

## **Introduction of the Population Management Regime – Frequently Asked Questions\***

If you have a question that is not answered here please email: [population@gov.gg](mailto:population@gov.gg)

<b>Area of Interest</b>	<b>Question</b>	<b>Answer</b>
Local	Is it true that all the Open Market residents will be able to live in the Local Market once they have been here 8 years?	No. After the commencement of the new Law anyone who has lived lawfully in the Local Market for 8 consecutive years will become an “Established Resident”, which means that they are able to occupy Local Market accommodation free of restrictions. This does not apply to Open Market residents. As now, residence in Open Market properties does not generally count towards residential qualifications.
Local	I was born and educated in Guernsey but have lived overseas for the last 10 years. Can I still return and live in the Local Market?	This depends on a number of factors, including: your birth date; your parents' residential status; whether you lived in Open or Local Market properties; and how long you lived in Guernsey. Your best option is to contact the Population Management Office/Housing Control for advice.
Local	I understand that the new law contains ‘birthright’ provisions. I come from an old Guernsey family; my grandparents, parents and I were all born in Guernsey. I currently live in the UK but would like to move back to the island. Can I have a Permanent Resident Permit?	Unless you have already gained residential qualifications through living in Guernsey for a period of 10 years in a 20-year period, you have no automatic right to return to occupy Local Market accommodation in your own right and the new Law will not change that situation. The new ‘Birthright’ provision will only apply to children born on or after the new Law comes into force.

\* The information provided here is necessarily provisional, as the States have not yet approved the relevant legislation. It is set out for general guidance purposes only, and does not constitute advice, or a decision or determination, about any person's individual circumstances or status. If you have any concerns or queries about your own circumstances you should contact the Housing Control Office.

Local	I am a Guernseyman serving in the Armed Forces. I was born and educated in the island. I have a daughter aged 8 who was born outside Guernsey whilst I have been serving. What rights does she have under the new regime?	The States has already agreed that some absences from the Island will be treated as a continuation of Guernsey residence. It is likely that time serving in the Armed Forces will be one of these agreed absences, but this is a matter of policy, not law, and the details of policies such as this won't be agreed until closer to the commencement date of the new Law. If you leave your contact details with Housing Control, we will contact you to let you know what has been agreed once the policies are in place.
Owners of Open Market Family Homes	I am elderly and need a live-in carer. Will he/she still be able to live with me?	You will still be able to accommodate a carer when the new regime is in place. However, in future, it is likely that your carer will be permitted to stay for a maximum period of 5 years. The only exception to this would be if he/she has already completed 5 years' residence in Guernsey at the commencement of the new law, in which case he/she will be able to remain in your household as your carer indefinitely or if you are able to make a case that the post warrants a long-term Employment Permit. If you live alone but for your carer it may also be possible for him/her to be granted a Permit on the basis of ongoing companionship.
Owners of Open Market Family Homes	I am an elderly widow and I have a companion who lives with me. Will she still be able to do so?	Yes, she will, provided your relationship continues to be one of mutual companionship and support and she is the only person living with you in this capacity.
Owners of Open Market Family Homes	My sister in UK has just died and there is no one to look after her 2 children. I want them to come and live with me. Will that be allowed?	Nieces and nephews are not defined as "immediate family members", which means that they have no automatic right to live with you but the Population Management Office will consider an application to enable them to take up residence in your home. Whilst it is not possible to pre-empt any future decision, the intention is that such applications will be dealt with compassionately and pragmatically.

Owners of Open Market Family Homes	My carer lives with me and works for me part-time. She wants to do some other work to supplement her income. Can she?	<p>If your carer works for you only part-time, she will be treated as a lodger and not as an employee. The new Law will allow you to have one lodger with no entitlement to live in Guernsey, but if your carer has not yet lived in Guernsey for 5 years, she will be expected to leave your accommodation when she has completed 5 years' residence. If she has already been in Guernsey for more than 5 years, she will be able to stay living as your lodger for as long as this arrangement works for you both.</p> <p>While she is living as your lodger, your part-time carer is able to take on other employment to supplement her income if she wants to.</p>
Owners of Open Market Family Homes	I have a lovely UK couple as lodgers. Can they stay or, if not, when would they have to leave?	<p>It depends on how long your lodgers have lived in Guernsey. If they have already been in Guernsey for 5 years or more, then they will be able to continue to live with you as your lodgers for as long as you all want. If, however, they have lived in Guernsey for a shorter period, they will need to leave your household when they reach 5 years' residence in the Island.</p>
Owners of Open Market Family Homes	My butler has been with me for 4 years and is an integral member of our household. I will be lost without him if he has to leave at 5 years. Can you help?	<p>If you can demonstrate that the position of butler in your household is sufficiently essential to warrant a Long-Term Employment Permit, then he will be able to stay in your employ for as long as you both wish. The Population Management Office will be able to give advice on making such an application.</p>
Owners of Open Market Family Homes	I need at least two lodgers to supplement my income. I understand that the new regulations will only allow me one. Is there any way round this?	<p>The new Law will allow you to have only one lodger with no entitlement to live in Guernsey but if you can find a lodger who does not have to live in Open Market accommodation – for example someone with an Employment Permit – then you could allow that person to live with you too, although he/she would have to move out when his/her Permit expires.</p>

