his previous periods of leave in this category in the last 12 months, would total more than 6 months, or
- (iv) if seeking an extension of stay as a religious worker in a non-pastoral role –
 - (a) meets the requirements of paragraph 177B(i)(b)(i) and (ii), and
 - (b) submits a letter from a senior member or senior representative of the local religious community

for which he works in the UK and Islands confirming that his employment as a religious worker in a non-pastoral role in that religious community will continue, and confirming the duration of that employment, and

- (c) would not, as the result of an extension of stay, remain in the UK and Islands for a period of more than 24 months as a religious worker in a non-pastoral role, and
- (v) meets the requirements of paragraph 177B(ii) to (v).

Extension of stay as a visiting religious worker or a religious worker in a non-pastoral role.

177F. An extension of stay as a visiting religious worker or a religious worker in a non-pastoral role may be granted –

- (a) as a visiting religious worker, for a period not exceeding 6 months, or
- (b) as a religious worker in a non-pastoral role, for a period not exceeding 24 months,

if the Lieutenant Governor is satisfied that each of the requirements of paragraph 177E is met.

Refusal of an extension of stay as a visiting religious worker or a religious worker in a non pastoral role.

177G. An extension of stay as a visiting religious worker or a religious worker in a non pastoral role is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 177E is met.

178-185. [Not used]

PERSONS WITH UNITED KINGDOM ANCESTRY

Requirements for leave to enter on the grounds of United Kingdom ancestry.

186. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey on the grounds of his United Kingdom ancestry are that he –

- (i) is a Commonwealth citizen, and
- (ii) is aged 17 or over, and
- (iii) is able to provide proof that one of his grandparents was born in the United Kingdom and Islands and that any such grandparent is the applicant's blood grandparent or grandparent by reason of an adoption recognised by the laws of the United Kingdom or Islands relating to adoption, and
- (iv) is able to work and intends to take or seek employment in the Bailiwick of Guernsey, and
- (v) will be able to maintain and accommodate himself and any dependants adequately without recourse to public funds, and
- (vi) holds a valid entry clearance for entry in this capacity.

Leave to enter the Bailiwick of Guernsey on the grounds of United Kingdom ancestry.

187. A person seeking leave to enter the Bailiwick of Guernsey on the grounds of his United Kingdom ancestry may be given leave to enter for a period not exceeding 5 years provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

Refusal of leave to enter on the grounds of United Kingdom ancestry.

188. Leave to enter the Bailiwick of Guernsey on the grounds of United Kingdom ancestry is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay on the grounds of United Kingdom ancestry.

189. The requirements to be met by a person seeking an extension of stay on the grounds of United Kingdom ancestry are that –

- (i) he is able to meet each of the requirements of paragraph 186(i)-(v), and

- (ii) he was admitted to the Bailiwick of Guernsey on the grounds of United Kingdom ancestry in accordance with paragraphs 186 to 188 or has been granted an extension of stay in this capacity, and
- (iii) he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay on the grounds of United Kingdom ancestry.

190. An extension of stay on the grounds of United Kingdom ancestry may be granted for a period not exceeding 5 years provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 189 is met.

Refusal of extension of stay on the grounds of United Kingdom ancestry.

191. An extension of stay on the grounds of United Kingdom ancestry is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 189 is met.

Indefinite leave to remain on the grounds of United Kingdom ancestry.

192. Indefinite leave to remain may be granted, on application, to a Commonwealth citizen with a United Kingdom born grandparent provided –

- (i) he meets the requirements of paragraph 186(i)-(v), and
- (ii) he has spent a continuous period of 5 years in the Bailiwick of Guernsey in this capacity, and
- (iii) he has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (iv) he does not fall for refusal under the general grounds for refusal, and
- (v) he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying

for a period of 28 days or less will be disregarded.

Refusal of indefinite leave to remain on the grounds of United Kingdom ancestry.

193. Indefinite leave to remain in the Bailiwick of Guernsey on the grounds of a United Kingdom born grandparent is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 192 is met.

SPOUSES OF PERSONS WHO HAVE OR HAVE HAD LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 128-193

Requirements for leave to enter as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

194. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 are that –

- (i) the applicant is married to a person with limited leave to enter in the Bailiwick of Guernsey under paragraphs 128-193 for 12 months or longer, and
- (ii) each of the parties intends to live with the other as his or her spouse during the applicant's stay and the marriage is subsisting, and
- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (v) the applicant does not intend to stay in the Bailiwick of Guernsey beyond any period of leave granted to his spouse, and
- (vi) the applicant holds a valid entry clearance for entry in this capacity.

Leave to enter as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

195. A person seeking leave to enter the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 provided the Immigration Officer is satisfied that each of the requirements of paragraph 194 is met.

Refusal of leave to enter as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

196. Leave to enter the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 194 is met.

Requirements for extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

196A. The requirements to be met by a person seeking an extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 are that the applicant –

- (i) is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193, or
- (ii) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 and who is being granted indefinite leave to remain at the same time, or
- (iii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 immediately before being granted indefinite leave to remain, and
- (iv) meets the requirements of paragraph 194(ii)-(v), and

- (v) was admitted with a valid entry clearance for entry in this capacity, and
- (vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

196B. An extension of stay in the Bailiwick of Guernsey as –

- (i) the spouse of a person who has limited leave to enter or remain under paragraphs 128-193 may be granted for a period not in excess of that granted to the person with limited leave to enter or remain, or
- (ii) the spouse of a person who is being admitted at the same time for settlement, or the spouse of a person who has indefinite leave to remain, may be granted for a period not exceeding 2 years, in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 196A is met.

Refusal of extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

196C. An extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 196A is met.

Requirements for indefinite leave to remain for the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

196D. The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 are that the applicant –

- (i) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs

128-193 and who is being granted indefinite leave to remain at the same time, or

- (ii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 immediately before being granted indefinite leave to remain, and
- (iii) meets the requirements of paragraph 194(ii)-(v), and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (v) was admitted with a valid entry clearance for entry in this capacity, and
- (vi) does not fall for refusal under the general grounds for refusal, and
- (vii) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

196E. Indefinite leave to remain in the Bailiwick of Guernsey for the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 196D is met.

Refusal of indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

196F. Indefinite leave to remain in the Bailiwick of Guernsey for the spouse of a person who has or has had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 196D is met.

**CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR
REMAIN IN THE BAILIWICK OF GUERNSEY UNDER PARAGRAPHS
128-193**

**Requirements for leave to enter or remain as the child of a person with limited
leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.**

197. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as a child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 are that –

- (i) he is the child of a parent with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 for 12 months or longer, and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity, and
- (iii) he is unmarried, has not formed an independent family unit and is not leading an independent life, and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy exclusively, and
- (v) he will not stay in the Bailiwick of Guernsey beyond any period of leave granted to his parent(s), and
- (vi) both parents are being or have been admitted to or allowed to remain in the Bailiwick of Guernsey save where –
 - (a) the parent he is accompanying or joining is his sole surviving parent, or
 - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing, or
 - (c) there are serious and compelling family or other considerations which make exclusion from the Bailiwick of Guernsey undesirable and suitable

arrangements have been made for his care, and

- (vii) if seeking leave to enter, he holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity, and
- (viii) if seeking leave to remain, he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

198. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 may be given leave to enter or remain in the Bailiwick of Guernsey for a period of leave not in excess of that granted to the person with limited leave to enter or remain under paragraphs 128-193 provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 197(i)-(vi) and (viii) is met. An application for indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 197(i)-(vi) and (viii) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to enter or remain under paragraphs 128-193.

Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193.

199. Leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128-193 is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 197(i)-(vi) and (viii) is met. An application for indefinite leave to remain in this

category is to be refused if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 197(i)-(vi) and (viii) is met or if indefinite leave to remain is not, at the same time, being granted to the person with limited leave to enter or remain under paragraphs 128-193.

PART 6

PERSONS SEEKING TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS A BUSINESSMAN, SELF-EMPLOYED PERSON, INVESTOR, WRITER, COMPOSER OR ARTIST

PERSONS INTENDING TO ESTABLISH THEMSELVES IN BUSINESS

Requirements for leave to enter the Bailiwick of Guernsey as a person intending to establish himself in business.

200. For the purpose of paragraphs 201-210 a business means an enterprise as –

- a sole trader, or
- a partnership, or
- a company registered in the Bailiwick of Guernsey.

201. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey to establish himself in business are that he has the approval of the Home Department and –

- (i) that he satisfies the requirements of either paragraph 202 or paragraph 203, and
- (ii) that he has not less than £200,000 of his own money under his control and disposable in the Bailiwick of Guernsey which is held in his own name and not by a trust or other investment vehicle and which he will be investing in the business in the Bailiwick of Guernsey, and
- (iii) that until his business provides him with an income he will have sufficient additional funds to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds, and
- (iv) that he will be actively involved full-time in trading or providing services on his own account or in partnership, or in the promotion and management of the company as

a director, and

- (v) that his level of financial investment will be proportional to his interest in the business, and
- (vi) that he will have either a controlling or equal interest in the business and that any partnership or directorship does not amount to disguised employment, and
- (vii) that he will be able to bear his share of liabilities, and
- (viii) that there is a genuine need for his investment and services in the Bailiwick of Guernsey, and
- (ix) that his share of the profits of the business will be sufficient to maintain and accommodate himself and any dependants without recourse to employment (other than his work for the business) or to public funds, and
- (x) that he does not intend to supplement his business activities by taking or seeking employment in the Bailiwick of Guernsey other than his work for the business, and
- (xa) that he meets one or more of the following conditions –
 - (a) he is a national of a majority English speaking country, or
 - (b) he has obtained a qualification or results from an English language test, and –
 - (A) has provided evidence of the qualification or results that clearly shows his name, the qualification or results obtained, and the date the qualification was awarded or the results obtained, and
 - (B) the qualification or results obtained, in the opinion of an Immigration Officer, meets or exceeds the level of English language required for Tier 1 (Entrepreneur) Migrants under the

Points Based System, or

- (c) he holds a degree that was taught in English and is equivalent to a United Kingdom Bachelors degree or above, and
- (xi) that he holds a valid entry clearance for entry in this capacity.

202. Where a person intends to take over or join as a partner or director an existing business in the Bailiwick of Guernsey he will need, in addition to meeting the requirements at paragraph 201, to produce –

- (i) a written statement of the terms on which he is to take over or join the business, and
- (ii) audited accounts for the business for previous years, and
- (iii) evidence that his services and investment will result in a significant net increase in the employment provided by the business to persons settled in the Bailiwick of Guernsey or that his services and investment will otherwise be in the general interests of the Bailiwick of Guernsey.

203. Where a person intends to establish a new business in the Bailiwick of Guernsey he will need, in addition to meeting the requirements at paragraph 201 above, to produce evidence –

- (i) that he will be bringing into the Bailiwick of Guernsey sufficient funds of his own to establish a business, and
- (ii) that the business will create significant new full-time paid employment for persons already settled in the Bailiwick of Guernsey or that the establishment of the new business will otherwise be in the general interests of the Bailiwick of Guernsey.

Leave to enter the Bailiwick of Guernsey as a person seeking to establish himself in business.

204. A person seeking leave to enter the Bailiwick of Guernsey to establish

himself in business may be admitted for a period not exceeding 2 years with a condition restricting his freedom to take employment provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

Refusal of leave to enter the Bailiwick of Guernsey as a person seeking to establish himself in business.

205. Leave to enter the Bailiwick of Guernsey as a person seeking to establish himself in business is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay in order to remain in business.

206. The requirements for an extension of stay in order to remain in business in the Bailiwick of Guernsey are that the applicant has the continued approval of the Home Department and can show –

- (i) that he entered the Bailiwick of Guernsey with a valid entry clearance as a businessman, and
- (ii) audited accounts which show the precise financial position of the business and which confirm that he has invested not less than £200,000 of his own money directly into the business in the Bailiwick of Guernsey, and
- (iii) that he is actively involved on a full-time basis on trading or providing services on his own account or in partnership or in the promotion and management of the company as a director, and
- (iv) that his level of financial investment is proportional to his interest in the business, and
- (v) that he has either a controlling or equal interest in the business and that any partnership or directorship does not amount to disguised employment, and
- (vi) that he is able to bear his share of any liability the business may incur, and
- (vii) that there is a genuine need for his investment and

services in the Bailiwick of Guernsey, and

- (viii) (a) that where he has established a new business, significant new full-time paid employment has been created in the business for persons settled in the Bailiwick of Guernsey or that the establishment of the new business has otherwise been in the general interests of the Bailiwick of Guernsey, or
- (b) that where he has taken over or joined an existing business, his services and investment have resulted in a significant net increase in the employment provided by the business to persons settled here or that his services and investment have otherwise been in the general interests of the Bailiwick of Guernsey, and
- (ix) that his share of the profits of the business is sufficient to maintain and accommodate him and any dependants without recourse to employment (other than his work for the business) or to public funds, and
- (x) that he does not and will not have to supplement his business activities by taking or seeking employment in the Bailiwick of Guernsey other than his work for the business.

Extension of stay in order to remain in business.

207. An extension of stay in order to remain in business with a condition restricting his freedom to take employment may be granted for a period not exceeding 3 years at a time provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 206 is met.

Refusal of extension of stay in order to remain in business.

208. An extension of stay in order to remain in business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 206 is met.

Indefinite leave to remain for a person established in business.

209. Indefinite leave to remain may be granted, on application, to a person established in business provided he –

- (i) has spent a continuous period of 5 years in the Bailiwick of Guernsey in this capacity and is still engaged in the business in question, and
- (ii) has met the requirements of paragraph 206 throughout the 5 year period, and
- (iii) submits audited accounts for the first 4 years of trading and management accounts for the 5th year, and
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (v) does not fall for refusal under the general grounds for refusal, and
- (vi) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Refusal of indefinite leave to remain for a person established in business.

210. Indefinite leave to remain in the Bailiwick of Guernsey for a person established in business is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 209 is met.

211-223. [Not used]

INVESTORS

Requirements for leave to enter the Bailiwick of Guernsey as an investor.

224. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as an investor are that he –

- (i) has money of his own under his control and disposable in the Bailiwick of Guernsey amounting to no less than £1 million, and
- (ii) intends to invest not less than £750,000 of his capital in the Bailiwick of Guernsey or the United Kingdom in a manner that is of benefit to the Bailiwick of Guernsey,
- (iii) intends to make the Island of Guernsey or the Island of Alderney his main home, and
- (iv) is able to maintain and accommodate himself and any dependants without taking employment (other than transacting business in connection with his investments) or recourse to public funds, and
- (v) holds a valid entry clearance for entry in this capacity.

Leave to enter as an investor.

225. A person seeking leave to enter the Bailiwick of Guernsey as an investor may be admitted for a period not exceeding 2 years in the first instance with a restriction on his right to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

Refusal of leave to enter as an investor.

226. Leave to enter as an investor is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay as an investor.

227. The requirements for an extension of stay as an investor are that the applicant –

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as an investor, and
- (ii) has no less than £1 million of his own money under his control in the Bailiwick of Guernsey, and
- (iii) has invested not less than £750,000 of his capital in the Bailiwick of Guernsey or the United Kingdom on the

terms set out in paragraph 224(ii) above and intends to maintain that investment on the terms set out in paragraph 224(ii), and

- (iv) has made the Island of Guernsey or the Island of Alderney his main home, and
- (v) is able to maintain and accommodate himself and any dependants without taking employment (other than transacting business in connection with his investments) or recourse to public funds.

Extension of stay as an investor.

228. An extension of stay as an investor, with a restriction on the taking of employment, may be granted for a period not exceeding 3 years at a time provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 227 is met.

Refusal of extension of stay as an investor.

229. An extension of stay as an investor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 227 is met.

Indefinite leave to remain for an investor.

230. Indefinite leave to remain may be granted, on application, to a person admitted as an investor provided he –

- (i) has spent a continuous period of 5 years lawfully in the Bailiwick of Guernsey in this capacity, and
- (ii) has met the requirements of paragraph 227 throughout the 5 year period including the requirement as to the investment of £750,000 and continues to do so, and
- (iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (iv) does not fall for refusal under the general grounds for

refusal, and

- (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Refusal of indefinite leave to remain for an investor.

231. Indefinite leave to remain in the Bailiwick of Guernsey for an investor is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 230 is met.

WRITERS, COMPOSERS AND ARTISTS

Requirements for leave to enter the Bailiwick of Guernsey as a writer, composer or artist.

232. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a writer, composer or artist are that he –

- (i) has established himself outside the Bailiwick of Guernsey as a writer, composer or artist primarily engaged in producing original work which has been published (other than exclusively in newspapers or magazines), performed or exhibited for its literary, musical or artistic merit, and
- (ii) does not intend to work except as related to his self employment as a writer, composer or artist, and
- (iii) has for the preceding year been able to maintain and accommodate himself and any dependants from his own resources without working except as a writer, composer or artist, and
- (iv) will be able to maintain himself and any dependants from his own resources without working except as a writer, composer or artist and without recourse to public funds, and
- (v) is able to accommodate himself and any dependants without recourse to public funds, and

- (vi) holds a valid entry clearance for entry in this capacity.

Leave to enter as a writer, composer or artist.

233. A person seeking leave to enter the Bailiwick of Guernsey as a writer, composer or artist may be admitted for a period not exceeding 2 years, subject to a condition restricting his freedom to take employment, provided he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity.

Refusal of leave to enter as a writer, composer or artist.

234. Leave to enter as a writer, composer or artist is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay as a writer, composer or artist.

