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# **STATES OF JERSEY**



## **STATEMENT OF THE JERSEY IMMIGRATION RULES**

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**Presented to the States on 12th April 2022  
by the Minister for Home Affairs**

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**STATES GREFFE**

## REPORT

This Statement of the Jersey Immigration Rules (“**Immigration Rules**”) is presented to the States under section 3(2) of the Immigration Act 1971 (“**1971 Act**”), as extended to Jersey by the [Immigration \(Jersey\) Order 2021](#) (“**2021 Order in Council**”). The text of the Immigration Rules is contained in the **Annex** to this Statement.

Any reference in this Report to a provision of the 1971 Act is a reference to that provision as extended to Jersey by the 2021 Order in Council.

Section 3(2) of the 1971 Act provides as follows:

*“The Minister [for Home Affairs] shall from time to time (and as soon as may be) present to the States statements of the rules, or of any changes in the rules, laid down by him as to the practice to be followed in the administration of this Act for regulating the entry into and stay in Jersey of persons required by this Act to have leave to enter, including any rules as to the period for which leave is to be given and the conditions to be attached in different circumstances; and section 1(4) above shall not be taken to require uniform provision to be made by the rules as regards admission of persons for a purpose or in a capacity specified in section 1(4) (and in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).”*

*If a statement presented to the States under this subsection is disapproved by resolution passed at the sitting at which it is so presented or at the next following sitting of the States then the Minister shall make changes or further changes in the rules as appear to him to be required in the circumstances and the statement of those changes shall be presented to the States as soon as practicable after the said resolution was passed.*

The 2021 Order in Council has been brought into force, by Order of the Minister for Home Affairs, on 12th April 2022. This Statement is presented to the States simultaneously with the coming into force of the 2021 Order in Council.

The 2021 Order in Council revoked and replaced the [Immigration \(Jersey\) Order 1993](#) (“**1993 Order in Council**”) and other later Orders in Council which together had extended various provisions of the Immigration Acts of the United Kingdom to Jersey with modifications. The 2021 Order in Council also extended certain provisions of the Immigration Acts which had not been previously extended. The extension of all such provisions by the 2021 Order in Council was approved by the States of Jersey under Article 31 of the [States of Jersey Law 2005](#) on 30 June 2021 (*see* Proposition  (P.44/2021)).

The Immigration Rules contained in the **Annex** to this Statement are, with a few exceptions, the same in substance as the Immigration Rules made as Directions

pursuant to the 1993 Order in Council<sup>1</sup>. Below, the effect of the Rules contained in the Annex is briefly summarised and the few instances where there are changes are underlined and explained.

Rules 1 – 6 are introductory and also make provision as regards the exemption of Irish citizens from immigration control.

Part 1 consists of rules 7 – 39 which make general provisions regarding leave to enter or remain in Jersey.

(There is no Part 2.)

Part 3 consists of rules 57 – 81 which make provision regarding persons seeking to enter or remain in Jersey for studies.

Part 4 consists of rules 88 – 89 which make provision regarding persons seeking to enter or remain in Jersey as a Minister of Religion or seeking to enter Jersey under the Youth Mobility Scheme.

Part 5 consists of rules 128A – 199 which make provision regarding persons seeking to enter or remain in Jersey for employment.

Part 6 consists of rules 200A – 245 which make provision regarding persons seeking to enter or remain in Jersey as a businessman, self-employed person, investor, writer, composer or artist. **N.B.** The investor route has now been closed as provided by rule 224A.

Part 7 consists of rules 246 – 276BV1 which relates to other categories of persons seeking to enter or remain in Jersey.

Part 8 consists of rules 277 – 319AA which relate to leave to enter and leave to remain of persons who are family members of persons with such leave, including partners, victims of domestic violence, fiancé(e)s and children of such persons. Part 9 consists of five sections governing the grounds for refusal, or cancellation of, entry clearance, leave to enter and leave to remain. **N.B.** New provision is made:

- in section 9.21.1 to enable rough sleeping to be a ground on which leave to remain may be refused, or existing leave may be cancelled, where a person has repeatedly refused offers of suitable support and has engaged in persistent anti-social behaviour;

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<sup>1</sup> See [Microsoft Word - JSY Immigration Rules 01.10.2021 \(gov.je\)](#)

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- in section 9.23.1 to enable a person's entry clearance or leave to be cancelled if they cease to meet the requirements of the rules under which the entry clearance or leave was granted;
- in section 9.24.1 to enable a person's entry clearance or leave to be cancelled where they are the dependent of another person whose leave is, or has been, cancelled.

(There is no Part 10.)

Parts 11 and 11B consist of rules 326A – 361 relating to applications for asylum.

(There is no Part 12.)

Part 13 consists of rules A362 – 400 relating to deportation orders.

Part 14 consists of rules 410 – 416 relating to stateless persons.

APPENDIX KOLL sets out how a person must demonstrate sufficient knowledge of the English language and about life in the United Kingdom and Jersey where required for the purposes of an application for indefinite leave to enter or remain. It also sets out certain exemptions to the requirement.

APPENDIX FM(J)/(J1) sets out rules and requirements for individuals to be able to come to Jersey by reason of their family life.

APPENDIX EU(J), together with APPENDIX EU(J) (Family Permit), sets out the rules and requirements in relation to the Settled Status Scheme for persons who are EU, other EEA and Swiss citizens and family members, and the basis on which entry clearance will be given to others to come to Jersey to join them. **N.B.** New provision is made, reflecting equivalent provision in the United Kingdom, to clarify the grounds on which a person's leave to enter or remain granted under Appendix EU(J), or entry clearance granted under Appendix EU(J) (Family Permit), may be cancelled, curtailed or revoked. The grounds include –

- where the person's presence in Jersey is not conducive to the public good;  
and
- where false or misleading information, representations or documents were submitted in connection with an application under either Appendix.

APPENDIX V(J): VISITOR sets out the requirements to be met by persons visiting Jersey for a temporary period for purposes such as tourism, visiting friends or family, carrying out a business activity, or undertaking a short course of study. Visitors fall into the categories of –

- Standard Visitor: tourists, those visiting family, usually for up to 6 months.
- Marriage/Civil Partnership Visitors: those coming to marry or form a civil partnership.
- Permitted Paid Engagement Visitors: experts in their field coming to undertake specific paid engagements for up to one month.
- Transit Visitors: those *en route* to another country outside the Common Travel Area entering Jersey for up to 48 hours.

(How long each Visitor can stay and what they can and cannot do is set out at V(J)17.2 and APPENDIX VISITOR: PERMITTED ACTIVITIES.)

APPENDIX HK(J) BRITISH NATIONAL (OVERSEAS) sets out the immigration route for BN(O) status holders, providing the opportunity for them and certain family members who form part of their household to live, work, and study in Jersey. The introduction of this route followed the imposition by the Chinese Government of a national security law on Hong Kong.

**ANNEX**  
**THE JERSEY IMMIGRATION RULES**

<u>CONTENTS</u>	<u>Paragraphs</u>
Introduction	1-3
Implementation and Transitional Provisions	4
Provision for Irish citizens	5-5B
Interpretation	6
<b>PART 1: General provisions regarding leave to enter or remain in Jersey</b>	
Leave to enter Jersey	7-9
Exercise of the power to refuse leave to enter Jersey or to cancel leave to enter or remain which is in force	10
Suspension of leave to enter or remain in Jersey	10A
Cancellation of leave to enter or remain in Jersey	10B
Requirement for persons arriving in Jersey to produce evidence of identity and nationality	11
Requirement for a person not requiring leave to enter Jersey to prove that he has the right of abode	12-14
Common Travel Area	15
Admission of certain British passport holders	16-17
Persons outside Jersey	17A – 17B
Returning residents	18-20
Non-lapsing leave	20A
Holders of restricted travel documents and passports	21-23
Leave to enter granted on arrival in Jersey	23A-23B
Entry clearance	24-30C
Variation of leave to enter or remain in Jersey	31-33A
Withdrawn applications for variation of leave to enter or remain in Jersey	34J
Undertakings	35

Medical 36-39

**PART 2:**

**PART 3: Persons seeking to enter or remain in Jersey for studies**

Students 57-62

Re-sits of examinations 69-69E

Writing up of thesis 69F-69K

Spouses, civil partners or unmarried partners of students 76-78

Children of students 79-81

**PART 4: Persons seeking to enter or remain in Jersey as a Minister of Religion or seeking to enter Jersey under the Youth Mobility Scheme**

Minister of Religion 88

Youth Mobility Scheme 89

**PART 5: Persons seeking to enter or remain in Jersey for employment**

Work permit employment 128A-135

Domestic Workers in Private Households 159A-159H

Persons with British ancestry 186-193

Spouses or civil partners of persons with limited leave to enter or remain under paragraphs 128-193 193A-196F

Children of persons with limited leave to enter or remain under paragraphs 128-193 196G-199

**PART 6: Persons seeking to enter or remain in Jersey as a businessman, self-employed person, investor, writer, composer or artist**

Persons intending to establish themselves in business 200A-210

Investors 224-231

Writers, composers and artists 232-239

Spouses or civil partners of persons with limited leave to enter or remain under paragraphs 200-239 240-242E

Children of persons with limited leave to enter or remain under paragraphs 200-239 243-245

**PART 7: Other Categories**

Persons exercising rights of access to a child resident in Jersey 246-248L

EEA citizens and their families	A255
Long residence	276A-276D
Private Life	276ADE-276DH
HM Forces	276E-276AI
Parent of a child at school	276BT1-276BV1

## **PART 8: Family Members**

Spouses or civil partners	277-289
Victims of domestic violence	289A-289D
Fiancé(e)s and proposed civil partners	289AA-295
Unmarried partners	295AA-295O
Child of a parent, parents or a relative present and settled	296-303
Child of a parent who is a fiancé(e) or proposed civil partner	303A-303F
Children born in Jersey who are not British citizens	304-309
Adopted children	309A-316F
Family Members of Ministers of Religion	319AA

## **PART 9: Grounds for refusal**

### **PART 10:**

<b>PART 11: Asylum</b>	326A-352G
------------------------	-----------

<b>PART 11B: Asylum</b>	357-361
-------------------------	---------

### **PART 12:**

<b>PART 13: Deportation</b>	A362-400
-----------------------------	----------

<b>PART 14: Stateless persons</b>	401-416
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## **Appendix KoLL**

Knowledge of language and life

## **Appendix FM (J)**

Family members

**Appendix FM (J1)**

Adult dependent relative

**Appendix EU (J)**

EU, other EEA and Swiss citizens and family members

**Appendix EU (J) (Family Permit)**

**Appendix V(J): Visitor**

**Appendix HK(J) British National (Overseas)**

## INTRODUCTION

1. The Minister for Home Affairs has laid down the following Rules as to the practice to be followed in the administration of the Immigration Acts for regulating the entry into and stay of persons in Jersey.
2. Immigration Officers will carry out their duties without regard to the race, colour or religion of persons seeking to enter or remain in Jersey.
3. In these Rules unless a contrary intention appears –
  - (a) a reference to a paragraph or an Appendix is a reference a paragraph of, or an Appendix to, these Rules;
  - (b) words importing the masculine gender include the feminine unless the contrary intention appears;
  - (c) references to Acts of the Parliament of the United Kingdom extended to Jersey by Order in Council are references to those Acts as so extended (*see definition of “Immigration Acts” in paragraph 6*).

## IMPLEMENTATION AND TRANSITIONAL PROVISIONS

4. These Rules come into effect on ..... 2022 and will apply to all decisions taken in relation to any application made after that date save that any application made before that date is not affected by these Rules having replaced the Directions previously made under section 1(4A) of the Immigration Act 1971 as that Act was extended to Jersey by the Immigration (Jersey) Order 1993, as amended, and will be decided in accordance with those previous Directions insofar as any provision of those Directions differs from any provision of these Rules.

## PROVISION FOR IRISH CITIZENS

5. Save where expressly indicated throughout these Rules, these Rules do not apply to an Irish citizen who as a result of section 3ZA of the Immigration Act 1971 does not require leave to enter or remain, but an Irish citizen who does require leave to enter or remain is covered by these Rules.

**5A.** Paragraph 5 does not apply to paragraph 11, Appendix **EU(J)**, Appendix **EU(J) (Family Permit)**, **Part 11** (asylum) or **Part 13** (deportation).

**5B.** An Irish citizen who as result of section 3ZA of the Immigration Act 1971 does not require leave to enter or remain is considered settled for the purposes of these Rules.

## INTERPRETATION

6. In these Rules, unless the contrary intention appears, the following interpretations apply:

“**abroad**” or “**overseas**” means any country or territory outside the common travel area.

“**adequate**” and “**adequately**” in relation to a maintenance and accommodation requirement shall mean that, after income tax, social security contributions and housing costs have been deducted, there must be available to the family the level of gross income that would be available to them if the family was in receipt of income support.

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

An **“amateur”** is 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.

**“application for asylum”** has the meaning given in paragraph **327**.

**“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 as an approved destination, signed on 21 January 2005.

**“BN(O) Adult Dependent Relative”** means a person granted permission as a BN(O) Adult Dependent Relative under Appendix HK(J) British National (Overseas).

**“BN(O) Household Child”** means a person falling within HK(J) 15.1. and who is granted leave as a BN(O) Household Child under Appendix HK(J) British National (Overseas).

**“BN(O) Household Member”** means a person granted leave as a BN(O) Household Member under Appendix HK(J) British National (Overseas).

**“BN(O) Status Holder”** means a person granted leave as a BN(O) Status Holder under Appendix HK(J) British National (Overseas).

**“in breach of immigration laws”** means without valid leave where such leave is required, or in breach of the conditions of leave.

**“business day”** means any day other than Saturday or Sunday, a day which is a bank holiday under an Act of the States pursuant to Article 2 of the Public Holidays and Bank Holidays (Jersey) Law 1951, Christmas Day or Good Friday.

**“cabotage operations”** in Appendix Visitor: Permitted Activities means:

- (a) in relation to goods, national carriage for hire or reward carried out on a temporary basis in Jersey; or
- (b) in relation to passengers either:
  - (i) national road passenger services for hire and reward carried out on a temporary basis by a carrier in Jersey, or
  - (ii) the picking up and setting down of passengers within Jersey, in the course of a regular international service, provided that it is not the principal purpose of the service.

**“child”** means a person who is aged under 18 years.

**“civil partner”** means a civil partnership which exists under or by virtue of the Civil Partnership (Jersey) Law 2012 (and any reference to a civil partner is to be read accordingly).

**“common travel area”** means the area referred to in section 1(3) of the Immigration Act 1971 comprising the United Kingdom, the Republic of Ireland and the Islands.

**“conviction”** means conviction for a criminal offence in Jersey or any other country or territory.

**“Crew member”** has the same meaning as in the Immigration Act 1971.

**“Curtailment”**, in relation to the curtailment of a person’s leave to enter or leave to remain, means cancelling or curtailing their leave such that they will have a shorter period of, or no, leave remaining.

**“Custodial sentence”** means a period of imprisonment, not including a suspended sentence.

**“Customs breach”** means a breach of any provision of the Customs and Excise (Jersey) Law 1999 or any other breach relating to an assigned matter (which is any matter in relation to which the Agent of the Impôts and other officers have a power or duty which may be exercised at the border).

**“date of application”** means the date of application determined in accordance with paragraph 30 as appropriate.

**“deception”** means making false representations or submitting false documents (whether or not material to the application) or failing to disclose material facts.

**“decision maker”** means an entry clearance officer, immigration officer or the Minister as the case may be.

**“degree course”** means a course which leads to a recognised United Kingdom degree at bachelor’s level or above, or an equivalent qualification at level 6 or above of the Regulated Qualifications Framework.

**“Deportation order”** means an order made under section 5(1) of the Immigration Act 1971.

**“Ecctis”** is a service which provides information, advice and opinion on academic, vocational and professional qualifications and skills from all over the world, set out at: <https://ecctis.com/>.

**“EEA citizen”** and **“EEA national”** means a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and who is not also a British citizen.

**“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.

**“English language course”** means a course that solely consists of the English language study.

**“humanitarian protection”** means limited leave granted pursuant to paragraph 339C and has not been revoked pursuant to paragraph 339G to 339H.

**“Human Rights Convention”** means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4<sup>th</sup> November 1950 as it has effect for the time being in relation to Jersey.

**“illegal entrant”** has the same definition as in section 33(1) of the Immigration Act 1971.

**“Immigration Acts”** means the provisions of –

the Immigration Act 1971,

the British Nationality Act 1981,  
the Criminal Justice Act 1982,  
the Immigration Act 1988,  
the Asylum and Immigration Appeals Act 1993,  
the Asylum and Immigration Act 1996,  
the Immigration and Asylum Act 1999,  
the Nationality, Immigration and Asylum Act 2002,  
the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004,  
the Immigration, Asylum and Nationality Act 2006,  
the UK Borders Act 2007,  
the Borders, Citizenship and Immigration Act 2009,  
the Immigration Act 2014,  
the Counter-Terrorism and Security Act 2015,  
the Immigration Act 2016,  
the Policing and Crime Act 2017,  
the Sanctions and Anti-Money Laundering Act 2018, and  
the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020

for the time being extended to Jersey by Order in Council (and a reference to any one of those Acts is a reference to the provisions of that Act as so extended).

**“Immigration fee”** is a reference to the amount of any fee payable under an Order or regulations made under any of sections 67A to 69 of the Immigration Act 2014.

**“Immigration Officer”** includes a Customs Officer acting as an Immigration Officer.

**“intention to live permanently with the other”** or **“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 Jersey immediately following the outcome of the application in question or as soon as circumstances permit thereafter.

**“International Operator Licence”** (in Appendix Visitor: Permitted Activities) means:

- (a) a licence issued by the competent authority of a country other than Jersey authorising an operator to undertake international carriage of goods or passengers by road in accordance with an international agreement to which Jersey is a party; or
- (b) a community licence issued by a Member State of the Union in accordance with Regulation (EC) No 1072/2009 or Regulation (EC) No 1073/2009.

**“Intra-Company Transferee”** means a person who has been granted a work permit or permission under the Points-Based System, on the basis that he has been temporarily transferred to Jersey or Guernsey or the United Kingdom or the Isle of Man and, at the end of the temporary transfer, will resume employment for the same company overseas.

**“Islands”** means the Channel Islands and the Isle of Man.

**“Jersey”** means the Bailiwick of Jersey.

**“Leave to Enter and Remain Directions 2017”** means the Leave to Enter and Remain Directions given by the Minister on 10 November 2017.

**“Minister”** means the Minister for Home Affairs.

**“non-visa nationals”** are persons who do not need a visa under Appendix Visitor: Visa national list in advance of travel to Jersey as a visitor or for any other purpose for less than 6 months.

**“occupy exclusively”** in relation to accommodation shall mean that part of the accommodation must be for the exclusive use of the family.

**“overstayed”** or **“overstaying”** means the applicant has stayed in Jersey beyond the time limit attached to the last period of leave granted.

**“own account”** (in Appendix Visitor: Permitted Activities) means the transport of goods by a business where the following conditions are fulfilled:

- (a) the goods carried are the property of the business or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the business; and
- (b) the purpose of the journey is to carry the goods to or from the premises of the business or to move them, either inside or outside the business for its own requirements; and
- (c) the vehicles used for such transport are driven by personnel employed by, or put at the disposal of, the business under a contractual obligation; and
- (d) the vehicles carrying the goods are owned by the business, have been bought by it on deferred terms or have been hired; and
- (e) such transport is no more than ancillary to the overall activities of the business.

**“parent”** includes:

- (a) the stepfather of a child whose father is dead and the reference to stepfather includes a relationship arising through civil partnership;
- (b) the stepmother of a child whose mother is dead and the reference to stepmother includes a relationship arising through civil partnership.
- (c) the father as well as the mother of an illegitimate child where he is proved to be the father;
- (d) an adoptive parent but only 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 United Kingdom or where a child is the subject of a de facto adoption in accordance with the requirements of paragraph **309A** (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 Jersey 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.

**“Partner”** means a person’s—

- (a) spouse;
- (b) civil partner; or
- (c) unmarried partner,

where the couple have been living together in a relationship similar to marriage or a civil partnership for at least 2 years.

**“passport”** means a document which:

- (a) is issued by or on behalf of the government of any country recognised by the UK, or dealt with as a government by the UK, and which complies with international passport practice; and
- (b) shows both the identity and nationality of the holder; and
- (c) gives the holder the right to enter the country of the government which issued the document; and
- (d) is authentic and not unofficially altered or tampered with; and
- (e) is not damaged in a way that compromises the integrity of the document; and
- (f) is used by the rightful holder; and
- (g) has not expired.

**“a period of imprisonment”** referred to in these Rules:

- (h) 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), and
- (i) includes a reference to a person who is sentenced to detention, or ordered or directed to be detained, in an institution other than a prison (including, in particular, a hospital or an institution for young offenders).

**“Permitted Paid Engagement Visitor”** means a person who has, or had, leave under Appendix V(J): Visitor to undertake specific paid engagements for up to one month.

**“Points-Based System”** means the system referred to in Part 6A of the United Kingdom Immigration Rules<sup>1</sup>.

**“present and settled”** means that the person concerned is settled in Jersey 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 Jersey their home with the applicant if their application is successful.

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<sup>1</sup> <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/part6a/>

**“prohibited degree of relationship”** is to be construed in accordance with the Marriage and Civil Status (Jersey) Law 2001 and the Civil Partnership (Jersey) Law 2012.

**“public funds”** means any benefit paid by the Government of Jersey to any person who has not paid any contribution towards receipt of such benefit. 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 Jersey, the sponsor is (or would be) entitled to increased or additional public funds.

**“Recreational Course”** means a course undertaken purely for leisure purposes that does not lead to a formal qualification, for example, a leisure course in pottery or horse riding.

**“Refugee Convention”** means the 1951 United Nations Convention and its 1967 Protocol relating to the Status of Refugees.

**“refugee leave”** means limited leave granted pursuant to paragraph 334 or 335 and has not been revoked pursuant to paragraph 339A to 339AC or 339B.

**“refugee status”** is the recognition by Jersey, following consideration of an application for asylum, that a person meets the criteria in paragraph 334.

**“Secretary of State”** means one of Her Majesty’s principal Secretaries of State.

**“settled in Jersey”** means that the person concerned:

- (a) is free from any restriction on the period for which he may remain 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 Jersey except in so far as section 8(5A) so provides; and
- (b) is either:
  - (i) ordinarily resident in Jersey 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.

**“Sham marriage”** and **“sham civil partnership”** has the same meaning as in sections 24(5) and 24A(5) of the Immigration and Asylum Act 1999 (in the United Kingdom).

**“sponsor”** means a person in relation to whom an applicant is seeking leave to enter or remain as their spouse, civil partner, fiancé(e), proposed civil partner, unmarried partner or adult dependent relative, as the case may be, under paragraphs 277-295O, Appendix FM (J) or Appendix FM (J1).

**“tuberculosis screening”** means an applicable country and screening clinic as specified in Appendix T to the United Kingdom Immigration Rules.

**“United Kingdom and Islands”** means the United Kingdom, Channel Islands and the Isle of Man.

**“United Kingdom Immigration Rules”** means the rules contained in statements laid before the Parliament of the United Kingdom from time to time in accordance with section 3(2) of the Immigration Act 1971 (as section 3(2) has effect in the United Kingdom)<sup>2</sup>.

**“United Kingdom passport”** bears the meaning it has in the Immigration Act 1971.

**“unmarried partner”** in relation to any person includes a partner of the same sex as that person.

**“valid application”** means an application made in accordance with the requirements of these Rules.

**“visa nationals”** are the persons specified in Appendix Visitor: Visa national list in Appendix V(J): Visitor who need a visa for the United Kingdom and Islands for a visit or for any other purposes where seeking entry for 6 months or less.

A **“visitor”** is a person granted leave to enter or remain in Jersey under Appendix V(J): Visitor.

**“work permit”** means a work permit within the meaning of work permit Rules.

**“work permit Rules”** means Rules for the time being in force made by the Minister under section 1(4) of the Immigration Act 1971.

**“working illegally”** means working in breach of conditions of leave or working when in Jersey without valid leave where such leave is required.

**“Youth Mobility Scheme”** means the scheme referred to in the UK Immigration Rules in –

- (i) Appendix Youth Mobility Scheme; or
- (ii) Appendix T5 (Temporary Worker) Youth Mobility Scheme under the rules in force between 1 December 2020 and 10 October 2021(inclusive); or
- (iii) as a Tier 5 Youth Mobility Scheme migrant under Part 6A of those Rules in force before 1 December 2020.).

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<sup>2</sup> <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/immigrationrules/appendix/>

## **PART 1: GENERAL PROVISIONS REGARDING LEAVE TO ENTER OR REMAIN IN JERSEY**

### **Leave to enter Jersey**

7. A person who is not –

(a) a British citizen; or

(b) a Commonwealth citizen with the right of abode; or

(c) a person who is entitled to enter or remain in Jersey by virtue of section 3ZA of the Immigration Act 1971,

requires leave to enter Jersey.

8. Under sections 3 and 4 of the Immigration Act 1971 an Immigration Officer when admitting to Jersey 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 employment or occupation in Jersey;

(ii) a condition requiring the person to maintain and accommodate himself, and any dependants of his, without recourse to public funds; and

(iii) a condition requiring the person to register with the Jersey Customs and Immigration Service.

The Immigration Officer 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 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 the Leave to Enter and Remain Directions 2017.

### **Exercise of the power to refuse leave to enter Jersey or to cancel leave to enter or remain which is in force.**

10. The power to refuse leave to enter Jersey 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 a Senior Immigration Officer, an Assistant Director or Director must always be obtained.

### **Suspension of leave to enter or remain in Jersey**

10A. Where a person has arrived in Jersey 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 Jersey until the examination is completed.

### **Cancellation of leave to enter or remain in Jersey**

**10B.** Where a person arrives in Jersey with leave to enter or remain in Jersey which is already in force, an Immigration Officer may, subject to paragraph **10**, cancel that leave.

### **Requirement for persons arriving in Jersey to produce evidence of identity and nationality**

**11.** A person must, on arrival in Jersey, produce on request by an Immigration Officer:

- (i) a valid national passport or, subject to paragraph **11A**, other document satisfactorily establishing their identity and nationality; and
- (ii) such information as may be required to establish whether they require leave to enter Jersey and, if so, whether and on what terms leave to enter should be given.

**11A.** A national identity card is not valid for the purposes of paragraph **11(i)**, except where the holder is one of the following:

- (a) a British citizen of Gibraltar; or
- (b) a national of Switzerland with a valid entry clearance granted under Appendix Service Providers from Switzerland to the United Kingdom Immigration Rules; or
- (c) a national of one of the countries listed in paragraph **11B** with valid indefinite or limited leave to enter or remain granted under Appendix **EU (J)**, or who has made a valid application under that Appendix (other than as a joining family member of a relevant sponsor, as defined in **Annex 1** to that Appendix) which has not yet been finally determined; or
- (d) a national of one of the countries listed at paragraph **11B** with a valid entry clearance in the form of an EU Settlement Scheme Family Permit; or
- (e) a national of one of the countries listed at paragraph **11B** with a frontier worker permit under the United Kingdom Immigration Rules or the equivalent in Guernsey or the Isle of Man; or
- (f) a national of one of the countries listed at paragraph **11B** seeking to come to the UK as an S2 Healthcare Visitor under the United Kingdom Immigration Rules; or
- (g) a national of one of the countries listed at paragraph **11B** who has been granted immigration permission equivalent to that set out in sub-paragraphs (c) and (d) above elsewhere in the United Kingdom and Islands, or who has made a valid application under the equivalent elsewhere in the United Kingdom and Islands of Appendix **EU (J)** (other than as the equivalent of a joining family member of a relevant sponsor, as defined in **Annex 1** to that Appendix) which has not yet been finally determined; or
- (h) a national of one of the countries listed at paragraph **11B** who is under the age of 19 years and who is travelling as a member of an organized group of school pupils where:

- (i) The school is a general education school as recognized as such within its home jurisdiction; and
- (ii) the group is accompanied by a teacher from the school.

**11B.** For the purposes of subparagraphs (c) to (h) of paragraph **11A**, the holder must be a national of one of the following countries:

Austria  
Belgium  
Bulgaria  
Croatia  
Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Italy  
Latvia  
Liechtenstein  
Lithuania  
Luxembourg  
Malta  
Netherlands  
Norway  
Poland  
Portugal  
Romania  
Slovakia  
Slovenia  
Spain

Sweden

Switzerland.

### **Requirement for a person not requiring leave to enter Jersey 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 Jersey 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 Jersey or 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 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 Jersey or of the United Kingdom certifying that he has the right of abode.

**14.** A Commonwealth citizen who has been given limited leave to enter Jersey 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 Jersey or elsewhere 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 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 Republic of Ireland) (Jersey) Order 2018 who enter Jersey from 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 Minister under section 9(4) of the Immigration Act 1971 for their exclusion from Jersey 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;

- (vi) persons prohibited from entering the United Kingdom by order of the Secretary of State.