Owners of Open Market Part A dwellings moving to Part D of the Register	If I wish to in the future could I revert to Part A?	Yes, provided the property is being used as a private family home.
Owners of Open Market Part A dwellings moving to Part D of the Register	I bought an Open Market Residential property on 12 May 2013 complete with 3 tenants. What will be the impact on them when the new Law commences?	This depends on the length of your tenants' residence and also on any decisions you may make about the status of the property. Assuming that the property was in multiple occupation on 10 May 2013, and that your 3 tenants (or replacements) are in situ when the new law commences, then the property will be moved to Part D of the Open Market Housing Register, which means it will become a lodging house. A tenant who has lived in Guernsey for less than 5 years at the point of commencement of the new law will be able to live in the property until he reaches 5 years' residence in Guernsey, at which point he will have to vacate. A tenant who has already completed more than 5 years' residence will be able to stay in the property indefinitely, provided it remains on Part D of the Open Market Register.
Essential Licence Holders	I am 8 years into a 15 year licence with a local firm. It has proved extremely difficult finding accommodation that meets the TRP restrictions of my licence. Will the new regime help?	Yes, it will. Under the new regime there will be no TRP restrictions on Permits. Furthermore, if you have lived lawfully in Local Market accommodation for the past 8 consecutive years, when the new Law commences you will become an Established resident and will no longer have any employment or accommodation restrictions.
Essential Licence Holders	I am currently employed on a 5 year licence which will expire in March 2017. Will I be able to stay in the island once it expires?	Assuming there is no change to the length of your licence, you will be expected to vacate Local Market accommodation upon its expiry in March 2017.

Short-term Licence holders	<p>I have come to the island for 9 months each year for the past 8 years to work in a restaurant. Can I still come?</p>	<p>Yes, you can but the rules will be different in future. After your current licence expires you will need to leave Guernsey for a period of at least 12 months. After that, you may apply for a Short-Term Employment Permit with a maximum duration of 1 year. If you are granted such a Permit, you will need to leave the Island for a 12-month period before any further Permits can be granted. This is the only future pattern of residence that will be possible for you. If you stay away from Guernsey for 3 consecutive years, you will not be able to return under a Short-Term Permit at any point in the future.</p>
Employers of Short-term Licence holders	<p>I run a local plant-breeding business which exports worldwide and do a lot of work with schools encouraging interest in plants. I have a member of staff who has worked for me for nearly 3 years on a short-term licence and whose plant skills are unique and irreplaceable. What are my options to hold on to this person going forward?</p>	<p>You have more than one option, depending on how long you want to retain this person's services. The new law will allow Short-Term Employment Permits – the equivalent of your employee's existing short-term housing licence – to be issued annually for up to 5 consecutive years, provided you can demonstrate an inability to recruit locally to the post in question. Therefore, you could potentially keep this employee for a further 2 years, provided that he/she does not need to take a break in residence before the commencement of the new law.</p> <p>If, however, you are seeking to retain him/her for a longer period, then you would need to demonstrate that the post warrants a long-term Employment Permit. Guidance on the criteria you would need to satisfy for this can be obtained from Housing Control/the Population Management Office.</p>

Employers of Short-term Licence holders	<p>I run a local horticultural business and employ 10 staff on short-term licences. They currently work 9 months on/3 months off, which works well with our growing season. If I can only employ them on a 1 year on/1 year off basis I will not be able to build the skill levels that I need. What can I do?</p>	<p>You will have the option to apply for 1-year licences for up to 5 consecutive years, provided you can demonstrate an inability to recruit locally to the posts in question. If it suits your business model better, there is no reason why the employees concerned could not be absent from the Island for 3 months of every year. However, you will need to mindful that, once the 5-year threshold is reached, those employees will not be able to remain, and so it would be prudent to consider how to ensure the transfer of skills to new employees can be effected to ensure some continuity.</p>
Employers of Short-term Licence holders	<p>I have a member of staff who has worked for me for the last 12 years on a series of short-term licences. I know she is unlikely to qualify for a Long-term licence. What options are open to her?</p>	<p>Your member of staff will need to take a break in residence of at least a year upon the expiry of her most recent document. After that, she will be able to return to Guernsey as the holder of a short-term Employment Permit for up to a year at a time, followed by a break of at least a year between Permits.</p> <p>Alternatively, she may decide that she would like to make an application for a Permit to live in Guernsey not linked to employment but rather on the basis of the connections she has built up over her 12 years of working in Guernsey. Such application will be assessed on its merits and in accordance with the policies in place at the time of application. It would be beneficial for your employee to discuss her situation and any future Permit application, with Housing Control/Population Management Office staff in advance of submission.</p>