235. The requirements for an extension of stay as a writer, composer or artist are that the applicant –

- (i) entered the Bailiwick of Guernsey with a valid entry clearance as a writer, composer or artist, and
- (ii) meets the requirements of paragraph 232(ii)-(v).

Extension of stay as a writer, composer or artist.

236. An extension of stay as a writer, composer or artist may be granted for a period not exceeding 12 months with a restriction on his freedom to take employment, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 235 is met.

Refusal of extension of stay as a writer, composer or artist.

237. An extension of stay as a writer, composer or artist is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 235 is met.

Indefinite leave to remain for writer, composer or artist.

238. Indefinite leave to remain may be granted, on application, to a person admitted as a writer, composer or artist provided he –

- (i) has spent a continuous period of 5 years lawfully in the Bailiwick of Guernsey in this capacity, and
- (ii) has met the requirements of paragraph 235 throughout the 5 year period, and
- (iii) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (iv) does not fall for refusal under the general grounds for refusal, and
- (v) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Refusal of indefinite leave to remain for a writer, composer or artist.

239. Indefinite leave to remain for a writer, composer or artist is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 238 is met.

SPOUSES OF PERSONS WHO HAVE OR HAVE HAD LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 200-239

Requirements for leave to enter as the spouse of a person with limited leave to enter or remain under paragraphs 200-239.

240. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 are that –

- (i) the applicant is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239, and
- (ii) each of the parties intends to live with the other as his or her spouse during the applicant's stay and the

marriage is subsisting, and

- (iii) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (iv) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (v) the applicant does not intend to stay in the Bailiwick of Guernsey beyond any period of leave granted to his spouse, and
- (vi) the applicant holds a valid entry clearance for entry in this capacity.

Leave to enter as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

241. A person seeking limited leave to enter the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 may be given leave to enter for a period not in excess of that granted to the person with limited leave to enter or remain under paragraphs 200-239 provided the Immigration Officer is satisfied that each of the requirements of paragraph 240 is met.

Refusal of leave to enter as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

242. Leave to enter the Bailiwick of Guernsey as the spouse of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 240 is met.

Requirements for extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

242A. The requirements to be met by a person seeking an extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain under paragraphs 200-239 are that the applicant –

- (i) is married to a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239, or
- (ii) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time, or
- (iii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 immediately before being granted indefinite leave to remain, and
- (iv) meets the requirements of paragraph 240(ii)–(v), and
- (v) was admitted with a valid entry clearance for entry in this capacity, and
- (vi) is not in the Bailiwick of Guernsey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

Extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

242B. An extension of stay in the Bailiwick of Guernsey as –

- (i) the spouse of a person who has limited leave to enter or remain under paragraphs 200-239 may be granted for a period not in excess of that granted to the person with limited to enter or remain, or
- (ii) the spouse or of a person who is being admitted at the same time for settlement or the spouse of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years, in both instances, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242A is met.

Refusal of extension of stay as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

242C. An extension of stay in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain under paragraphs 200-239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242A is met.

Requirements for indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

242D. The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 are that the applicant –

- (i) is married to a person who has limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 and who is being granted indefinite leave to remain at the same time, or
- (ii) is married to a person who has indefinite leave to remain in the Bailiwick of Guernsey and who had limited leave to enter or remain under paragraphs 200-239 immediately before being granted indefinite leave to remain, and
- (iii) meets the requirements of paragraph 240(ii) to (v),
- (iv) has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless the applicant is under the age of 18 or aged 65 or over at the time he makes his application, and
- (v) was admitted with a valid entry clearance for entry in this capacity, and
- (vi) does not fall for refusal under the general grounds for refusal, and
- (vii) is not in the Bailiwick of Guernsey in breach of

immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

Indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

242E. Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 242D is met.

Refusal of indefinite leave to remain as the spouse of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

242F. Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person who has or has had limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 242D is met.

CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPHS 200-239

Requirements for leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

243. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as a child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 are that –

- (i) he is the child of a parent who has leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239, and
- (ii) he is under the age of 18 or has current leave to enter or remain in this capacity, and
- (iii) he is unmarried, has not formed an independent family unit and is not leading an independent life, and
- (iv) he can and will be maintained and accommodated adequately without recourse to public funds in accommodation which his parent(s) own or occupy

exclusively, and

- (v) he will not stay in the Bailiwick of Guernsey beyond any period of leave granted to his parent(s), and
- (vi) both parents are being or have been admitted to or allowed to remain in the Bailiwick of Guernsey save where –
 - (a) the parent he is accompanying or joining is his sole surviving parent, or
 - (b) the parent he is accompanying or joining has had sole responsibility for his upbringing, or
 - (c) there are serious and compelling family or other considerations which make exclusion from the Bailiwick of Guernsey undesirable and suitable arrangements have been made for his care, and
- (vii) if seeking leave to enter, he holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, he was admitted with a valid entry clearance for entry in this capacity, or
- (viii) if seeking leave to remain, he is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239.

244. A person seeking leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200-239 may be admitted to or allowed to remain in the Bailiwick of Guernsey for the same period of leave as that granted to the person given limited leave to enter or remain under paragraphs 200-239 provided that, in relation to an application for leave to enter, he is able to produce to the Immigration Officer, on arrival, a valid entry clearance for entry in this capacity or, in the case of an application for limited leave to remain, he was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 243(i)-(vi) and (viii) is met. An application for

indefinite leave to remain in this category may be granted provided the applicant was admitted with a valid entry clearance for entry in this capacity and is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 243(i)-(vi) and (viii) is met and provided indefinite leave to remain is, at the same time, being granted to the person with limited leave to remain under paragraphs 200-239.

Refusal of leave to enter or remain as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraphs 200 239.

245. Leave to enter or remain in the Bailiwick of Guernsey as the child of a person with limited leave to enter or remain in the Bailiwick of Guernsey under paragraph 200-239 is to be refused if, in relation to an application for leave to enter, a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival or, in the case of an application for limited leave to remain, if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 243(i)-(vi) and (viii) is met. An application for indefinite leave to remain in this capacity is to be refused if the applicant was not admitted with a valid entry clearance for entry in this capacity or is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 243(i)-(vi) and (viii) is met or if indefinite leave to remain is not, at the same time being granted to the person with limited leave to remain under paragraphs 200-239.

PART 7: OTHER CATEGORIES

PERSONS EXERCISING RIGHTS OF ACCESS TO A CHILD RESIDENT IN THE BAILIWICK OF GUERNSEY

Requirements for leave to enter the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

246. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey to exercise access rights to a child resident in the Bailiwick of Guernsey are that –

- (i) the applicant is the parent of a child who is resident in the Bailiwick of Guernsey, and
- (ii) the parent or carer with whom the child permanently resides is resident in the Bailiwick of Guernsey, and
- (iii) the applicant produces evidence that he has access rights to the child in the form of an order granted by a Court in the Bailiwick of Guernsey, and
- (iv) the applicant intends to continue to take an active role in the child's upbringing, and
- (v) the child is under the age of 18, and
- (vi) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively, and
- (vii) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds, and
- (viii) the applicant holds a valid entry clearance for entry in this capacity.

Leave to enter the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

247. Leave to enter as a person exercising access rights to a child resident

in the Bailiwick of Guernsey may be granted for 12 months in the first instance, provided that a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

Refusal of leave to enter the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

248. Leave to enter as a person exercising rights of access to a child resident in the Bailiwick of Guernsey is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

248A. The requirements to be met by a person seeking leave to remain in the Bailiwick of Guernsey to exercise access rights to a child resident in the Bailiwick of Guernsey are that –

- (i) the applicant is a parent of a child who is resident in the Bailiwick of Guernsey, and
- (ii) the parent or carer with whom the child permanently resides is resident in the Bailiwick of Guernsey, and
- (iii) the applicant produces evidence that he has access rights to the child in the form of an order granted by a Court in the Bailiwick of Guernsey, and
- (iv) the applicant takes and intends to continue to take an active role in the child's upbringing, and
- (v) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue, and
- (vi) the child is under the age of 18, and
- (vii) the applicant has limited leave to remain in the Bailiwick of Guernsey as the spouse or unmarried partner of a person present and settled in the Bailiwick of Guernsey who is the other parent of the child, and
- (viii) the applicant has not remained in breach of the

immigration laws, and

- (ix) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation with the applicant owns or occupies exclusively, and
- (x) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds.

Leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

248B. Leave to remain as a person exercising access rights to a child resident in the Bailiwick of Guernsey may be granted for 12 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 248A is met.

Refusal of leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child in the Bailiwick of Guernsey.

248C. Leave to remain as a person exercising rights of access to a child resident in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 248A is met.

Indefinite leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

248D. The requirements for indefinite leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey are that –

- (i) the applicant was admitted to the Bailiwick of Guernsey or granted leave to remain the Bailiwick of Guernsey for a period of 12 months as a person exercising rights of access to a child and has completed a period of 12 months as a person exercising rights of access to a child, and
- (ii) the applicant takes and intends to continue to take an active role in the child's upbringing, and

- (iii) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue, and
- (iv) there will be adequate accommodation for the applicant and any dependants without recourse to public funds in accommodation which the applicant owns or occupies exclusively, and
- (v) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds, and
- (vi) the child is under 18 years of age, and
- (vii) the applicant has sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application, and
- (viii) the applicant does not have one or more convictions, other than spent convictions within the meaning of the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002.

Indefinite leave to remain as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

248E. Indefinite leave to remain as a person exercising rights of access to a child may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 248D is met.

Refusal of indefinite leave to remain in the Bailiwick of Guernsey as a person exercising rights of access to a child resident in the Bailiwick of Guernsey.

248F. Indefinite leave to remain as a person exercising rights of access to a child is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 248D is met.

249-254. [Not used]

EEA NATIONALS AND THEIR FAMILIES

255. The family member of an EEA national, who is not himself an EEA national, who is residing in the Bailiwick of Guernsey may on application be given notice in writing showing that he may remain in the Bailiwick of Guernsey for up to five years. This may take the form of an endorsement in that person's passport.

256. The family member of an EEA national may on application be given notice in writing to show that he may remain in the Bailiwick of Guernsey indefinitely if –

- (i) he is not himself an EEA national, and
- (ii) he has remained in the Bailiwick of Guernsey as the family member of an EEA national residing in the Bailiwick of Guernsey and has done so for a continuous period of 5 years and continues to do so, and
- (iii) he has held a notice in writing given under the terms of paragraph 255 showing that he could remain for the duration of those 5 years.

This may take the form of an endorsement in that person's passport.

257. An EEA national who has been ordinarily resident in the Bailiwick of Guernsey for a continuous period of 5 years and continues to do so may be given notice in writing showing that he may remain in the Bailiwick of Guernsey indefinitely.

257A. An EEA national who is married to a person present and settled in the Bailiwick of Guernsey may be given notice in writing showing that he may remain in the Bailiwick of Guernsey indefinitely if –

- (i) he has been ordinarily resident in the Bailiwick of Guernsey in that capacity for a period of 2 years, and
- (ii) the marriage is subsisting.

257B. [Not used]

Requirements for leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child.

257C. The requirements to be met by a person seeking leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child are that the applicant –

- (i) is –
 - (a) the primary carer, or
 - (b) the parent, or
 - (c) the sibling,

of an EEA national under the age of 18 who is residing in the Bailiwick of Guernsey as a self-sufficient person, and
- (ii) is living with the EEA national or is seeking entry to the Bailiwick of Guernsey in order to live with the EEA national, and
- (iii) in the case of a sibling of the EEA national –
 - (a) is under the age of 18 or has current leave to enter or remain in this capacity, and
 - (b) is unmarried, has not formed an independent family unit and is not leading an independent life, and
- (iv) can, and will, be maintained and accommodated without taking employment or having recourse to public funds, and
- (v) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

In this paragraph, "**sibling**", includes a half-brother or half-sister and a stepbrother or stepsister.

Leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child.

257D. Leave to enter or remain in the Bailiwick of Guernsey as the primary carer or relative of an EEA national self-sufficient child may be granted for a period not exceeding five years provided that, in the case of an application for leave to enter, the applicant is able to produce to the Immigration Officer, on arrival a valid entry clearance for entry in this capacity or, in the case of an application for leave to remain, the applicant is able to satisfy the Lieutenant Governor that each of the requirements of paragraph 257C(i) to (iv) is met. Leave to enter or remain is to be subject to a condition prohibiting employment and recourse to public funds.

Refusal of leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child.

257E. Leave to enter or remain in the Bailiwick of Guernsey as the primary carer or relative of an EEA national self-sufficient child is to be refused if, in the case of an application for leave to enter, the applicant is unable to produce to the Immigration Officer on arrival a valid entry clearance for entry in this capacity or, in the case of an application for leave to remain, if the applicant is unable to satisfy the Lieutenant Governor that each of the requirements of paragraph 257C(i) to (iv) is met.

The EEA family permit.

258. An "EEA family permit" means a document issued, free of charge, to a family member who is not an EEA national and who is a visa national or a person who wishes to install himself in the Bailiwick of Guernsey with an EEA national who does not require leave to enter or remain in the Bailiwick of Guernsey in accordance with section 7(1) of the Immigration Act 1988.

Requirements for the issue of an EEA family permit.

259. The requirements for the issue of an EEA family permit are that –

- (i) the applicant is the family member of an EEA national who does not require leave to enter or remain in the Bailiwick of Guernsey in accordance with section 7(1) of the Immigration Act 1988, and
- (ii) the applicant will on arrival be accompanying or coming to join that EEA national in the Bailiwick of Guernsey, and

- (iii) the applicant is not a person who falls to be excluded on grounds of public policy, public security or public health.

Issue of an EEA family permit.

260. An application for an EEA family permit shall be granted provided the applicant meets each of the requirements of paragraph 259.

Refusal of an application for an EEA family permit.

261. An application for an EEA family permit is to be refused if the applicant does not meet each of the requirements of paragraph 259.

Family members of British citizens.

262. For the purposes of paragraphs 255 to 261 a person who is the family member of a British citizen returning to the Bailiwick of Guernsey may be treated as if he were the family member of an EEA national if –

- (i) after leaving the Bailiwick of Guernsey, the British citizen resided in an EEA state and –
 - (a) was employed there (other than on a transient or casual basis), or
 - (b) established himself there as a self-employed person,
- (ii) the British citizen did not leave the Bailiwick of Guernsey in order to enable his family member to evade the application of Bailiwick of Guernsey immigration law, and
- (iii) on his return to the Bailiwick of Guernsey, the British citizen would, if he were an EEA national not require leave to enter or remain in the Bailiwick of Guernsey in accordance with section 7(1) of the Immigration Act 1988, and
- (iv) if the family member of the British citizen is his spouse, the marriage took place and the parties lived together in

an EEA state, before the British citizen returned to the Bailiwick of Guernsey.

263 – 276 [Not used]

LONG RESIDENCE

Long residence in the Bailiwick of Guernsey.

276A. For the purposes of paragraphs 276B to 276D –

- (a) **"continuous residence"** means residence in the Bailiwick of Guernsey for an unbroken period, and for these purposes a period shall not be considered to have been broken where an applicant is absent from the Bailiwick of Guernsey for a period of 6 months or less at any one time, provided that the applicant in question has existing limited leave to enter or remain upon their departure and return, but shall be considered to have been broken if the applicant –
 - (i) has been removed under Schedule 2 of the 1971 Act, section 10 of the 1999 Act, has been deported or has left the Bailiwick of Guernsey having been refused leave to enter or remain here, or
 - (ii) has left the Bailiwick of Guernsey and, on doing so, evidenced a clear intention not to return, or
 - (iii) left the Bailiwick of Guernsey in circumstances in which he could have had no reasonable expectation at the time of leaving that he would lawfully be able to return, or
 - (iv) has been convicted of an offence and was sentenced to a period of imprisonment or was directed to be detained in an institution other than a prison (including, in particular, a hospital or an institution for young offenders), provided that the sentence in question was not a suspended sentence, or

- (v) has spent a total of more than 18 months absent from the Bailiwick of Guernsey during the period in question.
- (b) **"lawful residence"** means residence which is continuous residence pursuant to –
 - (i) existing leave to enter or remain, or
 - (ii) temporary admission within section 11 of the 1971 Act where leave to enter or remain is subsequently granted, or
 - (iii) an exemption from immigration control, including where an exemption ceases to apply if it is immediately followed by a grant of leave to enter or remain.

Requirements for an extension of stay on the ground of long residence in the Bailiwick of Guernsey.

276A1. The requirement to be met by a person seeking an extension of stay on the ground of long residence in the Bailiwick of Guernsey is that the applicant meets all the requirements in paragraph 276B of these Rules, except the requirement to have sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey contained in paragraph 276B(iii).

Extension of stay on the ground of long residence in the Bailiwick of Guernsey.

276A2. An extension of stay on the ground of long residence in the Bailiwick of Guernsey may be granted for a period not exceeding 2 years provided that the Lieutenant Governor is satisfied that the requirement in paragraph 276A1 is met.

Conditions to be attached to extension of stay on the ground of long residence in the Bailiwick of Guernsey.

276A3. Where an extension of stay is granted under paragraph 276A2 –

- (i) if the applicant has spent less than 20 years in the UK, the grant of leave should be subject to the same conditions attached to his last period of lawful leave, or
- (ii) if the applicant has spent 20 years or more in the UK,

the grant of leave should not contain any restriction on employment.

Refusal of extension of stay on the ground of long residence in the Bailiwick of Guernsey.

276A4. An extension of stay on the ground of long residence in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that the requirement in paragraph 276A1 is met.

Requirements for indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey.