### **Admission of certain British passport holders**

**16.** A person in any of the following categories may be admitted freely to Jersey on production of a United Kingdom passport issued in Jersey or elsewhere in the United Kingdom and Islands, or in the Republic of Ireland, prior to 1 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 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 1 March 1968, been given indefinite leave to enter or remain in Jersey may be given indefinite leave to enter.

### **Persons outside Jersey**

**17A.** Where a person is outside Jersey but wishes to travel to Jersey 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 Jersey. However, an Immigration Officer is not obliged to consider an application for leave to enter from a person outside Jersey.

**17B.** Where a person having left the common travel area has leave to enter Jersey which remains in force under paragraph 13 of the Leave to Enter and Remain Directions 2017 an Immigration Officer may cancel that leave. An Immigration Officer may exercise these powers whether or not he is, himself, in Jersey. If a person outside Jersey has leave to remain in Jersey which is in force in this way, an Immigration Officer may cancel that leave.

### **Returning Residents**

**18.** A person seeking leave to enter Jersey 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 Jersey when he last left; and
- (ii) has not been away from Jersey for more than 2 years; and
- (iii) did not receive assistance from public funds towards the cost of leaving Jersey; and
- (iv) now seeks admission for the purpose of settlement.

**18A.** Those who qualify for admission to Jersey as returning residents in accordance with paragraph **18** do not need a visa to enter Jersey.

**19.** A person who does not benefit from paragraph **18** by reason only of having been away from Jersey too long may nevertheless be admitted as a returning resident if, for example, he has lived here for most of his life.

**19A.** Sub paragraphs (ii) and (iii) of paragraph **18** shall not apply where a person who has indefinite leave to enter or remain in Jersey accompanies on an overseas posting, a spouse, civil partner or unmarried partner who is:

- (a) a member of HM Forces serving overseas; or
- (b) a British citizen or is settled in Jersey; and
  - (i) a permanent member of HM Diplomatic Service;
  - (ii) a comparable British Islands based staff member of the British Council;
  - (iii) a staff member of the Department for International Development; or
  - (iv) a Home Office employee.

**20.** The leave of a person whose stay in Jersey 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 6 months or less or conferred by a visit visa. In other cases, leave lapses on the holder remaining outside Jersey for a continuous period of more than 2 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 Jersey 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 Jersey will usually lapse on the holder going to a country or territory outside the common travel area. However, under paragraph 13 of the Leave to Enter and Remain Directions 2017 such leave will not lapse where it was given for a period exceeding 6 months or where it was conferred by means of an entry clearance (other than a visit visa).

**20B.** Those who seek leave to enter Jersey within the period of their earlier leave and for the same purpose as that for which that leave was granted, unless it –

- (i) was for a period of 6 months or less; or
- (ii) was extended by Order (of the Minister) or by section 3C of the Immigration Act 1971,

do not need a visa to enter Jersey.

### **Holders of restricted travel documents and passports**

**21.** The leave to enter or remain in Jersey 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 Jersey 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 Jersey Customs and Immigration Service 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 or civil partner who is eligible for admission under paragraph **282** or to a person who qualifies for the removal of the time limit on his stay.

### **Leave to enter granted on arrival in Jersey**

**23A.** A person who is not a visa national and who is seeking leave to enter on arrival in Jersey 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 Jersey 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:

- (a) a visa national;
- (b) a non visa national who is not a British national and is seeking entry for a period exceeding 6 months, or for purpose for which prior entry clearance is required under these Rules;
- (c) a British national without the right of abode who is seeking entry for a purpose for which prior entry clearance is required under these Rules,

must either:

- (i) 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, which is still in force,

or:

- (ii) where he has been granted an entry clearance which was issued to him in electronic form for the purpose for which he seeks entry and which is still in force, produce to the Immigration Officer a valid passport or other identity document.

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 Jersey 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). A visa or an entry certificate may be issued in electronic form. These

documents are to be taken as evidence of the holder's eligibility for entry into Jersey, and accordingly accepted as "entry clearances" within the meaning of the Immigration Act 1971.

**25A.** Entry clearance which satisfies the requirements set out in paragraph 3 of the Leave to Enter and Remain Directions 2017 will have effect as leave to enter Jersey. The requirements are that the entry clearance must specify the purpose for which the holder wishes to enter Jersey 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 Jersey. The holder of such an entry clearance will not require leave to enter on arrival in Jersey and, for the purposes of these Rules, will be treated as a person who has arrived in Jersey with leave to enter 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 all fees required to be paid under any Order (of the Minister) or regulations (of the Secretary of State) made under any of sections 67A to 70 of the Immigration Act 2014 have 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 Jersey, 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** since the issue of the entry clearance; or
- (iii) the holder's exclusion from Jersey 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 Jersey before the day on which the entry clearance becomes effective or if the holder seeks to enter Jersey for a purpose other than the purpose specified in the entry clearance.

### **Variation of leave to enter or remain in Jersey**

**31.** Under section 3(3) of the Immigration Act 1971 a limited leave to enter or remain in Jersey 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.

**31A.** Where a person has arrived in Jersey with leave to enter or remain in Jersey which is in force but was given to him before his arrival, he may apply, on arrival at the port of entry in Jersey for variation of that leave. An Immigration Officer acting on behalf of the Minister 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 Minister 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 Jersey Customs and Immigration Service under paragraph **32**.

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

### **33**

**33A.** Where a person having left the common travel area has leave to enter or remain in Jersey which remains in force under paragraph 13 of the Leave to Enter and Remain Directions 2017 his leave may be varied (including any condition to which it is subject) in such form and manner as permitted for the giving of leave to enter. However, the Minister is not obliged to consider an application for variation of leave to enter or remain from a person outside Jersey.

### **33B-34I**

### **Withdrawn applications for variation of leave to enter or remain in Jersey**

**34J.** 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.

### **34K.**

### **Undertakings**

**35.** A sponsor of a person seeking leave to enter or variation of leave to enter or remain in Jersey may be asked to give an undertaking in writing to be responsible for that person's maintenance, accommodation and (as appropriate) personal care 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.

## **Medical**

**36.** A person who intends to remain in Jersey for more than 6 months should normally 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.

**A39.** Any person making an application for entry clearance to come to Jersey for more than 6 months or as a fiancé(e) or proposed civil partner applying for leave to enter as a partner under paragraphs **23-24** Appendix **FM (J)**, having been present in a country listed in Appendix T to the United Kingdom Rules for more than 6 months immediately prior to their application, must present, at the time of application, a valid medical certificate issued by a medical practitioner approved by the Secretary of State for these purposes, as listed on the Gov.uk website, confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**B39.** Applicants seeking leave to enter as a returning resident under paragraph **19**, having been absent from the United Kingdom and Islands for more than 2 years are also subject to the requirements in paragraph **A39**.

**C39.** Where a person has lawfully been present in a country not mentioned in Appendix T to the United Kingdom Rules for more than 6 months and they are applying for entry clearance as in **A39** in a country in Appendix T to the United Kingdom Rules but have not been in that country or any other country mentioned in Appendix T to the United Kingdom Rules for more than 6 months immediately before making their application, they will not be required to produce a medical certificate showing they are free from active pulmonary TB. This does not alter the discretionary powers as in paragraph **39** below.

**39.** 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-39B.**

**PART 2: \*\*\***

## **PART 3: PERSONS SEEKING TO ENTER OR REMAIN IN JERSEY FOR STUDIES**

### **STUDENTS**

#### **Requirements for leave to enter as a student**

**57.** The requirements to be met by a person seeking leave to enter Jersey as a student are that he:

- (i) has been accepted for a course of study at:
  - (a) a publicly funded institution of further or higher education; or
  - (b) a bona fide private education institution which maintains satisfactory records of enrolment and attendance; or
  - (c) a fee paying school outside the wholly maintained sector; and
- (ii) is able and intends to follow either:
  - (a) a recognised full-time degree course of no more than 5 years duration at a publicly funded institution of further or higher education; or
  - (b) a weekday full-time degree course of no more than 5 years duration 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
  - (c) a full-time course of study at a fee paying school; and
- (iii) if under the age of 16 years is enrolled at a fee paying school outside the wholly maintained sector on a full-time course of studies which meets the requirements of current Jersey legislation; and
- (iv) intends to leave Jersey at the end of his studies; and
- (v) does not intend to engage in business or to take employment except:
  - (a) employment during term time of no more than 20 hours per week and employment (of any duration) during vacations, where the student is following a full-time degree course,
  - (b) employment as part of a course-related work placement which forms an assessed part of the full-time course provided that any period spent on the placement does not exceed half of the total length of the course; and

- (vi) is able to meet the costs of his course and accommodation and the maintenance of himself and any dependants without taking employment (other than is permitted under paragraph **57 (v)**) or engaging in business, or having recourse to public funds; and
- (vii) has not anywhere in the United Kingdom and Islands been granted leave to enter as a student on a full-time degree course in the preceding 5 years; and
- (viii) holds a valid entry clearance for entry in this capacity.

### **Leave to enter as a student**

**58.** A person seeking leave to enter Jersey 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 (other than is permitted under paragraph **57 (v)**), 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 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)
    - (a) was last admitted to Jersey in possession of a valid student entry clearance in accordance with paragraphs **57-62**; or
    - (b) has previously been granted leave to enter or remain in Jersey to re-sit an examination in accordance with paragraphs **69A-69K**; or
    - (c) if he has been accepted on a course of study at degree level or above, has previously been granted leave to enter or remain in Jersey in accordance with paragraphs **128-135**; or
  - (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 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
  - (vi) would not, as a result of an extension of stay:
    - (a) spend more than 2 years on short courses below degree level (i.e. courses of less than 1 year's duration, or longer courses broken off before completion) in the United Kingdom and Islands; or
    - (b) spend more than 5 years on full-time degree courses in the United Kingdom and Islands; and

- (vii) has not come to the end of a period of government or international scholarship agency sponsorship, or has written consent of his official sponsor for a further period of study in Jersey and satisfactory evidence that sufficient sponsorship funding is available; and
- (viii) must not be in Jersey 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 student**

**61.** Extension of stay as a student may be granted, subject to a condition prohibiting employment (other than is permitted under paragraph **57 (v)**), provided the Minister 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 Minister is not satisfied that each of the requirements of paragraph **60**.

**63-68**

## **RE-SITS OF EXAMINATIONS**

### **Requirements for leave to enter to re-sit an examination**

**69.** The requirements to be met by a person seeking leave to enter Jersey in order to re-sit an examination are that the applicant:

- (i)
  - (a) meets the requirements for admission as a student set out in paragraph **57 (i)-(vi)**; or
  - (b) met the requirements for admission as a student set out in paragraph **57 (i)-(iii)** in the previous academic year and continues to meet the requirements of paragraph **57 (iv)-(vi)**; and
- (ii) has produced written confirmation from the education institution or fee paying school which he attends or attended in the previous academic year that he is required to re-sit an examination; and
- (iii) can provide 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
- (iv) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in Jersey and satisfactory evidence that sufficient sponsorship funding is available; and
- (v) has not previously been granted leave to re-sit the examination.

### **Leave to enter to re-sit an examination**

**69A.** A person seeking leave to enter Jersey in order to re-sit an examination may be admitted for a period sufficient to enable him to re-sit the examination at the first available

opportunity with a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph **69** is met.

### **Refusal of leave to enter to re-sit an examination**

**69B.** Leave to enter to re-sit an examination is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph **69** is met.

### **Requirements for an extension of stay to re-sit an examination**

**69C.** The requirements for an extension of stay to re-sit an examination are that the applicant:

- (i) was admitted to Jersey with a valid student entry clearance if he was then a visa national; and
- (ii) meets the requirements set out in paragraph **69 (i)-(v)**.

### **Extension of stay to re-sit an examination**

**69D.** An extension of stay to re-sit an examination may be granted for a period sufficient to enable the applicant to re-sit the examination at the first available opportunity, subject to a condition prohibiting employment, provided the Minister is satisfied that the applicant meets each of the requirements of paragraph **69C**.

### **Refusal of extension of stay to re-sit an examination**

**69E.** An extension of stay to re-sit an examination is to be refused if the Minister is not satisfied that each of the requirements of paragraph **69C** is met.

## **WRITING UP A THESIS**

### **Requirements for leave to enter to write up a thesis**

**69F.** The requirements to be met by a person seeking leave to enter Jersey in order to write up a thesis are that the applicant:

- (i)
  - (a) meets the requirements for admission as a student set out in paragraph **57 (i)-(vi)**; or
  - (b) met the requirements for admission as a student set out in paragraph **57 (i)-(iii)** in the previous academic year and continues to meet the requirements of paragraph **57 (iv)-(vi)**; and
- (ii) can provide satisfactory evidence that he is a postgraduate student enrolled at an education institution as either a full time, part time or writing up student; and
- (iii) Can demonstrate that his application is supported by the education institution; and
- (iv) has not come to the end of a period of government or international scholarship agency sponsorship, or has the written consent of his official sponsor for a further period of study in Jersey and satisfactory evidence that sufficient sponsorship funding is available; and
- (v) has not previously been granted 12 months leave to write up the same thesis.

### **Leave to enter to write up a thesis**

**69G.** A person seeking leave to enter Jersey in order to write up a thesis may be admitted for 12 months with a condition prohibiting employment, provided the Immigration Officer is satisfied that each of the requirements of paragraph **69F** is met.

### **Refusal of leave to enter to write up a thesis**

**69H.** Leave to enter to write up a thesis is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph **69F** is met.

### **Requirements for an extension of stay to write up a thesis**

**69I.** The requirements for an extension of stay to write up a thesis are that the applicant:

- (i) was admitted to Jersey with a valid student entry clearance if he was then a visa national; and
- (ii) meets the requirements set out in paragraph **69F (i)-(v)**; and
- (iii) must not be in Jersey in breach of the immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

### **Extension of stay to write up a thesis**

**69J.** An extension of stay to write up a thesis may be granted for 12 months subject to a condition prohibiting employment, provided the Minister is satisfied that the applicant meets each of the requirements of paragraph **69I**.

### **Refusal of extension of stay to write up a thesis**

**69K.** An extension of stay to write up a thesis is to be refused if the Minister is not satisfied that each of the requirements of paragraph **69I** is met.

## **SPOUSES, CIVIL PARTNERS OR UNMARRIED PARTNERS OF STUDENTS**

### **Requirements for leave to enter or remain as the spouse, civil partner or unmarried partner of a student**

**76.** The requirements to be met by a person seeking leave to enter or remain as the spouse, civil partner or unmarried partner of a student are that:

- (i) the applicant is married to the civil partner or the unmarried partner of a person admitted or allowed to remain in Jersey under paragraphs **57-69K**; and
- (ii) each of the parties intends to live with the other as his spouse, civil partner or unmarried partner during the applicant's stay and the marriage or relationship 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 engage in business or to take employment; and
- (vi) the applicant intends to leave Jersey at the end of any period of leave granted to him; and
- (vii) if seeking leave to enter, the applicant 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) the applicant must not be in Jersey 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 spouse, civil partner or unmarried partner of a student**

**77.** A person seeking leave to enter or remain in Jersey as the spouse, civil partner or unmarried partner of a student may be admitted or allowed to remain, subject to a condition prohibiting employment, for a period not in excess of that granted to the student provided the Immigration Officer or, in the case of an application for limited leave to remain, the Minister, is satisfied that each of the requirements of paragraph **76** is met.

### **Refusal of leave to enter or remain as the spouse, civil partner or unmarried partner of a student**

**78.** Leave to enter or remain as the spouse, civil partner or unmarried partner of a student is to be refused if the Immigration Officer or, in the case of an application for limited leave to remain, the Minister, is not satisfied that each of the requirements of paragraph **76** is met.

## **CHILDREN OF STUDENTS**

### **Requirements for leave to enter or remain as the child of a student**

**79.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the child of a student are that he:

- (i) is the child of a parent admitted to or allowed to remain in Jersey as a student under paragraphs **57-69K**; and
- (ii) is under the age of 18 or has current leave to enter or remain in this capacity; and
- (iii) is not married or in a civil partnership, has not formed an independent family unit and is not leading an independent life; and
- (iv) can, and will, be maintained and accommodated adequately without recourse to public funds, and
- (v) does not intend to engage in business or to take employment; and
- (vi) will not stay in Jersey beyond any period of leave granted to his parent, and
- (vii) if seeking leave to enter, the applicant 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) meets the requirements of paragraph **79A**; and
- (ix) must not be in Jersey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

**79A.** Both of the applicant's parents must either be lawfully present in Jersey or being granted entry clearance or leave to remain at the same time as the applicant, unless:

- (i) the student is the applicant's sole surviving parent, or
- (ii) the student parent has, and has had, sole responsibility for the applicant's upbringing, or
- (iii) there are serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in Jersey for the applicant's care.

### **Leave to enter or remain as the child of a student**

**80.** A person seeking leave to enter or remain in Jersey as the child of a student may be admitted or allowed to remain, subject to a condition prohibiting employment, for a period not in excess of that granted to the student provided the Immigration Officer or, in the case of an application for limited leave to remain, the Minister, is satisfied that each of the requirements of paragraph **79** is met.

### **Refusal of leave to enter or remain as the child of a student**

**81.** Leave to enter or remain as the child of a student is to be refused in the Immigration Officer or, in the case of an application for limited leave to remain, the Minister, is not satisfied that each of the requirements of paragraph **79** is met.

## **PART 4: PERSONS SEEKING TO ENTER OR REMAIN IN JERSEY AS A MINISTER OF RELIGION OR SEEKING TO ENTER JERSEY UNDER THE YOUTH MOBILITY SCHEME**

**88.** All persons seeking to enter or remain in Jersey as a Minister of Religion must meet the requirements in relation to a Minister of Religion listed in paragraphs 245H-245HF of the United Kingdom Immigration Rules.

**89.** All persons seeking to enter Jersey under the Youth Mobility Scheme must meet the requirements in relation to a Tier 5 (Youth Mobility Scheme) Temporary Migrant listed in paragraphs 245ZI -245ZL of the United Kingdom Immigration Rules.

## **PART 5: PERSONS SEEKING TO ENTER OR REMAIN IN JERSEY FOR 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 Jersey” means residence in Jersey for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where the applicant has been absent from Jersey for a period of 180 days or less in any five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain; and
- (b) Except for periods when the applicant had leave as a writer, composer or artist or on the grounds of his British ancestry:
  - (i) the applicant must have been employed in Jersey 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; and
  - (ii) any absences from Jersey must have been for a purpose that is consistent with the continuous permitted employment in (i), including paid annual leave or for serious or compelling reasons.

## **WORK PERMIT EMPLOYMENT**

### **Requirements for leave to enter Jersey for work permit employment**

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

- (i) holds a valid work permit issued under the Immigration (Work Permits) (Jersey) Rules 1995; and
- (ii) is capable of undertaking the employment specified in the work permit; and
- (iii) does not intend to take employment except as specified in his work permit; and
- (iv) is able to maintain and accommodate himself and any dependants adequately without recourse to public funds; and
- (v) holds a valid entry clearance for entry in this capacity except where he holds a work permit valid 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 Jersey for the purpose of work permit employment may be admitted for a period not exceeding the period of employment approved by the Minister (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)-(v)** 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)-(v)** is met.

### **Requirements for an extension of stay for work permit employment**

**131.** The requirements for an extension of stay to take employment in accordance with a work permit (unless the applicant is otherwise eligible for an extension of stay for employment under these Rules) are that the applicant meets each of the requirements of paragraph **128 (i)-(v)**; or

- (i) entered Jersey or was given leave to enter or remain as a student in accordance with paragraphs **57-62** and has obtained a degree qualification in Jersey or at a recognised further or higher education institution in the United Kingdom; or
- (ii) entered Jersey under the Youth Mobility Scheme in accordance with paragraph **89**; or
- (iii) entered the Bailiwick of Guernsey as a work permit holder or the United Kingdom or the Isle of Man as a Tier 1 migrant, Tier 2 migrant or Tier 5 (Temporary Worker) migrant under the Points-Based System; and
- (iv) is not in Jersey in breach of the Immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

### **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 in accordance with work permit Rules provided 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 Minister

### **Refusal of extension of stay for employment**

**133.** An extension of stay for employment is to be refused if the Minister 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 with valid leave in Jersey as a work permit holder, other than where the work permit:
  - (a) enabled temporary employment of up to 1 year or an extension of such employment (up to a maximum of 4 years); or
  - (b) was in respect of an Intra-Company Transferee whose leave as an Intra-Company Transferee was granted on or after 1 January 2015 (provided that such leave as an Intra-Company Transferee was not a continuation of leave granted in Jersey before that date); and

- (ii) he has spent no more than 180 days outside of Jersey in any of the five consecutive 12 calendar month periods preceding the date of the application for indefinite leave to remain; and
- (iii) he has met the requirements of paragraph **131** throughout the 5 year period; and
- (iv) he is still required for the employment in question, as certified by his employer; and
- (v) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (vi) does not fall for refusal under the general grounds for refusal; and
- (vii) must not be in Jersey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded.

**134A.** For the purposes of paragraph **134** (i) a continuous period of 5 years with valid leave, of which the most recent must have been spent in Jersey as a work permit holder, includes time spent with valid leave in any combination of the following categories

- (i) in the Bailiwick of Guernsey as a work permit holder, except for a work permit issued because the person was the subject of an Intra-Company Transfer,
- (ii) in the United Kingdom as a Tier 1, Tier 2 (General) or Tier 2 (Sportsperson) Migrant under the Points-Based System,
- (iii) in the United Kingdom as a Tier 2 (Intra-Company Transfer) Migrant, under the Points-Based System, granted before 1 January 2015,
- (iv) in the Isle of Man as a Tier 1, Tier 2 (General) or Tier 2 (Sportsperson) Migrant under the Points-Based System,
- (v) in the Isle of Man as a Tier 2 (Intra-Company Transfer) Migrant, under the Points-Based System, granted before 1 January 2015.

### **Refusal of indefinite leave to remain for a work permit holder**

**135.** Indefinite leave to remain in Jersey for a work permit holder is to be refused if the Minister is not satisfied that each of the requirements of paragraph **134** is met.

## **DOMESTIC WORKERS IN PRIVATE HOUSEHOLDS**

### **Requirements for leave to enter as a domestic worker in a private household**

**159A.** The requirements to be met by a person seeking leave to enter Jersey as a domestic worker in a private household are that the applicant:

- (i) is aged 18-65 inclusive; and
- (ii) has been employed as a domestic worker for one year or more immediately prior to the application for entry clearance under the same roof as the employer or in a household that the employer uses for himself on a regular basis and where evidence is produced to demonstrate the connection between employer and employee in the form of:

- (a) a letter from the employer confirming that the domestic worker has been employed by them in that capacity for the twelve months immediately prior to the date of application; and
- (b) one of the following documents covering the same period of employment as that in (a):
  - (i) pay slips or bank statements showing payment of salary;
  - (ii) confirmation of tax paid;
  - (iii) confirmation of health insurance paid;
  - (iv) contract of employment;
  - (v) work visa, residence permit or equivalent passport endorsement for the country in which the domestic worker has been employed by that employer;
  - (vi) visas or equivalent passport endorsement to confirm that the domestic worker has travelled with the employer; and
- (iii) intends to work for the employer whilst the employer is in Jersey and intends to travel in the company of either;
  - (a) a British employer, or that employer's British spouse, civil partner or child, where the employer's usual place of residence is outside Jersey and where the employer does not intend to remain in Jersey beyond 6 months; or
  - (b) a British employer's foreign national spouse, civil partner or child where the employer does not intend to remain in Jersey beyond 6 months; or
  - (c) a foreign national employer or the employer's spouse, civil partner or child where the employer is seeking or has been granted entry clearance or leave to enter under Appendix V(J): Visitor, except where that leave is to undertake activities listed in Appendix Visitor: Permitted Activities at PA(J) 17.1. to PA(J) 17.3.; and
- (iv) intends to leave Jersey at the end of 6 months in Jersey or at the same time as the employer, whichever is the earlier; and
- (v) has agreed in writing terms and conditions of employment in Jersey with the employer which is in compliance with the Employment (Jersey) Law 2003 and any Regulations and Orders made under it, and provides this with the entry clearance application; and
- (vi) will not take employment other than within the terms of this paragraph to work full time as a domestic worker for the employer in a household that the employer intends to live in; and
- (vii) can maintain and accommodate him or herself adequately without recourse to public funds; and
- (viii) holds a valid entry clearance for entry in this capacity.

**Leave to enter as a domestic worker in a private household**

**159B.** A person seeking leave to enter Jersey as a domestic worker in a private household may be given leave to enter for that purpose for a period not exceeding 6 months 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 domestic worker in a private household**

**159C.** Leave to enter as a domestic worker in a private household 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 extension to stay as a domestic worker in a private household**

**159D.** The requirements for an extension of stay as a domestic worker in a private household are that the applicant:

- (i) entered Jersey with a valid entry clearance as a domestic worker in a private household; and
- (ii) was granted less than 6 months leave to enter in this capacity; and
- (iii) has continued to be employed for the duration of leave granted as a domestic worker in the private household of the employer with whom the applicant entered or joined in Jersey; and
- (iv) continues to be required for employment for the period of the extension sought as a domestic worker in a private household that the employer lives in; and
- (v) does not intend to take employment except as a domestic worker in a private household of the employer; and
- (vi) meets the requirements of paragraph **159A (iv)** and **(vii)**; and
- (vii) must not be in Jersey 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 domestic worker in a private household**

**159E.** An extension of stay as a domestic worker in a private household may be granted for a period of 6 months less the period already spent in Jersey in this capacity.

### **Requirements for extension of stay as a domestic worker in a private household for applicants who entered Jersey under the Rules in place before 6 April 2012**

**159EA.** The requirements for an extension of stay as a domestic worker in a private household for applicants who entered Jersey under the Rules in place before 6 April 2012 are that the applicant:

- (i) last entered Jersey with a valid entry clearance as a domestic worker in a private household under the Rules in place before 6 April 2012; and
- (ii) has continued to be employed for the duration of leave granted as a domestic worker in a private household; and

- (iii) continues to be required for employment for the period of the extension sought as a domestic worker in a private household under the same roof as the employer or in the same household that the employer has lived in and where there is evidence that there is a connection between the employer and employee; and
- (iv) does not intend to take employment except as a full time domestic worker in a private household referred to in sub-paragraph (iii), and
- (v) meets the requirements of paragraph **159A (i)** and **(vii)**; and
- (vi) must not be in Jersey 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 domestic worker in a private household for applicants who entered Jersey under the Rules in place before 6 April 2012**

- 159EB** (i) An extension of stay as a domestic worker in a private household may be granted for a period not exceeding 12 months at a time provided the Minister is satisfied that each of the requirements of paragraph **159EA** is met.
- (ii) Except, where the application is decided before the current leave expires, the extension of stay granted may be for a period not exceeding 12 months plus the time remaining before the expiry of the current leave (so if the application is decided on March 31<sup>st</sup> and the current leave does not expire until April 30<sup>th</sup>, an additional period of one month's leave may be granted).

### **Refusal of extension of stay as a domestic worker in a private household**

**159F.** An extension of stay as a domestic worker may be refused if the Minister is not satisfied that each of the requirements of either paragraph **159D** or, where applicable, paragraph **159EA**, is met.

### **Indefinite leave to remain for a domestic worker in a private household**

**159G.** The requirements for indefinite leave to remain as a domestic worker in a private household are that the applicant:

- (i) entered Jersey with a valid entry clearance as a domestic worker in a private household under the Rules in place before 6 April 2012; and
- (ii) has spent a continuous period of 5 years in Jersey employed in this capacity; and
- (iii) has met the requirements of paragraph **159A (vi)** and **(vii)** throughout the 5 year period; and
- (iv) continues to be required for employment as a domestic worker in a private household as certified by the current employer; and
- (v) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (vi) does not fall for refusal under the general grounds for refusal; and

- (vii) must not be in Jersey 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 domestic worker in a private household**

**159H.** Indefinite leave to remain in Jersey for a domestic worker in a private household is to be refused if the Minister is not satisfied that each of the requirements of paragraph **159G** is met.

## **PERSONS WITH BRITISH ANCESTRY**

### **Requirements for leave to enter on the grounds of British ancestry**

**186.** The requirements to be met by a person seeking leave to enter Jersey on the grounds of his British 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 Jersey or elsewhere 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 Jersey, or of a territory elsewhere in the United Kingdom and Islands, relating to adoption; and
- (iv) is able to work and intends to take or seek employment in Jersey; 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 Jersey on the grounds of British ancestry**

**187.** A person seeking leave to enter Jersey on the grounds of his British 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 British ancestry**

**188.** Leave to enter Jersey on the grounds of British 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 British ancestry**

**189.** The requirements to be met by a person seeking an extension of stay on the grounds of British ancestry are that:

- (i) he is able to meet each of the requirements of paragraph **186 (i)-(v)**; and
- (ii) he was admitted to Jersey on the grounds of British ancestry in accordance with paragraphs **186-188** or has been granted an extension of stay in this capacity; and

- (iii) he is not in Jersey 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 British ancestry**

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

### **Refusal of extension of stay on the grounds of British ancestry**

**191.** An extension of stay on the grounds of British ancestry is to be refused if the Minister is not satisfied that each of the requirements of paragraph **189** is met.

### **Indefinite leave to remain on the grounds of British ancestry**

**192.** Indefinite leave to remain may be granted, on application, to a Commonwealth citizen with a grandparent born in Jersey or elsewhere in the United Kingdom and Islands provided.

- (i) he meets the requirements of paragraph **186 (i)-(v)**; and
- (ii) he has spent a continuous period of 5 years in Jersey in this capacity; and
- (iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (iv) does not fall for refusal under the general grounds for refusal; and
- (v) he is not in Jersey 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 British ancestry**

**193.** Indefinite leave to remain in Jersey on the grounds of British ancestry is to be refused if the Minister is not satisfied that each of the requirements of paragraph **192** is met.

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

### **Requirements for leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs 128-193**

**193A.** Nothing in paragraphs **194-196F** is to be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as a spouse or civil partner of a person granted entry clearance or leave to enter under paragraph **159A** where that entry clearance or leave to enter was granted under **159A** on or after 6 April 2012.

### **Requirements for leave to enter as the spouse or civil partner with limited leave to enter or remain in Jersey under paragraphs 128-193**

**194.** The requirements to be met by a person seeking leave to enter Jersey as the spouse or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193** are that:

- (i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193** for longer than 12 months; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner 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 Jersey beyond any period of leave granted to his spouse or civil partner; and
- (vi) the applicant holds a valid entry clearance for entry in this capacity.

**Leave to enter as the spouse or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs 128-193**

**195.** A person seeking leave to enter Jersey as the spouse or civil partner of a person with limited leave to enter or remain in Jersey 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 or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs 128-193**

**196.** Leave to enter Jersey as the spouse or civil partner of a person with limited leave to enter or remain in Jersey under paragraph **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 or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 128-193**

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

- (i) is married to or the civil partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193**; or
- (ii) is married to or the civil partner of a person who has limited leave to enter or remain in Jersey under paragraphs **128-193** and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or the civil partner of a person who has indefinite leave to remain in Jersey and who had limited leave to enter or remain in Jersey 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) must not be in Jersey 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 or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 128-193**

**196B.** An extension of stay in Jersey as:

- (i) the spouse or civil partner 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 or civil partner of a person who is being admitted at the same time for settlement, or the spouse or civil partner of a person who has indefinite leave to remain or has become a British citizen, may be granted for a period not exceeding 2 years,

in both instances, provided the Minister is satisfied that each of the requirements of paragraph **196A** is met.

**Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 128-193**

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

**Requirements for indefinite leave to remain for the spouse or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 128-193**

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

- (i) is married to or the civil partner of a person who has limited leave to enter or remain in Jersey under paragraphs **128-193** and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or the civil partner of a person who has indefinite leave to remain in Jersey and who had limited leave to enter or remain in Jersey 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 demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (v) was admitted with a valid entry clearance for entry in this capacity; and
- (vi) he does not fall for refusal under the general grounds for refusal; and

- (vii) must not be in Jersey 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 or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 128-193**

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

### **Refusal of indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 128-193**

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

### **CHILDREN OF PERSONS WITH LIMITED LEAVE TO ENTER OR REMAIN IN JERSEY 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 Jersey under paragraphs 128-193**

**196G.** Nothing in paragraphs **197-199** is to be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the child of a person granted entry clearance or leave to enter under paragraph **159A** where that entry clearance or leave to enter was granted under **159A** on or after 6 April 2012.

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

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

- (i) he is the child of a parent with limited leave to enter or remain in Jersey under paragraphs **128-193** for longer than 12 months; 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 Jersey 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 Jersey 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 Jersey 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; or
  - (viii) if seeking leave to remain; must not be in Jersey 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 Jersey under paragraphs 128-193**

**198.** 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 Minister 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 Jersey under paragraphs 128-193**

**199.** Leave to enter or remain in Jersey as the child of a person with limited leave to enter or remain in Jersey 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 Minister 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 Minister 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 JERSEY AS A BUSINESSMAN, INVESTOR, WRITER, COMPOSER OR ARTIST**

### **General requirements for indefinite leave to remain**

**200A.** For the purposes of references in this Part to requirements for indefinite leave to remain “continuous period of 5 years in Jersey” means residence in Jersey for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where:

- (a) the applicant has been absent from Jersey 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
- (b) any absences from Jersey during the five years must have been –

- (i) for a purpose that is consistent with the applicant's basis of stay in Jersey, including paid annual leave; or
- (ii) for serious or compelling reasons.

## **PERSONS INTENDING TO ESTABLISH THEMSELVES IN BUSINESS**

### **Requirements for leave to enter Jersey as a person intending to establish himself in business**

**200.** For the purpose of paragraphs **201-210** business means an enterprise as:

- a sole trader; or
- a partnership; or
- a company or limited partnership or other body corporate or unincorporate registered or established in Jersey.

**201.** The requirements to be met by a person seeking leave to enter Jersey to establish himself in business, either by taking over or joining as a partner or director of an existing business, or to establish a new business are:

- (i) that he has the necessary Ministerial approval; and
- (ii) that he or the existing business has obtained any licence required under the Control of Housing and Work (Jersey) Law 2012; and
- (iii) that he holds a valid entry clearance in this capacity.

### **Leave to enter Jersey as a person seeking to establish himself in business**

**204.** A person seeking leave to enter Jersey 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 Jersey as a person seeking to establish himself in business**

**205.** Leave to enter Jersey 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 Jersey are that the applicant can show:

- (i) that he entered Jersey with a valid entry clearance as a businessman; and
- (ii) that he met the requirements of paragraph **201 (i)** and **(ii)**.

## **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 Minister 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 Minister 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 Jersey 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 5<sup>th</sup> year; and
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (v) does not fall for refusal under the general grounds for refusal; and
- (vi) must not be in Jersey 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 Jersey for a person established in business is to be refused if the Minister is not satisfied that each of the requirements of paragraph **209** is met.

## **INVESTORS**

### **Requirements for leave to enter Jersey as an investor**

**224.** The requirements to be met by a person seeking leave to enter Jersey as an investor are that he:

- (i) is at least 18 years of age; and
- (ii) has money of his own wholly under his control and disposable in Jersey amounting to no less than £2 million which he has undertaken to invest on terms which the relevant Minister has determined to be of benefit to Jersey; and
- (iii) intends to make Jersey his main home; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds; and

- (v) does not fall for refusal under the general grounds for refusal; and
- (vi) holds a valid entry clearance for entry in this capacity.

**224A** This route is now closed to new applicants. Individuals who have entry clearance, leave to enter or remain as an investor which pre-dates 12 April 2022 may apply under these Rules to extend their stay or for indefinite leave to remain.

### **Leave to enter as an investor**

**225.** A person seeking leave to enter Jersey as an investor may be admitted for a period not exceeding 3 years and 4 months, 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 Jersey with a valid entry clearance as an investor; and
- (ii) has no less than £2 million of his own money wholly under his control and disposable in Jersey which he has invested in Jersey as set out in paragraph **224 (ii)** and intends to maintain that investment on those terms; and
- (iii) has made Jersey his main home; and
- (iv) is able to maintain and accommodate himself and any dependants without recourse to public funds.
- (v) is not in Jersey in breach of immigration laws except that any period of overstaying for 28 days or less will be disregarded.

### **Extension of stay as an investor**

**228.** An extension of stay as an investor may be granted for a period not exceeding 2 years at a time, provided the Minister 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 Minister 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 in Jersey in this capacity; and

- (ii) has met all of the requirements of paragraph **227** throughout the 5 year period and continues to do so; and
- (iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (iv) does not fall for refusal under the general grounds for refusal; and
- (v) is not in Jersey in breach of immigration laws except that any period of overstaying for 28 days or less will be disregarded.

### **Refusal of indefinite leave to remain for an investor**

**231.** Indefinite leave to remain in Jersey for an investor is to be refused if the Minister is not satisfied that each of the requirements of paragraph **230** is met.

### **WRITERS, COMPOSERS AND ARTISTS**

#### **Requirements for leave to enter Jersey as a writer, composer or artist**

**232.** The requirements to be met by a person seeking leave to enter Jersey as a writer, composer or artist are that he:

- (i) has established himself outside Jersey 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 with any necessary Ministerial consent; 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 Jersey 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 Jersey 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.** Extension of stay as a writer, composer or artist may be granted for a period not exceeding 3 years with a restriction on his freedom to take employment, provided the Minister 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 Minister is not satisfied that each of the requirements of paragraph **235** is met.

## **Indefinite leave to remain for a 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 in Jersey in this capacity; and
- (ii) has met the requirements of paragraph **235** throughout the 5 year period; and
- (iii) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (iv) he does not fall for refusal under the general grounds for refusal; and
- (v) must not be in Jersey in breach of immigration laws except that any period of overstaying 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 Minister is not satisfied that each of the requirements of paragraph **238** is met.

## **SPOUSES OR CIVIL PARTNERS OF PERSONS WHO HAVE OR HAVE HAD LIMITED LEAVE TO ENTER OR REMAIN UNDER PARAGRAPH 200-239**

### **Requirements for leave to enter as the spouse or civil partner 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 Jersey as the spouse or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs **200-239** are that:

- (i) the applicant is married to or the civil partner of a person with limited leave to enter or remain in Jersey under paragraphs **200-239**; and
- (ii) each of the parties intends to live with the other as his or her spouse or civil partner during the applicant's stay and the marriage or civil partnership is subsisting; and
- (iii) there will be adequate accommodation for the parties and any dependants adequately without recourse to public funds; 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 Jersey 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 or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs 200-239**

**241.** A person seeking limited leave to enter Jersey as the spouse or civil partner of a person with limited leave to enter or remain in Jersey 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 or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs 200-239**

**242.** Leave to enter Jersey as the spouse or civil partner of a person with limited leave to enter or remain in Jersey under paragraphs **200-239** is to be refused if the Immigration Officer is not satisfied that each of the requirements of paragraph **196** is met.

### **Requirements for extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 200-239**

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

- (i) is married to or the civil partner of a person with limited leave to enter or remain in Jersey under paragraphs **200-239**; or
- (ii) is married to or the civil partner of a person who has limited leave to enter or remain in Jersey under paragraphs **200-239** and who is being granted indefinite leave to remain at the same time; or
- (iii) is married to or the civil partner of a person who has indefinite leave to remain in Jersey and who had limited leave to enter or remain in Jersey 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) must not be in Jersey 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 or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 200-239**

**242B.** An extension of stay in Jersey as:

- (i) the spouse or civil partner 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 leave to enter or remain; or
- (ii) the spouse or civil partner of a person who is being admitted at the same time for settlement or the spouse or civil partner of a person who has indefinite leave to remain may be granted for a period not exceeding 2 years, in both instances, provided the Minister is satisfied that each of the requirements of paragraph **242A** is met.

### **Refusal of extension of stay as the spouse or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 200-239**

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

### **Requirements for indefinite leave to remain as the spouse or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 200-239**

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

- (i) is married to or the civil partner of a person who has limited leave to enter or remain in Jersey under paragraphs **200-239** and who is being granted indefinite leave to remain at the same time; or
- (ii) is married to or the civil partner of a person who has indefinite leave to remain in Jersey 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)-(v)**; and
- (iv) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (v) was admitted with a valid entry clearance for entry in this capacity; and
- (vi) he does not fall for refusal under the general grounds for refusal; and
- (vii) must not be in Jersey 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 or civil partner of a person who has or has had leave to enter or remain in Jersey under paragraphs 200-239**

**242E.** Indefinite leave to remain in Jersey as the spouse or civil partner of a person who has or has had limited leave to enter or remain in Jersey under paragraphs **200-239** may be granted provided the Minister is 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 a child of a person with limited leave to enter or remain in Jersey under paragraphs 200-239**

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

- (i) he is the child of a parent who has leave to enter or remain in Jersey 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 Jersey 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 Jersey 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 Jersey undesirable and suitable arrangements have been made for his care; and
  - (d) 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
- (vii) if seeking leave to remain, must not be in Jersey 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 Jersey under paragraphs 200-239**

**244.** A person seeking leave to enter or remain in Jersey as the child of a person with limited leave to enter or remain in Jersey under paragraphs **200-239** may be admitted to or allowed to remain in Jersey 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 Minister that each of the requirements of paragraph **243 (i)-(vii)** 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 Minister that each of the requirements of paragraph **243 (i)-(vii)** 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 Jersey under paragraphs 200-239**

**245.** Leave to enter or remain in Jersey as the child of a person with limited leave to enter or remain in Jersey under paragraphs **200-239** is to be refused if, in relation to an application for leave to enter, a valid entry clearance 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 Minister that each of the requirements of paragraph **243 (i)-(vii)** 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 Minister that each of the requirements of paragraph **243 (i)-(vii)** 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 JERSEY**

#### **Requirements for leave to enter Jersey as a person exercising rights of access to a child resident in Jersey**

**246.** The requirements to be met by a person seeking leave to enter Jersey to exercise access rights to a child resident in Jersey are that:

- (i) the applicant is the parent of a child who is resident in Jersey; and
- (ii) the applicant must not be eligible to apply for entry clearance as a spouse, civil partner, fiancé(e) or proposed civil partner or unmarried partner under **Part 8** or Appendix **FM (J)**; and
- (iii) the parent or carer with whom the child permanently resides is resident in Jersey; and
- (iv) the applicant produces evidence that he has access rights to the child in the form of:
  - (a) a Residence Order or a Contact Order granted by a Court in Jersey; or
  - (b) a certificate issued by a judicial authority in Jersey confirming the applicant's intention to maintain contact with the child; and
- (v) the applicant intends to take an active role in the child's upbringing; and
- (vi) the child is under the age of 18; and

- (vii) 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
- (viii) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds; and
- (ix) the applicant holds a valid entry clearance for entry in this capacity.

### **Leave to enter Jersey as a person exercising rights of access to a child resident in Jersey**

**247.** Leave to enter as a person exercising access rights to a child resident in Jersey may be granted for a period not exceeding 33 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 as a person exercising rights of access to a child resident in Jersey**

**248.** Leave to enter as a person exercising rights of access to a child resident in Jersey 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 extension of stay as a person exercising rights of access to a child resident in Jersey who has been given leave to remain in Jersey under the Rules in place after 1 January 2015**

**248A.** The requirements for an extension of stay as a person exercising rights of access to a child resident in Jersey who has been given leave to remain in Jersey under the Rules in place after 1 January 2015 are that:

- (i) the applicant is the parent of a child who is resident in Jersey; and
- (ii) the applicant must not be eligible for leave to remain as a spouse, civil partner, fiancé(e) or proposed civil partner or unmarried partner under **Part 8** or Appendix **FM (J)**; and
- (iii) the parent or carer with whom the child permanently resides is resident in Jersey; and
- (iv) the applicant produces evidence that he has access rights to the child in the form of:
  - (i) a Residence Order or a Contact Order granted by a Court in Jersey; or
  - (ii) a certificate issued by a judicial authority in Jersey confirming the applicant's intention to maintain contact with the child; or
  - (iii) a statement from the child's other parent (or, if contact is supervised, from the supervisor) that the applicant is maintaining contact with the child; and
- (v) the applicant takes and intends to continue to take an active role in the child's upbringing; and
- (vi) the child visits or stays with the applicant on a frequent and regular basis and the applicant intends this to continue; and
- (vii) the child is under the age of 18; and

- (viii) the applicant has limited leave to remain in Jersey as the spouse, civil partner, or fiancé(e) or proposed civil partner or unmarried partner of a person present and settled in Jersey who is the other parent of the child; and
- (ix) the applicant must not be in Jersey –
  - (a) as a visitor;
  - (b) with valid leave granted for a period of 6 months or less, unless that leave was granted pending the outcome of family court or divorce proceedings;
  - (c) on temporary admission or temporary release;
- (x) 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
- (xi) 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
- (xii) the applicant will be able to maintain himself and any dependants adequately without recourse to public funds.

### **Leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place after 1 January 2015**

**248BA.** Leave to remain as a person exercising access rights to a child resident in Jersey under the Rules in place after 1 January 2015 who entered Jersey under paragraph **247** may be granted for a period not exceeding 30 months, provided the Minister is satisfied that each of the requirements of paragraph **248A** is met.

**248BB.** Leave to remain as a person exercising access rights to a child resident in Jersey under the Rules in place after 1 January 2015 who entered Jersey other than under the provisions of paragraph **247** may be granted for a period not exceeding 30 months in the first instance, provided the Minister is satisfied that each of the requirements of paragraph **248A** is met.

**248BC.** Leave to remain as a person exercising access rights to a child resident in Jersey under the Rules in place after 1 January 2015 who has been granted leave to remain under paragraph **248BA** or **248BB** may on expiry of that leave be granted leave to remain for a further period not exceeding 30 months, provided the Minister is satisfied that each of the requirements of paragraph **248A** is met.

### **Refusal of leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place after 1 January 2015**

**248C.** Leave to remain as a person exercising rights of access to a child resident in Jersey under the Rules in place after 1 January 2015 is to be refused if the Minister is not satisfied that each of the requirements of paragraph **248A** is met.

### **Indefinite leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place after 1 January 2015**

**248D.** The requirements for indefinite leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place after 1 January 2015 are that:

- (i) the applicant was admitted to Jersey or granted leave to remain in Jersey in accordance with paragraph **247**, **248BA**, **248BB** or **248BC** as a person exercising rights of access to a child and has completed a continuous period of 60 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) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (viii) he does not fall for refusal under the general grounds for refusal; and
- (ix) he is not in Jersey 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 a person exercising rights of access to a child resident in Jersey under the Rules in place after 1 January 2015**

**248E.** Indefinite leave to remain as a person exercising rights of access to a child under the Rules in place after 1 January 2015 may be granted provided the Minister is satisfied that each of the requirements of paragraph **248D** is met.

### **Refusal of indefinite leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place after 1 January 2015**

**248F.** Indefinite leave to remain as a person exercising rights of access to a child under the Rules in place after 1 January 2015 is to be refused if the Minister is not satisfied that each of the requirements of paragraph **248D** is met.

### **Requirements for an extension of stay as a person exercising rights of access to a child resident in Jersey who has been given leave to remain in Jersey under the Rules in place before 1 January 2015**

**248G.** The requirements to be met by a person seeking leave to remain in Jersey to exercise access rights to a child resident in Jersey under the Rules in place before 1 January 2015 are that:

- (i) the applicant is the parent of a child who is resident in Jersey; and
- (ii) the parent or carer with whom the child permanently resides is resident in Jersey; and

- (iii) the applicant produces evidence that he has access rights to the child in the form of:
  - (a) a Residence Order or a Contact Order granted by a Court in Jersey; or
  - (b) a certificate issued by a judicial authority in Jersey confirming the applicant's intention to maintain contact with the child; or
  - (c) a statement from the child's other parent (or, if contact is supervised, from the supervisor) that the applicant is maintaining contact with the child; 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 Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey 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 which 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 Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place before 1 January 2015**

**248H.** Leave to remain as a person exercising access rights to a child resident in Jersey under the Rules in place before 1 January 2015 may be granted for 12 months, provided the Minister is satisfied that each of the requirements of paragraph **248G** is met.

**Refusal of leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place before 1 January 2015**

**248I.** Leave to remain as a person exercising rights of access to a child resident in Jersey under the Rules in place before 1 January 2015 is to be refused if the Minister is not satisfied that each of the requirements of paragraph **248G** is met.

**Indefinite leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place before 1 January 2015**

**248J.** The requirements for indefinite leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place before 1 January 2015 are that:

- (i) the applicant was admitted to Jersey or granted leave to remain in Jersey 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) has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (viii) he does not fall for refusal under the general grounds for refusal.

### **Indefinite leave to remain as a person exercising rights of access to a child resident in Jersey under the Rules in place before 1 January 2015**

**248K.** Indefinite leave to remain as a person exercising rights of access to a child under the Rules in place before 1 January 2015 may be granted provided the Minister is satisfied that each of the requirements of paragraph **248J** is met.

### **Refusal of indefinite leave to remain in Jersey as a person exercising rights of access to a child resident in Jersey under the Rules in place before 1 January 2015**

**248L.** Indefinite leave to remain as a person exercising rights of access to a child under the Rules in place before 1 January 2015 is to be refused if the Minister is not satisfied that each of the requirements of paragraph **248J** is met.

**249-254**

### **EEA CITIZENS AND THEIR FAMILIES**

**A255.** Appendix **EU(J)** and Appendix **EU(J) (Family Permit)** have effect

**262-276**

### **Long residence in Jersey**

**276A.** For the purpose of paragraphs **276B** to **276D**, **276ADE** and **399A**.

- (a) "continuous residence" means residence in Jersey for an unbroken period, and for these purposes a period shall not be considered to have been broken where an applicant is absent from Jersey 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 Jersey having been refused leave to enter or remain here; or
  - (ii) has left Jersey and, on doing so, evidenced a clear intention not to return; or
  - (iii) left Jersey 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 Jersey 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.
- (c) 'lived continuously' and 'living continuously' mean 'continuous residence', except that paragraph **276A (a)(iv)** shall not apply.

### **Requirements for an extension of stay on the ground of long residence in the Jersey**

**276A1.** The requirement to be met by a person seeking an extension of stay on the ground of long residence in Jersey is that the applicant meets each of the requirements in paragraph **276B (i)-(ii)** and **(v)**.

### **Extensions of stay on the ground of long residence in Jersey**

**276A2.** An extension of stay on the ground of long residence in Jersey may be granted for a period not exceeding 2 years provided that the Minister 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 Jersey**

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

- (i) if the applicant has spent less than 20 years in Jersey, 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 Jersey, the grant of leave should not contain any restriction on employment.

### **Refusal of extension of stay on the ground of long residence in Jersey**

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

### **Requirements for indefinite leave to remain on the ground of long residence in Jersey**

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

- (i) he has had at least 10 years continuous lawful residence in Jersey; 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 Jersey; 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;  
and
- (iii) he does not fall for refusal under the general grounds for refusal; and
- (iv) he has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (v) he must not be in Jersey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded, as will 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.

### **Indefinite leave to remain on the ground of long residence in Jersey**

**276C.** Indefinite leave to remain on the ground of long residence in Jersey may be granted provided that the Minister 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 Jersey**

**276D.** Indefinite leave to remain on the ground of long residence in Jersey is to be refused if the Minister 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 Jersey are that at the date of application, the applicant:

- (i) does not fall for refusal under any of the following grounds:
  - (a) the applicant is at the date of application the subject of a deportation order;
  - (b) the presence of the applicant in Jersey 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;
  - (c) the presence of the applicant in Jersey 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;
  - (d) the presence of the applicant in Jersey is not conducive to the public good because, in the view of the Minister, his offending has caused serious harm or the applicant is a persistent offender who shows a particular disregard for the law;
  - (e) the presence of the applicant in Jersey is not conducive to the public good because his conduct (including convictions which do not fall within paragraphs **276ADE** (i)(a)-(1)(d)), character, associations, or other reasons, make it undesirable to allow him to remain in Jersey;
  - (f) the applicant has failed without reasonable excuse to comply with a requirement to:
    - (1) attend an interview;
    - (2) provide information;
    - (3) provide physical data; or
    - (4) undergo a medical examination or provide a medical report;
  - (g) whether or not to the applicant's knowledge:
    - (1) 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
    - (2) there has been a failure to disclose material facts in relation to the application.

- (h) where the Health & Social Services Department has notified the Minister that the applicant has failed to pay charges in accordance with the relevant Health & Social Services Department overseas patients' policy.

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

- (ii) has made a valid application for leave to remain on the grounds of private life in Jersey; and
- (iii) has lived continuously in Jersey for at least 20 years (discounting any period of imprisonment); or
- (iv) is under the age of 18 years and has lived continuously in Jersey for at least 7 years (discounting any period of imprisonment) and it would not be reasonable to expect the applicant to leave Jersey; or
- (v) is aged 18 years or above and under 25 years and has spent at least half of his life living continuously in Jersey (discounting any period of imprisonment); or
- (vi) is aged 18 years or above, has lived continuously in Jersey 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 Jersey.

### **Leave to remain on the grounds of private life in Jersey**

**276BE.** Limited leave to remain on the grounds of private life in Jersey may be granted for a period not exceeding 30 months provided that the Minister is satisfied that the requirements in paragraph **276ADE** are met or, in respect of the requirements in paragraph **276ADE (iv)** and **(v)** 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 Minister deems appropriate.

### **Refusal of limited leave to remain on the grounds of private life in Jersey**

**276CE.** Limited leave to remain on the grounds of private life in Jersey is to be refused if the Minister is not satisfied that the requirements in paragraph **276ADE** are met.

### **Requirements for indefinite leave to remain on the grounds of private life in Jersey**

**276DE.** The requirements to be met for the grant of indefinite leave to remain on the grounds of private life in Jersey are that:

- (a) the applicant has been in Jersey with continuous leave on the grounds of private life for a period of at least 120 months. This continuous leave will disregard any period of overstaying between periods of leave on the grounds of private life where the application was made no later than 28 days after the expiry of the previous leave. Any period pending the determination of the application will also be disregarded;
- (b) the applicant meets the requirements of paragraph **276ADE** or, in respect of the requirements in paragraph **276ADE (iv)** and **(v)**, the applicant met the requirements in

a previous application which led to a grant of limited leave to remain under paragraph **276BE**;

- (c) the applicant does not fall for refusal under the general grounds for refusal;
- (d) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (e) 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 Jersey**

**276DF.** Indefinite leave to remain on the grounds of private life in Jersey may be granted provided that the Minister 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 Jersey only for one or both of the following reasons:

- (a)
  - (i) the presence of the applicant in Jersey 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; or
  - (ii) the applicant has, within 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; or
- (b) the applicant has not demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**,

the applicant may be granted further limited leave to remain on the grounds of private life in Jersey for a period not exceeding 30 months, and subject to such conditions as the Minister deems appropriate.

### **Refusal of indefinite leave to remain on the grounds of private life in Jersey**

**276DH.** Indefinite leave to remain on the grounds of private life in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **276DE** is met, subject to paragraph **276DG**.

## **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 JERSEY AS A GURKHA DISCHARGED FROM THE BRITISH ARMY**

### **Requirements for indefinite leave to enter Jersey as a Gurkha discharged from the British Army**

**276F.** The requirements for indefinite leave to enter Jersey as a Gurkha discharged from the British Army are that:

- (i) the applicant 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) does not fall for refusal under the general grounds for refusal.

### **Indefinite leave to enter Jersey as a Gurkha discharged from the British Army**

**276G.** A person seeking indefinite leave to enter Jersey 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 Jersey as a Gurkha discharged from the British Army**

**276H.** Indefinite leave to enter Jersey 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 Jersey as a Gurkha discharged from the British Army**

**276I.** The requirements for indefinite leave to remain in Jersey 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 unless they are applying following a grant of limited leave to remain under paragraph **276KA**; and
- (iv) is not in Jersey 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 Jersey as a Gurkha discharged from the British Army**

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

### **Refusal of indefinite leave to remain in Jersey as a Gurkha discharged from the British Army**

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

**276KA.** If a Gurkha discharged from the British Army does not meet the requirements for indefinite leave to remain only because paragraph **322(1C)(iii)** or **322(1C)(iv)** applies, the applicant may be granted limited leave to remain for a period not exceeding 30 months.

## **LEAVE TO ENTER OR REMAIN IN JERSEY AS A FOREIGN OR COMMONWEALTH CITIZEN DISCHARGED FROM HM FORCES**

### **Requirements for indefinite leave to enter Jersey as a foreign or Commonwealth citizen discharged from HM Forces**

**276L.** The requirements for indefinite leave to enter Jersey 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 Jersey as a foreign or Commonwealth citizen discharged from HM Forces**

**276M.** A person seeking indefinite leave to enter Jersey 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 Jersey as a foreign or Commonwealth citizen discharged from HM Forces**

**276N.** Indefinite leave to enter Jersey as a foreign or Commonwealth citizen discharged from HM Forces is to be refused in 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 Jersey as a foreign or Commonwealth citizen discharged from HM Forces**

**276O.** The requirements for indefinite leave to remain in Jersey 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 unless they are applying following a grant of limited leave to remain under paragraph **276QA**; and
- (iv) is not in Jersey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded; and
- (v) he does not fall for refusal under the general grounds for refusal.

## **Indefinite leave to remain in Jersey as a foreign or Commonwealth citizen discharged from HM Forces**

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

## **Refusal of indefinite leave to remain in Jersey as a foreign or Commonwealth citizen discharged from HM Forces**

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

## **Leave to remain in Jersey as a foreign or Commonwealth citizen discharged from HM Forces**

**276QA.** If a foreign or Commonwealth citizen discharged from HM Forces does not meet the requirements for indefinite leave to remain only because paragraph **322(1C)(iii)** or **322(1C)(iv)** applies, the applicant may be granted limited leave to remain for a period not exceeding 30 months.