276B. The requirements to be met by an applicant for indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey are that –

- (i) he has had at least 10 years continuous lawful residence in the Bailiwick of Guernsey, and
- (ii) having regard to the public interest there are no reasons why it would be undesirable for him to be given indefinite leave to remain on the ground of long residence, taking into account his –
 - (a) age, and
 - (b) strength of connections in the Bailiwick of Guernsey, and
 - (c) personal history, including character, conduct, associations and employment record, and
 - (d) domestic circumstances, and
 - (e) compassionate circumstances, and
 - (f) any representations received on the person's behalf,
- (iii) he does not fall for refusal under the general grounds for refusal, and
- (iv) the applicant has sufficient knowledge of the English

language and sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey, unless he is under the age of 18 or aged 65 or over at the time he makes his application.

- (v) the applicant is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded.

Indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey.

276C. Indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 276B is met.

Refusal of indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey.

276D. Indefinite leave to remain on the ground of long residence in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276B is met.

PRIVATE LIFE

Requirements to be met by an applicant for leave to remain on the grounds of private life.

276ADE. The requirements to be met by an applicant for leave to remain on the grounds of private life in the Bailiwick of Guernsey are that at the date of application, the applicant does not fall for refusal under any of the grounds in paragraph 276DH(ii)-(viii), and the applicant meets one of the other requirements in the following subparagraphs –

- (i) has lived continuously in the Bailiwick of Guernsey for at least 20 years (discounting any period of imprisonment), or
- (ii) *[not used]*
- (iii) is under the age of 18 years and has lived continuously in the Bailiwick of Guernsey for at least 7 years

(discounting any period of imprisonment), or

- (iv) is aged 18 years or above and under 25 years and has spent at least half of his life living continuously in the Bailiwick of Guernsey (discounting any period of imprisonment), or
- (v) is aged 18 years or above, has lived continuously in the Bailiwick of Guernsey for less than 20 years (discounting any period of imprisonment) but has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the Bailiwick of Guernsey.

Leave to remain on the grounds of private life in the Bailiwick of Guernsey.

276BE. Limited leave to remain on the grounds of private life in the Bailiwick of Guernsey may be granted for a period not exceeding 30 months provided that the Lieutenant Governor is satisfied that the requirements in paragraph 276ADE are met or, in respect of the requirements in paragraph 276ADE(iii) and (iv), were met in a previous application which led to a grant of limited leave to remain under paragraph 276BE. Such leave shall be given subject to such conditions as the Lieutenant Governor deems appropriate.

Refusal of limited leave to remain on the grounds of private life in the Bailiwick of Guernsey.

276CE. Limited leave to remain on the grounds of private life in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that the requirements in paragraph 276ADE are met.

Requirements for indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey.

276DE. The requirements to be met for the grant of indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey are that –

- (i) the applicant has been in the Bailiwick of Guernsey with continuous leave on the grounds of private life for a period of at least 120 months, and
- (ii) the applicant meets the requirements of paragraph 276ADE, and

- (iii) the applicant has no unspent convictions, and
- (iv) the applicant has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B, and
- (v) there are no reasons why it would be undesirable to grant the applicant indefinite leave to remain based on the applicant's conduct, character or associations or because the applicant represents a threat to national security.

Indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey.

276DF. Indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 276DE is met.

276DG. If the applicant does not meet the requirements for indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey only for one or both of the following reasons –

- (i) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because he has been convicted of an offence for which he has been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence,
- (ii) the applicant has, within the 24 months preceding the date of the application, been convicted of or admitted an offence for which he received a non-custodial sentence or other out of court disposal that is recorded on his criminal record,
- (iii) the applicant has not met the requirements of paragraphs 33B to 33G of these Rules,

the applicant may be granted further limited leave to remain on the grounds of private life in the Bailiwick of Guernsey for a period not exceeding 30 months, and subject to

such conditions as the Lieutenant Governor deems appropriate.

Refusal of indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey.

276DH. Indefinite leave to remain on the grounds of private life in the Bailiwick of Guernsey is to be refused if –

- (i) the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276DE is met, subject to paragraph 276DG, or
- (ii) the applicant is at the date of application the subject of a deportation order, or
- (iii) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because he has been convicted of an offence for which he has been sentenced to imprisonment for at least 4 years, or
- (iv) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because he has been convicted of an offence for which he has been sentenced to imprisonment for less than 4 years but at least 12 months, or
- (v) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because, in the view of the Lieutenant Governor, the applicant's offending has caused serious harm or he is a persistent offender who shows a particular disregard for the law, or
- (vi) the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good because his conduct (including convictions which do not fall within any of subparagraphs (iii) to (v)), character, associations, or other reasons, make it undesirable to allow them to remain in the Bailiwick of Guernsey, or
- (vii) the applicant has failed without reasonable excuse to comply with a requirement to –

- (a) attend an interview, or
 - (b) provide information, or
 - (c) provide physical data, or
 - (d) undergo a medical examination, or
 - (e) provide a medical report,
- when required to do so, or
- (viii) whether or not to the applicant's knowledge –
 - (a) false information, representations or documents have been submitted in relation to the application (including false information submitted to any person to obtain a document used in support of the application), or
 - (b) there has been a failure to disclose material facts in relation to the application, or

When considering whether the presence of the applicant in the Bailiwick of Guernsey is not conducive to the public good any legal or practical reasons why the applicant cannot presently be removed from the Bailiwick of Guernsey must be ignored.

HM FORCES

Definition of Gurkha.

276E. For the purposes of these Rules the term "**Gurkha**" means a citizen or national of Nepal who has served in the Brigade of Gurkhas of the British Army under the Brigade of Gurkhas' terms and conditions of service.

LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS A GURKHA DISCHARGED FROM THE BRITISH ARMY

Requirements for indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army.

276F. The requirements for indefinite leave to enter the Bailiwick of

Guernsey as a Gurkha discharged from the British Army are that the applicant –

- (i) has completed at least four years' service as a Gurkha with the British Army, and
- (ii) was discharged from the British Army in Nepal on completion of engagement on or after 1 July 1997, and
- (iii) was not discharged from the British Army more than 2 years prior to the date on which the application is made, and
- (iv) holds a valid entry clearance for entry in this capacity, and
- (v) he does not fall for refusal under the general grounds for refusal.

Indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army.

276G. A person seeking indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army may be granted indefinite leave to enter provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

Refusal of indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army.

276H. Indefinite leave to enter the Bailiwick of Guernsey as a Gurkha discharged from the British Army is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army.

276I. The requirements for indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army are that the applicant –

- (i) has completed at least four years' service as a Gurkha with the British Army, and

- (ii) was discharged from the British Army in Nepal on completion of engagement on or after 1 July 1997, and
- (iii) was not discharged from the British Army more than 2 years prior to the date on which the application is made, and
- (iv) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded, and
- (v) does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army.

276J. A person seeking indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army may be granted indefinite leave to remain provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 276I is met.

Refusal of indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army.

276K. Indefinite leave to remain in the Bailiwick of Guernsey as a Gurkha discharged from the British Army is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276I is met.

LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS A FOREIGN OR COMMONWEALTH CITIZEN DISCHARGED FROM HM FORCES

Requirements for indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces.

276L. The requirements for indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces are that the applicant –

- (i) has completed at least four years' service with HM Forces, and

- (ii) was discharged from HM Forces on completion of engagement, and
- (iii) was not discharged from HM Forces more than 2 years prior to the date on which the application is made, and
- (iv) holds a valid entry clearance for entry in this capacity, and
- (v) he does not fall for refusal under the general grounds for refusal.

Indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces.

276M. A person seeking indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces may be granted indefinite leave to enter provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

Refusal of indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces.

276N. Indefinite leave to enter the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces.

276O. The requirements for indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces are that the applicant –

- (i) has completed at least four years' service with HM Forces, and
- (ii) was discharged from HM Forces on completion of engagement, and
- (iii) was not discharged from HM Forces more than 2 years prior to the date on which the application is made, and

- (iv) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded, and
- (v) does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces.

276P. A person seeking indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces may be granted indefinite leave to remain provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 276O is met.

Refusal of indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces.

276Q. Indefinite leave to remain in the Bailiwick of Guernsey as a foreign or Commonwealth citizen discharged from HM Forces is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276O is met.

SPOUSES OF PERSONS SETTLED OR SEEKING SETTLEMENT IN THE BAILIWICK OF GUERNSEY IN ACCORDANCE WITH PARAGRAPHS 276E TO 276Q (HM FORCES RULES)

LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS THE SPOUSE OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING GRANTED SETTLEMENT ON THE SAME OCCASION IN ACCORDANCE WITH PARAGRAPHS 276E TO 276Q

Requirements for indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement under paragraphs 276E to 276Q.

276R. The requirements to be met by a person seeking indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q are that –

- (i) the applicant is married to a person present and settled

in the Bailiwick of Guernsey or who is being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q, and

- (ii) the parties to the marriage have met, and
- (iii) the parties were married at least 2 years ago, and
- (iv) each of the parties intends to live permanently with the other as his or her spouse and
- (v) the marriage is subsisting, and
- (vi) the applicant holds a valid entry clearance for entry in this capacity, and
- (vii) the applicant does not fall for refusal under the general grounds for refusal.

Indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q.

276S. A person seeking leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q may be granted indefinite leave to enter provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

Refusal of indefinite leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q.

276T. Leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement in accordance with paragraphs 276E to 276Q is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276U. The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q are that –

- (i) the applicant is married to a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q, and
- (ii) the parties to the marriage have met, and
- (iii) the parties were married at least 2 years ago, and
- (iv) each of the parties intends to live permanently with the other as his or her spouse, and
- (v) the marriage is subsisting, and
- (vi) the applicant has leave to enter or remain in the Bailiwick of Guernsey, and
- (vii) he does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276V. Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 276U is met.

Refusal of indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276W. Indefinite leave to remain in the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q is to be

refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276U is met.

CHILDREN OF A PARENT, PARENTS OR A RELATIVE SETTLED OR SEEKING SETTLEMENT IN THE BAILIWICK OF GUERNSEY UNDER PARAGRAPHS 276E TO 276Q (HM FORCES RULES)

LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS THE CHILD OF A PARENT, PARENTS OR A RELATIVE PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING GRANTED SETTLEMENT ON THE SAME OCCASION IN ACCORDANCE WITH PARAGRAPHS 276E TO 276Q

Requirements for indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276X. The requirements to be met by a person seeking indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q are that the applicant –

- (i) is seeking indefinite leave to enter to accompany or join a parent, parents or a relative in one of the following circumstances –
 - (a) both parents are present and settled in the Bailiwick of Guernsey, or
 - (b) both parents are being admitted on the same occasion for settlement, or
 - (c) one parent is present and settled in the Bailiwick of Guernsey and the other is being admitted on the same occasion for settlement, or
 - (d) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is dead, or
 - (e) one parent is present and settled in the Bailiwick

of Guernsey or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing, or

- (f) one parent or a relative is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, and
 - (ii) is under the age of 18, and
 - (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
 - (iv) holds a valid entry clearance for entry in this capacity, and
 - (v) he does not fall for refusal under the general grounds for refusal.

Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276Y. Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

Refusal of indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276Z. Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents, or a relative present and settled in the Bailiwick of Guernsey or being

admitted for settlement on the same occasion in accordance with paragraphs 276E to 276Q is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276AA. The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q are that the applicant –

- (i) is seeking indefinite leave to remain with a parent, parents or a relative in one of the following circumstances –
 - (a) both parents are present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion, or
 - (b) one parent is present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion and the other parent is dead, or
 - (c) one parent is present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion and has had sole responsibility for the child's upbringing, or
 - (d) one parent or a relative is present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, and
- (ii) is under the age of 18, and
- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and

- (iv) is not in the Bailiwick of Guernsey in breach of immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded, and
- (v) does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276AB. Indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q may be granted if the Lieutenant Governor is satisfied that each of the requirements of paragraph 276AA is met.

Refusal of indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q.

276AC. Indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey or being granted settlement on the same occasion in accordance with paragraphs 276E to 276Q is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 276AA is met.

PART 8: FAMILY MEMBERS

SPOUSES

Appendices A and B to have effect.

- A277.** (1) The provisions of Appendices A and B have effect.
- (2) In these rules, the term "**sponsor**" includes –
- (i) the applicant's spouse, or
 - (ii) the applicant's unmarried partner, or
 - (iii) the applicant's fiancé(e) or proposed unmarried partner, or
 - (iv) a person who has been living together with the applicant in a relationship akin to a marriage or unmarried partnership for at least two years prior to the date of application.

278 – 295O [Not used]

CHILDREN

296. Nothing in these Rules shall be construed as permitting a child to be granted entry clearance, leave to enter or remain, or variation of leave where his parent is party to a polygamous marriage and any application by that parent for permission or leave to remain for settlement or with a view to settlement would be refused pursuant to paragraph 2 of Appendix A.

LEAVE TO ENTER OR REMAIN IN THE BAILIWICK OF GUERNSEY AS THE CHILD OF A PARENT, PARENTS OR A RELATIVE PRESENT AND SETTLED OR BEING ADMITTED FOR SETTLEMENT IN THE BAILIWICK OF GUERNSEY

Requirements for indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey.

297. The requirements to be met by a person seeking indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present

and settled or being admitted for settlement in the Bailiwick of Guernsey are that he –

- (i) is seeking leave to enter to accompany or join a parent, parents or a relative in one of the following circumstances –
 - (a) both parents are present and settled in the Bailiwick of Guernsey, or
 - (b) both parents are being admitted on the same occasion for settlement, or
 - (c) one parent is present and settled in the Bailiwick of Guernsey and the other is being admitted on the same occasion for settlement, or
 - (d) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is dead, or
 - (e) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing, or
 - (f) one parent or a relative is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, and
- (ii) is under the age of 18, and
- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
- (iv) can, and will, be accommodated adequately by the parent, parents or relative the child is seeking to join without recourse to public funds, in accommodation which the parent, parents or relative the child is seeking

to join own or occupy exclusively, and

- (v) can, and will, be maintained adequately by the parent, parents or relative the child is seeking to join without recourse to public funds, and
- (vi) holds a valid entry clearance for entry in this capacity, and
- (vii) does not fall for refusal under the general grounds for refusal.

Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey.

298. The requirements to be met by a person seeking indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey are that he –

- (i) is seeking to remain with a parent, parents or a relative in one of the following circumstances –
 - (a) both parents are present and settled in the Bailiwick of Guernsey, or
 - (b) one parent is present and settled in the Bailiwick of Guernsey and the other parent is dead, or
 - (c) one parent is present and settled in the Bailiwick of Guernsey and has had sole responsibility for the child's upbringing, or
 - (d) one parent or a relative is present and settled in the Bailiwick of Guernsey and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, and
- (ii) has limited leave to enter or remain in the Bailiwick of Guernsey, and –

- (a) is under the age of 18, or
- (b) was given leave to enter or remain with a view to settlement under paragraph 302, and
- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
- (iv) can, and will, be accommodated adequately by the parent, parents or relative the child was admitted to join without recourse to public funds, in accommodation which the parent, parents or relative the child was admitted to join own or occupy exclusively, and
- (v) can, and will, be maintained adequately by the parent, parents or relative the child was admitted to join, without recourse to public funds, and
- (vi) does not fall for refusal under the general grounds for refusal.

Indefinite leave to enter or remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey.

299. Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 298 is met.

Refusal of indefinite leave to enter or remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey.

300. Indefinite leave to enter the Bailiwick of Guernsey as the child of a parent, parents or a relative present and settled or being admitted for settlement in the Bailiwick of Guernsey is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the child of a parent, parents or a relative

present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 298 is met.

Requirements for limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.

301. The requirements to be met by a person seeking limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement are that he –

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances –
 - (a) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement, or
 - (b) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and has had sole responsibility for the child's upbringing, or
 - (c) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, and
- (ii) is under the age of 18, and
- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
- (iv) can, and will, be accommodated adequately without

recourse to public funds, in accommodation which the parent or parents own or occupy exclusively, and

- (iva) can, and will, be maintained adequately by the parent or parents without recourse to public funds, and
- (v) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the Bailiwick of Guernsey, and
- (vi) if seeking leave to enter, holds a valid entry clearance for entry in this capacity or, if seeking leave to remain, was admitted with a valid entry clearance for entry in this capacity.

Limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.

302. A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be admitted for a period not exceeding 27 months provided he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity. A person seeking limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be given limited leave to remain for a period not exceeding 27 months provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 301(i)-(vi) is met.

Refusal of limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.

303. Limited leave to enter the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 301(i)-(vi) is met.

LEAVE TO ENTER AND EXTENSION OF STAY IN THE BAILIWICK OF GUERNSEY AS THE CHILD OF A PARENT WHO IS BEING, OR HAS BEEN ADMITTED TO THE BAILIWICK OF GUERNSEY AS A FIANCÉ(E)

Requirements for limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(e).

303A. The requirements to be met by a person seeking limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(e), are that –

- (i) he is seeking to accompany or join a parent who is, on the same occasion that the child seeks admission, being admitted as a fiancé(e), or who has been admitted as a fiancé(e), and
- (ii) he is under the age of 18, and
- (iii) he is not leading an independent life, is unmarried, and has not formed an independent family unit, and
- (iv) he can, and will, be maintained and accommodated adequately without recourse to public funds with the parent admitted or being admitted as a fiancé(e), and
- (v) there are serious and compelling family or other considerations which make the child's exclusion undesirable, that suitable arrangements have been made for his care in the Bailiwick of Guernsey, and there is no other person outside the Bailiwick of Guernsey who could reasonably be expected to care for him, and
- (vi) he holds a valid entry clearance for entry in this capacity.

Limited leave to enter the Bailiwick of Guernsey as the child of a parent who is being or has been admitted to the Bailiwick of Guernsey as a fiancé(e).

303B. A person seeking limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(e), may be granted limited leave to enter the Bailiwick of Guernsey for a period not in excess of that granted to the fiancé(e), provided that a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Where the period of limited leave granted to a fiancé(e) will expire in more than 6 months, a person seeking limited leave to enter as the child of the fiancé(e)

should be granted leave for a period not exceeding six months.

Refusal of limited leave to enter the Bailiwick of Guernsey as the child of a parent who is being, or has been admitted to the Bailiwick of Guernsey as a fiancé(e).

303C. Limited leave to enter the Bailiwick of Guernsey as the child of a fiancé(e), is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay in the Bailiwick of Guernsey as the child of a fiancé(e).

303D. The requirements to be met by a person seeking an extension of stay in the Bailiwick of Guernsey as the child of a fiancé(e), are that –

- (i) the applicant was admitted with a valid entry clearance as the child of a fiancé(e), and
- (ii) the applicant is the child of a parent who has been granted limited leave to enter, or an extension of stay, as a fiancé(e), and
- (iii) the requirements of paragraph 303A(ii)-(v) are met.

Extension of stay in the Bailiwick of Guernsey as the child of a fiancé(e).

303E. An extension of stay as the child of a fiancé(e) may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 303D is met.

Refusal of an extension of stay in the Bailiwick of Guernsey as the child of a fiancé(e).

303F. An extension of stay as the child of a fiancé(e) is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 303D is met.

CHILDREN BORN IN THE UNITED KINGDOM AND ISLANDS WHO ARE NOT BRITISH CITIZENS

304. This paragraph and paragraphs 305-309 apply only to unmarried dependent children under 18 years of age who were born in the United Kingdom and

Islands on or after 1st January, 1983 (when the British Nationality Act 1981 came into force) but who, because neither of their parents was a British citizen or settled in the United Kingdom and Islands at the time of their birth, are not British citizens and are therefore subject to immigration control. Such a child requires leave to enter where admission to the Bailiwick of Guernsey is sought, and leave to remain where permission is sought for the child to be allowed to stay in the Bailiwick of Guernsey. If he qualifies for entry clearance, leave to enter or leave to remain under any other part of these Rules, a child who was born in the Bailiwick of Guernsey but is not a British citizen may be granted entry clearance, leave to enter or leave to remain in accordance with the provisions of that other part.

Requirements for leave to enter or remain in the Bailiwick of Guernsey as the child of a parent or parents given leave to enter or remain in the Bailiwick of Guernsey.

305. The requirements to be met by a child born in the United Kingdom and Islands who is not a British citizen who seeks leave to enter or remain in the Bailiwick of Guernsey as the child of a parent or parents given leave to enter or remain in the Bailiwick of Guernsey are that he –

- (i) (a) is accompanying or seeking to join or remain with a parent or parents who have, or are given, leave to enter or remain in the Bailiwick of Guernsey, or
- (b) is accompanying or seeking to join or remain with a parent or parents one of whom is a British citizen or has the right of abode in the United Kingdom, or
- (c) is a child in respect of whom the parental rights and duties are vested solely in the States Children Board, and
- (ii) is under the age of 18, and
- (iii) was born in the United Kingdom and Islands, and
- (iv) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
- (v) (where an application is made for leave to enter) has not been away from the Bailiwick of Guernsey for more

than 2 years.

Leave to enter or remain in the Bailiwick of Guernsey.

306. A child born in the United Kingdom and Islands who is not a British citizen and who requires leave to enter or remain in the circumstances set out in paragraph 304 may be given leave to enter for the same period as his parent or parents where paragraph 305(i)(a) applies, provided the Immigration Officer is satisfied that each of the requirements of paragraph 305(ii)-(v) is met. Where leave to remain is sought, the child may be granted leave to remain for the same period as his parent or parents where paragraph 305(i)(a) applies, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 305(ii)-(iv) is met. Where the parent or parents have or are given periods of leave of different duration, the child may be given leave to whichever period is longer except that if the parents are living apart the child should be given leave for the same period as the parent who has day to day responsibility for him.

307. If a child does not qualify for leave to enter or remain because neither of his parents has a current leave (and neither of them is a British citizen or has the right of abode), he will normally be refused leave to enter or remain, even if each of the requirements of paragraph 305(ii)-(v) has been satisfied. However, he may be granted leave to enter or remain for a period not exceeding 3 months if both of his parents are in the Bailiwick of Guernsey and it appears unlikely that they will be removed in the immediate future, and there is no other person outside the Bailiwick of Guernsey who could reasonably be expected to care for him.

308. A child born in the United Kingdom and Islands who is not a British citizen and who requires leave to enter or remain in the Bailiwick of Guernsey in the circumstances set out in paragraph 304 may be given indefinite leave to enter where paragraph 305(i)(b) or (i)(c) applies provided the Immigration officer is satisfied that each of the requirements of paragraph 305(ii)-(v) is met. Where an application is for leave to remain, such a child may be granted indefinite leave to remain where paragraph 305(i)(b) or (i)(c) applies, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 305(ii)-(iv) is met.

Refusal of leave to enter or remain in the Bailiwick of Guernsey.

309. Leave to enter the Bailiwick of Guernsey where the circumstances set out in paragraph 304 apply is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 305 is met. Leave to remain for such a child is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 305(i)-(iv) is met.

ADOPTED CHILDREN

309A. For the purposes of adoption under paragraphs 310-316C a *de facto* adoption shall be regarded as having taken place if –

- (a) at the time immediately preceding the making of the application for entry clearance under these Rules the adoptive parent or parents have been living abroad (in applications involving two parents both must have lived abroad together) for at least a period of time equal to the first period mentioned in sub-paragraph (b)(i) and must have cared for the child for at least a period of time equal to the second period material in that sub-paragraph, and
- (b) during their time abroad, the adoptive parent or parents have –
 - (i) lived together for a minimum period of 18 months, of which the 12 months immediately preceding the application for entry clearance must have been spent living together with the child, and
 - (ii) have assumed the role of the child's parents, since the beginning of the 18 month period, so that there has been a genuine transfer of parental responsibility.

Requirements for indefinite leave to enter the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey.

310. The requirements to be met in the case of a child seeking indefinite leave to enter the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey are that he –

- (i) is seeking leave to enter to accompany or join an adoptive parent or parents in one of the following circumstances –
 - (a) both parents are present and settled in the

Bailiwick of Guernsey, or

- (b) both parents are being admitted on the same occasion for settlement, or
 - (c) one parent is present and settled in the Bailiwick of Guernsey and the other is being admitted on the same occasion for settlement, or
 - (d) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and the other parent is dead, or
 - (e) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and has had sole responsibility for the child's upbringing, or
 - (f) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, or
 - (g) in the case of a *de facto* adoption one parent has a right of abode in the Bailiwick of Guernsey or indefinite leave to enter or remain in the Bailiwick of Guernsey and is seeking admission to the Bailiwick of Guernsey on the same occasion for the purposes of settlement, and
- (ii) is under the age of 18, and
 - (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
 - (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively, and

- (v) [Not Used]
- (vi) (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the Bailiwick of Guernsey, or
 - (b) is the subject of a *de facto* adoption, and
- (vii) was adopted at a time when –
 - (a) both adoptive parents were resident together abroad, or
 - (b) either or both adoptive parents were settled in the Bailiwick of Guernsey, and
- (viii) has the same rights and obligations as any other child of the adoptive parent's or parents' family, and
- (ix) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents, and
- (x) has lost or broken his ties with his family of origin, and
- (xi) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Bailiwick of Guernsey, and
- (xii) holds a valid entry clearance for entry in this capacity, and
- (xiii) does not fall for refusal under the general grounds for refusal.

Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey.

311. The requirements to be met in the case of a child seeking indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey are that he –

- (i) is seeking to remain with an adoptive parent or parents in one of the following circumstances –
 - (a) both parents are present and settled in the Bailiwick of Guernsey, or
 - (b) one parent is present and settled in the Bailiwick of Guernsey and the other parent is dead, or
 - (c) one parent is present and settled in the Bailiwick of Guernsey and has had sole responsibility for the child's upbringing, or
 - (d) one parent is present and settled in the Bailiwick of Guernsey and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, or
 - (e) in the case of a *de facto* adoption one parent has a right of abode in the Bailiwick of Guernsey or indefinite leave to enter or remain in the Bailiwick of Guernsey and is seeking admission to the Bailiwick of Guernsey on the same occasion for the purpose of settlement, and
- (ii) has limited leave to enter or remain in the Bailiwick of Guernsey, and –
 - (a) is under the age of 18, or
 - (b) was given leave to enter or remain with a view to settlement under paragraph 315 or paragraph 316B, and

- (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
- (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively, and
- (v) [not used]
- (vi)
 - (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the Bailiwick of Guernsey, or
 - (b) is the subject of a *de facto* adoption, and
- (vii) was adopted at a time when –
 - (a) both adoptive parents were resident together abroad, or
 - (b) either or both adoptive parents were settled in the Bailiwick of Guernsey, and
- (viii) has the same rights and obligations as any other child of the adoptive parent's or parents' family, and
- (ix) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents, and
- (x) has lost or broken his ties with his family of origin, and
- (xi) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to or remaining in the Bailiwick of Guernsey, and
- (xii) does not fall for refusal under the general grounds for

refusal.

Indefinite leave to enter or remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey.

312. Indefinite leave to enter the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 311 is met.

Refusal of indefinite leave to enter or remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey.

313. Indefinite leave to enter the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled or being admitted for settlement in the Bailiwick of Guernsey is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the adopted child of a parent or parents present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 311 is met.

Requirements for limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.

314. The requirements to be met in the case of a child seeking limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement are that he –

- (i) is seeking leave to enter to accompany or join or remain with a parent or parents in one of the following circumstances –
 - (a) one parent is present and settled in the Bailiwick of Guernsey or being admitted on the same

occasion for settlement and the other parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement, or

- (b) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and has had sole responsibility for the child's upbringing, or
- (c) one parent is being or has been given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement and there are serious and compelling family or other considerations which make exclusion of the child undesirable and suitable arrangements have been made for the child's care, or
- (d) in the case of a *de facto* adoption one parent has a right of abode in the Bailiwick of Guernsey or indefinite leave to enter or remain in the Bailiwick of Guernsey and is seeking admission to the Bailiwick of Guernsey on the same occasion for the purpose of settlement, and
 - (ii) is under the age of 18, and
 - (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
 - (iv) can, and will, be accommodated and maintained adequately without recourse to public funds in accommodation which the adoptive parent or parents own or occupy exclusively, and
 - (v)
 - (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country of origin or the country in which he is resident, being a country whose adoption orders are recognised by the Bailiwick of Guernsey, or
 - (b) is the subject of a *de facto* adoption, and

- (vi) was adopted at a time when –
 - (a) both adoptive parents were resident together abroad, or
 - (b) either or both adoptive parents were settled in the Bailiwick of Guernsey, and
- (vii) has the same rights and obligations as any other child of the adoptive parent's or parents' family, and
- (viii) was adopted due to the inability of the original parent(s) or current carer(s) to care for him and there has been a genuine transfer of parental responsibility to the adoptive parents, and
- (ix) has lost or broken his ties with his family of origin, and
- (x) was adopted, but the adoption is not one of convenience arranged to facilitate his admission to the Bailiwick of Guernsey, and
- (xi) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in the Bailiwick of Guernsey, and
- (xii) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

Limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.

315. A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be admitted for a period not exceeding 12 months provided he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity. A person seeking limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement may be granted limited leave for a period not exceeding 12 months provided the Lieutenant Governor is

satisfied that each of the requirements of paragraph 314(i)-(xi) is met.

Refusal of limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement.

316. Limited leave to enter the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain in the Bailiwick of Guernsey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 314(i)-(xi) is met.

Requirements for limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption.

316A. The requirements to be satisfied in the case of a child seeking limited leave to enter the Bailiwick of Guernsey for the purpose of being adopted (which, for the avoidance of doubt, does not include a *de facto* adoption) in the Bailiwick of Guernsey are that he –

- (i) is seeking limited leave to enter to accompany or join a person or persons who wish to adopt him in the Bailiwick of Guernsey (the "**prospective parent(s)**"), in one of the following circumstances –
 - (a) both prospective parents are present and settled in the Bailiwick of Guernsey, or
 - (b) both prospective parents are being admitted for settlement on the same occasion that the child is seeking admission, or
 - (c) one prospective parent is present and settled in the Bailiwick of Guernsey and the other is being admitted for settlement on the same occasion that the child is seeking admission, or
 - (d) one prospective parent is present and settled in the Bailiwick of Guernsey and the other is being

given limited leave to enter or remain in the Bailiwick of Guernsey with a view to settlement on the same occasion that the child is seeking admission, or has previously been given such leave, or

- (e) one prospective parent is being admitted for settlement on the same occasion that the other is being granted limited leave to enter with a view to settlement, which is also on the same occasion that the child is seeking admission, or
 - (f) one prospective parent is present and settled in the Bailiwick of Guernsey or is being admitted for settlement on the same occasion that the child is seeking admission, and has had sole responsibility for the child's upbringing, or
 - (g) one prospective parent is present and settled in the Bailiwick of Guernsey or is being admitted for settlement on the same occasion that the child is seeking admission, and there are serious and compelling family or other considerations which would make the child's exclusion undesirable, and suitable arrangements have been made for the child's care, and
- (ii) is under the age of 18, and
 - (iii) is not leading an independent life, is unmarried, and has not formed an independent family unit, and
 - (iv) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively, and
 - (v) will have the same rights and obligations as any other child of the marriage, and
 - (vi) is being adopted due to the inability of the original parent(s) or current carer(s) (or those looking after him immediately prior to him being physically transferred to

his prospective parent or parents) to care for him, and there has been a genuine transfer of parental responsibility to the prospective parent or parents, and

- (vii) has lost or broken or intends to lose or break his ties with his family of origin, and
- (viii) will be adopted in the Bailiwick of Guernsey by his prospective parent or parents in accordance with the law relating to adoption in the Bailiwick of Guernsey, but the proposed adoption is not one of convenience arranged to facilitate his admission to the Bailiwick of Guernsey.

Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption.

316B. A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid entry clearance for entry in this capacity.

Refusal of limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption.

316C. Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention.

316D. The requirements to be satisfied in the case of a child seeking limited leave to enter the Bailiwick of Guernsey for the purpose of being adopted in the Bailiwick of Guernsey under the Hague Convention are that he –

- (i) is seeking limited leave to enter to accompany one or two people each of whom are habitually resident in the Bailiwick of Guernsey and who wish to adopt him under the Hague Convention ("**the prospective parents**"),
- (ii) is the subject of an agreement made under Article 17(c)

of the Hague Convention, and

- (iii) has been entrusted to the prospective parents by the competent administrative authority of the country from which he is coming to the Bailiwick of Guernsey for adoption under the Hague Convention, and
- (iv) is under the age of 18, and
- (v) can, and will, be maintained and accommodated adequately without recourse to public funds in accommodation which the prospective parent or parents own or occupy exclusively, and
- (vi) holds a valid entry clearance for entry in this capacity.

Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention.

316E. A person seeking limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention may be admitted for a period not exceeding 24 months provided he is able, on arrival, to produce to the Immigration Officer a valid Bailiwick of Guernsey entry clearance for entry in this capacity.

Refusal of limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention.

316F. Limited leave to enter the Bailiwick of Guernsey with a view to settlement as a child for adoption under the Hague Convention is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

PARENTS, GRANDPARENTS AND OTHER DEPENDENT RELATIVES OF PERSONS PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY

Requirements 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 of Guernsey.

317. The requirements to be met by a person seeking 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 of Guernsey are

that the person –

- (i) is related to a person present and settled in the Bailiwick of Guernsey in one of the following ways –
 - (a) parent or grandparent who is divorced, widowed, single or separated aged 65 years or over, or
 - (b) parents or grandparents travelling together of whom at least one is aged 65 or over, or
 - (c) a parent or grandparent aged 65 or over who has remarried but cannot look to the spouse or children of the second marriage for financial support; and where the person settled in the Bailiwick of Guernsey is able and willing to maintain the parent or grandparent and any spouse or child of the second marriage who would be admissible as a dependant, or
 - (d) parent or grandparent under the age of 65 if living alone outside the Bailiwick of Guernsey in the most exceptional compassionate circumstances, or
 - (e) parents or grandparents travelling together who are both under the age of 65 if living in the most exceptional compassionate circumstances, or
 - (f) the son, daughter, sister, brother, uncle or aunt over the age of 18 if living alone outside the Bailiwick of Guernsey in the most exceptional compassionate circumstances ..., and
- (ii) is joining or accompanying a person who is present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement, and
- (iii) is financially wholly or mainly dependent on the relative present and settled in the Bailiwick of Guernsey, and

- (iv) can, and will, be accommodated adequately, together with any dependants, without recourse to public funds, in accommodation which the sponsor owns or occupies exclusively, and
- (iva) can, and will, be maintained adequately, together with any dependants, without recourse to public funds, and
- (v) has no other close relatives in his own country to whom he could turn for financial support, and
- (vi) if seeking leave to enter, holds a valid entry clearance for entry in this capacity, and
- (vii) does not fall for refusal under the general grounds for refusal.