## **SPOUSES, CIVIL PARTNERS OR UNMARRIED PARTNERS OF PERSONS SETTLED OR SEEKING SETTLEMENT IN JERSEY IN ACCORDANCE WITH PARAGRAPHS 276E-276Q (HM FORCES) OR OF MEMBERS OF HM FORCES WHO ARE EXEMPT FROM IMMIGRATION CONTROL UNDER SECTION 8(4)(A) OF THE IMMIGRATION ACT 1971 AND HAVE AT LEAST 5 YEARS' CONTINUOUS SERVICE.**

Leave to enter or remain in Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service.

**Requirements for indefinite leave to enter Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement under paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service.**

**276R.** The requirements to be met by a person seeking indefinite leave to enter Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service are that:

- (i) the applicant is married to or the civil partner of the unmarried partner of, a person present and settled in Jersey or who is being admitted on the same occasion for settlement in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; and
- (ii) the parties to the marriage, or civil partnership relationship akin to marriage or civil partnership have met; and
- (iii) the parties were married or formed a civil partnership or a relationship akin to marriage or civil partnership at least 2 years ago; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse, civil partner, or unmarried partner; and
- (v) the marriage, civil partnership or relationship akin to marriage or civil partnership is subsisting; and
- (vi) the applicant holds a valid entry clearance for entry in this capacity; and
- (vii) he does not fall for refusal under the general grounds for refusal.

**Indefinite leave to enter Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement in accordance with paragraphs 342 to 354 or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276S.** A person seeking leave to enter Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(a)(a) of the Immigration Act 1971 and has at least 5 years' continuous service 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 Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276T.** Leave to enter Jersey as the spouse, civil partner or unmarried partner of a person present and settled Jersey or being admitted on the same occasion for settlement in

accordance with paragraphs **276E-276Q** Jersey or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service 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 Jersey as the spouse, civil partner or unmarried partner of a person present and settled Jersey under paragraphs 276E-276Q or being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276U.** The requirements to be met by a person seeking indefinite leave to remain in Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; and

- (i) the applicant is married to or the civil partner or unmarried partner of a person present and settled Jersey or being granted settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; and
- (ii) the parties to the marriage, or civil partnership or relationship akin to marriage or civil partnership have met; and
- (iii) the parties were married, or formed a relationship civil partnership or a relationship akin to marriage or civil partnership at least 2 years ago; and
- (iv) each of the parties intends to live permanently with the other as his or her spouse, civil partner or unmarried partner; and
- (v) the marriage, civil partnership or relationship akin to marriage or civil partnership is subsisting; and
- (vi) has, or has last been granted, leave to enter or remain Jersey as the spouse, civil partner or unmarried partner; and
- (vii) he does not fall for refusal under the general grounds for refusal.

**Indefinite leave to remain in Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276V.** Indefinite leave to remain in Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service, may be granted provided the Minister is satisfied that each of the requirements of paragraph **276U** is met.

**Refusal of indefinite leave to remain in Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276W.** Indefinite leave to remain in Jersey as the spouse, civil partner or unmarried partner of a person present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service is to be refused if the Minister is not satisfied that each of the requirements of paragraph **276U** is met.

**CHILDREN OF A PARENT, PARENTS OF A RELATIVE SETTLED OR SEEKING SETTLEMENT IN JERSEY UNDER PARAGRAPHS 276E-276Q (HM FORCES) OR OF MEMBERS OF HM FORCES WHO ARE EXEMPT FROM IMMIGRATION CONTROL UNDER SECTION 8(4)(A) OF THE IMMIGRATION ACT 1971 AND HAVE AT LEAST 5 YEARS' CONTINUOUS SERVICE**

**Leave to enter or remain in Jersey as the child of a parent, parents or relative present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**Requirements for indefinite leave to enter Jersey as the child of a parent, parents or relative present and settled in Jersey or being admitted for settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276X.** The requirements to be met by a person seeking indefinite leave to enter Jersey as the child of a parent, parents or a relative present and settled in Jersey or being admitted for settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service are that:

- (i) the applicant 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 Jersey; or
  - (b) both parents are being admitted on the same occasion for settlement, or
  - (c) one parent is present and settled in Jersey or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other is being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; or
  - (d) one parent is present and settled in Jersey or being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from

immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other parent is dead; or

- (e) one parent is present and settled in Jersey or being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and has the sole responsibility for the child's upbringing; or
  - (f) one parent or a relative is present and settled in Jersey or being admitted on the same occasion for settlement or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service 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 Jersey as the child of a parent, parents of a relative present and settled in Jersey or being admitted for settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276Y.** Indefinite leave to enter Jersey as the child of a parent, or a relative present and settled in Jersey or being admitted for settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service 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 Jersey as the child of a parent, parents or a relative present and settled in Jersey or being admitted for settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276Z.** Indefinite leave to enter Jersey as the child of a parent, parents or a relative present and settled in Jersey or being admitted for settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service 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 Jersey as the child of a parent, parents or a relative present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member**

**of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276AA.** The requirements to be met by a person seeking indefinite leave to remain in Jersey as the child of a parent, parents or relative present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service are that:

- (i) the applicant is seeking indefinite leave to remain with a parent, parents or relative in one of the following circumstances:
  - (a) both parents are present and settled in Jersey or being granted settlement on the same occasion; or
  - (ab) one parent is present and settled in Jersey or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other is being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service; or
  - (b) one parent is present and settled in Jersey or being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and the other parent is dead; or
  - (c) one parent is present and settled in Jersey or being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service and has had sole responsibility for the child's upbringing; or
  - (d) one parent or relative is present and settled in Jersey or being granted settlement on the same occasion or is a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service 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 Jersey in breach of immigration laws except that any period of overstaying for a period of 28 days or less will be disregarded; and
- (v) he does not fall for refusal under the general grounds for refusal.

**Indefinite leave to remain in Jersey as the child of a parent, parents or relative present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276AB.** Indefinite leave to remain in Jersey as the child of a parent, parents or a relative present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service may be granted if the Minister is satisfied that each of the requirements of paragraph **276AA** is met.

**Refusal of indefinite leave to remain in Jersey as the child of a parent, parents or a relative present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs 276E-276Q or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service**

**276AC.** Indefinite leave to remain in Jersey as the child of a parent, parents or a relative present and settled in Jersey or being granted settlement on the same occasion in accordance with paragraphs **276E-276Q** or of a member of HM Forces who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971 and has at least 5 years' continuous service is to be refused if the Minister is not satisfied that each of the requirements of paragraph **276AA** is met.

**SPOUSES, CIVIL PARTNERS OR UNMARRIED PARTNERS OF ARMED FORCES MEMBERS WHO ARE EXEMPT FROM IMMIGRATION CONTROL UNDER SECTION 8(4) OF THE IMMIGRATION ACT 1971**

**Requirements for leave to enter or remain as the spouse, civil partner or unmarried partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971**

**276AD.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the spouse, civil partner or unmarried partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971 are that:

- (i) the applicant is married to or the civil partner of unmarried partner of an armed forces member who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971; and
- (ii) each of the parties intends to live with the other as his spouse, civil partner or unmarried partner during the applicant's stay and the marriage or relationship 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 Jersey beyond his or her spouse's, civil partner's or unmarried partner's enlistment in the home forces, or period of posting or training in Jersey; and
- (vi) where the applicant is the unmarried partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971, the following requirements are also met:

- (a) any previous marriage or civil partnership or relationship akin to a marriage by the applicant of the exempt armed forces member must have permanently broken down,
- (b) the applicant and the exempt armed forces member must not be so closely related that they would be prohibited from marrying each other in Jersey, and
- (c) the applicant and the exempt armed forces member must have been living together in a relationship akin to marriage or civil partnership for a period of least 2 years.

### **Leave to enter or remain as the spouse, civil partner or unmarried partner of an armed forces member who is exempt from immigration control under section 8(4)(a) of the Immigration Act 1971**

**276AE.** A person seeking leave to enter or remain in Jersey as the spouse, civil partner or unmarried partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971 may be given leave to enter or remain in Jersey for a period not exceeding 4 years or the expected duration of the enlistment, posing or training of his or her spouse, civil partner or unmarried partner, whichever is shorter, provided that the Immigration Officer, or in the case of an application for leave to remain, the Minister, is satisfied that each of the requirements of paragraph **276AD (i)-(v)** is met.

### **Refusal of leave to enter or remain as the spouse, civil partner or unmarried partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971**

**276AF.** Leave to enter or remain in Jersey as the spouse, civil partner or unmarried partner of an armed forces member who is exempt from immigration control under section 8(4) of the Immigration Act 1971 is to be refused if the Immigration Officer, or in the case of an application for leave to remain, the Minister, is not satisfied that each of the requirements of paragraph **276AD(i)-(vi)** is met.

## **CHILDREN OF ARMED FORCES MEMBERS WHO ARE EXEMPT FROM IMMIGRATION CONTROL UNDER SECTION 8(4) OF THE IMMIGRATION ACT 1971**

### **Requirements for leave to enter or remain as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971**

**276AG.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 are that:

- (i) he is the child of a parent who is an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971; 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 and is not a civil partner, 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 the parent(s) own or occupy exclusively; and
- (v) he will not stay in Jersey beyond the period of his parent's enlistment in the home forces, or posting or training in Jersey; and
- (vi) his other parent is being or has been admitted to or allowed to remain in Jersey 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 Jersey undesirable and suitable arrangements have been made for his care.

**Leave to enter or remain as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971.**

**276AH.** A person seeking leave to enter or remain in Jersey as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 may be given leave to enter or remain in Jersey for a period not exceeding 4 years or the duration of the enlistment, posting or training of his parent, whichever is the shorter, provided that the Immigration Officer, or in the case of an application for leave to remain, the Minister, is satisfied that each of the requirements of **276AG (i)-(vi)** is met.

**Refusal of leave to enter or remain as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971**

**276AI.** Leave to enter or remain in Jersey as the child of an armed forces member exempt from immigration control under section 8(4) of the Immigration Act 1971 is to be refused if the Immigration Officer, or in the case of an application for leave to remain, the Minister, is not satisfied that each of the requirements of paragraph **276AG (i)-(vi)** is met.

**276BA1-276BS1**

**PARENT OF A CHILD AT SCHOOL**

**Requirements for leave to enter or remain as the parent of a child at school**

**276BT1.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the parent of a child at school are that the parent is over 18 years old and:

- (i) is genuinely seeking leave to enter or remain for a period of up to 12 months to be the sole carer for their child who is under 12 years of age and attending or seeking to attend a fee paying school outside the wholly maintained sector in Jersey, provided the child:
  - (a) meets the requirements of paragraph **57** if seeking leave to enter as a student, or
  - (b) meets the requirements of paragraph **60** if seeking leave to remain as a student;

- (ii) will maintain and accommodate himself, the child and any other dependants adequately out of resources available to him without recourse to public funds or taking employment;
- (iii) can provide satisfactory evidence of adequate and reliable funds for maintaining a second home in Jersey;
- (iv) is not seeking to make Jersey their main home;
- (v) does not intend to take employment, to produce goods or provide services within Jersey including the selling of goods or services direct to members of the public;
- (vi) does not intend to study in Jersey;
- (vii) if seeking leave to remain, was not last admitted to Jersey as part of a visit to the United Kingdom and Islands under the Approved Destination Status Agreement with China (ADS);
- (viii) if seeking leave to remain, must not be in Jersey in breach of immigration laws except that any period of staying for a period of 28 days or less will be disregarded.

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

**276BU1.** A person seeking leave to enter or remain in Jersey 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 Minister is satisfied that each of the requirements of paragraph **276BT1** is met.

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

**276BV1.** Leave to enter or remain in Jersey 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 Minister is not satisfied that each of the requirements of paragraph **276BT1** is met.

## **PART 8: FAMILY MEMBERS**

### **SPOUSES OR CIVIL PARTNERS OF PERSONS PRESENT AND SETTLED IN JERSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

**277.** 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 or civil partner of another if either the applicant or the sponsor will be aged under 18 on the date of arrival in Jersey or (as the case may be) on the date on which the leave to remain or variation of leave would be granted.

**277A.** **Part 8** applies to all applications made under the Rules in place before 1st August 2014 to which the provisions of **Part 8** apply. Appendix **FM (J)** applies to all applications made on or after 1st August 2014 to which the provisions of Appendix **FM (J)** apply.

**278.** 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 or civil partner of a man or woman (the sponsor) if:

- (i) his or her marriage or civil partnership to the sponsor is polygamous; and

- (ii) there is another person living who is the husband or wife of the sponsor and who:
  - (a) is, or at any time since his or her marriage or civil partnership to the sponsor has been, in Jersey; or
  - (b) 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 Jersey as the husband or wife of the sponsor.

For the purpose of this paragraph a marriage or civil partnership may be polygamous although at its inception neither party had any other spouse or civil partner.

**279.** Paragraph **278** does not apply to any person who seeks entry clearance, leave to enter, leave to remain or variation of leave where:

- (i) he or she has been in Jersey before 1 August 1993 having been admitted for the purpose of settlement as the husband or wife of the sponsor; or
- (ii) he or she has, since their marriage or civil partnership to the sponsor, been in Jersey at any time when there was no such other spouse or civil partner living as is mentioned in paragraph **278 (ii)**,

But where a person claims that paragraph **278** does not apply to them because they have been in Jersey in circumstances which cause them to fall within sub-paragraphs **(i)** or **(ii)** of that paragraph it shall be for them to prove that fact.

**280.** For the purposes of paragraph **278** and **279** the presence of any wife or husband in Jersey in any of the following circumstances shall be disregarded:

- (i) as a visitor; or
- (ii) an illegal entrant; or
- (iii) in circumstances whereby a person is deemed by section 11(1) of the Immigration Act 1971 not to have entered Jersey.

### **Requirements for leave to enter Jersey with a view to settlement as the spouse or civil partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

**281.** The requirements to be met by a person seeking leave to enter Jersey with a view to settlement as the spouse or civil partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement are that:

- (i)
  - (a)
    - (i) the applicant is married to or the civil partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement; and
    - (ii) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, which clearly shows the applicant's name and qualification obtained (which must meet or exceed level A1 of the Common European Framework of Reference) unless:

- (a) the applicant is aged 65 or over at the time he makes his application; or
- (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
- (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or
- (iii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia, the Bahamas, Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
- (iv) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America; and provides the specified documents; or
- (v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and
  - (1) provides the specific evidence to show he has the qualification, and
  - (2) Ecctis has confirmed that the qualification was taught or researched in English, or
- (vi) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show:
  - (1) he has the qualification, and
  - (2) that the qualification was taught or researched in English;or
- (b)
  - (i) the applicant is married to or the civil partner of a person who has right of abode in Jersey or indefinite leave to enter or remain in Jersey and is on the same occasion seeking admission to Jersey for the purposes of settlement and the parties were married or formed a civil partnership at least 4 years ago, since which time they have been living together outside Jersey; and
  - (ii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and

- (ii) the parties to the marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership 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 holds a valid entry clearance for entry in this capacity; and
- (vi) the applicant does not fall for refusal under the general grounds for refusal.

For the purposes of this paragraph and paragraphs **282-289**, a member of HM Forces serving overseas, or a permanent member of HM Diplomatic Service or 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 Jersey, is to be regarded as present and settled in Jersey.

### **Leave to enter as the spouse or civil partner of a person present and settled in Jersey or being admitted for settlement on the same occasion**

**282.** A person seeking leave to enter Jersey as the spouse or civil partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement may:

- (a) in the case of a person who meets the requirements of paragraph **281(i)(a)(i)** and one of the requirements of paragraph **281 (i)(a)(ii)-(vi)**, be admitted for an initial period not exceeding 27 months, or
- (b) in the case of a person who meets all of the requirements in paragraph **281(i)(b)**, be granted indefinite leave to enter, or
- (c) in the case of a person who meets the requirement in paragraph **281(i)(b)(i)**, but not the requirement in paragraph **281 (i)(b)(ii)**, to be admitted for an initial period not exceeding 27 months.

### **Refusal of leave to enter as the spouse or civil partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

**283.** Leave to enter Jersey as the spouse or civil partner of a person present and settled in Jersey 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 **281** is met.

### **Requirements for an extension of stay as the spouse or civil partner of a person present and settled in Jersey**

**284.** The requirements for an extension of stay as the spouse or civil partner of a person present and settled in Jersey are that:

- (i) the applicant has limited leave to enter or remain in Jersey 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 Jersey beyond 6 months from the date on which

he was admitted to Jersey on this occasion in accordance with these Rules, unless the leave in question is limited leave to enter as a fiancé(e) or proposed civil partner; and

- (ii) is married to the civil partner of a person present and settled in Jersey; and
- (iii) the parties to the marriage or civil partnership have met; and
- (iv) 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
- (v) the marriage or civil partnership 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) of the Immigration Act 1971 or been given Rules for his removal under section 10 of the Immigration and Asylum Act 1999; and
- (vi) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and
- (vii) 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
- (viii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds, and
- (ix)
  - (a) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, 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) unless:
    - (i) the applicant is aged 65 or over at the time he makes his application; or
    - (ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
    - (iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or
  - (b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia, the Bahamas, Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
  - (c) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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 UK; the United States of America; and provides the specified documents; or

- (d) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and
  - (1) provides the specified evidence to show he has the qualification, and
  - (2) Ecctis has confirmed that the qualification was taught or researched in English, or
- (e) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show:
  - (1) he has the qualification, and
  - (2) that the qualification was taught or researched in English.

### **Extension of stay as the spouse or civil partner of a person present and settled in Jersey**

**285.** An extension of stay as the spouse or civil partner of a person present and settled in Jersey may be granted for a period of 2 years in the first instance, provided the Minister is satisfied that each of the requirements of paragraphs **284** is met.

### **Refusal of extension of stay as the spouse or civil partner of a person present and settled in Jersey**

**286.** An extension of stay as the spouse or civil partner of a person present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **284** is met.

### **Requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey**

**287.**

- (a) The requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey are that:
  - (i) the applicant was admitted to Jersey for a period not exceeding 27 months or, given an extension of stay, for a period of 2 years, and has completed a period of 2 years as the spouse or civil partner of a person present and settled in Jersey; or
  - (ii) was admitted to Jersey in accordance with leave granted under paragraph **282(c)**; and
  - (iii) the applicant is still the spouse or civil partner of the person he or she was admitted or granted an extension of stay to join and the marriage or civil partnership is subsisting; and
  - (iv) each of the parties intends to live permanently with the other as his or her spouse or civil partner; and

- (v) 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
  - (vi) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
  - (vii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
  - (viii) 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 or civil partner of a person who was present and settled in Jersey are that:
- (i) the applicant was admitted to Jersey for a period not exceeding 27 months or given an extension of stay for a period of 2 years and has completed a period of 2 years; and
  - (ii) the person whom the applicant was admitted or granted an extension of stay to join died during that period of leave; and
  - (iii) the applicant was still the spouse or civil partner of the person he or she was admitted or granted an extension of stay 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 or civil partner and the marriage or civil partnership was subsisting at the time of the death; and
  - (v) the applicant does not fall for refusal under the general grounds for refusal.

### **Indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey**

**288.** Indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey may be granted provided the Minister is satisfied that each of the requirements of either paragraph **287(a)** or **(b)** are met.

### **Refusal of indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey**

**289.** Indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of either paragraph **287(a)** or **(b)** are met.

## **VICTIMS OF DOMESTIC VIOLENCE**

### **Requirements for indefinite leave to remain in Jersey as the victim of domestic violence**

**289A.** The requirements to be met by a person who is the victim of domestic violence and who is seeking indefinite leave to remain in Jersey are the applicant:

- (i) was admitted to Jersey for a period not exceeding 27 months or given an extension of stay for a period of 2 years as the spouse or civil partner of a person present and settled in Jersey; or
- (ii) was admitted to Jersey for a period not exceeding 27 months or given an extension of stay for a period of 2 years as the unmarried partner of a person present and settled in Jersey; and
- (iii) the relationship with their spouse or civil partner or unmarried partners; as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in (i) or (ii) above; and
- (iv) is able to produce evidence to establish that the relationship was caused to permanently break down before the end of that period as a result of domestic violence.

### **Indefinite leave to remain as the victim of domestic violence**

**289B.** Indefinite leave to remain as the victim of domestic violence may be granted provided the Minister is satisfied that each of the requirements of paragraph **289A** is met.

### **Refusal of indefinite leave to remain as the victim of domestic violence**

**289C.** Indefinite leave to remain as the victim of domestic violence is to be refused if the Minister is not satisfied that each of the requirements of paragraph **289A** is met.

**289D.** If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic violence only because paragraph **322(1C)(iii)** or **322(1C)(iv)** applies, they may be granted further limited leave to remain for a period not exceeding 30 months and subject to such conditions as the Minister deems appropriate.

### **FIANCÉ(E)S AND PROPOSED CIVIL PARTNERS**

**289AA.** 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) or proposed civil partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant to Jersey 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 Jersey as a fiancé(e) or proposed civil partner (i.e. with a view to marriage and permanent settlement in Jersey)**

**290.** The requirements to be met by a person seeking leave to enter Jersey as a fiancé(e) or proposed civil partner are that:

- (i) the applicant is seeking leave to enter Jersey for marriage or civil partnership to a person present and settled in Jersey or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the proposed marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partnership after the marriage, and
- (iv) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage or civil partnership; and

- (v) there will, after the marriage or civil partnership, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (vi) the parties will be able after the marriage or civil partnership to maintain themselves and any dependants adequately without recourse to public funds; and
  - (a) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, 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) unless:
    - (i) the applicant is aged 65 or over at the time he makes his application; or
    - (ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
    - (iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;or
  - (b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia, the Bahamas, Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America; or
  - (c) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; the UK; United States of America; and provides the specified documents; or
  - (d) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD degree in the United Kingdom; and
    - (1) provides the specified evidence to show he has the qualification, and
    - (2) Ecctis has confirmed that the qualification was taught or researched in English, or
  - (e) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show:
    - (1) he has the qualification, and
    - (2) that the qualification was taught or researched in English, and

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

**290A.** For the purposes of paragraph **290** and paragraphs **291-295**, an EEA national shall be considered to be settled upon arrival in Jersey.

### **Leave to enter as a fiancé(e) or proposed civil partner**

**291.** A person seeking leave to enter Jersey as a fiancé(e) or proposed civil partner may be admitted with a prohibition on employment, for a period not exceeding 6 months to enable the marriage or civil partnership 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) or proposed civil partner**

**292.** Leave to enter Jersey as a fiancé(e) or proposed civil partner may 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) or proposed civil partner**

**293.** The requirements for an extension of stay as a fiancé(e) or proposed civil partner are that:

- (i) the applicant was admitted to Jersey with a valid entry clearance as a fiancé(e) or proposed civil partner; and
- (ii) good cause is shown why the marriage or civil partnership did not take place within the initial period of leave granted under paragraph **291**; and
- (iii) there is satisfactory evidence that the marriage or civil partnership will take place at an early date; and
- (iv) the requirements of paragraph **290 (ii)-(vii)** are met.

### **Extension of stay as a fiancé(e) or civil partner**

**294.** An extension of stay as a fiancé(e) or proposed civil partner may be granted for an appropriate period with a prohibition on employment to enable the marriage or civil partnership to take place provided the Minister is satisfied that each of the requirements of paragraph **293** is met.

### **Refusal of extension of stay as a fiancé(e) or proposed civil partner**

**295.** An extension of stay is to be refused if the Minister is not satisfied that each of the requirements of paragraph **293** is met.

## **LEAVE TO ENTER AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

**295AA.** 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 Jersey 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 Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

**295A.** The requirements to be met by a person seeking leave to enter Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement, are that:

- (i)
  - (a)
    - (i) the applicant is the unmarried partner of a person present and settled in Jersey 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 2 years or more; and
    - (ii) The applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, 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) unless:
      - (a) the applicant is aged 65 or over at the time he makes his application; or
      - (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
      - (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or
    - (iii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia, the Bahamas, Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
    - (iv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis 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 UK; the United States of America; and provides the specified documents; or
    - (v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and:
      - (1) provides the specified evidence to show he has the qualification, and
      - (2) Ecctis has confirmed that the qualification was taught or researched in English, or

- (vi) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show:
  - (1) he has the qualification, and
  - (2) that the qualification was taught or researched in English
- or
- (b)
  - (i) the applicant is the unmarried partner of a person who has a right of abode in Jersey or indefinite leave to enter in Jersey and is on the same occasion seeking admission to Jersey for the purposes of settlement and the parties have been living together outside Jersey in a relationship akin to marriage which has subsisted for 4 years or more; and
  - (ii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey; and
  - (iii) the applicant does not fall for refusal under general grounds for refusal.
- (ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
- (iii) the parties are not involved in a consanguineous relationship with one another; and
- (iv) there will be adequate accommodation for 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 parties intend to live together permanently; and
- (vii) the applicant holds a valid entry clearance for entry in this capacity; and
- (viii) the applicant does not fall for refusal under the general grounds for refusal.

For the purposes of this paragraph and paragraphs **295B-295I**, 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 Jersey, is to be regarded as present and settled in Jersey.

**Leave to enter Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

**295B.** A person seeking leave to enter Jersey as the unmarried partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement may:

- (a) in the case of a person who meets the requirements of paragraph **295A (i)(a)(i)** and one of the requirements of paragraph **295A (i)(a)(ii-vi)**, be admitted for an initial period not exceeding 27 months; or
- (b) in the case of a person who meets all of the requirements in paragraph **295A(i)(b)**, be granted indefinite leave to enter; or
- (c) in the case of a person who meets the requirement in paragraph **295A(i)(b)(i)**, but not the requirement in paragraph **295A(i)(b)(ii)**, be admitted for an initial period not exceeding 27 months.

In all cases provided the Immigration Officer is satisfied that each of the relevant requirements of paragraph **295A** is met.

### **Refusal of leave to enter Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

**295C.** Leave to enter Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement, is to be refused if the Immigration Officer is not satisfied that each of the relevant requirements of paragraph **295A** is met.

### **LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY**

#### **Requirements for leave to remain as the unmarried partner of a person present and settled in Jersey**

**295D.** The requirements to be met by a person seeking leave to remain as the unmarried partner of a person present and settled in Jersey are that:

- (i) the applicant has limited leave to enter or remain in Jersey 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 Jersey beyond 6 months from the date on which he was admitted to Jersey on this occasion in accordance with these Rules; and
- (ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
- (iii) the applicant is the unmarried partner of a person who is present and settled in Jersey; and
- (iv) the applicant has not remained in breach of the immigration laws; and
- (v) the parties are not involved in a consanguineous relationship with one another; and
- (vi) the parties have been living together in a relationship akin to marriage which has subsisted for 2 years or more; and
- (vii) 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 Rules for his removal under section 10 of the Immigration and Asylum Act 1999; and
- (viii) 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

- (ix) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (x) the parties intend to live together permanently; and
  - (a) the applicant provides an original English language test certificate in speaking and listening from an English language test provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, 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) unless;
    - (i) the applicant is aged 65 or over at the time he makes the application; or
    - (ii) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
    - (iii) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement; or
  - (b) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia, the Bahamas, Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
  - (c) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis 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 UK, the United States of America; and provides the specified documents; or
  - (d) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and
    - (1) provides the specified evidence to show he has the qualification, and
    - (2) Ecctis has confirmed that the qualification was taught or researched in English, or
  - (e) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show:
    - (1) he has the qualification, and
    - (2) that the qualification was taught or researched in English.

**Leave to remain as the unmarried partner of a person present and settled in Jersey**

**295E.** Leave to remain as the unmarried partner of a person present and settled in Jersey may be granted for a period of 2 years in the first instance provided that the Minister is satisfied that each of the requirements of paragraph **295D** are met

## **Refusal of leave to remain as the unmarried partner of a person present and settled in Jersey**

**295F.** Leave to remain as the unmarried partner of a person present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **295D** is met.

## **INDEFINITE LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY**

### **Requirements for indefinite leave to remain as the unmarried partner of a person present and settled in Jersey.**

**295G.** The requirements to be met by a person seeking indefinite leave to remain as the unmarried partner of a person present and settled in Jersey are that:

- (i) the applicant was admitted to Jersey for a period not exceeding 27 months or given an extension of stay for a period of 2 years and has completed a period of 2 years as the unmarried partner of a person present and settled here; or
- (ii) was admitted to Jersey in accordance with leave granted under paragraph **295B(c)**; and
- (iii) 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
- (iv) each of the parties intends to live permanently with the other as his partner; and
- (v) 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
- (vi) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (vii) the applicant has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (viii) the applicant does not fall for refusal under general grounds for refusal.

### **Indefinite leave to remain as the unmarried partner of a person present and settled in Jersey**

**295H.** Indefinite leave to remain as the unmarried partner of a person present and settled in Jersey may be granted provided that the Minister is satisfied that each of the requirements of paragraph **295G** is met.

### **Refusal of indefinite leave to remain as the unmarried partner of a person present and settled in Jersey**

**295I.** Indefinite leave to remain as the unmarried partner of a person present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **295G** is met.