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

318. Indefinite leave to enter the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 317(i)-(v) is met.

Refusal of 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 of Guernsey.

319. Indefinite leave to enter the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person settled in the Bailiwick of Guernsey is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Indefinite leave to remain in the Bailiwick of Guernsey as the parent, grandparent or other dependent relative of a person present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 317(i)-(v) is met.

PART 9: GENERAL GROUNDS FOR THE REFUSAL OF ENTRY CLEARANCE, LEAVE TO ENTER, LEAVE TO REMAIN, VARIATION OF LEAVE TO ENTER OR REMAIN AND CURTAILMENT OF LEAVE IN THE BAILIWICK OF GUERNSEY

REFUSAL OF ENTRY CLEARANCE, LEAVE TO ENTER OR LEAVE TO REMAIN IN THE BAILIWICK OF GUERNSEY

A320. Neither paragraph 320 (except sub-paragraph (3), (10) and (11)) nor paragraph 322 applies to an application for entry clearance, leave to enter or leave to remain under Appendix A; and nothing in Part 9 (except paragraph 322(1)) applies to an application for leave to remain on the grounds of private life under any of paragraphs 276ADE-276DH.

320. In addition to the grounds for refusal of entry clearance or leave to enter set out in Parts 2-8 of these Rules, and subject to paragraph 321 below, the following grounds for the refusal of entry clearance or leave to enter apply.

Grounds on which entry clearance or leave to enter the Bailiwick of Guernsey is to be refused.

- (1) the fact that entry is being sought for a purpose not covered by these Rules,
- (2) the fact that the person seeking entry to the Bailiwick of Guernsey –
 - (a) is currently the subject of a deportation order, or
 - (b) has been convicted of an offence for which he has been sentenced to a period of imprisonment of at least 4 years, or
 - (c) has been convicted of an offence for which he has been sentenced to a period of imprisonment of at least 12 months but less than 4 years, unless a period of 10 years has passed since the end of the sentence, or
 - (d) has been convicted of an offence for which he has been sentenced to a period of imprisonment of less than 12 months, unless a period of 5 years has passed since the end of the sentence.

Where this subparagraph applies, unless refusal would be contrary to the Human Rights Convention or the United Nations Convention and Protocol relating to the Status of Refugees, it will only be in exceptional circumstances that the public interest in maintaining refusal will be outweighed by compelling factors,

- (3) failure by the person seeking entry to the Bailiwick of Guernsey to produce to the Immigration Officer a valid national passport or other document satisfactorily establishing his identity and nationality,
- (4) failure to satisfy the Immigration Officer, in the case of a person arriving in the Bailiwick of Guernsey with the intention of entering any other part of the common travel area, that he is acceptable to the immigration authorities there,
- (5) failure, in the case of a visa national, to produce to the Immigration Officer a passport or other identity document endorsed with a valid and current entry clearance issued for the purpose for which entry is sought,
- (6) where the Lieutenant Governor has personally directed that the exclusion of a person from the Bailiwick of Guernsey is conducive to the public good,
- (7) save in relation to a person settled in the Bailiwick of Guernsey or where the Immigration Officer is satisfied that there are strong compassionate reasons justifying admission, confirmation from the Medical Officer of Health that, for medical reasons, it is undesirable to admit a person seeking leave to enter the Bailiwick of Guernsey,
- (7A) where false representations have been made or false documents have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge), or material facts have not been disclosed, in relation to the application, or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application,
- (7B) where the applicant has previously breached the Bailiwick of

Guernsey's immigration laws (and was over 18 at the time of his most recent breach) by –

- (a) overstaying,
- (b) breaching a condition attached to his leave,
- (c) being an illegal entrant,
- (d) using deception in an application for entry clearance, leave to enter or remain (whether successful or not), or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application,

unless the applicant –

- (i) overstayed for 90 days or less and left the Bailiwick of Guernsey voluntarily, not at the expense (directly or indirectly) of the States of Guernsey,
- (ii) used deception in an application for entry clearance more than 10 years ago,
- (iii) left the Bailiwick of Guernsey voluntarily, not at the expense (directly or indirectly) of the States of Guernsey, more than 12 months ago,
- (iv) left the Bailiwick of Guernsey, at the expense (directly or indirectly) of the States of Guernsey, more than 2 years ago; and the date the person left the Bailiwick of Guernsey was no more than 6 months after the date on which the removal direction was served on that person,
- (v) left the Bailiwick of Guernsey voluntarily, at the expense (directly or indirectly) of the States of Guernsey more than 5 years ago, or
- (vi) was removed or deported from the Bailiwick of Guernsey more than 10 years ago.

Where more than one breach of the Bailiwick of Guernsey's immigration laws has occurred, only the breach which leads to the longest period of absence from the Bailiwick of Guernsey will be relevant under this sub-paragraph.

Grounds on which entry clearance or leave to enter the Bailiwick of Guernsey should normally be refused.

- (8) failure by a person arriving in the Bailiwick of Guernsey to furnish the Immigration Officer with such information as may be required for the purpose of deciding whether he requires leave to enter and, if so, whether and on what terms leave should be given,
- (8A) where the person seeking leave is outside the Bailiwick of Guernsey, failure by him to supply any information, documents, copy documents or medical report requested by an Immigration Officer,
- (9) failure by a person seeking leave to enter as a returning resident to satisfy the Immigration Officer that he meets the requirements of paragraph 18 of these Rules or that he seeks leave to enter for the same purpose as that for which his earlier leave was granted,
- (10) production by the person seeking leave to enter the Bailiwick of Guernsey of a national passport or travel document issued by a territorial entity or authority which is not recognised by Her Majesty's Government as a state or is not dealt with as a government by them, or which does not accept valid United Kingdom passports for the purpose of its own immigration control; or a passport or travel document which does not comply with international passport practice,
- (11) where the applicant has previously contrived in a significant way to frustrate the intentions of the Rules by –
 - (i) overstaying, or
 - (ii) breaching a condition attached to his leave, or
 - (iii) being an illegal entrant, or

- (iv) using deception in an application for entry clearance, leave to enter or remain or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application (whether successful or not); and there are other aggravating circumstances, such as absconding, not meeting temporary admission or reporting restrictions or bail conditions, using an assumed identity or multiple identities, switching nationality, making frivolous applications or failing to cooperate in obtaining a travel document for himself,

- (12) [Not used]

- (13) failure, except by a person eligible for admission to the Bailiwick of Guernsey for settlement, to satisfy the Immigration Officer that he will be admitted to another country after a stay in the Bailiwick of Guernsey,

- (14) refusal by a sponsor of a person seeking leave to enter the Bailiwick of Guernsey to give, if requested to do so, an undertaking in writing to be responsible for that person's maintenance and accommodation for the period of any leave granted,

- (15) [Not used]

- (16) failure, in the case of a child under the age of 18 years seeking leave to enter the Bailiwick of Guernsey otherwise than in conjunction with an application made by his parent(s) or legal guardian, to provide the Immigration Officer, if required to do so, with written consent to the application from his parent(s) or legal guardian; save that the requirement as to written consent does not apply in the case of a child seeking admission to the Bailiwick of Guernsey as an asylum seeker,

- (17) save in relation to a person settled in the Bailiwick of Guernsey, refusal to undergo a medical examination when required to do so by the Immigration Officer,

- (18) [Not used]

- (18A) within the 12 months preceding the date of the application, the person has been convicted of or admitted an offence for which that person received a non-custodial sentence or other out of court disposal that is recorded on that person's criminal record,
- (18B) the person has been convicted of or admitted an offence, that is recorded on that person's criminal record, and in the view of the Lieutenant Governor –
 - (a) the person's offending has caused serious harm, or
 - (b) the person is a persistent offender who shows a particular disregard for the law,
- (19) the Immigration Officer deems the exclusion of the person from the Bailiwick of Guernsey to be conducive to the public good; for example, because the person's conduct (including convictions which do not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant that person leave to enter,
- (20) [Not used]
- (21) [Not used]

Refusal of leave to enter in relation to a person in possession of an entry clearance.

321. A person seeking leave to enter the Bailiwick of Guernsey who holds an entry clearance which was duly issued to him and is still current may be refused leave to enter only where the Immigration Officer is satisfied that –

- (i) false representations were made or false documents were submitted (whether or not material to the application, and whether or not to the holder's knowledge), or material facts have not been disclosed, in relation to the application for entry clearance, or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application, or
- (ii) a change of circumstances since it was issued has

removed the basis of the holder's claim to admission, except where the change of the circumstances amounts solely to the person becoming over age for entry in one of the categories contained in paragraphs 296-316 of these Rules since the issue of the entry clearance, or

- (iii) refusal is justified on grounds of restricted returnability; on medical grounds, on grounds which would have led to a refusal under paragraph 320(2), (6), (18A), (18B) or (19).

Grounds on which leave to enter or remain which is in force is to be cancelled at port or while the holder is outside the Bailiwick of Guernsey.

321A. The following grounds for the cancellation of a person's leave to enter or remain which is in force on his arrival in, or whilst he is outside, the Bailiwick of Guernsey apply –

- (1) there has been such a change in the circumstances of that person's case, since the leave was given, that it should be cancelled, or
- (2) false representations were made or false documents were submitted (whether or not material to the application, and whether or not to the holder's knowledge), or material facts have not been disclosed, in relation to the application for leave, or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application, or
- (3) save in relation to a person settled in the Bailiwick of Guernsey or where the Immigration Officer or the Lieutenant Governor is satisfied that there are strong compassionate reasons justifying admission, where it is apparent that, for medical reasons, it is undesirable to admit that person to the Bailiwick of Guernsey, or
- (4) where the Lieutenant Governor has personally directed that the exclusion of that person from the Bailiwick of Guernsey is conducive to the public good, or
- (4A) grounds which would have led to a refusal under paragraph 320(2), (6), (18A) or (19) if the person concerned were making

a new application for leave to enter or remain, or

- (5) where the Immigration Officer or the Lieutenant Governor deems the exclusion of the person from the Bailiwick of Guernsey to be conducive to the public good. For example, because the person's conduct (including convictions which do not fall within paragraph 320(2)), character, associations, or other reasons, make it undesirable to grant them leave to enter the Bailiwick of Guernsey, or
- (6) where that person is outside the Bailiwick of Guernsey, failure by that person to supply any information, documents, copy documents or medical report requested by an Immigration Officer or the Lieutenant Governor.

REFUSAL OF LEAVE TO REMAIN, VARIATION OF LEAVE TO ENTER OR REMAIN OR CURTAILMENT OF LEAVE

322. In addition to the grounds for refusal of extension of stay set out in Parts 2-8 of these Rules, the following provisions apply in relation to the refusal of an application for leave to remain, variation of leave to enter or remain or, where appropriate, the curtailment of leave –

Grounds on which leave to remain and variation of leave to enter or remain in the Bailiwick of Guernsey are to be refused.

- (1) the fact that variation of leave to enter or remain is being sought for a purpose not covered by these Rules,
- (1A) false representations were made or false documents have been submitted (whether or not material to the application, and whether or not to the applicant's knowledge), or material facts have not been disclosed, in relation to the application, or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application,
- (1B) the applicant is, at the date of application, the subject of a deportation order or a decision to make a deportation order,
- (1C) where the person is seeking indefinite leave to enter or remain, and –

- (a) has been convicted of an offence for which he has been sentenced to imprisonment for at least 4 years, or
- (b) has been convicted of an offence for which he has been sentenced to imprisonment for at least 12 months but less than 4 years, unless a period of 15 years has passed since the end of the sentence, or
- (c) has been convicted of an offence for which he has been sentenced to imprisonment for less than 12 months, unless a period of 7 years has passed since the end of the sentence, or
- (d) has, within the 24 months preceding the date of the application, been convicted of or admitted an offence for which he has received a non-custodial sentence or other out of court disposal that is recorded on his criminal record.

Grounds on which leave to remain and variation of leave to enter or remain in the Bailiwick of Guernsey should normally be refused.

- (2) the making of false representations or the failure to disclose any material fact for the purpose of obtaining leave to enter or a previous variation of leave, or in order to obtain documents from the Lieutenant Governor, the Home Department or a third party required in support of the application,
- (3) failure to comply with any conditions attached to the grant of leave to enter or remain,
- (4) failure by the person concerned to maintain or accommodate himself and any dependants without recourse to public funds,
- (5) the undesirability of permitting the person concerned to remain in the Bailiwick of Guernsey in the light of his conduct (including convictions which do not fall within paragraph 322(1C)), character or associations or the fact that he represents a threat to national security,
- (5A) it is undesirable to permit the person concerned to enter or remain in the Bailiwick of Guernsey because that person has been convicted of or admitted an offence that is recorded on

that person's criminal record, and in the view of the Lieutenant Governor or an Immigration Officer –

- (a) that person's offending has caused serious harm, or
 - (b) that person is a persistent offender who shows a particular disregard for the law,
- (6) refusal by a sponsor of the person concerned to give, if requested to do so, an undertaking in writing to be responsible for his maintenance and accommodation in the Bailiwick of Guernsey or failure to honour such an undertaking once given,
 - (7) failure by the person concerned to honour any declaration or undertaking given orally or in writing as to the intended duration and/or purpose of his stay,
 - (8) failure, except by a person who qualifies for settlement in the Bailiwick of Guernsey or by the spouse of a person settled in the Bailiwick of Guernsey, to satisfy the Lieutenant Governor or an immigration officer that he will be returnable to another country if allowed to remain in the Bailiwick of Guernsey for a further period,
 - (9) failure by an applicant to produce within a reasonable time documents or other evidence required by the Lieutenant Governor or an immigration officer to establish his claim under these Rules,
 - (10) failure, without providing a reasonable explanation, to comply with a request made on behalf of the Lieutenant Governor or an immigration officer to attend for interview,
 - (11) failure, in the case of a child under the age of 18 years seeking a variation of his leave to enter or remain in the Bailiwick of Guernsey otherwise than in conjunction with an application from his parent(s) or legal guardian, to provide the Lieutenant Governor or an immigration officer, if required to do so, with written consent to the application from his parent(s) or legal guardian; save that the requirement as to written consent does not apply in the case of a child who has been admitted to the Bailiwick of Guernsey as an asylum seeker.

Grounds on which leave to enter or remain may be curtailed.

323. A person's leave to enter or remain may be curtailed –

- (i) on any of the grounds set out in paragraph 322(2)-(5) above, or
- (ii) if he ceases to meet the requirements of the Rules under which his leave to enter or remain was granted, or
- (iii) if he is the dependant, or is seeking leave to remain as the dependant, of an asylum applicant whose claim has been refused and he does not qualify for leave to remain in his own right, or
- (iv) his leave to enter or remain is for a purpose not covered by these Rules, or
- (v) on any of the grounds set out in paragraph 341(i)-(v), or
- (vi) where a person has, within the first 6 months of being granted leave to enter, committed an offence for which he is subsequently sentenced to a period of imprisonment.

Crew Members.

324. A person who has been given leave to enter to join a ship, aircraft, hovercraft or hydrofoil as a member of its crew, or a crew member who has been given leave to enter for hospital treatment, repatriation or transfer to another ship, aircraft, hovercraft or hydrofoil in the Bailiwick of Guernsey is to be refused leave to remain unless an extension of stay is necessary to fulfil the purpose for which he was given leave to enter or unless he meets the requirements for an extension of stay as a spouse in paragraph 8 of Appendix A.

PART 10: [Not Used]

324A-326. [Not used]

PART 11: ASYLUM

Definition of asylum applicant.

327. Under these Rules an asylum applicant is a person who claims that it would be contrary to the Bailiwick of Guernsey's obligations under the United Nations Convention and Protocol relating to the Status of Refugees for him to be removed from or required to leave the Bailiwick of Guernsey. All such cases are referred to in these Rules as asylum applications.

Applications for asylum.

328. All asylum applications will be determined in accordance with the Bailiwick of Guernsey's obligations under the United Nations Convention and Protocol relating to the Status of Refugees. Every asylum application made by a person at a port or airport in the Bailiwick of Guernsey, other than one refused under paragraph 345, will be referred by the Immigration Officer for determination by the Lieutenant Governor in accordance with these Rules.

329. Until an asylum application, other than one refused under paragraph 345, has been determined by the Lieutenant Governor, no action will be taken to require the departure of the asylum applicant or his dependants from the Bailiwick of Guernsey.

330. If the Lieutenant Governor decides to grant asylum and the person has not yet been given leave to enter, the Immigration Officer will grant limited leave to enter.

331. If a person seeking leave to enter is refused asylum, the Immigration Officer will consider whether or not he is in a position to decide to give or refuse leave to enter without interviewing the person further. If the Immigration Officer decides that a further interview is not required he may serve the notice giving or refusing leave to enter by post. If the Immigration Officer decides that a further interview is required, he will then resume his examination to determine whether or not to grant the person leave to enter under any other provision of these Rules. If the person fails at any time to comply with a requirement to report to an Immigration Officer for examination, the Immigration Officer may direct that the person's examination shall be treated as concluded at that time. The Immigration Officer will then consider any outstanding applications for entry on the basis of any evidence before him.

332. If a person who has been refused leave to enter applies for asylum and that application is refused, leave to enter will again be refused unless the applicant

qualifies for admission under any other provision of these Rules.

333. A person who is refused leave to enter following the refusal of an asylum application will be provided with a notice informing him of a decision and of the reasons for refusal.

Grant of asylum.