## **LEAVE TO ENTER OR REMAIN AS THE UNMARRIED PARTNER OF A PERSON WITH LIMITED LEAVE TO ENTER OR REMAIN IN JERSEY UNDER PARAGRAPHS 128-193 OR 200-239**

**295IA.** Nothing in paragraphs **295J-295L** is to be construed as allowing a person to be granted entry clearance, leave to enter, leave to remain or variation of leave as the unmarried partner of a person granted entry clearance or leave to enter under paragraph **159A** where that entry clearance or leave to enter was granted under **159A** on or after 6 April 2012.

### **Requirements for leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs 128-193 or 200-239**

**295J.** The requirements to be met by a person seeking leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193** or **200-239**; are that:

- (i) the applicant is the unmarried partner of a person who has limited leave to enter or remain in Jersey under paragraphs **128-193** or **200-239** for longer than 12 months; and
- (ii) any previous marriage or civil partnership (or similar relationship) by either partner has permanently broken down; and
- (iii) the parties are not involved in a consanguineous relationship with one another; and
- (iv) the parties have been living together in a relationship akin to marriage which has subsisted for 2 years or more; and
- (v) each of the parties intends to live with the other as his partner during the applicant's stay; and
- (vi) 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
- (vii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (viii) the applicant does not intend to stay in Jersey beyond any period of leave granted to his partner; and
- (ix) if seeking leave to enter, the applicant 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.

### **Leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs 128-193 or 200-239**

**295K.** Leave to enter as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193** or **200-239** may be granted provided that a valid entry clearance for entry in this capacity is produced to the Immigration on arrival. Leave to remain as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193** or **200-239** may be granted provided the Minister is satisfied that each of the requirements of paragraph **295J** is met.

## **Refusal of leave to enter or remain as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs 128-193 or 200-239**

**295L.** Leave to enter as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193** or **200-239** is to be refused if a valid entry clearance for entry in this capacity is not produced to the Immigration Officer on arrival. Leave to remain as the unmarried partner of a person with limited leave to enter or remain in Jersey under paragraphs **128-193** or **200-239** is to be refused if the Minister is not satisfied that each of the requirements of paragraph **295J** is met.

## **INDEFINITE LEAVE TO REMAIN FOR THE BEREAVED UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY**

### **Requirements for indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey**

**295M.** 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 Jersey are that:

- (i) the applicant was admitted to Jersey for a period not exceeding 27 months or given an extension of stay for a period of 2 years as the unmarried partner of a person present and settled in Jersey; and
- (ii) the person whom the applicant was admitted or granted an extension of stay to join died during that period of leave; and
- (iii) 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 the death; and
- (iv) 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
- (v) 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 Jersey**

**295N.** Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey may be granted provided that the Minister is satisfied that each of the requirements of paragraph **295M** is met.

### **Refusal of indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey**

**295O.** Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **295M** is met.

## **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 or civil partnership and any application by that parent for admission or

leave to remain for settlement or with a view to settlement would be refused pursuant to paragraph 278 or paragraph 3 of Appendix FM (J).

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

### **Requirements for indefinite leave to enter Jersey as the child of a parent, parents or a relative present and settled or being admitted for settlement in Jersey**

**297.** The requirements to be met by a person seeking indefinite leave to enter Jersey as the child of a parent, parents or a relative present and settled or being admitted for settlement in Jersey 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 Jersey; or
  - (b) both parents are being admitted on the same occasion for settlement; or
  - (c) one parent is present and settled in Jersey and the other is being admitted on the same occasion for settlement; or
  - (d) one parent is present and settled in Jersey or being admitted on the same occasion for settlement and the other parent is dead; or
  - (e) one parent is present and settled in Jersey 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 Jersey 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 Jersey as the child of a parent, parents or a relative present and settled or being admitted for settlement in Jersey are that he:**

**298.** The requirements to be met by a person seeking indefinite leave to remain in Jersey as the child of a parent, parents or a relative present and settled in Jersey 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 Jersey; or
  - (b) one parent is present and settled in Jersey and the other parent is dead; or
  - (c) one parent is present and settled in Jersey and has had sole responsibility for the child's upbringing or the child normally lives with his parent and not their other parent; or
  - (d) one parent or a relative is present and settled in Jersey 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 or has had limited leave to enter or remain in Jersey; 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 maintained 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; and
- (vii) if aged 18 or over, was admitted to Jersey under paragraph **302** and has demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix KoLL.

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

**299.** Indefinite leave to enter Jersey as the child of a parent, parents or a relative present and settled or being admitted for settlement in Jersey 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 Jersey as the child of a parent, parents or a relative present and settled in Jersey may be granted provided the Minister is satisfied that each of the requirements of paragraph **298** is met.

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

**300.** Indefinite leave to enter Jersey as the child of a parent, parents or a relative present and settled or being admitted for settlement in Jersey 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 Jersey as the child of a parent, parents or a relative present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **298** is met.

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

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

- (i) is seeking leave to enter or accompany or join or remain with a parent or parents in one of the following circumstances:
  - (a) one parent is present and settled in Jersey 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 Jersey with a view to settlement; or
  - (b) one parent is being or has been given limited leave to enter or remain in Jersey 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 Jersey 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
- (v) can, and will, be maintained adequately by the parent or parents without recourse to public funds; and
- (vi) (where an application is made for limited leave to remain with a view to settlement) has limited leave to enter or remain in Jersey; and
- (vii) 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 Jersey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in Jersey with a view to settlement**

**302.** A person seeking limited leave to enter Jersey with a view to settlement as the child of a parent or parents or parents given limited leave to enter or remain in Jersey with a view to settlement may be admitted for a period not exceeding 33 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 Jersey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in Jersey with a view to settlement may be given limited leave to remain for a period not exceeding 33 months provided the Minister is satisfied that each of the requirements of paragraph **301 (i)-(vi)** is met.

**Refusal of limited leave to enter or remain in Jersey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in Jersey with a view to settlement**

**303.** Limited leave to enter Jersey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in Jersey 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 Jersey with a view to settlement as the child of a parent or parents given limited leave to enter or remain in Jersey with a view to settlement is to be refused if the Minister is not satisfied that each of the requirements of paragraph **301 (i)-(vi)** is met.

**LEAVE TO ENTER AND EXTENSION OF STAY IN JERSEY AS THE CHILD OF A PARENT WHO IS BEING, OR HAS BEEN ADMITTED TO JERSEY AS A FIANCÉ(E) OR PROPOSED CIVIL PARTNER**

**Requirements for limited leave to enter Jersey as the child of a fiancé(e) or proposed civil partner**

**303A.** The requirements to be met by a person seeking limited leave to enter Jersey as the child of a fiancé(e) or proposed civil partner 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 proposed civil partner, or who has been admitted as a fiancé(e) or proposed civil partner, and
- (ii) he is under the age of 18; and
- (iii) he is not leading an independent life, is unmarried, and has not formed and 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) or proposed civil partner; 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 Jersey, and there is no other person outside Jersey 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 Jersey as the child of a parent who is being, or has been admitted to Jersey as a fiancé(e) or proposed civil partner**

**303B.** A person seeking limited leave to enter Jersey as the child of a fiancé(e) or proposed civil partner, may be granted limited leave to enter Jersey for a period not in excess of that granted to the fiancé(e) or proposed civil partner 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) or proposed civil partner will expire in more than 6 months, a person seeking limited leave to enter as the child of the fiancé(e) or proposed civil partner should be granted leave for a period not exceeding 6 months.

### **Refusal of limited leave to enter Jersey as the child of a parent who is being, or has been admitted to Jersey as a fiancé(e) or proposed civil partner**

**303C.** Limited leave to enter Jersey as the child of a fiancé(e) or proposed civil partner 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 Jersey as the child of a fiancé(e) or proposed civil partner**

**303D.** The requirements to be met by a person seeking an extension of stay in Jersey as the child of a fiancé(e) or proposed civil partner are that:

- (i) the applicant was admitted with a valid entry clearance as the child of a fiancé(e) or proposed civil partner; 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) or proposed civil partner; and
- (iii) the requirements of paragraph **303A (ii)-(v)** are met.

### **Extension of stay in Jersey as the child of a fiancé(e) or proposed civil partner**

**303E.** An extension of stay as the child of a fiancé(e) or proposed civil partner may be granted provided that the Minister is satisfied that each of the requirements of paragraph **303D** is met.

### **Refusal of an extension of stay in Jersey as the child of a fiancé(e) and proposed civil partner**

**303F.** An extension of stay as the child of a fiancé(e) or proposed civil partner is to be refused if the Minister is not satisfied that each of the requirements of paragraph **303D** is met.

## **CHILDREN BORN IN JERSEY 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 Jersey on or after 1 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 Jersey 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 Jersey is sought and leave to remain where permission is sought for the child to be allowed to stay in Jersey. 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 Jersey 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 Jersey as the child of a parent or parents given leave to enter or remain in Jersey**

**305.** The requirements to be met by a child born in Jersey who is not a British citizen who seeks leave to enter or remain in Jersey as the child of a parent or parents given leave to enter or remain in Jersey 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 Jersey; 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 Jersey; or
  - (c) is a child in respect of whom the parental rights and duties are vested solely in a local authority; and
- (ii) is under the age of 18; and
- (iii) was born in Jersey; 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 Jersey for more than 2 years.

## **Leave to enter or remain in Jersey**

**306.** A child born in Jersey who is not a British citizen and who requires leave to enter or remain in the circumstances set out in paragraph **305** may be given leave to enter for the same period as his parent or parents where paragraph **305 (i)(a)** applies, provided that 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 Minister is satisfied that each of the requirements of **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 remain for 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 the conditions in paragraph **305 (ii)-(v)** are met. However, he may be granted leave to enter or remain for a period not exceeding 3 months if both of his parents are in Jersey and it appears unlikely that they will be removed in the immediate future, and there is no other person outside Jersey who could reasonably be expected to care for him.

**308.** A child born in Jersey who is not a British citizen and who requires leave to enter or remain in Jersey 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 Minister is satisfied that each of the requirements of paragraph **305 (ii)-(iv)** is met.

## **Refusal of leave to enter or remain in Jersey**

**309.** Leave to enter Jersey 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 Minister 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 2 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 the 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.

**309B.** Inter-country adoptions which are not a de facto adoption under paragraph **309A** are subject to the Adoption and Children Act 2002 and the Adoptions and Foreign Element Regulations 2005. As such all prospective adopters must be assessed as suitable to adopt by a competent authority in the United Kingdom, and obtain a Certificate of Eligibility from the Department for Education, before travelling abroad to identify a child for adoption. This Certificate of Eligibility must be provided with all entry clearance adoption applications under paragraphs **310-316F**.

## **Requirements for indefinite leave to enter Jersey as the adopted child of a parent or parents present and settled or being admitted for settlement in Jersey**

**310.** The requirements to be met in the case of a child seeking indefinite leave to enter Jersey as the adopted child of a parent or parents present and settled or being admitted for settlement in Jersey 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 Jersey; or
  - (b) both parents are being admitted on the same occasion for settlement; or
  - (c) one parent is present and settled in Jersey and the other is being admitted on the same occasion for settlement; or
  - (d) one parent is present is present and settled in Jersey or being admitted on the same occasion for settlement and the other parent is dead; or

- (e) one parent is present and settled in Jersey 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 Jersey 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 Jersey or indefinite leave to enter or remain in Jersey and is seeking admission to Jersey 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)
  - (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 Jersey; 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 Jersey; 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 Jersey; and
  - (xii) holds a valid entry clearance for entry in this capacity; and
  - (xiii) he does not fall for refusal under the general grounds for refusal.

**Requirements for indefinite leave to remain in Jersey as the adopted child of a parent or parents present and settled in Jersey**

**311.** The requirements to be met in the case of a child seeking indefinite leave to remain in Jersey as the adopted child or a parent or parents present and settled in Jersey 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 Jersey; or
  - (b) one parent is present and settled in Jersey and the other parent is dead; or
  - (c) one parent is present and settled in Jersey and has had sole responsibility for the child's upbringing; or
  - (d) one parent is present and settled in Jersey 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 Jersey or indefinite leave to enter or remain in Jersey and is seeking admission to Jersey on the same occasion for the purpose of settlement; and
- (ii) has limited leave to enter or remain in Jersey; 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)
- (vi)
  - (a) was adopted in accordance with a decision taken by the competent administrative authority or court in his country or origin or the country in which he is resident, being a country whose adoption orders are recognised by Jersey; 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 Jersey; 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 Jersey; and
- (xii) he does not fall for refusal under the general grounds for refusal.

### **Indefinite leave to enter or remain in Jersey as the adopted child of a parent or parents present and settled or being admitted for settlement in Jersey**

**312.** Indefinite leave to enter Jersey as the adopted child of a parent or parents present and settled or being admitted for settlement in Jersey 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 Jersey as the adopted child of a parent or parents present and settled in Jersey may be granted provided the Minister is satisfied that each of the requirements of paragraph **311** is met.

### **Refusal of indefinite leave to enter or remain in Jersey as the adopted child of a parent or parents present and settled or being admitted for settlement in Jersey**

**313.** Indefinite leave to enter Jersey as the adopted child of a parent or parents present and settled or being admitted for settlement in Jersey 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 Jersey as the adopted child of a parent or parents present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **311** is met.

### **Requirements for limited leave to enter or remain in Jersey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in Jersey 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 Jersey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in Jersey 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 Jersey 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 Jersey with a view to settlement; or
  - (b) one parent is being or has been given limited leave to enter or remain in Jersey with a view to settlement and had 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 Jersey 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 Jersey or indefinite leave to enter or remain in Jersey and is seeking admission to Jersey 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)
  - (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 Jersey; 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 Jersey; 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 Jersey; 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 Jersey; and
- (xii) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

**Limited leave to enter or remain in Jersey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in Jersey with a view to settlement**

**315.** A person seeking limited leave to enter Jersey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in Jersey 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 Jersey with a view to settlement as the adopted child of a parent or parents given limited leave to remain in Jersey with a view to settlement may be granted limited leave for a period not exceeding 12 months provided the Minister is satisfied that each of the requirements of paragraph **314 (i)-(xi)** is met.

## **Refusal of limited leave to enter or remain in Jersey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in Jersey with a view to settlement**

**316.** Limited leave to enter Jersey with a view to settlement as the adopted child of a parent or parents given limited leave to enter or remain in Jersey 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 Jersey with a view to settlement as the adopted child or a parent or parents given limited leave to enter or remain in Jersey with a view to settlement is to be refused if the Minister is not satisfied that each of the requirements of paragraph **314 (i)-(xi)** is met.

### **Requirements for limited leave to enter Jersey 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 Jersey for the purpose of being adopted (which, for the avoidance of doubt, does not include a de facto adoption) in Jersey are that he:

- (i) is seeking limited leave to enter to accompany or join a person or persons who wish to adopt him in Jersey (the “prospective parent(s)”), in one of the following circumstances:
  - (a) both prospective parents are present and settled in Jersey; 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 Jersey 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 Jersey and the other is being given limited leave to enter or remain in Jersey 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 Jersey 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 Jersey 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 or civil partnership; 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 parent(s) 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 Jersey by his prospective parent or parents in accordance with the law relating to adoption in Jersey, but the proposed adoption is not one of convenience arranged to facilitate his admission to Jersey.

### **Limited leave to enter Jersey with a view to settlement as a child for adoption**

**316B.** A person seeking limited leave to enter Jersey 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 Jersey with a view to settlement as a child for adoption**

**316C.** Limited leave to enter Jersey 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 on arrival.

### **Requirements for limited leave to enter Jersey 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 Jersey for the purpose of being adopted in Jersey under the Hague Convention are that he:

- (i) is seeking limited leave to enter to accompany one or 2 people each of whom are habitually resident in Jersey and who wish to adopt him under the Hague Convention (“the prospective parents”); and
- (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 Jersey 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 Jersey with a view to settlement as a child for adoption**

**316E.** A person seeking limited leave to enter Jersey 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 entry clearance for entry in this capacity.

### **Refusal of limited leave to enter Jersey with a view to settlement as a child for adoption under the Hague Convention**

**316F.** Limited leave to enter Jersey 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.

### **317-319**

### **Family Members of Ministers of Religion**

**319AA.** Family members of a Minister or Religion seeking to enter or remain in Jersey must meet the requirements in relation to a Partner of a Relevant Points Based System Migrant listed in paragraphs 319AA-319J in the United Kingdom Immigration Rules.

### **319A-319Y**

## **PART 9: GROUNDS FOR REFUSAL**

*Suitability requirements apply to all routes and must be met in addition to validity and eligibility requirements.*

*Where this Part applies a person will not meet the suitability requirements if they fall for refusal under this Part.*

*A person may also have their entry clearance or leave cancelled on suitability grounds.*

*More than one grounds for refusal or cancellation may apply, for example, the presence of a foreign criminal in Jersey may not be conducive to the public good.*

*The Immigration Act 1971, the Leave to Enter or Remain Directions 2017 and Schedule 2 to the Immigration Act 1971 set out the powers to cancel entry clearance or leave. These rules set out how those powers are to be exercised.*

*Decisions on suitability are either mandatory (must) or discretionary (may) and must be compatible with obligations by which Jersey is bound under the Refugee Convention and the European Convention on Human Rights, which are mainly provided for under other provisions in these Rules.*

*Some routes have their own, or additional, suitability requirements.*

*This Part is in 5 sections.*

- 1. Application of this Part;*
- 2. Grounds for refusal, or cancellation of, entry clearance, leave to enter and leave to remain;*
- 3. Additional grounds for refusal of entry, or cancellation of entry clearance or leave,*

*4. Additional grounds for refusal, or cancellation, of leave to remain;*

*5. Additional grounds for cancellation of entry clearance, leave to enter and leave to remain which apply to specified routes.*

## **Section 1: Application of this Part**

**9.1.1.** This Part does not apply to the following:

- (a) Appendix EU(J); and
- (b) Appendix EU(J) (Family Permit).

## **Section 2: Grounds for refusal, or cancellation, of entry clearance, leave to enter and leave to remain**

### **Exclusion or deportation order grounds**

**9.2.1.** An application for entry clearance, leave to enter or leave to remain must be refused where:

- (a) the Minister has personally directed that the applicant be excluded from Jersey; or
- (b) the applicant is the subject of an exclusion order; or
- (c) the applicant is the subject of a deportation order, or a decision to make a deportation order.

**9.2.2.** Entry clearance or leave held by a person must be cancelled where the Minister has personally directed that the person be excluded from Jersey.

### **Non-conductive grounds**

**9.3.1.** An application for entry clearance, leave to enter or leave to remain must be refused where the applicant's presence in Jersey is not conducive to the public good because of their conduct, character, associations or other reasons (including convictions which do not fall within the criminality grounds).

**9.3.2.** Entry clearance or leave held by a person must be cancelled where the person's presence in Jersey is not conducive to the public good.

### **Criminality grounds**

**9.4.1.** An application for entry clearance, leave to enter or leave to remain must be refused where the applicant:

- (a) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a custodial sentence of 12 months or more; or
- (b) is a persistent offender who shows a particular disregard for the law; or
- (c) has committed a criminal offence, or offences, which caused serious harm.

**9.4.2.** Entry clearance or leave held by a person must be cancelled where the person:

- (a) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a custodial sentence of 12 months or more; or
- (b) is a persistent offender who shows a particular disregard for the law; or
- (c) has committed a criminal offence, or offences, which caused serious harm.

**9.4.3.** An application for entry clearance, leave to enter or leave to remain may be refused (where paragraph **9.4.2.** and **9.4.4.** do not apply) where the applicant:

- (a) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a custodial sentence of less than 12 months; or
- (b) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a non-custodial sentence, or received an out-of-court disposal that is recorded on their criminal record.

**9.4.4.** An application for entry clearance or leave to enter under Appendix **V: Visitor**, or where a person is seeking entry on arrival Jersey for a stay for less than 6 months, must be refused where the applicant:

- (a) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a custodial sentence of less than 12 months, unless more than 12 months have passed since the end of the custodial sentence; or
- (b) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a non-custodial sentence or received an out-of-court disposal that is recorded on their criminal record, unless more than 12 months have passed since the date of conviction.

**9.4.5.** Entry clearance or leave held by a person may be cancelled (where paragraph **9.4.2.** does not apply) where the person:

- (a) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a custodial sentence of less than 12 months; or
- (b) has been convicted of a criminal offence in Jersey or elsewhere for which they have received a non-custodial sentence or received an out-of-court disposal that is recorded on their criminal record.

### **Exclusion from asylum or humanitarian protection grounds**

**9.5.1.** An application for entry clearance, leave to enter or leave to remain may be refused where the Minister:

- (a) has at any time decided that paragraph **339AA** (exclusion from Refugee Convention), **339AC** (dangerous persons), **339D** (exclusion from a grant of humanitarian protection) or **339GB** (revocation of humanitarian protection on grounds of exclusion) applies to the applicant; or
- (b) has decided that paragraph **339AA**, **339AC**, **339D** or **339GB** would apply, but for the fact that the person has not made a protection claim in Jersey, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs **339AA**, **339AC**, **339D** or **339GB**.

**9.5.2.** Entry clearance or leave held by a person may be cancelled where the Minister:

- (a) has at any time decided that paragraph **339AA** (exclusion from Refugee Convention), **339AC** (dangerous persons), **339D** (exclusion from a grant of humanitarian protection) or **339GB** (revocation of humanitarian protection on grounds of exclusion) applies to the applicant; or
- (b) has decided that paragraph **339AA**, **339AC**, **339D** or **339GB** would apply, but for the fact that the person has not made a protection claim in Jersey, or that the person has made a protection claim which was finally determined without reference to any of the relevant matters described in paragraphs **339AA**, **339AC**, **339D** or **339GB**.

### **Involvement in a sham marriage or sham civil partnership grounds**

**9.6.1.** An application for entry clearance, leave to enter or leave to remain may be refused where the decision maker is satisfied that it is more likely than not that the applicant is, or has been, involved in a sham marriage or sham civil partnership.

**9.6.2.** Entry clearance or leave held by a person may be cancelled where the decision maker is satisfied that it is more likely than not the person is, or has been, involved in a sham marriage or sham civil partnership.

### **False representations, etc. grounds**

**9.7.1.** An application for entry clearance, leave to enter or leave to remain may be refused where, in relation to the application, or in order to obtain documents from the Minister or a third party provided in support of the application:

- (a) false representations are made, or false documents or false information submitted (whether or not relevant to the application, and whether or not to the applicant's knowledge); or
- (b) relevant facts are not disclosed.

**9.7.2.** An application for entry clearance, leave to enter or leave to remain must be refused where the decision maker can prove that it is more likely than not the applicant used deception in the application.

**9.7.3.** Entry clearance or leave held by a person may be cancelled where, in relation to an application, or in order to obtain documents from the Minister or a third party provided in support of the application:

- (a) false representations were made, or false documents or false information submitted (whether or not relevant to the application, and whether or not to the applicant's knowledge); or
- (b) relevant facts were not disclosed.

### **Previous breach of immigration laws grounds**

**9.8.1.** An application for entry clearance or leave to enter must be refused if:

- (a) the applicant has previously breached immigration laws; and
- (b) the application is for entry clearance or leave to enter and it was made within the relevant time period in paragraph **9.8.7**.

**9.8.2.** An application for entry clearance or leave to enter may be refused where:

- (a) the applicant has previously breached immigration laws; and
- (b) the application was made outside the relevant time period in paragraph **9.8.7**; and
- (c) the applicant has previously contrived in a significant way to frustrate the intention of the rules, or there are other aggravating circumstances (in addition to the immigration breach), such as a failure to cooperate with the redocumentation process, such as using a false identity, or a failure to comply with enforcement processes, such as failing to report, or absconding.

**9.8.3.** An application for leave to remain may be refused where a person has previously failed to comply with the conditions of their leave, unless leave has been granted in the knowledge of the previous breach.

**9.8.3A.** An application for leave to remain may be refused where a person used deception in relation to a previous application (whether or not successfully)

**9.8.4.** In paragraphs **9.8.1.** and **9.8.2.**, a person will only be treated as having previously breached immigration laws if, when they were aged 18 or over, they:

- (a) overstayed their leave and neither paragraph **9.8.5.** nor paragraph **9.8.6.** applies; or
- (b) breached a condition attached to their leave and entry clearance or further leave was not subsequently granted in the knowledge of the breach; or
- (c) were (or still are) an illegal entrant; or
- (d) used deception in relation to an application (whether or not successfully).

**9.8.5.** A period of overstaying will be disregarded for the purpose of paragraph **9.8.4. (a)** where the person left Jersey voluntarily, not at the expense (directly or indirectly) of the Minister, and:

- (a) the person overstayed for 90 days or less, where the overstaying began before 6 April 2017; or
- (b) the person overstayed for 30 days or less, where the overstaying began on or after 6 April 2017.

**9.8.6.** A period of overstaying will be disregarded for the purpose of paragraph **9.8.4.(a)** where the overstaying arose from a decision to refuse an application, or cancellation of leave, which was subsequently withdrawn, or quashed, or reconsidered by direction of a court or tribunal, unless the legal challenge which led to the reconsideration was brought more than 3 months after the date of the decision to refuse or cancel.

**9.8.7.** The relevant time period under paragraphs **9.8.1.** and **9.8.2.** is as set out in the following table (and where the person previously breached more than one immigration law, only the breach which leads to the longest period of absence from Jersey will be taken into account):

Time from date the person left	This applies where the	And the applicant	And the applicant
--------------------------------	------------------------	-------------------	-------------------

Jersey (or date of refusal of the entry clearance under row (f))	applicant	left Jersey	left Jersey
(a) 12 months	left voluntarily	at their own expense	N/A
(b) 2 years	left voluntarily	at public expense	Within 6 months of being given notice of liability for removal or when they no longer had a pending administrative review or judicial review, whichever is later.
(c) 5 years	left voluntarily	at public expense	more than 6 months after being given notice of liability for removal or when they no longer had a pending administrative review or judicial review, whichever is later.
(d) 5 years	left or was removed from Jersey	as a condition of a binding over order (and providing that any condition prohibiting their return to Jersey has itself expired)	-
(e) 10 years	was deported or removed from Jersey	at public expense	-

(f) 10 years	Used deception in an application for entry clearance (including a visit visa).	-	-
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**9.8.8.** Leave (may be cancelled where the person has failed to comply with the conditions of their leave.

**Failure to provide required information, etc. grounds**

**9.9.1.** An application for entry clearance, leave to enter or leave to remain may be refused where a person fails without reasonable excuse to comply with a reasonable requirement to:

- (a) attend an interview; or
- (b) provide information; or
- (c) provide biometrics (whether or not requested as part of an application); or
- (d) undergo a medical examination; or
- (e) provide a medical report.

**9.9.2.** Any entry clearance or leave held by a person may be cancelled where the person fails without reasonable excuse to comply with a reasonable requirement to:

- (a) attend an interview; or
- (b) provide information; or
- (c) provide biometrics; or
- (d) undergo a medical examination; or
- (e) provide a medical report.

**Admissibility to the Common Travel Area or other countries grounds**

**9.10.1.** An application for entry clearance or leave to enter must be refused where a person is seeking entry to Jersey with the intention of entering another part of the Common Travel Area and fails to satisfy the decision maker that they are acceptable to the immigration authorities there.

**9.10.2.** An application for entry clearance, leave to enter or leave to remain may be refused where a person seeking entry fails to satisfy the decision maker that they will be admitted to another country after a stay in Jersey.

**Debt to the Health & Community Services Department**

**9.11.1.** An application for entry clearance, leave to enter or leave to remain may be refused where the Health & Community Services Department has notified the Minister that the

applicant has failed to pay a charge or charges for hospital treatment and care in accordance with the relevant Health & Community Services Department overseas patients' policy.

#### **Unpaid litigation costs grounds**

**9.12.1.** An application for entry clearance, leave to enter or leave to remain may be refused where a person has failed to pay litigation costs awarded to the Government of Jersey.

#### **Purpose not covered by the Immigration Rules grounds**

**9.13.1.** An application for entry clearance, leave to enter or leave to remain may be refused where a person is seeking to come to or stay in Jersey for a purpose not covered by these rules.

### **Section 3: Additional grounds for refusal of entry on arrival Jersey**

#### **No entry clearance grounds**

**9.14.1.** Leave to enter must be refused if the person seeking entry is required under these rules to hold on arrival entry clearance for the purpose for which entry is sought, or the person is a visa national, and the person does not hold the required entry clearance.

#### **Failure to produce recognised passport or travel document grounds**

**9.15.1.** Leave to enter must be refused if the person seeking entry fails to produce a passport or other travel document that satisfies the decision maker as to their identity and nationality, unless the person holds a travel document issued by the national authority of a state of which the person is not a national and the person's statelessness or other status prevents the person from obtaining a document satisfactorily establishing their identity and nationality.

**9.15.2.** Leave to enter may be refused if the person seeking entry produces a passport or other travel document which:

- (a) was 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
- (b) was issued by a territorial entity or authority which does not accept valid UK passports for the purpose of its own immigration controls; or
- (c) does not comply with international passport practice.