334. An asylum applicant will be granted asylum in the Bailiwick of Guernsey if the Lieutenant Governor is satisfied that –

- (i) he is in the Bailiwick of Guernsey or has arrived at a port of entry in the Bailiwick of Guernsey, and
- (ii) he is a refugee, as defined by the Convention and Protocol, and
- (iii) refusing his application would result in his being required to go (whether immediately or after the time limited by an existing leave to enter or remain) in breach of the Convention and Protocol, to a country in which his life or freedom would be threatened on account of his race, religion, nationality, political opinion or membership of a particular social group.

335. If the Lieutenant Governor decides to grant asylum to a person who has been given leave to enter (whether or not the leave has expired) or to a person who has entered without leave, the Lieutenant Governor will vary the existing leave or grant limited leave to remain.

Refusal of asylum.

336. An application which does not meet the criteria set out in paragraph 334 will be refused.

337. The Lieutenant Governor may decide not to consider the substance of a person's claim to a refugee status if he is satisfied that the person's removal to a third country does not raise any issue as to the Bailiwick of Guernsey's obligations under the Convention and Protocol. More details are given in paragraphs 345 and 347.

338. When a person in the Bailiwick of Guernsey is notified that asylum has been refused he may, if he is liable to removal as an illegal entrant, removal under

section 10 of the Immigration and Asylum Act 1999 or to deportation, at the same time be notified of removal directions, or served with a deportation order, as appropriate.

339. When a person with limited leave is refused asylum the leave may be curtailed if he does not meet the requirements of the Rules under which leave was granted. Full account will be taken of all the relevant circumstances known to the Lieutenant Governor, including those listed in paragraph 364.

Consideration of cases.

340. A failure, without reasonable explanation, to make a prompt and full disclosure of material factors, either orally or in writing, or otherwise to assist the Lieutenant Governor to the full in establishing the facts of the case may lead to refusal of an asylum application. This includes failure to complete an asylum questionnaire, or failure to comply with a request to attend an interview concerning the application.

341. In determining an asylum application the Lieutenant Governor will have regard to matters which may damage an asylum applicant's credibility if no reasonable explanation is given. Among such matters are –

- (i) that the applicant has failed to apply forthwith upon arrival in the Bailiwick of Guernsey, unless the application is founded on events which have taken place since his arrival in the Bailiwick of Guernsey,
- (ii) that the applicant has made false representations, either orally or in writing,
- (iii) that the applicant has destroyed, damaged or disposed of any passport, other document or ticket relevant to his claim,
- (iv) that the applicant has undertaken any activities in the Bailiwick of Guernsey before or after lodging his application which are inconsistent with his previous beliefs and behaviour and calculated to create or substantially enhance his claim to refugee status,
- (v) that the applicant has lodged concurrent applications for asylum in the Bailiwick of Guernsey or in another country or territory.

If the Lieutenant Governor concludes for these or any other reasons that an asylum applicant's account is not credible, the application will be refused.

342. The actions of anyone acting as an agent of the asylum applicant may also be taken into account in regard to the matters set out in paragraphs 340 and 341.

343. If there is a part of the country from which the applicant claims to be a refugee in which he would not have a well-founded fear of persecution, and to which it would be reasonable to expect him to go, the application may be refused.

344. Cases will normally be considered on an individual basis but if an applicant is part of a group whose claims are clearly not related to the criteria for refugee status in the Convention and Protocol he may be refused without examination of his individual claim. However, the Lieutenant Governor will have regard to any evidence produced by an individual to show that his claim should be distinguished from those of the rest of the group.

Third country cases.

345. If the Lieutenant Governor or, in the case of a person arriving in the Bailiwick of Guernsey, an immigration officer not below the rank of Senior Immigration Officer, is satisfied that there is a safe country to which an asylum applicant can be sent, his application will normally be refused without substantive consideration of his claim to refugee status. A safe country is one in which the life or freedom of the asylum applicant would not be threatened (within the meaning of Article 33 of the Convention) and the government of which would not send the applicant elsewhere in a manner contrary to the principles of the Convention and Protocol. An asylum applicant shall not be removed without substantive consideration of his claim unless –

- (i) the asylum applicant has not arrived in the Bailiwick of Guernsey directly from the country in which he claims to fear persecution and has had an opportunity at the border or within the territory of a third country to make contact with that country's authorities in order to seek their protection, or
- (ii) there is other clear evidence of his admissibility to a third country.

Provided that a case meets the above criteria, there is no obligation to consult the authorities of the third country before the removal of an asylum applicant.

Previously rejected applications.

346. When an asylum applicant has previously been refused asylum in the United Kingdom and Islands and can demonstrate no relevant and substantial change in his circumstances since that date, his application will be refused.

347. When an asylum applicant has come to the Bailiwick of Guernsey from another country which is a party to the United Nations Convention relating to the Status of Refugees or its Protocol and which has considered and rejected an application for asylum from him, his application for asylum in the Bailiwick of Guernsey may be refused without substantive consideration of his claim to refugee status. He may be removed to that country, or another country meeting the criteria of paragraph 345, and invited to raise any new circumstances with the authorities of the country which originally considered his application.

348. [Not used]

Dependants.

349. A spouse or minor child accompanying a principal applicant may be included in his application for asylum as his dependant. A spouse or minor child may also claim asylum in his own right. If the principal applicant is granted asylum and leave to enter or remain any spouse or minor will be granted leave to enter or remain for the same duration. The case of any dependant who claims asylum in his own right will be considered individually in accordance with paragraph 334 above. An applicant under this paragraph, including an accompanied child, may be interviewed where he makes a claim as a dependant or in his own right. If the spouse or minor child in question has a claim in his own right, that claim should be made at the earliest opportunity. Any failure to do so will be taken into account and may damage credibility if no reasonable explanation for it is given. Where an asylum application is unsuccessful, at the same time that asylum is being refused the applicant may be notified of removal directions.

In this paragraph and paragraphs 350-352 a child means a person who is under 18 years of age or who, in the absence of documentary evidence establishing age, appears to be under that age.

Unaccompanied children.

350. Unaccompanied children may also apply for asylum and, in view of their potential vulnerability, particular priority and care is to be given to the handling of their cases.

351. A person of any age may qualify for refugee status under the Convention and the criteria in paragraph 334 apply to all cases. However, account should be taken of the applicant's maturity and in assessing the claim of a child more weight should be given to objective indications of risk than to the child's state of mind and understanding of his situation. An asylum application made on behalf of a child should not be refused solely because the child is too young to understand his situation or to have formed a well-founded fear of persecution. Close attention should be given to the welfare of the child at all times.

352. An accompanied or unaccompanied child who has claimed asylum in his own right may be interviewed about the substance of his claim or to determine his age and identity. When an interview is necessary it should be conducted in the presence of a parent, guardian, representative or an appropriate adult who for the time being takes responsibility for the child. The interviewer should have particular regard to the possibility that a child will feel inhibited or alarmed. The child should be allowed to express himself in his own way and at his own speed. If he appears tired or distressed, the interview should be stopped immediately.

352A. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey as the spouse of a refugee are that –

- (i) the applicant is married to a person granted asylum in the Bailiwick of Guernsey, and
- (ii) the marriage did not take place after the person granted asylum left the country of his former habitual residence in order to seek asylum, and
- (iii) the applicant would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the Status of Refugees if he were to seek asylum in his own right, and
- (iv) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting, and
- (v) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity.

352B. Limited leave to enter the Bailiwick of Guernsey as the spouse of a refugee may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the

Bailiwick of Guernsey as the spouse of a refugee may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 352A(i)-(iii) are met.

352C. Limited leave to enter the Bailiwick of Guernsey as the spouse of a refugee is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain as the spouse of a refugee is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 352A(i)-(iii) are met.

352D. The requirements to be met by a person seeking leave to enter or remain in the Bailiwick of Guernsey in order to join or remain with the parent who has been granted asylum in the Bailiwick of Guernsey are that the applicant –

- (i) is the child of a parent who has been granted asylum in the Bailiwick of Guernsey, and
- (ii) is under the age of 18, and
- (iii) is not leading an independent life, is unmarried and has not formed an independent family unit, and
- (iv) was part of the family unit of the person granted asylum at the time that the person granted asylum left the country of his habitual residence in order to seek asylum, and
- (v) would not be excluded from protection by virtue of article 1F of the United Nations Convention and Protocol relating to the States of Refugees if he were to seek asylum in his own right, and
- (vi) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

352E. Limited leave to enter the Bailiwick of Guernsey as the child of a refugee may be granted provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival. Limited leave to remain in the Bailiwick of Guernsey as the child of a refugee may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 352D(i)-(v) are met.

352F. Limited leave to enter the Bailiwick of Guernsey as the child of a

refugee is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Limited leave to remain as the child of a refugee is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 352D(i)-(v) are met.

PART 12: [Not Used]

353-361. [Not used]

PART 13: DEPORTATION

A deportation order.

362. A deportation order requires the subject to leave the Bailiwick of Guernsey and authorises his detention until he is removed. It also prohibits him from re-entering the Bailiwick of Guernsey for as long as it is in force and invalidates any leave to enter or remain in the Bailiwick of Guernsey given him before the order was made or while it is in force.

363. The circumstances in which a person, including an EEA national or the family member of an EEA national who is not himself an EEA national, is liable to deportation include –

- (i) where the Lieutenant Governor deems the person's deportation to be conducive to the public good,
- (ii) where the person is the spouse or child under 18 of a person ordered to be deported, and
- (iii) where a court recommends deportation in the case of a person over the age of 17 who has been convicted of an offence punishable with imprisonment.

364. [Not used]

Deportation of family members.

365. Section 5 of the Immigration Act 1971 gives the Lieutenant Governor power in certain circumstances to make a deportation order against the spouse or child of a person against whom a deportation order has been made. The Lieutenant Governor will not normally decide to deport the spouse of a deportee where –

- (i) he has qualified for settlement in her own right, or
- (ii) he has been living apart from the deportee.

366. The Lieutenant Governor will not normally decide to deport the child of a deportee where –

- (i) he and his mother are living apart from the deportee, or
- (ii) he has spent some years in the Bailiwick of Guernsey

and is nearing the age of 18, or

(iii) he has left home and established himself on an independent basis, or

(iv) he married before deportation came into prospect.

367. [Not used]

368. Where the Lieutenant Governor decides that it would be appropriate to deport a member of a family as such, the decision will be notified and it will at the same time be explained that it is open to the member of the family to leave the country voluntarily.

369-372. [Not used]

A deportation order made on the recommendation of a Court.

373. Although there is no appeal against the making of a deportation order, where a deportation order is made on the recommendation of a court there is a right of appeal to a higher court against the recommendation itself. An order may not be made while it is still open to the person to appeal against the relevant conviction, sentence or recommendation, or while an appeal is pending.

374-384. [Not used]

Arrangements for removal.

385. A person against whom a deportation order has been made will normally be removed from the Bailiwick of Guernsey. The power is to be exercised so as to secure the person's return to the country of which he is a national, or which has most recently provided him with a travel document, unless he can show that another country will receive him. In considering any departure from the normal arrangements, regard will be had to the public interest generally, and to any additional expense that may fall on public funds.

386. [Not used]

387. [Not used]

Returned deportees.

388. Where a person returns to the Bailiwick of Guernsey when a

deportation order is in force against him, he may be deported under the original order. The Lieutenant Governor will consider every such case in the light of all the relevant circumstances before deciding whether to enforce the order.

Returned family members.

389. Persons deported in the circumstances set out in paragraphs 365-368 above (deportation of family members) may be able to seek re admission to the Bailiwick of Guernsey under the Immigration Rules where –

- (i) a child reaches 18 (when he ceases to be subject to the deportation order), or
- (ii) in the case of a spouse, the marriage comes to an end.

Revocation of deportation order.

390. An application for revocation of a deportation order will be considered in the light of all the circumstances including the following –

- (i) the grounds on which the order was made,
- (ii) any representations made in support of revocation,
- (iii) the interests of the community, including the maintenance of an effective immigration control,
- (iv) the interests of the applicant, including any compassionate circumstances.

390A. Where paragraph 398 applies, the Lieutenant Governor will consider whether paragraph 399 or 399A applies and, if it does not, it will only be in exceptional circumstances that the public interest in maintaining the deportation order will be outweighed by other factors.

391. In the case of a person who has been deported following conviction for a criminal offence, the continuation of a deportation order against that person will be the proper course –

- (i) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of less than 4 years, unless 10 years have elapsed since the making of the deportation order, or

- (ii) in the case of a conviction for an offence for which the person was sentenced to a period of imprisonment of at least 4 years, at any time,

unless, in either case, the continuation would be contrary to the Human Rights Convention or the United Nations Convention and Protocol relating to the Status of Refugees, or there are other exceptional circumstances that mean the continuation is outweighed by compelling factors.

391A. In other cases, revocation of a deportation order will not normally be authorised unless the situation has been materially altered, either by a change of circumstances since the order was made, or by fresh information coming to light which was not before the Lieutenant Governor. The passage of time since the person was deported may also in itself amount to such a change of circumstances as to warrant revocation of the order.

392. Revocation of a deportation order does not entitle the person concerned to re-enter the Bailiwick of Guernsey; it renders him eligible to apply for admission under the Rules. Application for revocation of the order may be made to the Entry Clearance Officer or direct to the Immigration and Nationality Division of the States of Guernsey.

393-395. [Not used]

Administrative Removal.

395A. A person is now liable to administrative removal in certain circumstances in which he would, prior to 29th November, 2004, have been liable to deportation.

395B. These circumstances are set out in section 10 of the Immigration and Asylum Act 1999. They are –

- (i) failure to comply with a condition attached to his leave to enter or remain, or remaining beyond the time limited by the leave,
- (ii) where the person has obtained leave to remain by deception, and
- (iii) where the person is the spouse or child under 18 of someone in respect of whom directions for removal

have been given under section 10.

It also applies to persons who have entered the Bailiwick of Guernsey by virtue of section 7 of the Immigration Act 1988 but who subsequently cease to be entitled to rely on the provisions of that Act.

395C. Before directions for removal under section 10 are given, regard will be had to any compassionate circumstances of the case, taking into account all the relevant factors known to the Lieutenant Governor including –

- (i) age,
- (ii) length of residence in the Bailiwick of Guernsey,
- (iii) strengths of connections with the Bailiwick of Guernsey,
- (iv) personal history, including character, conduct and employment record,
- (v) domestic circumstances,
- (vi) previous criminal record and the nature of any offence of which the person has been convicted
- (vii) any representations received on the person's behalf.

In the case of family members, the factors listed in paragraphs 365-368 will also be taken into account.

395D. No one shall be removed under section 10 if his removal would be contrary to the United Kingdom's obligations under the Convention and Protocol relating to the Status of Refugees or under the Human Rights Convention.

Procedure.

395E. When directions for a person's removal under section 10 have been given, a notice will be given to the person concerned informing him of the decision.

395F. Following the issue of such a notice an Immigration Officer may authorise detention or make an order restricting a person as to residence, employment or occupation and requiring him to report to the Police or an Immigration Officer, pending the removal.

396. Where a person is liable to deportation the presumption shall be that the public interest requires deportation.

397. A deportation order will not be made if the person's removal pursuant to the order would be contrary to the Bailiwick of Guernsey's obligations under the Human Rights Convention or the United Nations Convention and Protocol relating to the Status of Refugees. Where deportation would not be contrary to these obligations, it will only be in exceptional circumstances that the public interest in deportation is outweighed.

Deportation and Article 8.

398. Where a person claims that their deportation would be contrary to the Bailiwick of Guernsey's obligations under Article 8 of the Human Rights Convention, and

- (i) the deportation of the person from the Bailiwick of Guernsey is conducive to the public good because that person has been convicted of an offence for which that person has been sentenced to a period of imprisonment of at least 4 years, or
- (ii) the deportation of the person from the Bailiwick of Guernsey is conducive to the public good because that person has been convicted of an offence for which that person has been sentenced to a period of imprisonment of less than 4 years but at least 12 months, or
- (iii) the deportation of the person from the Bailiwick of Guernsey is conducive to the public good because, in the view of the Lieutenant Governor, that person's offending has caused serious harm or that person is a persistent offender who shows a particular disregard for the law,

the Lieutenant Governor in assessing that claim will consider whether paragraph 399 or 399A applies and, if it does not, it will only be in exceptional circumstances that the public interest in deportation will be outweighed by other factors.

399. This paragraph applies where paragraph 398(b) or (c) applies if –

- (i) the person has a genuine and subsisting parental

relationship with a child under the age of 18 years who is in the Bailiwick of Guernsey, and –

- (a) the child is a British Citizen, or
- (b) the child has lived in the Bailiwick of Guernsey continuously for at least the 7 years immediately preceding the date of the immigration decision; and in either case –
 - (A) it would not be reasonable to expect the child to leave the Bailiwick of Guernsey, and
 - (B) there is no other family member who is able to care for the child in the Bailiwick of Guernsey, or
- (ii) the person has a genuine and subsisting relationship with a partner who is in the Bailiwick of Guernsey and is a British Citizen, settled in the Bailiwick of Guernsey, or in the Bailiwick of Guernsey with valid leave to enter or remain as a refugee as result of the Bailiwick of Guernsey's obligations under Article 8 of the Human Rights Convention, and –
 - (a) the person has lived in the Bailiwick of Guernsey with valid leave continuously for at least the 15 years immediately preceding the date of the immigration decision (discounting any period of imprisonment), and
 - (b) there are insurmountable obstacles to family life with that partner continuing outside the Bailiwick of Guernsey.

399A. This paragraph applies where paragraph 398(b) or (c) applies if –

- (i) the person has lived continuously in the Bailiwick of Guernsey for at least 20 years immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he

would have to go if required to leave the Bailiwick of Guernsey, or

- (ii) the person is aged under 25 years, he has spent at least half of his life living continuously in the Bailiwick of Guernsey immediately preceding the date of the immigration decision (discounting any period of imprisonment) and he has no ties (including social, cultural or family) with the country to which he would have to go if required to leave the Bailiwick of Guernsey.

399B. Where paragraph 399 or 399A applies, limited leave may be granted for periods not exceeding 30 months. Such leave shall be given subject to such conditions as the Lieutenant Governor deems appropriate. Where a person who has previously been granted a period of leave under paragraph 399B would not fall for refusal under paragraph 322(1C), indefinite leave to remain may be granted.

400. Where a person claims that their removal under paragraphs 8 to 10 of Schedule 2 to the Immigration Act 1971, section 10 of the Immigration and Asylum Act 1999 or section 47 of the Immigration, Asylum and Nationality Act 2006 would be contrary to the Bailiwick of Guernsey's obligations under Article 8 of the Human Rights Convention, the Lieutenant Governor may require an application under paragraph 276ADE (private life). Where an application is not required, in assessing that claim the Lieutenant Governor or an immigration officer will, subject to paragraph 353, consider that claim against the requirements to be met under paragraph 276ADE and if appropriate the removal decision will be cancelled.

Commencement.

401. These Rules shall come into force on the twenty-fifth day of April 2008.

APPENDIX A: SPOUSES

1. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a spouse of another if either the applicant or the sponsor will be aged under 18 on the date of arrival in the Bailiwick of Guernsey or (as the case may be) on the date on which the leave to remain or variation of leave would be granted.

2. Nothing in these Rules shall be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the spouse of a man or woman ("**the sponsor**") if –

- (a) his or her marriage to the sponsor is polygamous, and
- (b) there is another person living who is the husband or wife of the sponsor and who –
 - (i) is, or at any time since his or her marriage to the sponsor has been, in the Bailiwick of Guernsey, or
 - (ii) has been granted a certificate of entitlement in respect of the right of abode mentioned in section 2(1)(a) of the Immigration Act 1988 or an entry clearance to enter the Bailiwick of Guernsey as the husband or wife of the sponsor.

For the purpose of this paragraph a marriage may be polygamous although at its inception neither party had any other spouse.

3. Paragraph 2 of this Appendix does not apply to any person who seeks entry clearance, leave to enter, leave to remain or variation of leave where –

- (a) he or she has been in the Bailiwick of Guernsey before 1st August 1993 having been admitted for the purpose of settlement as the husband or wife of the sponsor, or
- (b) he or she has, since their marriage to the sponsor, been in the Bailiwick of Guernsey at any time when there was no such other spouse living as is mentioned in paragraph 2(b) of this Appendix.

But where a person claims that paragraph 2 of this Appendix does not apply to him because he has been in the Bailiwick of Guernsey in circumstances which cause him

to fall within sub-paragraphs (a) or (b) of that paragraph, it shall be for him to prove that fact.

4. For the purposes of paragraphs 2 and 3 of this Appendix, the presence of any wife or husband in the Bailiwick of Guernsey in any of the following circumstances shall be disregarded –

- (a) as a visitor, or
- (b) as an illegal entrant, or
- (c) in circumstances whereby a person is deemed by virtue of section 11(1) of the Immigration Act 1971 not to have entered the Bailiwick of Guernsey.

SPOUSES OF PERSONS PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT

Requirements for leave to enter the Bailiwick of Guernsey with a view to settlement as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement.

5. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey with a view to settlement as the spouse of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement are that –

- (a) the applicant is married to a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement, and meets the requirements of one or more of items (i) to (vii) below –
 - (i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference), or
 - (ii) the applicant is aged 65 or over at the time he makes his application, or

- (iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i), or
 - (iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i), or
 - (v) the applicant is a national of a majority English speaking country, or
 - (vi) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA, or
 - (vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English, and
- (b) the parties to the marriage have met, and
 - (c) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting, and
 - (d) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
 - (e) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
 - (f) the applicant does not fall for refusal under the general grounds

for refusal, and

- (g) the applicant holds a valid entry clearance for entry in this capacity.

For the purposes of this paragraph and paragraphs 6 to 16 of this Appendix, a member of HM forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey, is to be regarded as present and settled in the Bailiwick of Guernsey.

Leave to enter as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted for settlement on the same occasion.

6. A person seeking leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement and who satisfies each of the requirements of paragraph 5 of this Appendix may be admitted for an initial period not exceeding 33 months.

Refusal of leave to enter as the spouse of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement.

7. Leave to enter the Bailiwick of Guernsey as the spouse of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 5 of this Appendix is met.

Requirements for leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey.

8. The requirements for leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey are that –

- (a) the applicant has limited leave to enter or remain in the Bailiwick of Guernsey which was given in accordance with any of the provisions of these Rules other than where as a result of that leave he would not have been in the Bailiwick of Guernsey beyond 6 months from the date on which he was admitted to the Bailiwick of Guernsey on this occasion in accordance with these Rules unless the leave in question is limited leave as a fiancé(e), and

- (b) the applicant is married to a person present and settled in the Bailiwick of Guernsey, and
- (c) the parties to the marriage have met, and
- (d) the applicant has not remained in breach of the immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded, and
- (e) the marriage has not taken place after a decision has been made to deport the applicant or he has been recommended for deportation or been given notice under section 6(2) to the Immigration Act 1971 or been given directions for his removal under section 10 of the Immigration and Asylum Act 1999, and
- (f) each of the parties intends to live permanently with the other as his or her spouse and the marriage is subsisting, and
- (g) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (h) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (i) the applicant meets the requirements of one or more of items (i) to (vii) below –
 - (i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference), or
 - (ii) the applicant is aged 65 or over at the time he makes his application, or
 - (iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i), or

- (iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i), or
- (v) the applicant is a national of a majority English speaking country, or
- (vi) has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the UK; the USA, or
- (vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English.

Extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey.

9. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey under paragraph 6 of this Appendix may be granted for a period not exceeding 30 months, provided the Lieutenant Governor is satisfied that the requirements of paragraph 8(b) to (i) of this Appendix are met.

10. An extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey other than under the provisions of paragraph 6 of this Appendix may be granted for a period not exceeding 30 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 8 of this Appendix is met.

11. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey who has been granted leave to remain under paragraph 10 of this

Appendix may be granted for a further period not exceeding 30 months, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 8 of this Appendix is met.

Refusal of extension of stay as the spouse of a person present and settled in the Bailiwick of Guernsey.

12. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey, under the provisions of paragraph 9 of this Appendix, is to be refused if the Lieutenant Governor is not satisfied that the requirements of paragraph 8(b) to (i) of this Appendix are met.

13. Leave to remain as the spouse of a person present and settled in the Bailiwick of Guernsey, made under the provisions of paragraph 10 or paragraph 11 of this Appendix, is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 8 of this Appendix is met.

Requirements for indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey.

14. (a) The requirements for indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey are that –

- (i) (A) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period in accordance with paragraphs 5 to 13 of this Appendix and has completed a period of 60 months as the spouse of a person present and settled in the Bailiwick of Guernsey, or
- (B) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period in accordance with paragraphs 28 to 37 of this Appendix and during that 60 month period married the person whom he or she was admitted or granted leave to remain to join and has completed a period of 60 months as the unmarried partner and then the spouse of a person present and settled in the Bailiwick of Guernsey, and
- (ii) the applicant is still the spouse of the person he or she was admitted or granted leave to remain to join and the marriage is subsisting, and

- (iii) each of the parties intends to live permanently with the other as his or her spouse, and
- (iv) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (v) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (vi) the applicant has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B, and
- (vii) the applicant does not fall for refusal under the general grounds for refusal.

(b) The requirements for indefinite leave to remain for the bereaved spouse of a person who was present and settled in the Bailiwick of Guernsey are that—

- (i) (A) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period as the spouse of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 5 to 13 of this Appendix, or
 - (B) the applicant was admitted to the Bailiwick of Guernsey or given leave to remain for a period as the unmarried partner of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 28 to 37 of this Appendix and during that 60 month period married the person whom he or she was admitted or granted leave to remain to join, and
- (ii) the person whom the applicant was admitted or granted leave to remain to join died during that period, and
- (iii) the applicant was still the spouse of the person he or she was admitted or granted leave to remain to join at the time of the death, and
- (iv) each of the parties intended to live permanently with the other

as his or her spouse and the marriage was subsisting at the time of death, and

- (v) he does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey.

15. Indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 14 of this Appendix is met.

Refusal of indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey.

16. Indefinite leave to remain for the spouse of a person present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 14 of this Appendix is met.

Requirements for indefinite leave to remain in the Bailiwick of Guernsey as the victim of domestic violence.

17. The requirements to be met by a person who is the victim of domestic violence and who is seeking indefinite leave to remain in the Bailiwick of Guernsey are that –

- (a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period as –
 - (i) the spouse of a person present and settled here, or
 - (ii) the unmarried partner of a person present and settled here, and
- (b) the applicant's relationship with his or her spouse or unmarried partner, as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in subparagraph (a)(i) or (ii) above, and
- (c) the applicant is able to produce such evidence as may be required by the Lieutenant Governor to establish that the relationship was caused to permanently break down before the

end of that period as a result of domestic violence, and

- (d) the applicant does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain as the victim of domestic violence.

18. Indefinite leave to remain as the victim of domestic violence may be granted provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 17 of this Appendix is met.

Refusal of indefinite leave to remain as the victim of domestic violence.

19. Indefinite leave to remain as the victim of domestic violence is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 17 of this Appendix is met.

20. If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic violence only because paragraph 322(1C)(c) or (d) of these Rules applies, the applicant may be granted further limited leave to remain for a period not exceeding 30 months subject to such conditions as the Lieutenant Governor deems appropriate.

FIANCÉ(E)S

21. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as a fiancé(e) if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the Bailiwick of Guernsey or (as the case maybe) on the date on which the leave to enter or variation of leave would be granted.

Requirements for leave to enter the Bailiwick of Guernsey as a fiancé(e) (i.e. with a view to marriage and permanent settlement in the Bailiwick of Guernsey).

22. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey as a fiancé(e) are that –

- (a) the applicant is seeking leave to enter the Bailiwick of Guernsey for marriage to a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement, and
- (b) the parties to the proposed marriage have met, and

- (c) each of the parties intends to live permanently with the other as his or her spouse after the marriage, and
- (d) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage, and
- (e) there will, after the marriage, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (f) the parties will be able after the marriage to maintain themselves and any dependants adequately without recourse to public funds, and
- (g) the applicant meets the requirements of one or more of items (i) to (vii) below –
 - (i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference), or
 - (ii) the applicant is aged 65 or over at the time he makes his application, or
 - (iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i), or
 - (iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i), or
 - (v) the applicant is a national of a majority English speaking country, or
 - (vi) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is

deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America, or

(vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English, and

(h) the applicant holds a valid entry clearance for entry in this capacity.

Leave to enter as a fiancé(e).

23. A person seeking leave to enter the Bailiwick of Guernsey as a fiancé(e) may be admitted, with a prohibition on employment, for a period not exceeding 6 months to enable the marriage to take place provided a valid entry clearance for entry in this capacity is produced to the Immigration Officer on arrival.

Refusal of leave to enter as a fiancé(e).

24. Leave to enter the Bailiwick of Guernsey as a fiancé(e) is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival.

Requirements for an extension of stay as a fiancé(e).

25. The requirements for an extension of stay as a fiancé(e) are that –

- (a) the applicant was admitted to the Bailiwick of Guernsey with a valid entry clearance as a fiancé(e), and
- (b) good cause is shown why the marriage did not take place within the initial period of leave granted under paragraph 23, and

- (c) there is satisfactory evidence that the marriage will take place at any early date, and
- (d) the requirements of paragraph 22(b) to (h) of this Appendix are met.

Extension of stay as a fiancé(e).

26. An extension of stay as a fiancé(e) may be granted for an appropriate period with a prohibition on employment to enable the marriage to take place provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 25 of this Appendix is met.

Refusal of extension of stay as a fiancé(e).

27. An extension of stay is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 25 of this Appendix is met.

UNMARRIED PARTNERS

LEAVE TO ENTER AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT

28. Nothing in these Rules shall be construed as permitting a person to be granted entry clearance, leave to enter or variation of leave as an unmarried partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in the Bailiwick of Guernsey or (as the case may be) on the date on which the leave to enter or variation of leave would be granted.

Requirements for leave to enter the Bailiwick of Guernsey with a view to settlement as the unmarried partner of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement.

29. The requirements to be met by a person seeking leave to enter the Bailiwick of Guernsey with a view to settlement as the unmarried partner of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement, are that –

- (a) the applicant is the unmarried partner of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement and the parties have

been living together in a relationship akin to marriage which has subsisted for two years or more, and

- (b) the applicant meets the requirements of one or more of items (i) to (vii) below –
- (i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference), or
 - (ii) the applicant is aged 65 or over at the time he makes his application, or
 - (iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i), or
 - (iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i), or
 - (v) the applicant is a national of a majority English speaking country, or
 - (vi) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America, or
 - (vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard

of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English, and

- (c) any previous marriage (or similar relationship) by either partner has permanently broken down, and
- (d) the parties are not involved in a consanguineous relationship with one another, and
- (e) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (f) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (g) the parties intend to live together permanently, and
- (h) the applicant does not fall for refusal under the general grounds for refusal, and
- (i) the applicant holds a valid entry clearance for entry in this capacity.

For the purposes of this paragraph and paragraphs 30 to 40 of this Appendix, a member of HM forces serving overseas, or a permanent member of HM Diplomatic Service or a comparable UK based staff member of the British Council on a tour of duty abroad, or a staff member of the Department for International Development who is a British citizen or is settled in the Bailiwick of Guernsey, is to be regarded as present and settled in the Bailiwick of Guernsey.

Leave to enter the Bailiwick of Guernsey with a view to settlement as the unmarried partner of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement.

30. A person seeking leave to enter the Bailiwick of Guernsey as the unmarried partner of a person present and settled in the Bailiwick of Guernsey or who is on the same occasion being admitted for settlement and who satisfies each of the requirements of paragraph 29 of this Appendix may be admitted for an initial period not exceeding 33 months.

Refusal of leave to enter the Bailiwick of Guernsey with a view to settlement as the unmarried partner of a person and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement.

31. Leave to enter the Bailiwick of Guernsey with a view to settlement as the unmarried partner of a person present and settled in the Bailiwick of Guernsey or being admitted on the same occasion for settlement, is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph 29 of this Appendix is met.

LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY

Requirements for leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey.

32. The requirements to be met by a person seeking leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey are that –

- (a) the applicant has limited leave to enter or remain in the Bailiwick of Guernsey which was given in accordance with any of the provisions of these Rules, other than where as a result of that leave he would not have been in the Bailiwick of Guernsey beyond 6 months from the date on which he was admitted to the Bailiwick of Guernsey on this occasion in accordance with these Rules, and
- (b) any previous marriage (or similar relationship) by either partner has permanently broken down, and
- (c) the applicant is the unmarried partner of a person who is present and settled in the Bailiwick of Guernsey, and
- (d) the applicant has not remained in breach of the immigration laws, except that any period of overstaying for a period of 28 days or less will be disregarded, and
- (e) the parties are not involved in a consanguineous relationship with one another, and
- (f) the parties have been living together in a relationship akin to marriage which has subsisted for two years or more, and

- (g) the parties' relationship pre-dates any decision to deport the applicant, recommend him for deportation, give him notice under section 6(2) of the Immigration Act 1971, or give directions for his removal under section 10 of the Immigration and Asylum Act 1999, and
- (h) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (i) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (j) the parties intend to live together permanently, and
- (k) the applicant meets the requirements of one or more of items (i) to (vii) below –
 - (i) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Lieutenant Governor, which clearly shows the applicant's name and the qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference), or
 - (ii) the applicant is aged 65 or over at the time he makes his application, or
 - (iii) the applicant has a physical or mental condition that would prevent him from meeting the requirement in item (i), or
 - (iv) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement in item (i), or
 - (v) the applicant is a national of a majority English speaking country, or
 - (vi) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is

deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America, or

- (vii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the UK, and UK NARIC has confirmed that the qualification was taught or researched in English.

Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey.

33. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey under paragraph 30 of this Appendix may be granted for a period not exceeding 30 months, provided the Lieutenant Governor is satisfied that the requirements of paragraph 32(b) to (k) of this Appendix are met.

34. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey who entered the Bailiwick of Guernsey other than under the provisions of paragraph 30 of this Appendix may be granted for a period not exceeding 30 months in the first instance, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 32 of this Appendix is met.

35. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey who has been granted leave to remain under paragraph 34 of this Appendix may be granted for a further period not exceeding 30 months, provided the Lieutenant Governor is satisfied that each of the requirements of paragraph 32 of this Appendix is met.

Refusal of leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey.

36. Leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey, under the provisions of paragraph 33 of this Appendix, is to

be refused if the Lieutenant Governor is not satisfied that the requirements of paragraph 32(b) to (k) of this Appendix are met.

37. An extension of stay as the unmarried partner of a person present and settled in the Bailiwick of Guernsey, made under the provisions of paragraph 34 or paragraph 35 of this Appendix, is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 32 of this Appendix are met.

INDEFINITE LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY

Requirements for indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey.