**9.15.3.** Entry clearance or leave held by a person may be cancelled where on arrival a person fails to produce a passport or other travel document that meets the requirements in paragraph **9.15.1.** or **9.15.2.**

#### **Medical grounds**

**9.16.1.** Leave to enter must be refused where a medical inspector advises that for medical reasons it is undesirable to grant entry to the person, unless the decision maker is satisfied that there are strong compassionate reasons justifying admission.

**9.16.2.** Entry clearance or leave held by a person may be cancelled where a medical inspector advises that for medical reasons it is undesirable to grant entry to the person.

## **Consent for a child to travel grounds**

**9.17.1.** A child may be refused leave to enter if they are not travelling with their parent or legal guardian and, if required to do so, the child's parent or legal guardian fails to provide the decision maker with written consent to the child seeking entry to Jersey.

## **Returning residents grounds**

**9.18.1.** A person seeking entry as a returning resident under paragraph **18** may be refused leave to enter if they fail to satisfy the decision maker that they meet the requirements of that paragraph, or that they are seeking entry for the same purpose as that for which their previous leave was granted.

## **Customs breaches grounds**

**9.19.1.** Leave to enter may be refused where the decision maker is satisfied that a person has committed a customs breach, whether or not a criminal prosecution is pursued.

**9.19.2.** Where the decision maker is satisfied that a person has committed a customs breach, whether or not a criminal prosecution is pursued, any entry clearance or leave held by the person may be cancelled.

## **Change of circumstances or purpose grounds**

**9.20.1.** Entry clearance or leave held by a person may be cancelled where there has been such a change in circumstances since the entry clearance or leave was granted that it should be cancelled.

**9.20.2.** Entry clearance or leave to enter held by a person on arrival in Jersey may be cancelled where the person's purpose in seeking entry is different from the purpose specified in their entry clearance.

## **Section 4: Additional grounds for refusal of leave to remain**

### **Rough sleeping in Jersey**

**9.21.1.** Leave to remain may be refused where the decision maker is satisfied that a person has been rough sleeping in Jersey and has repeatedly refused offers of suitable support and has engaged in persistent anti-social behaviour.

**9.21.2.** Where the decision maker is satisfied that a person has been rough sleeping in Jersey and has repeatedly refused offers of suitable support, and has engaged in persistent anti-social behaviour, any leave held by the person may be cancelled.

### **Crew members**

**9.22.1.** Where a person has leave to enter as a crew member an application for leave to remain may be refused, unless leave to remain is granted to fulfil the purpose for which the person has leave to enter.

## **Section 5: Additional grounds for cancellation of entry clearance, leave to enter and leave to remain**

### **Ceasing to meet requirement of rules**

**9.23.1.** A person's entry clearance or leave may be cancelled if they cease to meet the requirements of the rules under which the entry clearance or leave was granted.

### **Dependent grounds**

**9.24.1.** A person's entry clearance or leave may be cancelled where they are the dependent of another person whose leave is, or has been, cancelled.

## **PART 10:**

## **PART 11: ASYLUM**

### **Asylum (paragraphs 326A to 352G).**

#### **326A. Procedure**

The procedures set out in these Rules shall apply to the consideration of admissible applications for asylum and humanitarian protection.

**326B.** Where a claim for asylum or humanitarian protection is being considered under this Part, any Article 8 elements of that claim will be considered in line with the provisions of Appendix **FM (J)(J1) (family life)** and in line with paragraphs **276ADE** to **276DH** (private life) which are relevant to those elements unless the person is someone to whom **Part 13** (deportation) applies.

#### **Definition of EU asylum applicant**

**326C.** Under this Part an EU asylum applicant is a national of a Member State of the European Union who either:

- (a) makes a request to be recognised a refugee under the Refugee Convention on the basis that it would be contrary to Jersey's obligations under the Refugee Convention for him to be removed from or required to leave Jersey, or
- (b) otherwise makes a request for international protection.

"EU asylum application" shall be construed accordingly.

**326D.** 'Member State' has the same meaning as in Article 1 of the European Union (Jersey) Law 1973.

#### **Inadmissibility of EU asylum applications**

**326E.** An EU asylum application will be declared inadmissible and will not be considered unless the requirement in paragraph **326F** is met.

**326F.** An EU asylum application will only be admissible if the applicant satisfies the Minister that there are exceptional circumstances which require the application to be admitted for full consideration. Exceptional circumstances may include in particular:

- (a) the Member State of which the applicant is a national has derogated from the European Convention on Human Rights in accordance with Article 15 of that Convention;

- (b) the procedure detailed in Article 7(1) of the Treaty on European Union has been initiated, and the Council or, where appropriate, the European Council, has yet to make a decision as required in respect of the Member State of which the applicant is a national; or
- (c) the Council has adopted a decision in accordance with Article 7(1) of the Treaty on European Union in respect of the Member State of which the applicant is a national, or the European Council has adopted a decision in accordance with Article 7(2) of that Treaty in respect of the Member State of which the applicant is a national.

### **Definition of asylum applicant**

**327.** Under the Rules an asylum applicant is a person who either -

- (a) makes a request to be recognised as a refugee under the Refugee Convention on the basis that it would be contrary to Jersey's obligations under the Refugee Convention for him to be removed from or required to leave Jersey, or
- (b) otherwise makes a request for international protection.

"Application for asylum" shall be construed accordingly.

**327A.** Every person has the right to make an application for asylum on his own behalf.

### **Applications for asylum**

**328.** All asylum applications will be determined by the Minister in accordance with the Refugee Convention on recommendations made by the Minister. Every asylum application made by a person at a port or airport in Jersey, other than one refused under paragraph **345**, will be referred by the Immigration Officer for determination in accordance with these Rules.

**328A.** The Minister shall ensure that authorities which are likely to be addressed by someone who wishes to make an application for asylum are able to advise that person how and where such an application may be made.

**329.** Until an asylum application, other than one refused under paragraph **345**, has been determined, no action will be taken to require the departure of the asylum applicant or his dependants from Jersey.

**330.** If the Minister decides to grant refugee status 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 or his application for asylum is withdrawn or treated as withdrawn under paragraph **333C**, 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 makes an application for asylum and that application is refused or withdrawn or treated as withdrawn under paragraph **333C**, leave to enter will again be refused unless the applicant qualifies for admission under any other provision of these Rules.

**333.** Written notice of decisions on applications for asylum shall be given in reasonable time. Where the applicant is legally represented, notice may instead be given to the representative. Where the applicant has no legal representative and free legal assistance is not available, he shall be informed of the decision on the application for asylum and, if the application is rejected, how to challenge the decision, in a language that he may reasonably be supposed to understand.

**333A.** A decision on each asylum applications will be taken as soon as possible, without prejudice to an adequate and complete examination. In order that this requirement is complied with, the Minister shall ensure that her recommendation under paragraph **328** is furnished as soon as possible.

Where a decision on an application for asylum cannot be taken within 6 months of the date it was recorded:

- (a) the applicant shall be informed of the delay; or
- (b) if the applicant has made a specific written request for it, be provided with information on the time-frame within which the decision on his application is to be expected.

The provision of such information shall not require the taking of a decision within the stipulated time-frame.

**333B.** Applicants for asylum shall be allowed an effective opportunity to consult a competent legal adviser, at their own expense or on legal aid. This paragraph shall also apply where consideration is being given to revoking a person's refugee status in accordance with these Rules.

### **Withdrawal of applications**

**333C.** If an application for asylum is withdrawn either explicitly or implicitly, consideration of it may be discontinued.

An application will be treated as explicitly withdrawn if the applicant signs the relevant form provided. An application may be treated as impliedly withdrawn if an applicant leaves Jersey without authorisation at any time prior to the conclusion of his asylum claim, or fails to complete an asylum questionnaire as requested by the Immigration Officer, or fails to attend the personal interview as provided in paragraph **339NA** unless the applicant demonstrates within a reasonable time that that failure was due to circumstances beyond his control.

The Immigration Officer will indicate on the applicant's asylum file that the application for asylum has been withdrawn and consideration of it has been discontinued.

### **Grant of refugee status**

**334.** An asylum applicant will be granted refugee status in Jersey if the Minister is satisfied that:

- (i) the applicant is in Jersey or has arrived at a port of entry in Jersey;
- (ii) the applicant is a refugee, that is to say, a person who falls within Article 1A of the Refugee Convention and does not fall within the scope of Article 1D, 1E or 1F of the Refugee Convention;
- (iii) there are no reasonable grounds for regarding the applicant as a danger to security;
- (iv) having been convicted by a final judgment of a particularly serious crime, the applicant does not constitute danger to the community; and
- (v) refusing his application would result in the applicant being required to go (whether immediately or after the time limited by any existing leave to enter or remain) in breach of the Refugee Convention, 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 Minister decides to grant refugee status to a person who has previously been given leave to enter (whether or not the leave has expired) or to a person who has entered without leave, the Minister 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. Where an application for asylum is refused, the reasons in fact and law shall be stated in the decision and information provided in writing on how to challenge the decision.

**337.** The Minister may decide not to consider the substance of a person's claim to a refugee status if he is satisfied on a recommendation of the Minister that the person's removal to a third country does not raise any issue as to Jersey's obligations under the Refugee Convention. More details are given in paragraphs **345** and **347**.

**338.** When a person in Jersey is notified that asylum has been refused he may, if he is liable to removal as an illegal entrant under section 10 of the Immigration and Asylum Act 1999, or to deportation, at the same time be notified of removal directions, served with a notice of intention to make a deportation order, or served with a deportation order, as appropriate.

### **Revocation or refusal to renew a grant of refugee status**

**338A.** A person's grant of refugee status under paragraph **334** shall be revoked or not renewed by the Minister if any of paragraphs **339A** to **339AB** apply. A person's grant of refugee status under paragraph **334** may be revoked or not renewed if paragraph **339AC** applies.

**339.**

### **Refugee Convention ceases to apply (cessation)**

**339A.** This paragraph applies when the Minister is satisfied that one or more of the following applies to a person who claims refugee status:

- (i) he has voluntarily re-availed himself of the protection of the country of nationality;
- (ii) having lost his nationality, he has voluntarily re-acquired it;

- (iii) he has acquired a new nationality, and enjoys the protection of the country of his new nationality;
- (iv) he has voluntarily re-established himself in the country which he left or outside which he remained owing to a fear of persecution;
- (v) he can no longer, because the circumstances in connection with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of nationality; or
- (vi) being a stateless person with no nationality, he is able, because the circumstances in connection with which he has been recognised a refugee have ceased to exist, to return to the country of former habitual residence.

In considering (v) and (vi), the regard shall be had to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.

### **Exclusion from the Refugee Convention**

**339AA.** This paragraph applies where the Minister is satisfied that the person should have been or is excluded from being a refugee because the person falls within the scope of Article 1 D, 1E or 1F of the Refugee Convention.

As regards the application of Article 1F of the Refugee Convention, this paragraph also applies where the Minister is satisfied that the person has instigated or otherwise participated in the crimes or acts mentioned therein.

In the construction and application of Article 1F(b) of the Refugee Convention:

- (a) the reference to serious non-political crime includes a particularly cruel action, even if it is committed with an allegedly political objective;
- (b) the reference to the crime being committed outside the country of refuge prior to his admission as a refugee shall be taken to mean the time up to and including the day on which a residence permit is issued.

Article 1F(a) and (b) of the Refugee Convention shall apply to a person who instigates or otherwise participates in the commission of the crimes or acts specified in those provisions.

### **Misrepresentation**

**339AB.** This paragraph applies where the Minister is satisfied that the person's misrepresentation or omission of facts, including the use of false documents, were decisive for the grant of refugee status.

### **Dangerous persons**

**339AC.** This paragraph applies where the Minister is satisfied that:

- (i) there are reasonable grounds for regarding the person as a danger to security;  
or
- (ii) having been convicted by a final judgment of a particularly serious crime, the person constitutes a danger to the community.

**339B.** When a person's refugee status is revoked or not renewed any limited or indefinite leave which he has may be curtailed or cancelled.

**339BA.** Where consideration is being given to revoking refugee status in accordance with these Rules, the following procedure will apply. The person concerned shall be informed in writing that his qualification for refugee status is being reconsidered and the reasons for the reconsideration. That person shall be given the opportunity to submit, in a personal interview or in a written statement, reasons as to why his refugee status should not be revoked. If there is a personal interview, it shall be subject to the safeguards set out in these Rules.

**339BB.** The procedure in paragraph **339BA** is subject to the following exceptions:

- (i) where a person acquires British citizenship status, his refugee status is automatically revoked in accordance with paragraph **339A (iii)** upon acquisition of that status without the need to follow the procedure;
- (ii) where refugee status is revoked under paragraph **339A**, or if the person has unequivocally renounced his recognition as a refugee, his refugee status may be considered to have lapsed by law without the need to follow the procedure.

**339BC.** If the person leaves Jersey, the procedure set out in paragraph **339BA** may be initiated, and completed, while the person is outside Jersey.

### **Grant of humanitarian protection**

**339C.** A person will be granted humanitarian protection in Jersey if the Minister is satisfied that:

- (i) the person is in Jersey or has arrived at a port of entry in Jersey;
- (ii) the person does not qualify as a refugee as referred to in paragraph **334**;
- (iii) substantial grounds have been shown for believing that, if the person were returned to the country of return, he would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail him/herself of the protection of that country; and
- (iv) the person is not excluded from a grant of humanitarian protection.

Serious harm consists of:

- (i) the death penalty or execution;
- (ii) unlawful killing;
- (iii) torture or inhuman or degrading treatment or punishment of a person in the country of return; or
- (iv) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

### **Exclusion from humanitarian protection**

**339D.** A person is excluded from a grant of humanitarian protection under paragraph **339C (iv)** where the Minister is satisfied that:

- (i) there are serious reasons for considering that he has committed a crime against peace, a war crime, a crime against humanity, or any other serious crime or instigated or otherwise participated in such crimes;
- (ii) there are serious reasons for considering that he is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts;
- (iii) there are serious reasons for considering that he constitutes a danger to the community or to security; or
- (iv) prior to his admission to Jersey the person committed a crime outside the scope of (i) and (ii) that would be punishable by imprisonment were it committed in Jersey and the person left his country of origin solely in order to avoid sanctions resulting from the crime.

**339E.** If it is decided to grant humanitarian protection and the person has not yet been given leave to enter, limited leave to enter will be granted.

If it is decided to grant humanitarian protection to a person who has been given limited leave to enter (whether or not that leave has expired) or a person who has entered without leave, the existing leave will be varied or limited leave to remain will be granted.

### **Refusal of humanitarian protection**

**339F.** Where the criteria set out in paragraph **339C** are not met, humanitarian protection will be refused.

### **Revocation of humanitarian protection**

**339G.** A person's humanitarian protection granted under paragraph **339C** will be revoked or not renewed if any of paragraphs **339GA** to **339GC** apply. A person's humanitarian protection granted under paragraph **339C** may be revoked or not renewed if paragraph **339GD** applies.

### **Cessation**

**339GA.** This paragraph applies where the Minister is satisfied that the circumstances which led to the grant of humanitarian protection have ceased to exist or have changed to such a degree that such protection is no longer required.

In applying this paragraph regard shall be had to whether the change of circumstances is of such a significant and non-temporary nature that the person no longer faces a real risk of serious harm.

### **Exclusion**

**339GB.** This paragraph applies where the Minister is satisfied that:

- (i) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that he has committed a crime against peace, a war crime, a crime against

humanity, or any other serious crime or instigated or otherwise participated in such crimes;

- (ii) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that he is guilty of acts contrary to the purposes and principles of the United Nations or has committed, prepared or instigated such acts or encouraged or induced others to commit, prepare or instigate such acts;
- (iii) the person granted humanitarian protection should have been or is excluded from humanitarian protection because there are serious reasons for considering that he constitutes a danger to the community or to security;

**339GC.** This paragraph applies where the Minister is satisfied that the person granted humanitarian protection should have been or is excluded from humanitarian protection because prior to his admission to Jersey the person committed a crime outside the scope of paragraph **339GB (i)** and **(ii)** that would be punishable by imprisonment had it been committed in Jersey and the person left his country of origin solely in order to avoid sanctions resulting from the crime.

### **Misrepresentation (humanitarian protection)**

**339GD.** This paragraph applies where the Minister is satisfied that the person granted humanitarian protection misrepresented or omitted facts, including the use of false documents, which were decisive to the grant of humanitarian protection.

**339H.** When a person's humanitarian protection is revoked or not renewed any limited or indefinite leave which he has may be curtailed or cancelled.

### **Consideration of applications (general)**

**339HA.** The Minister shall ensure that the personnel examining applications for asylum and taking decisions in connection therewith have the knowledge, or recourse thereto, with respect to relevant standards applicable in the field of asylum and refugee law.

**339I.** When consideration is given to a person's asylum claim, eligibility for a grant of humanitarian protection or human rights claim it is the duty of the person to submit to any of the personnel examining the application or claim as soon as possible all material factors needed to substantiate the asylum claim or establish that he is a person eligible for humanitarian protection or substantiate the human rights claim, which must be assessed in cooperation with the person.

The material factors include:

- (i) the person's statement on the reasons for making an asylum claim or on eligibility for a grant of humanitarian protection or for making a human rights claim;
- (ii) all documentation at the person's disposal regarding the person's age, background (including background details of relevant relatives), identity, nationality(ies), country(ies) and place(s) of previous residence, previous asylum applications, travel routes; and
- (iii) identity and travel documents.

**339IA.** For the purposes of examining individual applications for asylum:

- (i) information provided in support of an application and the fact that an application has been made shall not be disclosed to the alleged actor of persecution of the applicant, and
- (ii) information shall not be obtained from the alleged actor of persecution that would result in his being directly informed that an application for asylum has been made by the applicant in question and would jeopardise the physical integrity of the applicant and his dependants, or the liberty and security of his family members still living in the country of origin.

This paragraph shall also apply where consideration is being given to revoking a person's refugee status in accordance with these Rules.

**339J.** The assessment of an asylum claim, eligibility for a grant of humanitarian protection or a human rights claim will be carried out on an individual, objective and impartial basis. This will include taking into account in particular:

- (i) all relevant facts as they relate to the country of origin or country of return at the time of taking a decision on the grant; including laws and regulations of the country of origin or country of return and the manner in which they are applied;
- (ii) relevant statements and documentation presented by the person including information on whether the person has been or may be subject to persecution or serious harm;
- (iii) the individual position and personal circumstances of the person, including factors such as background, gender and age, so as to assess whether, on the basis of the person's personal circumstances, the acts to which the person has been or could be exposed would amount to persecution or serious harm;
- (iv) whether the person's activities since leaving the country of origin or country of return were engaged in for the sole or main purpose of creating the necessary conditions for making an asylum claim or establishing that he is a person eligible for humanitarian protection or a human rights claim, so as to assess whether these activities will expose the person to persecution or serious harm if he returned to that country; and
- (v) whether the person could reasonably be expected to avail himself of the protection of another country where he could assert citizenship.

**339JA.** Reliable and up-to-date information shall be obtained from various sources as to the general situation prevailing in the countries of origin of applicants for asylum and, where necessary, in countries through which they have transited. Such information shall be made available to the personnel responsible for examining applications and taking decisions and may be provided to them in the form of a consolidated country information report.

This paragraph shall also apply where consideration is being given to revoking a person's refugee status in accordance with these Rules.

**339K.** The fact that a person has already been subject to persecution or serious harm, or to direct threats of such persecution or such harm, will be regarded as a serious indication of the person's well-founded fear of persecution or real risk of suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

**339L.** It is the duty of the person to substantiate the asylum claim or establish that he is a person eligible for humanitarian protection or substantiate his human rights claim. Where

aspects of the person's statements are not supported by documentary or other evidence, those aspects will not need confirmation when all of the following conditions are met:

- (i) the person has made a genuine effort to substantiate his asylum claim or establish that he is a person eligible for humanitarian protection or substantiate his human rights claim;
- (ii) all material factors at the person's disposal have been submitted, and a satisfactory explanation regarding any lack of other relevant material has been given;
- (iii) the person's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the person's case;
- (iv) the person has made an asylum claim or sought to establish that he is a person eligible for humanitarian protection or made a human rights claim at the earliest possible time, unless the person can demonstrate good reason for not having done so; and
- (v) the general credibility of the person has been established.

**339M.** A person may be taken not to have substantiated his asylum claim or established that he is a person eligible for humanitarian protection or substantiated his human rights claim, and his application for asylum may thereby be rejected, or his eligibility for humanitarian protection not established, or his human rights claim rejected, if he fails, without reasonable explanation, to make a prompt and full disclosure of material facts, either orally or in writing, or otherwise to assist in establishing the facts of the case; this includes, for example, failure to report to a designated place to be fingerprinted, failure to complete an asylum questionnaire or failure to comply with a requirement to report to an Immigration Officer for examination.

**339MA.** Applications for asylum shall be neither rejected nor excluded from examination on the sole ground that they have not been made as soon as possible.

**339N.**

(1) In determining whether the general credibility of the person has been established, account shall be taken, as damaging the claimant's credibility, of any behaviour to which this paragraph **339N** applies.

(2) This paragraph **339N** applies to any behaviour by the claimant that an Immigration Officer thinks –

- (i) is designed or likely to conceal information,
- (ii) is designed or likely to mislead, or
- (iii) is designed or likely to obstruct or delay the handling or resolution of the claim or the taking of a decision in relation to the claimant.

(3) Without prejudice to the generality of the foregoing the following kinds of behaviour are to be treated as designed or likely to conceal information or to mislead –

- (i) failure without reasonable explanation to produce a passport on request to an Immigration Officer,

- (ii) the production of a document which is not a valid passport as if it were,
  - (iii) the destruction, alteration or disposal, in each case without reasonable explanation, of a passport,
  - (iv) the destruction, alteration or disposal, in each case without reasonable explanation, of a ticket or other document connected with travel, and
  - (v) failure without reasonable explanation to answer a question asked by an Immigration Officer.
- (4) This paragraph **339N** also applies to failure by the claimant to take advantage of a reasonable opportunity to make an asylum claim or human rights claim while in a safe country.
- (5) This paragraph **339N** also applies to failure by the claimant to make an asylum claim or human rights claim before being notified of an immigration decision, unless the claim relies wholly on matters arising after the notification.
- (6) This paragraph **339N** also applies to failure by the claimant to make an asylum claim or human rights claim before being arrested under an immigration provision, unless—
- (i) he had no reasonable opportunity to make the claim before the arrest, or
  - (ii) the claim relies wholly on matters arising after the arrest.
- (7) The reference in this paragraph **339N** to an “immigration decision” means—
- (i) refusal of leave to enter Jersey,
  - (ii) refusal to vary a person’s leave to enter or remain in Jersey,
  - (iii) grant of leave to enter or remain in Jersey,
  - (iv) a decision that a person is to be removed from Jersey by way of directions under section 10(1)(a), (b) or (c) of the Immigration and Asylum Act 1999 (removal of persons unlawfully in Jersey),
  - (v) a decision that a person is to be removed from Jersey by way of directions under paragraphs 8 to 12 of Schedule 2 to the Immigration Act 1971 (control of entry: removal),
  - (vi) a decision to make a deportation order under section 5(1) of that Act, and
  - (vii) a decision to take action in relation to a person in connection with extradition from Jersey.
- (8) The reference in this paragraph **339N** to an “immigration provision” means—
- (i) sections 28A, 28B and 28C of the Immigration Act 1971 (immigration offences: enforcement),
  - (ii) paragraph 17 of Schedule 2 to that Act (control of entry), and
  - (iii) a provision of the Extradition (Jersey) Law 2004.

(9) The reference in this paragraph **339N** to a “passport” includes a document which relates to a national of a country other than the United Kingdom and which is designed to serve the same purpose as a passport, and

(10) A passport produced by or on behalf of a person is valid for the purposes of this paragraph **339N** if it-

- (i) relates to the person by whom or on whose behalf it is produced,
- (ii) has not been altered otherwise than by or with the permission of the authority who issued it, and
- (iii) was not obtained by deception.

(11) A reference in this paragraph **339N** to an asylum claim or human rights claim is to be treated as including a reference to a claim of entitlement to remain in a country other than Jersey made by reference to the rights that a person invokes in making an asylum claim or a human rights claim in Jersey.

(12) This paragraph **339N** shall not prevent a determination not to believe a statement on the grounds of behaviour to which this paragraph does not apply.

### **Personal interview**

**339NA.** Before a decision is taken on the application for asylum, the applicant shall be given the opportunity of a personal interview on his application for asylum with an Immigration Officer.

The personal interview may be omitted where:

- (i) the Minister is able to make a positive recommendation on the basis of evidence available;
- (ii) an Immigration Officer has already had a meeting with the applicant for the purpose of assisting him with completing his application and submitting the essential information regarding the application;
- (iii) the applicant, in submitting his application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he is a refugee, as referred to in paragraph **334**;
- (iv) the applicant has made inconsistent, contradictory, improbable or insufficient representations which make his claim clearly unconvincing in relation to his having been the object of persecution;
- (v) the applicant has submitted a subsequent application which does not raise any relevant new elements with respect to his particular circumstances or to the situation in his country of origin;
- (vi) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his removal; or

- (vii) it is not reasonably practicable, in particular where the Immigration Officer is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his control; or
- (viii) the applicant is an EU national whose claim it has nevertheless been decided to consider substantively in accordance with paragraph **326F**.

The omission of a personal interview shall not prevent a decision being taken on the application. Where the personal interview is omitted, the applicant and dependants shall be given a reasonable opportunity to submit further information.

**339NB.**

- (i) The personal interview mentioned in paragraph **339NA** shall normally take place without the presence of the applicant's family members unless the Immigration Officer considers it necessary for an appropriate examination to have other family members present.
- (ii) The personal interview shall take place under conditions which ensure appropriate confidentiality.

**339NC.**

- (i) A written report shall be made of every personal interview containing at least the essential information regarding the asylum application as presented by the applicant in accordance with paragraph **339I**.
- (ii) The applicant must have timely access to the report of the personal interview and such access must be possible as soon as necessary for enabling an application for judicial review to be prepared and lodged in due time.

**339ND.** The Minister shall provide at public expense an interpreter for the purpose of allowing the applicant to submit his case, wherever necessary.

The Minister shall select an interpreter who can ensure appropriate communication between the applicant and the person who conducts the interview.

## **Internal relocation**

### **339O.**

- (i) (a) A grant of refugee status will not be made if in part of the country of origin a person would not have a well-founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country; or
- (b) A grant of humanitarian protection will not be made if in part of the country of return a person would not face a real risk of suffering serious harm, and the person can reasonably be expected to stay in that part of the country.
- (ii) In examining whether a part of the country of origin or country of return meets the requirements in (i) regard will be had to the general circumstances prevailing in that part of the country and to the personal circumstances of the person.
- (iii) Sub-paragraph (i) applies notwithstanding technical obstacles to return to the country of origin or country of return.

## ***Sur place claims***

**339P.** A person may have a well-founded fear of being persecuted or a real risk of suffering serious harm based on events which have taken place since the person left the country of origin or country of return and/or activities which have been engaged in by a person since he left his country of origin or country of return, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin or country of return.

## **Residence Permits**

### **339Q.**

- (i) There will be issued by an Immigration Officer to a person granted refugee status in Jersey a Jersey Residence Permit which may take the form of a stamp in that person's passport (JRP) as soon as possible after the grant of refugee status. The JRP may be valid for five years and renewable, unless compelling reasons of national security or public order otherwise require or where there are reasonable grounds for considering that the applicant is a danger to security or having been convicted by a final judgment of a particularly serious crime, the applicant constitutes a danger to the community or the person's character, conduct or associations otherwise require.
- (ii) There will be issued by an Immigration Officer to a person granted humanitarian protection a JRP as soon as possible after the grant of humanitarian protection. The JRP may be valid for five years and renewable, unless compelling reasons of national security or public order otherwise require or where there are reasonable grounds for considering that the person granted humanitarian protection is a danger to security or having been convicted by a final judgment of a serious crime, this person constitutes a danger to the community or the person's character, conduct or associations otherwise require.
- (iii) A JRP will be issued by an Immigration Officer to a family member of a person granted refugee status or humanitarian protection where the family member does not qualify for such status. A JRP may be granted for a period of five years. The JRP is renewable on the terms set out in (i) and (ii) respectively. "Family member" for the purposes of this

sub-paragraph refers only to those who are treated as dependants for the purposes of paragraph **349**.

- (iv) A person's JRP may be revoked or its renewal refused by an Immigration Officer where his grant of refugee status or humanitarian protection is revoked under the provisions in these Rules.

### **Requirements for indefinite leave to remain for persons granted refugee status or humanitarian protection**

**339R.** The requirements for indefinite leave to remain for a person granted refugee status or humanitarian protection, or his dependants granted asylum or humanitarian protection in line with the main applicant or any dependant granted in accordance with the requirements of paragraphs **352A** to **352FJ** (Family Reunion), are that:

- (i) the applicant has held a Jersey Residence Permit (JRP) issued under paragraph **339Q** for a continuous period of five years in Jersey; and
- (ii) the applicant's JRP has not been revoked or not renewed under paragraph **339A** or **339G**; and
- (iii) the applicant has not:
  - a. been convicted of an offence for which he has been sentenced to imprisonment for at least 4 years; or
  - b. 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. 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. within the 24 months prior to the date on which the application has been decided, 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; or
  - e. caused serious harm by his offending or persistently offended and shown a particular disregard for the law; or
  - f. at the date on which the application has been decided, demonstrated the undesirability of granting settlement in Jersey in light of his conduct (including convictions which do not fall within paragraphs **339R(iii)(a-e)**), character or associations or the fact that he represents a threat to national security.

### **Indefinite leave to remain for a person granted refugee status or humanitarian protection**

**339S.** Indefinite leave to remain for a person granted refugee status or humanitarian protection will be granted where each of the requirements in paragraph **339R** is met.

## **Refusal of indefinite leave to remain for a person granted refugee status or humanitarian protection**

### **339T.**

- (i) Indefinite leave to remain for a person granted refugee status or humanitarian protection is to be refused if any of the requirements of paragraph **339R** is not met.
- (ii) An applicant refused indefinite leave to remain under paragraph **339T(i)** may apply to have his Jersey Residence Permit extended in accordance with paragraph **339Q**.

## **Consideration of asylum applications and human rights claims**

### **340.**

### **341.**

**342.** The actions of anyone acting as an agent of the asylum applicant or human rights claimant may also be taken into account in regard to the matters set out in paragraphs **339M** and **339N**.

### **343.**

### **344.**

## **Travel documents**

### **344A.**

- (i) After having received a complete application for a travel document, travel documents will be issued to a person granted refugee status in Jersey and his family members, in the form set out in the Schedule to the Refugee Convention, for the purpose of travel outside Jersey, unless compelling reasons of national security or public order otherwise require.
- (ii) After having received a complete application for a travel document, there will be issued to a person granted humanitarian protection in Jersey and his family members a travel document where that person is unable to obtain a national passport or other identity documents which enable him to travel, unless compelling reasons of national security or public order otherwise require.
- (iii) Where the person referred to in (ii) can obtain a national passport or identity documents but has not done so, that person will be issued with a travel document if he can show that he has made reasonable attempts to obtain a national passport or identity document and there are serious humanitarian reasons for travel.
- (iv) For the purposes of paragraph **344A**, a 'family member' refers only to a person who has been treated as a dependant under paragraph **349** or a person who has been granted leave to enter or remain in accordance with paragraphs **352A-352FJ**.

### **344B.**

## **Information**

**344C.** A person who is granted refugee status or humanitarian protection will be provided with access to information in a language that he may reasonably be supposed to understand which sets out the rights and obligations relating to that status. The Minister will provide the information as soon as possible after the grant of refugee status or humanitarian protection.

### **Third country cases**

**345. (1)** If the Minister or, in the case of a person arriving in Jersey, 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.

**(2)** 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 Refugee Convention) and the government of which would not send the applicant elsewhere in a manner contrary to the principles of the Convention.

**(3)** An asylum applicant shall not be removed without substantive consideration of his claim unless –

- (i) the asylum applicant has not arrived in Jersey 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.

**345A.** When an asylum applicant has come to Jersey from another country which is a party to the Refugee Convention and which has considered and rejected an application for asylum from him, his application for asylum in Jersey 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.

### **Fresh claims**

**346.** When a human rights or asylum claim has been refused or withdrawn or treated as withdrawn under paragraph **333C** and any appeal relating to that claim is no longer pending, the decision maker will consider any further submissions and, if rejected, will then determine whether they amount to a fresh claim.

**346A.** The submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered. The submissions will only be significantly different if the content:

- (i) had not already been considered; and
- (ii) taken together with the previously considered material, created a realistic prospect of success, notwithstanding its rejection.

This paragraph does not apply to claims made overseas.

**346B.** Consideration of further submissions shall be subject to the procedures set out in these Rules. An applicant who has made further submissions shall not be removed before the submissions have been considered.

### **Exceptional Circumstances**

**346C.** Where further submissions have been made and the decision maker has established whether or not they amount to a fresh claim under paragraph **346**, or in cases with no outstanding further submissions whose appeal rights have been exhausted and which are subject to a review, the decision maker will also have regard to the migrant's:

- (i) character, conduct and associations including any criminal record and the nature of any offence of which the migrant concerned has been convicted;
- (ii) compliance with any conditions attached to any previous grant of leave to enter or remain and compliance with any conditions of temporary admission or immigration bail where applicable;
- (iii) length of time spent in Jersey for reasons beyond the migrant's control after the human rights or asylum claim has been submitted or refused,

in deciding whether there are exceptional circumstances which mean that removal from Jersey is no longer appropriate.

This paragraph does not apply to submissions made overseas.

This paragraph does not apply where the person is liable to deportation.

### **Rights of appeal**

**348.**

#### **Dependants**

**349.** A spouse, civil partner or unmarried partner, or minor child accompanying a principal applicant may be included in his application for asylum as his dependant, provided, in the case of an adult dependant with legal capacity, the dependant consents to being treated as such at the time the application is lodged. A spouse, civil partner or unmarried partner or minor child may also claim asylum in his own right. If the principal applicant is granted refugee status or humanitarian protection and leave to enter or remain any spouse, civil partner or unmarried partner or minor child 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 also considered individually in accordance with paragraph **334**. 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, civil partner or unmarried partner, 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 or humanitarian protection application is unsuccessful, at the same time that asylum or humanitarian protection is refused the applicant may be notified of removal directions or served with a notice of intention to deport him, as appropriate. 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. An unmarried partner for the purposes of this paragraph, is a person who has been living together

with the principal applicant in a subsisting relationship akin to marriage or a civil partnership for 2 years or more.

## **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.** Any child over the age of 12 who has claimed asylum in his own right shall be interviewed about the substance of his claim unless the child is unfit or unable to be interviewed. When an interview takes place, it shall be conducted in the presence of a parent, guardian, representative or another independent adult who has responsibility for the child. The interviewer shall have specialist training in the interviewing of children and have particular regard to the possibility that a child will feel inhibited or alarmed. The child shall be allowed to express himself in his own way and at his own speed. If the child appears tired or distressed, the interview will be suspended. The interviewer should then consider whether it would be appropriate for the interview to be resumed the same day or on another day.

**352ZA.** The Minister shall as soon as possible after an unaccompanied child makes an application for asylum take measures to ensure that a representative represents and/or assists the unaccompanied child with respect to the examination of the application and ensure that the representative is given the opportunity to inform the unaccompanied child about the meaning and possible consequences of the interview and, where appropriate, how to prepare himself for the interview. The representative shall have the right to be present at the interview and ask questions and make comments in the interview, within the framework set by the interviewer.

**352ZB.** The decision on the application for asylum shall be taken by a person who is trained to deal with asylum claims from children.

## **Requirements for limited leave to remain as an unaccompanied asylum seeking child.**

**352ZC.** The requirements to be met in order for a grant of limited leave to remain to be made in relation to an unaccompanied asylum seeking child under paragraph **352ZE** are:

- (a) the applicant is an unaccompanied asylum seeking child under the age of 17½ years throughout the duration of leave to be granted in this capacity;
- (b) the applicant must have applied for asylum and been granted neither refugee status nor humanitarian protection;
- (c) there are no adequate reception arrangements in the country to which he would be returned if leave to remain were not granted;
- (d) the applicant must not be excluded from being a refugee as referred to in paragraph **334** or excluded from a grant of humanitarian protection under paragraph **339D** or both;

- (e) there are no reasonable grounds for regarding the applicant as a danger to security;
- (f) the applicant has not been convicted by a final judgment of a particularly serious crime, and the applicant does not constitute a danger to the community; and
- (g) the applicant is not, at the date of his application, the subject of a deportation order or a decision to make a deportation order.

**352ZD.** An unaccompanied asylum seeking child is a person who:

- (a) is under 18 years of age when the asylum application is submitted.
- (b) is applying for asylum in his own right; and
- (c) is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

**352ZE.** Limited leave to remain should be granted for a period of 30 months or until the child is 17½ years of age whichever is shorter, provided that the Minister is satisfied that the requirements in paragraph **352ZC** are met.

**352ZF.** Limited leave granted under this provision will cease if:

- (a) any one or more of the requirements listed in paragraph **352ZC** cease to be met, or
- (b) a misrepresentation or omission of facts, including the use of false documents, were decisive for the grant of leave under **352ZE**.

## **Refugee Family Reunion**

**352A.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the spouse or civil partner of a person granted refugee status are that:

- (i) the applicant is married to or the civil partner of a person who currently has refugee status granted under the Immigration Rules in Jersey; and
- (ii) the marriage or civil partnership did not take place after the person granted refugee status 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 paragraph **334**(iii) or (iv) or Article 1F of the Refugee Convention 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 spouse or civil partner and the marriage or civil partnership is subsisting; and
- (v) the parties are not involved in a consanguineous relationship with one another; and
- (vi) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity.

**352AA.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the unmarried partner of a person granted refugee status are that:

- (i) the applicant is the unmarried partner of a person who currently has refugee status granted under the Immigration Rules in Jersey; and
- (ii) the parties have been living together in a relationship akin to either a marriage or a civil partnership which has subsisted for 2 years or more; and
- (iii) the relationship existed before the person granted refugee status left the country of his former habitual residence in order to seek asylum; and
- (iv) the applicant would not be excluded from protection by virtue of paragraph **334**(iii) or (iv) or Article 1F of the Refugee Convention if he were to seek asylum in his own right; and
- (v) each of the parties intends to live permanently with the other as his unmarried partner and the relationship is subsisting; and
- (vi) the parties are not involved in a consanguineous relationship with one another; and
- (viii) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity.

**352B.** Limited leave to enter Jersey as the spouse or civil partner of a person who currently has refugee status 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 Jersey as the spouse or civil partner of a person who currently has refugee status may be granted provided the Minister is satisfied that each of the requirements of paragraph **352A (i) - (v)** is met.

**352BA.** Limited leave to enter Jersey as the unmarried partner of a person who currently has refugee status 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 Jersey as the unmarried partner of a person who currently has refugee status may be granted provided the Minister is satisfied on a recommendation made to him by the Minister that each of the requirements of paragraph **352AA (i) - (vii)** is met.

**352C.** Limited leave to enter Jersey as the spouse or civil partner of a person who currently has refugee status 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 or civil partner of a person who currently has refugee status is to be refused if the Minister is not satisfied that each of the requirements of paragraph **352A (i) - (v)** are met.

**352CA.** Limited leave to enter Jersey as the unmarried partner of a person who currently has refugee status 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 unmarried partner of a person who currently has refugee status is to be refused if the Minister is not satisfied that each of the requirements of paragraph **352AA (i) - (vii)** is met.

**352D.** The requirements to be met by a person seeking leave to enter or remain in Jersey in order to join or remain with the parent who currently has refugee status are that the applicant:

- (i) is the child of a parent who currently has refugee status granted under the immigration rules in Jersey; and

- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried and is not a civil partner, 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) the applicant would not be excluded from protection by virtue of paragraph **334**(iii) or (iv) or Article 1F of the Refugee Convention 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 Jersey as the child of a person who currently has refugee status 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 Jersey as the child of a person who currently has refugee status may be granted provided the Minister is satisfied that each of the requirements of paragraph **352D (i) - (v)** is met.

**352F.** Limited leave to enter Jersey as the child of a person who currently has refugee status 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 person who currently has refugee status is to be refused if the Minister is not satisfied that each of the requirements of paragraph **352D (i) - (v)** is met.

**352FA.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the spouse or civil partner of a person who currently has humanitarian protection are that:

- (i) the applicant is married to or the civil partner of a person who currently has humanitarian protection granted under the Immigration Rules in Jersey; and
- (ii) the marriage or civil partnership did not take place after the person granted humanitarian protection left the country of his former habitual residence in order to seek asylum in Jersey; and
- (iii) the applicant would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph **339D**; and
- (iv) each of the parties intend to live permanently with the other as his spouse or civil partner and the marriage or civil partnership is subsisting; and
- (v) the parties are not involved in a consanguineous relationship with one another; and
- (vi) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity.

**352FB.** Limited leave to enter Jersey as the spouse or civil partner of a person who currently has humanitarian protection 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 Jersey as the spouse or civil partner of a person who currently has humanitarian protection may be granted provided the Minister is satisfied that each of the requirements in sub paragraphs **352FA(i) - (iv)** is met.

**352FC.** Limited leave to enter Jersey as the spouse or civil partner of a person who currently has humanitarian protection 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 or civil partner of a person who currently has humanitarian protection is to be refused if the Minister is not satisfied that each of the requirements in sub paragraphs **352FA (i) - (iv)** is met.

**352FD.** The requirements to be met by a person seeking leave to enter or remain in Jersey as the unmarried partner of a person who currently has humanitarian protection are that:

- (i) the applicant is the unmarried partner of a person who currently has humanitarian protection granted under the Immigration Rules in Jersey; and
- (ii) the parties have been living together in a relationship akin to either a marriage or a civil partnership which has subsisted for 2 years or more; and
- (iii) the relationship existed before the person granted humanitarian protection left the country of his former habitual residence in order to seek asylum; and
- (iv) the applicant would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph **339D**; and
- (v) each of the parties intends to live permanently with the other as his unmarried partner and the relationship is subsisting; and
- (vi) the parties are not involved in a consanguineous relationship with one another; and
- (vii) if seeking leave to enter, the applicant holds a valid entry clearance for entry in this capacity.

**352FE.** Limited leave to enter Jersey as the unmarried partner of a person who currently has humanitarian protection 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 Jersey as the unmarried partner of a person who currently has humanitarian protection may be granted provided the Minister is satisfied that each of the requirements in subparagraphs **352FD (i) - (vi)** is met.

**352FF.** Limited leave to enter Jersey as the unmarried partner of a person who currently has humanitarian protection 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 unmarried partner of a person who currently has humanitarian protection is to be refused if the Minister is not satisfied that each of the requirements in sub paragraphs **352FD(i) - (vi)** is met.

**352FG.** The requirements to be met by a person seeking leave to enter or remain in Jersey in order to join or remain with his parent who currently has humanitarian protection are that the applicant:

- (i) is the child of a parent who currently has humanitarian protection under the Immigration Rules in Jersey; and
- (ii) is under the age of 18; and
- (iii) is not leading an independent life, is unmarried or is not in a civil partnership, and has not formed an independent family unit; and

- (iv) was part of the family unit of the person granted humanitarian protection at the time that the person granted humanitarian protection left the country of his habitual residence in order to seek asylum in Jersey; and
- (v) would not be excluded from a grant of humanitarian protection for any of the reasons in paragraph **339D**; and
- (vi) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

**352FH.** Limited leave to enter Jersey as the child of a person who currently has humanitarian protection 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 Jersey as the child of a person who currently has humanitarian protection may be granted provided the Minister is satisfied that each of the requirements in sub paragraphs **352FG** (i) -(v) is met.

**352FI.** Limited leave to enter Jersey as the child of a person who currently has humanitarian protection 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 person who currently has humanitarian protection is to be refused if the Minister is not satisfied that each of the requirements in sub paragraphs **352FG** (i)-(v) is met.

**352FJ.** Nothing in paragraphs **352A-352FI** shall allow a person to be granted leave to enter or remain in Jersey as the spouse or civil partner or unmarried partner or child of a person who has been granted refugee status, or of a person granted humanitarian protection under the Immigration Rules in Jersey, if the person granted refugee status or, as the case may be, person granted humanitarian protection, is a British citizen.”

## **Interpretation**

**352G.** For the purposes of this Part:

- (a)
- (b) “Country of return” means a country or territory listed in paragraph 8 (1)(c) of Schedule 2 of the Immigration Act 1971;
- (c) “Country of origin” means the country or countries of nationality or, for a stateless person, or former habitual residence.

## **PART 11B**

### **Asylum**

#### **Reception Conditions for non-EU asylum applicants**

**357.** **Part 11B** only applies to asylum applicants (within the meaning of these Rules) who are not nationals of a member State.

#### **Information to be provided to asylum applicants**

**357A.** The Minister shall make arrangements which ensure that asylum applicants are informed in a language they may reasonably be supposed to understand and within a reasonable time after their claims for asylum have been recorded of the procedure to be followed, their rights and obligations during the procedure, and the possible consequences of non-compliance and non-co-operation.

They shall be informed of the likely timeframe for consideration of the application and the means at their disposal for submitting all relevant information.

**358.** The Minister shall ensure that asylum applicants are informed within a reasonable time not exceeding fifteen days after their claims for asylum have been recorded of the benefits and services that they may be eligible to receive and of the rules and procedures with which they must comply relating to them.

The Minister shall also provide information on non-governmental organisations and persons that provide legal assistance to asylum applicants and which may be able to help asylum applicants or provide information on available benefits and services.

**358A.** The Minister shall ensure that the information referred to in paragraph **358** is available in writing and, to the extent possible, will provide the information in a language that asylum applicants may reasonably be supposed to understand.

Where appropriate, the Minister may also arrange for this information to be supplied orally.

### **Information to be provided by asylum applicants**

**358B.** An asylum applicant must notify an Immigration Officer of his current address and of any change to his address or residential status. If not notified beforehand, any change must be so notified without delay after it occurs.

### **The United Nations High Commissioner for Refugees**

**358C.** A representative of the United Nations High Commissioner for Refugees (UNHCR) or an organisation working in Jersey on behalf of the UNHCR pursuant to an agreement with the government of Jersey shall:

- (a) have access to applicants for asylum, including those in detention;
- (b) have access to information on individual applications for asylum, on the course of the procedure and on the decisions taken on applications for asylum, provided that the applicant for asylum agrees thereto;
- (c) be entitled to present his views, in the exercise of his supervisory responsibilities under Article 35 of the Geneva Convention, to the Minister or to the Minister (or both) regarding individual applications for asylum at any stage of the procedure.

This paragraph shall also apply where the Minister is considering revoking a person's refugee status in accordance with these Rules.

### **Documentation**

**359.** The Immigration Officer shall ensure that, within three working days of recording an asylum application, a document is made available to that asylum applicant, issued in his own name, certifying his status as an asylum applicant or testifying that he is allowed to remain in Jersey while his asylum application is pending. For the avoidance of doubt, in cases where the Minister declines to examine an application it will no longer be pending for the purposes of this rule.

**359A.** The obligation in paragraph **359** shall not apply where the asylum applicant is detained under the Immigration Acts.

**359B.** A document issued to an asylum applicant under paragraph **359** does not constitute evidence of the asylum applicant's identity.

**359C.** In specific cases an Immigration Officer may provide an asylum applicant with evidence equivalent to that provided under rule **359**. This might be, for example, in circumstances in which it is only possible or desirable to issue a time-limited document.

**360.**

### **Interpretation**

**361.** For the purposes of this Part –

- (a) 'working day' means any day other than a Saturday or Sunday, a bank holiday, Christmas day or Good Friday;
- (b) 'member State' has the same meaning as in Article 1 of the European Union (Jersey) Law 1973.

## **PART 12:**

## **PART 13: DEPORTATION**

### **A deportation order**

**A362.** Where Article 8 is raised in the context of deportation under **Part 13**, the claim under Article 8 will only succeed where the requirements of these Rules as at 1<sup>st</sup> August 2014 are met, regardless of when the notice of intention to deport or the deportation order, as appropriate, was served.

**362.** A deportation order requires the subject to leave Jersey and authorises his detention until he is removed. It also prohibits him from re-entering for as long as it is in force and invalidates any leave to enter or remain in Jersey given him before the Order is made or while it is in force.

**363.** The circumstances in which a person is liable to deportation include:

- (i) where the Minister deems the person's deportation to be conducive to the public good;
- (ii) where the person is the spouse or civil partner 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.**

### **Deportation of family members**

**365.** Section 5 of the Immigration Act 1971 gives the Minister power in certain circumstances to make a deportation order against the spouse, civil partner or child of a person against whom a deportation order has been made. The Minister will not normally decide to deport the spouse of a deportee where:

- (i) he has qualified for settlement in his own right; or
- (ii) he has been living apart from the deportee.

**366.** The Minister will not normally decide to deport the child of a deportee where:

- (i) he and his mother or father are living apart from the deportee; or
- (ii) he has left home and established himself on an independent basis; or
- (iii) he married or formed a civil partnership before deportation came into prospect.

**367.**

**368.** Where the Minister 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**

### **A deportation order made on the recommendation of a Court**

**373.** A deportation order shall not be made on the recommendation of a court 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**

### **Arrangements for removal**

**385.** A person against whom a deportation order has been made will normally be removed from Jersey. 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.

**386-387**

### **Returned deportees**

**388.** Where a person returns to this country when a deportation order is in force against him, he may be deported under the original order. The Minister 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** (deportation of family members) may be able to seek re-admission to Jersey under the Rules where:

- (i) a child reaches 18 (when he ceases to be subject to the deportation order); or
- (ii) in the case of a wife, the marriage or civil partnership 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 Minister 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:

- (a) 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
- (b) 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 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 the 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 Minister. 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 Jersey; it renders him eligible to apply for admission under the Rules. Application for revocation of the order shall be made to the Jersey Customs and Immigration Service.

### **393-395**

**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 Jersey's obligations under the Refugee Convention or the Human Rights Convention. 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 Jersey's obligations under Article 8 of the Human Rights Convention, and:

- (a) the deportation of the person from Jersey is conducive to the public good because they have been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years;
- (b) the deportation of the person from Jersey is conducive to the public good because they have been convicted of an offence for which they have been sentenced to a period of imprisonment of less than 4 years but at least 12 months; or
- (c) the deportation of the person from Jersey is conducive to the public good because, in the view of the Minister, their offending has caused serious harm or they are a persistent offender who shows a particular disregard for the law,

the Minister 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 –

- (a) the person has a genuine and subsisting parental relationship with a child under the age of 18 years who is in Jersey, and:
  - (i) the child is a British citizen; or
  - (ii) the child has lived in Jersey 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 Jersey; and
    - (b) there is no other family member who is able to care for the child in Jersey; or
- (b) the person has a genuine and subsisting relationship with a partner who is in Jersey and is a British citizen, settled in Jersey, or in Jersey with leave to enter or remain as a refugee as a result of Jersey's obligations under Article 8 of the Human Rights Convention, and:
  - (i) the person has lived in Jersey with valid leave continuously for at least the 15 years immediately preceding the date of the immigration decision (discounting any period of imprisonment); and
  - (ii) there are insurmountable obstacles to family life with that partner continuing outside Jersey.

**399A.** This paragraph applies where paragraph **398(b)** or **(c)** applies if –

- (a) the person has lived continuously in Jersey 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 Jersey; or
- (b) the person is aged under 25 years, he has spent at least half of his life living continuously in Jersey 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 Jersey.

**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 Minister

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, or section 10 of the Immigration and Asylum Act 1999 would be contrary to Jersey's obligations under Article 8 of the Human Rights Convention, the Minister may require an application under paragraph **276ADE** (private life). Where an application is not required, in assessing that claim the Minister 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.

## **PART 14: STATELESS PERSONS**

### **Definition of a stateless person**

**401.** For the purposes of this Part a stateless person is a person who:

- (a) satisfies the requirements of Article 1(1) of the 1954 United Nations Convention relating to the Status of Stateless Persons, as a person who is not considered as a national by any State under the operation of its law;
- (b) is in Jersey; and
- (c) is not excluded from recognition as a Stateless person under paragraph **402**.

### **Exclusion from recognition as a stateless person**

**402.** A person is excluded from recognition as a stateless person if there are serious reasons for considering that the person:

- (a) is at present receiving from organs or agencies of the United Nations, other than the United Nations High Commissioner for Refugees, protection or assistance, so long as the person is receiving such protection or assistance;
- (b) is recognised by the competent authorities of the country of his or her former habitual residence as having the rights and obligations which are attached to the possession of the nationality of that country;
- (c) has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;
- (d) has committed a serious non-political crime outside Jersey prior to his or her arrival in Jersey;
- (e) has been guilty of acts contrary to the purposes and principles of the United Nations.

### **Requirements for limited leave to remain as a stateless person**

**403.** The requirements for leave to remain in Jersey as a stateless person are that the applicant:

- (a) has made a valid application to the Minister for limited leave to remain as a stateless person;

- (b) is recognised as a stateless person in accordance with paragraph **401** by the Minister on a recommendation of the Minister;
- (c) is not admissible to his or her country of former habitual residence or any other country; and
- (d) has obtained and submitted all reasonably available evidence to enable the Minister to make a recommendation for the purpose of the Minister's determination whether the applicant is stateless.

### **Refusal of limited leave to remain as a stateless person**

**404.** An applicant will be refused leave to remain in Jersey as a stateless person if:

- (a) the applicant does not meet the requirements of paragraph **403**;
- (b) there are reasonable grounds for considering that the applicant is:
  - (i) a danger to security, or
  - (ii) a danger to public order; or
- (c) the application would fall to be refused under any of the grounds set out in paragraph **322**.

### **Grant of limited leave to remain to a stateless person**

**405.** An applicant who meets the requirements of paragraph **403** may be granted limited leave to remain in Jersey for a period not exceeding 30 months.

### **Curtailement of limited leave to remain as a stateless person**

**406.** Limited leave to remain as a stateless person under paragraph **405** may be curtailed where the stateless person is a danger to security or public order or where leave would be curtailed pursuant to paragraph **323**.

### **Requirements for indefinite leave to remain as a stateless person**

**407.** The requirements for indefinite leave to remain as a stateless person are that the applicant:

- (a) has made a valid application to the Minister for indefinite leave to remain as a stateless person;
- (b) was last granted limited leave to remain as a stateless person in accordance with paragraph **405**;
- (c) has spent a continuous period of 5 years in Jersey with lawful leave, except that any period of overstaying for a period of 28 days or less will be disregarded; and
- (d) continues to meet the requirements of paragraph **403**.

### **Grant of indefinite leave remain as a stateless person**

**408.** An applicant who meets the requirements of paragraph **407** may be granted indefinite leave to remain.

### **Refusal of indefinite leave to remain as a stateless person**

**409.** An applicant will be refused indefinite leave to remain if:

- (a) the applicant does not meet the requirements of paragraph **407**;
- (b) there are reasonable grounds for considering that the applicant is:
  - (i) a danger to security, or
  - (ii) a danger to public order; or
- (c) the application would fall to be refused under any of the grounds set out in paragraph **322**.

### **Requirements for limited leave to enter or remain as the family member of a stateless person**

**410.** For the purposes of this Part a family member of a stateless person means his or her:

- (a) spouse;
- (b) civil partner;
- (c) unmarried partner with whom the person has lived together in a subsisting relationship akin to marriage or a civil partnership for 2 years or more;
- (d) child under 18 years of age who:
  - (i) is not leading an independent life;
  - (ii) is not married or a civil partner; and
  - (iii) has not formed an independent family unit.

**411.** The requirements for leave to enter or remain in Jersey as the family member of a stateless person are that the applicant:

- (a) has made a valid application to the Minister for leave to enter or remain as the family member of a stateless person;
- (b) is the family member of a person granted leave to remain under paragraph **405** or **408**; and
- (c) if seeking leave to enter, holds a valid entry clearance for entry in this capacity.

### **Refusal of leave to enter or remain as the family member of a stateless person**

**412.** A family member will be refused leave to enter or remain if:

- (a) the family member does not meet the requirements of paragraph **411**;
- (b) there are reasonable grounds for considering that the family member is:

- (i) a danger to security, or
  - (ii) a danger to public order; or
- (c) the application would fall to be refused under any of the grounds set out in paragraph **320, 321 or 322**.

### **Grant of leave to enter or remain as the family member of a stateless person**

**413.** A person who meets the requirements of paragraph **411** may be granted leave to enter or remain for a period not exceeding 30 months.

### **Curtailment of limited leave to enter or remain as the family member of a stateless person**

**414.** Limited leave to remain as the family member of a stateless person under paragraph **413** may be curtailed where the family member is a danger to security or to public order or where leave would be curtailed pursuant to paragraph **323**.

### **Requirements for indefinite leave to remain as the family member of a stateless person**

**415.** The requirements for indefinite leave to remain as the family member of a stateless person are that the applicant:

- (a) has made a valid application to the Minister for indefinite leave to remain as the family member of a stateless person;
- (b) was last granted limited leave to remain as a family member of a stateless person in accordance with paragraph **413**; and
  - (i) is still a family member of a stateless person; or
  - (ii) is over 18 and was last granted leave as the family member of a stateless person; and
    - (ba) is not leading an independent life;
    - (bb) is not married or a civil partner;
    - (bc) has not formed an independent family unit: and
    - (bd) has spent a continuous period of 5 years with lawful leave in Jersey, except that any period of overstaying for a period of 28 days or less will be disregarded.

### **Refusal of indefinite leave to remain as the family member of a stateless person**

**416.** An applicant will be refused indefinite leave to remain as a family member of a stateless person if:

- (a) the applicant does not meet the requirements of paragraph **415**;
- (b) there are reasonable grounds for considering that the applicant is:
  - (i) a danger to security, or

- (ii) a danger to public order; or
- (c) the application would fall to be refused under any of the grounds set out in paragraph 322.