38. The requirements to be met by a person seeking indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey are that –

- (a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period in accordance with paragraphs 28 to 37 of this Appendix and has completed a period of 60 months as the unmarried partner of a person present and settled here, and
- (b) the applicant is still the unmarried partner of the person he was admitted or granted an extension of stay to join and the relationship is still subsisting, and
- (c) each of the parties intends to live permanently with the other as his partner, and
- (d) there will be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively, and
- (e) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (f) the applicant has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey in accordance with Appendix B, and
- (g) the applicant does not fall for refusal under the general grounds

for refusal.

Indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey.

39. Indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 38 of this Appendix is met.

Refusal of indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey.

40. Indefinite leave to remain as the unmarried partner of a person present and settled in the Bailiwick of Guernsey is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 38 of this Appendix is met.

INDEFINITE LEAVE TO REMAIN FOR THE BEREAVED UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN THE BAILIWICK OF GUERNSEY

Requirements for indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey.

41. The requirements to be met by a person seeking indefinite leave to remain as the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey , are that –

- (a) the applicant was admitted to the Bailiwick of Guernsey or given an extension of stay for a period as the unmarried partner of a person present and settled in the Bailiwick of Guernsey in accordance with paragraphs 28 to 37 of of this Appendix, and
- (b) the person whom the applicant was admitted or granted an extension of stay to join died during that period, and
- (c) the applicant was still the unmarried partner of the person he was admitted or granted an extension of stay to join at the time of death, and
- (d) each of the parties intended to live permanently with the other as his partner and the relationship was subsisting at the time of the death, and

- (e) the applicant does not fall for refusal under the general grounds for refusal.

Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey.

42. Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey, may be granted provided that the Lieutenant Governor is satisfied that each of the requirements of paragraph 41 of this Appendix is met.

Refusal of indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey.

43. Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in the Bailiwick of Guernsey, is to be refused if the Lieutenant Governor is not satisfied that each of the requirements of paragraph 41 of this Appendix is met.

APPENDIX B: KNOWLEDGE OF LANGUAGE AND LIFE

PART 1 GENERAL

1.1 Purpose

This Appendix sets out the way in which an applicant for leave to enter or remain must demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey where it is a requirement of the Rules to demonstrate this for the purposes of an application for indefinite leave to enter or remain. It also sets out general exemptions to the requirement on grounds of age and enables the decision maker to waive the requirement in light of special circumstances in any particular case.

This Appendix also sets out the way in which an applicant for leave to enter or remain must show that the applicant is a national of a country, where it is a requirement of the Rules to prove this for the purposes of an application for indefinite leave to enter or remain.

Further, this Appendix also sets out a document that is required to be provided where any provision of these Rules requires an applicant for leave to enter or remain to prove that the applicant has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom (for example, as a condition to be met).

In this Appendix, "**specified document**", in relation to any requirement, means the document specified in Part IV of this Appendix for the purposes of the requirement.

PART 2 KNOWLEDGE OF LANGUAGE AND LIFE

2.1 An applicant for leave to enter or remain has demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey for the purpose of an application for indefinite leave to enter or remain made under these Rules if, and only if, the requirements set out in paragraphs 2.2 and 2.3 of this Appendix are met, unless the exceptions set out in Part 3 of this Appendix apply.

2.2 For the purposes of paragraph 2.1 of this Appendix, an applicant has sufficient knowledge of the English language if –

- (a) one of the following conditions is satisfied –

- (i) the applicant is a national of a majority English speaking country, or
- (ii) the applicant has passed an English language test in speaking and listening at a minimum level B1 of the Common European Framework of Reference for Languages with a provider approved by the Lieutenant Governor, or
- (iii) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, from an educational establishment in one of the following countries: Antigua and Barbuda; Australia; The Bahamas; Barbados; Belize; Dominica; Grenada; Guyana; Ireland; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and The Grenadines; Trinidad and Tobago; the United Kingdom; the USA, or
- (iv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and UK NARIC has confirmed that the qualification was taught or researched in English, or
- (v) the applicant has taken and passed in England, Wales or Northern Ireland a qualification in English for Speakers of Other Languages (ESOL) which –
 - (A) includes speaking and listening, and
 - (B) is at ESOL Entry level 3, level 1, level 2 or level 3, and
 - (C) is regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), the Welsh Government or the Council for Curriculum, Examinations and Assessment (CCEA), and

- (D) is listed as an ESOL qualification on the Register of Regulated Qualifications, or
- (vi) the applicant has passed in Scotland a National Qualification in English for Speakers of Other Languages at Scottish Credit and Qualifications Framework (SCQF) level 4, 5 or 6 awarded by the Scottish Qualifications Authority, or
- (b) the applicant –
 - (i) has limited leave to enter or remain in the Bailiwick of Guernsey, and
 - (ii) that leave (or a grant of leave which preceded it provided any periods of leave since have been unbroken) was given on the basis that the applicant had an English language qualification at a minimum level of B1 on the Common European Framework of Reference for Languages.

2.3 For the purposes of paragraph 2.1 of this Appendix, an applicant has demonstrated sufficient knowledge about life in the United Kingdom and Bailiwick of Guernsey if the applicant has provided the specified document to prove that –

- (a) the applicant has passed the test known as the "Life in the UK test" administered by learndirect Limited, or
- (b) in respect of an applicant who was resident in the Isle of Man, the applicant took and passed the test in the Isle of Man known as the "Life in the UK test" and which was administered by an educational institution or other person approved by the Lieutenant Governor, or
- (c) in respect of an applicant who was resident in the Bailiwick of Guernsey or in the Bailiwick of Jersey, the applicant took and passed the test known as the "Citizenship Test" and which was administered by an educational institution or other person approved by the Lieutenant

Governor of Guernsey or Jersey (as the case may be).

PART 3 EXCEPTIONS

3.1 Notwithstanding any requirement to the contrary in these Rules, for the purposes of this appendix, an applicant will not be required to demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey where –

- (a) the applicant is under 18 years of age at the date of his application, or
- (b) the applicant is at least 65 years of age at the date of his application, or
- (c) in all the circumstances of the case, the decision maker considers that, because of the applicant's mental or physical condition, it would be unreasonable to expect the applicant to fulfil that requirement.

3.2 In the following circumstances, an applicant will be deemed to have demonstrated sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey where –

- (a) the application for indefinite leave to remain in the Bailiwick of Guernsey is made under –
 - (i) paragraph 196D of these Rules and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years as the spouse of a person who has or has had leave to enter or remain under paragraphs 128 to 193 of these Rules, or
 - (ii) paragraph 198 of these Rules and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years as the child of a person who has or has had leave to enter or remain in the Bailiwick of Guernsey under paragraphs 128 to 193 of these Rules, or

- (iii) paragraph 248D of these Rules and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years as a person exercising rights of access to a child resident in the Bailiwick of Guernsey and that child is under the age of 18 at the day on which the applicant's application for indefinite leave is made under paragraph 248D of these Rules, or
- (iv) [not used]
- (v) [not used]
- (vi) paragraph 14 of Appendix A and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years under paragraph 5 of Appendix A, or
- (vii) paragraph 38 of Appendix A and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years under paragraph 30 of Appendix A or paragraph 32 of Appendix A, or
- (viii) paragraph 298 of these Rules and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years under paragraph 302 of these Rules, or
- (ix) [not used]
- (x) [not used]
- (xi) paragraphs 14 to 16 or paragraphs 38 to 40 of Appendix A and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in the Bailiwick of Guernsey for at least 15 years on the day on which the application is made as a spouse or unmarried partner (except where leave is as a fiancé(e)) under paragraphs 5 to 13 and 28 to 37 of Appendix A,

- (xii) [not used], and
- (b) the applicant has provided the specified document to prove that he has attained an English language speaking and listening qualification at A2 CEFR or ESOL entry level 2 or Scottish Credit and Qualification Framework level 3, and
- (c) the applicant has provided the specified document from a qualified English teacher to prove that the applicant has made efforts to learn English but does not yet have sufficient knowledge of the English language to pass a qualification at B1 CEFR, or ESOL entry level 3 or Scottish Credit and Qualification Framework level 4, and
- (d) the applicant is not a national of a majority English speaking country.

PART 4 SPECIFIED DOCUMENTS

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4.1 Where these Rules require an applicant to demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Bailiwick of Guernsey, the applicant must supply the documents specified in paragraphs 4.7 to 4.15 of this Appendix.

4.2 The decision maker will only consider evidence submitted after the date on which an application is made where the circumstances in paragraph 4.3 or paragraph 4.6 of this Appendix apply.

4.3 Where an applicant –

- (a) has submitted a document in the wrong format (for example, if a letter is not on letterhead paper as specified), or
- (b) has submitted a document that is a copy and not an original document, or
- (c) has submitted a document which does not contain all of the specified information, or
- (d) fails to submit a specified document,

the decision maker may contact the applicant or his or her representative (in writing or otherwise), and request the document or the correct version of the document. The document must be received by the Immigration and Nationality Division of the States of Guernsey at the address specified in the request within such time (which will not be unreasonable) as is specified.

4.4 A decision maker may decide not to request a document under paragraph 4.3 where he does not anticipate that the supply of that document will lead to a grant of leave to enter or remain in the Bailiwick of Guernsey because the application may be refused for other reasons.

4.5 Without prejudice to the decision maker's discretion under paragraph 4.3 of this Appendix and also his right in all cases to request the original or specified document and refuse an application in circumstances in which they are not provided, where an applicant submits a specified document –

- (a) in the wrong format, or
- (b) which is a copy and not an original document, or
- (c) which does not contain all of the specified information but the missing information is verifiable from –
 - (i) other documents submitted with the application, or
 - (ii) the website of the organisation which issued the document, or
 - (iii) the website of the appropriate regulatory body,

the application for leave to enter or remain in the Bailiwick of Guernsey may be granted exceptionally providing the decision maker is satisfied that the specified documents are genuine and that the applicant meets all the other requirements.

4.6 Where the decision maker is satisfied that there is a valid reason why a document has not been and cannot be supplied, (for example, because the document has been permanently lost or destroyed), he may waive the requirement for the document to be provided or may instead request alternative or additional evidence (which may include confirmation of evidence from the organisation which issued the original document).

4.7 The document required to be provided to prove the matters in paragraph 2.2 of this Appendix is –

- (a) in the case of paragraph 2.2(a)(ii) –
 - (i) a certificate that –
 - (A) is from an English language test provider approved by the Lieutenant Governor and is in respect of a test approved by the Lieutenant Governor, and
 - (B) shows the applicant's name, and
 - (C) shows the qualification obtained, and
 - (D) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference, and
 - (E) shows the date of award of the qualification, or
 - (ii) a print out of the online score from a PTE Academic (Pearson) test which –
 - (A) is from an English language test provider approved by the Lieutenant Governor, and
 - (B) is in respect of a test approved by the Lieutenant Governor, and
 - (C) can be used to show the qualification obtained, and
 - (D) shows that the level of speaking and listening skills attained by the applicant met or exceeded level B1 of the Common European Framework of Reference, and
- (b) in the case of paragraph 2.2.(a)(v), a certificate or other document issued by an awarding organisation that is recognised either by Ofqual, the Welsh Government, or the Council for the Curriculum, Examinations and Assessment (CCEA) that –

- (i) is issued in England, Wales or Northern Ireland in respect of a qualification listed as an ESOL qualification in the OFQUAL Register of Regulated Qualifications, and
 - (ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded ESOL entry level 3, and
- (c) in the case of paragraph 2.2.(a)(vi), a certificate that –
- (i) is issued in Scotland in respect of a National Qualification in English for Speakers of Other Languages awarded by the Scottish Qualifications Authority, and
 - (ii) shows that the level of speaking and listening skills attained by the applicant met or exceeded Scottish Credit and Qualifications Framework level 4.

4.8 Subject to paragraphs 4.9 and 4.10 of this Appendix, where a provision of these Rules requires an applicant for leave to enter or remain to prove that the applicant is a national of a country (for example, as a condition to be met), a valid passport or travel document which satisfactorily establishes the applicant's nationality must be provided.

4.9 If the applicant cannot provide the applicant's passport or travel document, other evidence of nationality of the type described in paragraph 4.10 of this Appendix may exceptionally be supplied in the following circumstances (the reason for which must be indicated by the applicant on their application form), where –

- (a) the applicant's passport has been lost or stolen, or
- (b) the applicant's passport has expired and has been returned to the relevant authorities, or
- (c) the applicant's passport is being kept by any of the immigration authorities of the United Kingdom, the Isle of Man, the Bailiwick of Jersey or the Bailiwick of Guernsey.

4.10 Where paragraph 4.9 of this Appendix applies, the alternative evidence specified for the purposes of establishing the applicant's nationality is –

- (a) a valid national identity document, or
- (b) an original letter from the applicant's Home Government or Embassy confirming the applicant's full name, date of birth and nationality.

4.11 Where any provision of these Rules requires an applicant for leave to enter or remain to prove that the applicant has obtained an academic qualification which is deemed by UK NARIC to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom (for example, as a condition to be met), the following document must be provided –

- (a) a certificate issued by the relevant institution confirming the award of the academic qualification and showing –
 - (i) the applicant's name,
 - (ii) the title of the award,
 - (iii) the date of the award,
 - (iv) the name of the awarding institution, and
 - (v) where the provision requires confirmation by UK NARIC that the qualification was taught or researched in English, a statement that the qualification was so taught or researched, or
- (b) where an applicant has not, at the date of application, formally graduated or no longer has his certificate and is unable to obtain a duplicate certificate –
 - (i) an original academic reference from the institution awarding the academic qualification that –
 - (A) is on official letter headed paper, and
 - (B) shows the applicant's name, and
 - (C) shows the title of the award, and
 - (D) where the provision requires confirmation by

UK NARIC that the qualification was taught or researched in English, states that the qualification was so taught or researched, and

- (E) states when the academic qualification was (or as the case may be, will be) awarded, and
 - (F) confirms that the institution is unable to issue a duplicate certificate of award or (as the case may be in respect of an applicant who has not yet graduated) the date on which the certificate will be issued, or
- (ii) an original academic transcript that –
- (A) is on official letter headed paper, and
 - (B) shows the applicant's name, and
 - (C) shows the name of the academic institution, and
 - (D) shows the course title, and
 - (E) where the provision requires confirmation by UK NARIC that the qualification was taught or researched in English, states that the qualification was so taught or researched, and
 - (F) confirms the award given.

4.12 In the absence of any evidence to the contrary, a qualification obtained in one of the following countries will be assumed for the purposes of this Appendix to have been taught or researched in English: Antigua and Barbuda, Australia, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Ireland, Jamaica, New Zealand, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Trinidad and Tobago, the United Kingdom or the USA.

4.13 The documents specified for the purposes of paragraph 3.2(b) (evidence of English language speaking and listening) of this Appendix are the same as those specified for the purposes of paragraph 2.2(a)(vi) and (vii), respectively, of this Appendix, except that –

- (a) a reference to B1 is to be read as a reference to A2,

- (b) a reference to ESOL level Entry 3, level 1, level 2 or level 3 are to be read as references to ESOL Entry level 2, and
- (c) a reference to the Scottish Credit and Qualification Framework Level 4, 5 or 6 is to be read as a reference to the Scottish Qualification Framework Level 3.

4.14 (a) The document specified for the purposes of paragraph 3.2(c) (evidence from qualified English teacher) of this Appendix is a letter from the teacher which is signed by him and dated no more than 3 months before the date on which the application for indefinite leave to remain is made and which includes the following information –

- (i) the applicant's name, and
- (ii) confirmation that the applicant has attended an English language class taught by that teacher for at least 75 guided learning hours and which was taught during the period of 12 months immediately preceding the date on which the application for indefinite leave to remain was made, and
- (iii) confirmation that the teacher has assessed that the speaking and listening level attained by the applicant is not at B1 level or above, and
- (iv) confirmation that the applicant is considered unlikely to attain B1 level through further study, and
- (v) confirmation of the teacher's qualifications as an English language teacher within the meaning of this Appendix.

(b) For the purposes of subparagraph (a)(ii) "**guided learning hours**" means the time during which a person is taught or given instruction.

4.15 The document specified for the purposes of paragraph 2.3 of this Appendix is –

- (a) a pass notification letter issued by learndirect Limited in respect of the test known as the "Life in the UK test", or

- (b) where the "Life in the UK test" was taken and passed in the Isle of Man, a pass certificate in respect of the test issued by the relevant educational institution or other person approved by the Lieutenant Governor, or
- (c) where the "Citizenship test" was taken in the Bailiwick of Guernsey or, as the case may be, in the Bailiwick of Jersey, a pass certificate issued by the relevant educational institution or other person approved by the Lieutenant Governor of Guernsey or Jersey (as the case may be).

PART 5 INTERPRETATION

5.1 For the purposes of this Appendix "**decision maker**" means the Lieutenant Governor, an Immigration Officer or Entry Clearance Officer.

5.2 For the purposes of this Appendix, "**qualified English language teacher**" means a person who holds a qualification in teaching English as a foreign language or in teaching English to speakers of other languages which was awarded by an awarding organisation regulated by OFQUAL or the Welsh Government or the Council for the Curriculum, Examinations and Assessment (CCEA) or the Scottish Qualification Authority.

EXPLANATORY NOTE

These Rules repeal and replace the Rules at present in force in the Bailiwick of Guernsey. They make provision as to the practice to be followed in the administration of the Immigration Acts 1971, 1988 and 1999 as extended to this Bailiwick, for regulating entry into and the stay in the Bailiwick of Commonwealth citizens, British protected persons, nationals of member states of the European Economic Area, nationals of foreign states outside the European Economic Area and stateless persons. Any reference to a time factor or to a duration of stay has been included with the concurrence of the Lieutenant Governor. The new Rules closely follow the United Kingdom "Statement of Changes in Immigration Rules".