## **APPENDIX KOLL: 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 Jersey 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.

"Specified" in this Appendix means "specified in Part 4 of this Appendix"

### **PART 2: KNOWLEDGE OF LANGUAGE AND LIFE**

**2.1** An applicant for leave to enter or remain has sufficient knowledge of the English language and about life in the United Kingdom and Jersey for the purpose of an application for indefinite leave to enter or remain made under these Rules 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) the applicant has provided specified documentary evidence that:

(i) the applicant is a national or citizen of one of the following countries:

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

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 Secretary of State for the respective purposes, as listed on the gov.uk website; or
- (iii) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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  
UK  
USA

and provides the specified documents;

or

- (iv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and
  - (1) provides the specified documentary evidence to show he has the qualification, and
  - (2) Ecctis has confirmed that the qualification was taught or researched in English;

or

- (v) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show:
  - (1) he has the qualification, and
  - (2) that the qualification was taught or researched in English;

or

- (vi) the applicant has taken and passed in England, Wales or Northern Ireland a qualification in English for Speakers of Other Languages (ESOL) which:
  - (aa) includes speaking and listening;
  - (bb) is at ESOL Entry level 3, level 1, level 2 or level 3;
  - (cc) is regulated by the Office of Qualifications and Examinations Regulation (OFQUAL), the Welsh Government or the Council for Curriculum, Examinations and Assessment (CCEA); and
  - (dd) is listed as an ESOL qualification on the Register of Regulated Qualifications;or
- (vii) 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 Jersey, 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 sub-paragraph (1), an applicant has sufficient knowledge about life in the United Kingdom and Jersey if:

- (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 for that purpose by the Minister; or
- (c) in respect of an applicant who was resident in the Bailiwick of Guernsey or in 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 for that purpose by the Minister 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 Jersey where:

- (a) the applicant is under 18 years of age at the date of the application; or
- (b) the applicant is at least 65 years of age at the date of the 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 Jersey:

- (a) where the application for indefinite leave to remain in Jersey is made under:
  - (i) paragraph **196D** and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in Jersey for at least 15 years as the spouse or civil partner of a person who has or has had leave to enter or remain under paragraphs **128-193**; or
  - (ii) paragraph **198** and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in Jersey for at least 15 years as the child of a person who has or has had leave to enter or remain in Jersey under paragraphs **128-193**; or
  - (iii) paragraph **248D** and the applicant has had, as at the day on which the application was made, continuous leave to enter or remain in Jersey for at least 15 years as a person exercising rights of access to a child resident in Jersey 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**; or
  - (iv)
  - (v)
  - (vi) paragraph **287** and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in Jersey for at least 15 years under paragraph **281** or paragraph **284**; or
  - (vii) paragraph **295G** and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in Jersey for at least 15 years under paragraph **295B** or paragraph **295D**; or
  - (viii) paragraph **298** and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in Jersey for at least 15 years under paragraph **302**; or
  - (ix)
  - (x)
  - (xi) paragraphs **15-17** and paragraphs **39-41** of Appendix **FM (J)** and the applicant has had, as at the day on which the application is made, continuous leave to enter or remain in Jersey for at least 15 years on the day on which the application is made as a spouse, civil partner or unmarried partner (except where leave is as a fiancé(e) or proposed civil partner) under paragraphs **6-14** and **29-38** of Appendix **FM (J)**;
  - (xii)

and

- (b) the applicant has provided specified documentary evidence of 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 specified documentary evidence from a qualified English language teacher 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 or a citizen of one of the following countries:

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

#### **PART 4: SPECIFIED DOCUMENTS**

- 4.1** Where these Rules require an applicant to demonstrate sufficient knowledge of the English language and of life in the United Kingdom and Jersey, the applicant must supply the documents specified in paragraphs **4.6** to **4.14** (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 paragraphs **4.3** or **4.6** (of this Appendix) apply.
- 4.3** Where an applicant has submitted:
  - (i) a document in the wrong format (for example, if a letter is not on letterhead paper as specified); or
  - (ii) a document that is a copy and not an original document; or
  - (iii) a document which does not contain all of the specified information; or
  - (iv) 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 Jersey Customs and Immigration Service at the

address specified in the request within such timescale (which will not be unreasonable) as is specified.

**4.4** A decision-maker may decide not to request a document under paragraph **4.3** (of this Appendix) where he or she does not anticipate that the supply of that document will lead to a grant of leave to enter or remain in Jersey because the application may be refused for other reasons.

**4.5** Without prejudice to the decision maker's discretion under paragraph **4.2** (of this Appendix) and also his or her 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:

- (i) in the wrong format; or
- (ii) which is a copy and not an original document; or
- (iii) which does not contain all of the specified information but the missing information is verifiable from:
  - (aa) other documents submitted with the application,
  - (bb) the website of the organisation which issued the document, or
  - (cc) the website of the appropriate regulatory body;

the application for leave to enter or remain in Jersey 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 or she 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 evidence specified for the purposes of paragraph **2.2** (of this Appendix) is:

- (a) a certificate that:
  - (i) is from an English language test provider approved by the Secretary of State for the purposes of limited leave to enter or remain in respect of a test approved by the Secretary of State, in both cases as listed on the gov.uk website, and
  - (ii) shows the applicant's name, and
  - (iii) shows the qualification obtained, and
  - (iv) 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
  - (v) shows the date of award of the qualification;

or

- (b) a printout of the online score from a PTE Academic (Pearson) test which:
  - (i) is from an English language test provider approved by the Minister for the purposes of limited leave to enter or remain, and
  - (ii) is in respect of a test approved by the Secretary of State for the respective purposes, as listed on the gov.uk website and
  - (iii) can be used to show the qualification obtained, and
  - (iv) 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;

or

- (c) a certificate or other document issued by an awarding organisation that is recognised either by Ofqual, the Welsh Government, or 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;

or

- (d) 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) the documentary evidence specified for the purposes of paragraph **2.2** (of this Appendix) as showing that a person is a national or a citizen of one of the countries listed in paragraph **2.2** (of this Appendix) is a valid passport or travel document which satisfactorily establishes the applicant's nationality.

**4.9** If the applicant cannot provide their 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 with another part of the Home Office.

**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** The evidence specified for the purposes of paragraph **2.2(iii)** and **2.2(iv)** (of this Appendix) (academic qualification recognised by Ecctis) is:

(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) for paragraph **2.2 (iii)** (of this Appendix) that the qualification was taught in English;

or

(b) where an applicant has not, at the date of application, formally graduated or no longer has his or her certificate and is unable to obtain a duplicate certificate:

(i) an original academic reference from the institution awarding the academic qualification that:

is on official letter headed paper,

(aa) shows the applicant's name,

(bb) shows the title of the award,

(cc) confirms that the qualification was taught in English,

(dd) states when the academic qualification was (or as the case may be, will be) awarded, and

(ee) 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:

(aa) is on official letter headed paper,

(bb) shows the applicant's name,

(cc) shows the name of the academic institution,

- (dd) shows the course title,
- (ee) confirms that the qualification was taught in English, and
- (ff) 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 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  
UK  
USA

**4.13** The evidence specified for the purposes of paragraph **3.2(b)** (of this Appendix) (evidence of English language speaking and listening) is the same as that specified for the purposes of paragraph 2.3 (vi) and 2.3 (vii) except that:

- (a) references to B1 are to be read as references to A2,
- (b) references to ESOL levels Entry 3, level 1, level 2 and level 3 are to be read as references to ESOL Entry level 2, and
- (c) references to Scottish Credit and Qualification Framework Level 4, 5 and 6 are to be read as references to Scottish Qualification Framework Level 3.

**4.14**

- (a) The evidence specified for the purposes of paragraph **3.2(d)** (of this Appendix) (evidence from qualified English teacher) is a letter from the teacher which is signed by him or her 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;
  - (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;
  - (iii) confirmation that the teacher has assessed that the speaking and listening level attained by the applicant is not at B1 level or above;

- (iv) confirmation that the applicant is considered unlikely to attain B1 level through further study;
  - (v) confirmation of the teacher's qualifications as an English language teacher within the meaning of this Appendix.
- (b) For the purposes of paragraph (a)(ii) "guided learning hours" means the time during which a person is taught or given instruction and does not include any time spent on unsupervised preparation or study.
- 4.15** The documentary evidence 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 for that purpose by the **Lieutenant- Governor**; or
  - (c) where the "Citizenship test" was taken in the Bailiwick of Guernsey or, as the case may be, in Jersey, a pass certificate issued by the relevant educational institution or other person approved for that purpose by the **Lieutenant-Governor of Guernsey or the Minister in Jersey (as the case may be)**.

## **PART 5: INTERPRETATION**

- 5.1** For the purposes of this Appendix "decision maker" means an Entry Clearance Officer or the Minister.
- 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 CCEA or the Scottish Qualification Authority.

## **APPENDIX FM (J)**

### **SPOUSES, CIVIL PARTNERS AND UNMARRIED PARTNERS**

- 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 or civil partner of another if either the applicant or the sponsor will be aged under 18 on the date of arrival in Jersey or (as the case may be) on the date on which the leave to remain or variation of leave would be granted.
- 2.** **Part 8** applies to all applications made under the Rules in place before 1<sup>st</sup> August 2014 to which the provisions of **Part 8** apply. Appendix **FM (J)** applies to all applications made on or after 1<sup>st</sup> August 2014 to which the provisions of Appendix **FM (J)** apply.
- 3.** 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 or civil partner of a man or woman (the sponsor) if:
- (i) his or her marriage or civil partnership to the sponsor is polygamous; and

- (ii) there is another person living who is the husband or wife of the sponsor and who:
  - (a) is, or at any time since his or her marriage or civil partnership to the sponsor has been, in Jersey; or
  - (b) 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 Jersey 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.

**4.** Paragraph **3** (of this Appendix) does not apply to any person who seeks entry clearance, leave to enter, leave to remain or variation of leave where:

- (i) he or she has been in Jersey before 1<sup>st</sup> August 1993 having been admitted for the purpose of settlement as the husband or wife of the sponsor; or
- (ii) he or she has, since their marriage to the sponsor, been in Jersey at any time when there was no such other spouse living as is mentioned in paragraph **3(ii)**.

But where a person claims that paragraph **3** (of this Appendix) does not apply to them because they have been in Jersey in circumstances which cause them to fall within sub-paragraphs (i) or (ii) of that paragraph, it shall be for them to prove that fact.

**5.** For the purposes of paragraphs **3** and **4** (of this Appendix) the presence of any wife or husband in Jersey in any of the following circumstances shall be disregarded:

- (i) as a visitor; or
- (ii) as an illegal entrant; or
- (iii) in circumstances whereby a person is deemed by virtue of section 11(1) of the Immigration Act 1971 not to have entered Jersey.

## **SPOUSES OR CIVIL PARTNERS OF PERSONS PRESENT AND SETTLED IN JERSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

**Requirements for leave to enter Jersey with a view to settlement as the spouse or civil partner of a person present and settled in Jersey or being admitted on the same occasion for settlement.**

**6.** The requirements to be met by a person seeking leave to enter Jersey with a view to settlement as the spouse or civil partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement are that:

- (i)
  - (a) the applicant is married to or the civil partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement, and meets the requirements of one or more of sub-items b-f below;
  - (b) the applicant has passed an English language test in speaking and listening at a minimum level of A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, unless –

- (A) the applicant is aged 65 or over at the time he makes his application; or
- (B) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
- (C) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;

or

- (c) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
- (d) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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 UK; United States of America; and provides the specified documents; or
- (e) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and –
  - (A) provides the specified evidence to show he has the qualification; and
  - (B) Ecctis has confirmed that the qualification was taught or researched in English; or
- (f) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show –
  - (A) he has the qualification; and
  - (B) that the qualification was taught or researched in English; and
- (ii) the parties to the marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; 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 does not fall for refusal under the general grounds for refusal; and
- (vii) the applicant holds a valid entry clearance for entry in this capacity.

For the purposes of this paragraph and paragraphs 7–17 (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 Jersey, is to be regarded as present and settled in Jersey.

### **Leave to enter as the spouse or civil partner of a person present and settled in Jersey or being admitted for settlement on the same occasion**

7. A person seeking leave to enter Jersey as the spouse or civil partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement and who satisfies each of the requirements of paragraph 6 (of this Appendix) may be admitted for an initial period not exceeding 33 months.

### **Refusal of leave to enter as the spouse or civil partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

8. Leave to enter Jersey as the spouse or civil partner of a person present and settled in Jersey 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 6 (of this Appendix) is met.

### **Requirements for an extension of stay as the spouse or civil partner of a person present and settled in Jersey**

9. The requirements for an extension of stay as the spouse or civil partner of a person present and settled in Jersey are that:

- (i) the applicant has limited leave to enter or remain in Jersey 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 Jersey beyond 6 months from the date on which he was admitted to Jersey on this occasion in accordance with these Rules unless the leave in question is limited leave as a fiancé(e) or proposed civil partner; and
- (ii) is married to or the civil partner a person present and settled in Jersey; and
- (iii) the parties to the marriage or civil partnership have met; and
- (iv) 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
- (v) 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
- (vi) each of the parties intends to live permanently with the other as his or her spouse or civil partner and the marriage or civil partnership is subsisting; and
- (vii) 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
- (viii) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and

- (ix) the applicant has passed an English language test in speaking and listening at a minimum level of A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, unless
  - (a) the applicant is aged 65 or over at the time he makes his application; or
  - (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
  - (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;

Where the applicant in a previous application for entry clearance or leave to remain met the English language requirement on the basis that they had passed an English language test in speaking and listening at level A1 of the Common European Framework of Reference for Languages, and now seeks further leave to remain after 30 months, they must have passed an English test in speaking and listening at a minimum of level A2 of the Common European Framework of Reference for Languages, with a provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website, unless (a), (b) or (c) above apply;

or

- (x) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
- (xi) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis to meet the recognised standard of a Bachelor's degree 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 United States of America; and provides the specified documents; or
- (xii) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's degree in the United Kingdom, and
  - (a) provides the specified evidence to show he has the qualification, and
  - (b) Ecctis has confirmed that the qualification was taught or researched in English;or
- (xiii) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's degree in the United Kingdom, and provides the specified evidence to show:
  - (a) he has the qualification, and
  - (b) that the qualification was taught or researched in English.

## **Extension of stay as the spouse or civil partner of a person present and settled**

## **in Jersey**

**10.** An extension of stay as the spouse or civil partner of a person present and settled in Jersey who entered Jersey under paragraph **7** (of this Appendix) may be granted for a period not exceeding 30 months, provided the Minister is satisfied that the requirements of paragraph **9 (ii)-(xiii)** are met.

**11.** An extension of stay as the spouse or civil partner of a person present and settled in Jersey who entered Jersey other than under the provisions of paragraph **7** (of this Appendix) may be granted for a period not exceeding 30 months in the first instance, provided the Minister is satisfied that each of the requirements of paragraph **9** (of this Appendix) is met.

**12.** An extension of stay as the spouse or civil partner of a person present and settled in Jersey who has been granted leave to remain under paragraph **11** (of this Appendix) may be granted for a further period not exceeding 30 months, provided the Minister is satisfied that each of the requirements of paragraph **9** (of this Appendix) is met.

## **Refusal of extension of stay as the spouse or civil partner of a person present and settled in Jersey**

**13.** An extension of stay as the spouse or civil partner of a person present and settled in Jersey, made under the provisions of paragraph **10** (of this Appendix), is to be refused if the Minister is not satisfied that the requirements of paragraph **9 (ii)-(ix)** (of this Appendix) are met.

**14.** An extension of stay as the spouse or civil partner of a person present and settled in Jersey, made under the provisions of paragraph **11** or paragraph **12** (of this Appendix), is to be refused if the Minister is not satisfied that each of the requirements of paragraph **9** (of this Appendix) is met.

## **Requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey**

**15.**

(a) The requirements for indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey are that:

(i)

(a) the applicant was admitted to Jersey or given an extension of stay for a period in accordance with paragraphs **6-14** (of this Appendix) and has completed a period of 60 months as the spouse or civil partner of a person present and settled in Jersey; or

(b) the applicant was admitted to Jersey or given an extension of stay for a period in accordance with paragraphs **29-38** (of this Appendix) and during that 60 month period married the person whom he or she was admitted or granted an extension of stay to join and has completed a period of 60 months as the unmarried partner and then the spouse or civil partner of a person present and settled in Jersey;

and

(ii) the applicant is still the spouse or civil partner of the person he or she was admitted or granted an extension of stay to join and the marriage or civil partnership is subsisting; and

- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner; 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 sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
  - (vii) he does not fall for refusal under the general grounds for refusal.
- (b) The requirements for indefinite leave to remain for the bereaved spouse or civil partner of a person who was present and settled in Jersey are that:
- (i)
    - (a) the applicant was admitted to Jersey or given an extension of stay for a period as the spouse or civil partner of a person present and settled in Jersey in accordance with paragraphs **6-14** (of this Appendix); or
    - (b) the applicant was admitted to Jersey or given an extension of stay for a period as the unmarried partner of a person present and settled in Jersey in accordance with paragraphs **29-38** (of this Appendix) and during that 60 month period married the person whom he or she was admitted or granted an extension of stay to join; and
  - (ii) the person whom the applicant was admitted or granted an extension of stay to join died during that period; and
  - (iii) the applicant was still the spouse or civil partner of the person he or she was admitted or granted an extension of stay 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 or civil partner and the marriage or civil partnership 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 or civil partner of a person present and settled in Jersey**

**16.** Indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey may be granted provided the Minister is satisfied that each of the requirements of paragraph **15** (of this Appendix) is met.

### **Refusal of indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey**

**17.** Indefinite leave to remain for the spouse or civil partner of a person present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **15** (of this Appendix) is met.

### **Requirements for indefinite leave to remain in Jersey as the victim of domestic violence**

**18.** The requirements to be met by a person who is the victim of domestic violence and who is seeking indefinite leave to remain in Jersey are that the applicant:

- (i) was admitted to Jersey or given an extension of stay for a period as the spouse or civil partner of a person present and settled here; or
- (ii) was admitted to Jersey or given an extension of stay for a period as the unmarried partner of a person present and settled here; and
- (iii) the relationship with their spouse or civil partner or unmarried partner, as appropriate, was subsisting at the beginning of the relevant period of leave or extension of stay referred to in (i) or (ii) above; and
- (iv) is able to produce such evidence as may be required by the Minister to establish that the relationship was caused to permanently break down before the end of that period as a result of domestic violence; and
- (v) does not fall for refusal under the general grounds for refusal.

### **Indefinite leave to remain as the victim of domestic violence**

**19.** Indefinite leave to remain as the victim of domestic violence may be granted provided the Minister is satisfied that each of the requirements of paragraph **18** (of this Appendix) is met.

### **Refusal of indefinite leave to remain as the victim of domestic violence**

**20.** Indefinite leave to remain as the victim of domestic violence is to be refused if the Minister is not satisfied that each of the requirements of paragraph **18** (of this Appendix) is met.

**21.** If the applicant does not meet the requirements for indefinite leave to remain as a victim of domestic violence only because paragraph **322(1C)(iii)** or **322(1C)(iv)** applies, they may be granted further limited leave to remain for a period not exceeding 30 months and subject to such conditions as the Minister deems appropriate

### **FIANCE(E)S AND PROPOSED CIVIL PARTNERS**

**22.** 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) or proposed civil partner if either the applicant or the sponsor will be aged under 18 on the date of arrival of the applicant in Jersey 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 Jersey as a fiancé(e) or proposed civil partner (i.e. with a view to marriage or civil partnership and permanent settlement in Jersey)**

**23.** The requirements to be met by a person seeking leave to enter Jersey as a fiancé(e) or civil partner are that:

- (i) the applicant is seeking leave to enter Jersey for marriage or civil partnership to a person present and settled in Jersey or who is on the same occasion being admitted for settlement; and
- (ii) the parties to the proposed marriage or civil partnership have met; and
- (iii) each of the parties intends to live permanently with the other as his or her spouse or civil partner after the marriage; and
- (iv) adequate maintenance and accommodation without recourse to public funds will be available for the applicant until the date of the marriage; and
- (v) there will, after the marriage or civil partnership, be adequate accommodation for the parties and any dependants without recourse to public funds in accommodation which they own or occupy exclusively; and
- (vi) the parties will be able after the marriage or civil partnership to maintain themselves and any dependants adequately without recourse to public funds; and
- (vii) the applicant has passed an English language test in speaking and listening at a minimum level of A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website unless –
  - (a) the applicant is aged 65 or over at the time he makes his application; or
  - (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
  - (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;or
- (viii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
- (ix) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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 UK; United States of America; and provides the specified documents; or
- (x) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and –
  - (a) provides the specified evidence to show he has the qualification, and

- (b) Ecctis has confirmed that the qualification was taught or researched in English;
- or
- (xi) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show –
  - (a) he has the qualification, and
  - (b) that the qualification was taught or researched in English;
- and
- (xii) the applicant holds a valid entry clearance for entry in this capacity.

### **Leave to enter as a fiancé(e) or proposed civil partner**

**24.** A person seeking leave to enter Jersey as a fiancé(e) or proposed civil partner 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) or proposed civil partner**

**25.** Leave to enter Jersey as a fiancé(e) or proposed civil partner 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) or proposed civil partner**

- 26.** The requirements for an extension of stay as a fiancé(e) or proposed civil partner are that:
- (i) the applicant was admitted to Jersey with a valid entry clearance as a fiancé(e); and
  - (ii) good cause is shown why the marriage or civil partnership did not take place within the initial period of leave granted under paragraph **24** (of this Appendix); and
  - (iii) there is satisfactory evidence that the marriage or civil partnership will take place at any early date; and
  - (iv) the requirements of paragraph **23 (ii)-(xii)** (of this Appendix) are met.

### **Extension of stay as a fiancé(e) or proposed civil partner**

**27.** An extension of stay as a fiancé(e) or proposed civil partner may be granted for an appropriate period with a prohibition on employment to enable the marriage to take place provided the Minister is satisfied that each of the requirements of paragraph **26** (of this Appendix) is met.

### **Refusal of extension of stay as a fiancé(e) or proposed civil partner**

**28.** An extension of stay is to be refused if the Minister is not satisfied that each of the requirements of paragraph **26** (of this Appendix) is met.

## **LEAVE TO ENTER AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY OR BEING ADMITTED ON THE SAME OCCASION FOR SETTLEMENT**

**29.** 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 Jersey 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 Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

**30.** The requirements to be met by a person seeking leave to enter Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement, are that:

- (i)
  - (a) the applicant is the unmarried partner of a person present and settled in Jersey 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 2 years and meets the requirements of one or more of sub-items b-f below; and
  - (b) the applicant has passed an English language test in speaking and listening at a minimum level of A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website unless –
    - (A) the applicant is aged 65 or over at the time he makes his application; or
    - (B) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
    - (C) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;

or

- (c) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
- (d) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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 UK; United States of America; and provides the specified documents; or
- (e) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and –

- (A) provides the specified evidence to show he has the qualification; and
- (B) Ecctis has confirmed that the qualification was taught or researched in English;

or

- (f) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show-

- (A) he has the qualification; and
- (B) that the qualification was taught or researched in English;

and

- (ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and
- (iii) the parties are not involved in a consanguineous relationship with one another; 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 parties intend to live together permanently; and
- (vii) the applicant does not fall for refusal under the general grounds for refusal; and
- (viii) the applicant holds a valid entry clearance for entry in this capacity.

For the purposes of this paragraph and paragraphs **31-41** (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 Jersey, is to be regarded as present and settled in Jersey.

### **Leave to enter Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey or being admitted on the same occasion for settlement**

**31.** A person seeking leave to enter Jersey as the unmarried partner of a person present and settled in Jersey or who is on the same occasion being admitted for settlement and who satisfies each of the requirements of paragraph **30** (of this Appendix) may be admitted for an initial period not exceeding 33 months.

### **Refusal of leave to enter Jersey with a view to settlement as the unmarried partner of a person and settled in Jersey or being admitted on the same occasion for settlement**

**32.** Leave to enter Jersey with a view to settlement as the unmarried partner of a person present and settled in Jersey 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 30 (of this Appendix) is met.

## **LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY**

### **Requirements for leave to remain as the unmarried partner of a person present and settled in Jersey**

**33.** The requirements to be met by a person seeking leave to remain as the unmarried partner of a person present and settled in Jersey are that:

- (i) the applicant has limited leave to enter or remain in Jersey 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 Jersey beyond 6 months from the date on which he was admitted to Jersey on this occasion in accordance with these Rules; and
- (ii) any previous marriage (or similar relationship) by either partner has permanently broken down; and
- (iii) the applicant is the unmarried partner of a person who is present and settled in Jersey; and
- (iv) 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
- (v) the parties are not involved in a consanguineous relationship with one another; and
- (vi) the parties have been living together in a relationship akin to marriage which has subsisted for 2 years or more; and
- (vii) the parties' relationship pre-dates any decision to deport the applicant, recommended 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
- (viii) 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
- (ix) the parties will be able to maintain themselves and any dependants adequately without recourse to public funds; and
- (x) the parties intend to live together permanently; and
- (xi) the applicant has passed an English language test in speaking and listening at a minimum level of A1 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website unless –
  - (a) the applicant is aged 65 or over at the time he makes his application; or
  - (b) the applicant has a physical or mental condition that would prevent him from meeting the requirement; or
  - (c) there are exceptional compassionate circumstances that would prevent the applicant from meeting the requirement;

Where the applicant in a previous application for entry clearance or leave to remain met the English language requirement on the basis that they had passed an English language test in speaking and listening at level A1 of the Common European Framework of Reference for Languages and now seeks further leave to remain after 30 months, they must have passed an English test in speaking and listening at a minimum of level A2 of the Common European Framework of Reference for Languages with a provider approved by the Secretary of State for the respective purposes, as listed on the gov.uk website unless (a), (b) or (c) above apply;

or

- (xii) the applicant is a national of one of the following countries: Antigua and Barbuda; Australia; the Bahamas; Barbados; Belize; Canada; Dominica; Grenada; Guyana; Jamaica; New Zealand; St Kitts and Nevis; St Lucia; St Vincent and the Grenadines; Trinidad and Tobago; United States of America; or
- (xiii) the applicant has obtained an academic qualification (not a professional or vocational qualification), which is deemed by Ecctis 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 UK; United States of America; and provides the specified documents; or
- (xiv) the applicant has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and
  - (a) provides the specified evidence to show he has the qualification, and
  - (b) Ecctis has confirmed that the qualification was taught or researched in English;or
- (xv) has obtained an academic qualification (not a professional or vocational qualification) which is deemed by Ecctis to meet the recognised standard of a Bachelor's or Master's degree or PhD in the United Kingdom, and provides the specified evidence to show:
  - (a) he has the qualification, and
  - (b) that the qualification was taught or researched in English.

### **Leave to remain as the unmarried partner of a person present and settled in Jersey**

**34.** Leave to remain as the unmarried partner of a person present and settled in Jersey who entered Jersey under paragraph **30** (of this Appendix) may be granted for a period not exceeding 30 months, provided the Minister is satisfied that the requirements of paragraph **33 (ii)-(xv)** (of this Appendix) are met.

**35.** Leave to remain as the unmarried partner of a person present and settled in Jersey who entered Jersey 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 Minister is satisfied that each of the requirements of paragraph **33** (of this Appendix) is met.

**36.** Leave to remain as the unmarried partner of a person present and settled in Jersey

who has been granted leave to remain under paragraph **35** (of this Appendix) may be granted for a further period not exceeding 30 months, provided the Minister is satisfied that each of the requirements of paragraph **33** (of this Appendix) is met.

### **Refusal of leave to remain as the unmarried partner of a person present and settled in Jersey**

**37.** Leave to remain as the unmarried partner of a person present and settled in Jersey, made under the provisions of paragraph **34** (of this Appendix), is to be refused if the Minister is not satisfied that the requirements of paragraph **33 (ii)-(xv)** (of this Appendix) are met.

**38.** An extension of stay as the unmarried partner of a person present and settled in Jersey, made under the provisions of paragraph **35** or paragraph **36** (of this Appendix), is to be refused if the Minister is not satisfied that each of the requirements of paragraph **33** (of this Appendix) is met.

### **INDEFINITE LEAVE TO REMAIN AS THE UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY**

#### **Requirements for indefinite leave to remain as the unmarried partner of a person present and settled in Jersey**

**39.** The requirements to be met by a person seeking indefinite leave to remain as the unmarried partner of a person present and settled in Jersey are that:

- (i) the applicant was admitted to Jersey or given an extension of stay for a period in accordance with paragraphs **29-38** (of this Appendix) and has completed a period of 60 months as the unmarried partner of a person present and settled here; and
- (ii) 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
- (iii) each of the parties intends to live permanently with the other as his partner; 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 sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**; and
- (vii) 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 Jersey**

**40.** Indefinite leave to remain as the unmarried partner of a person present and settled in Jersey may be granted provided that the Minister is satisfied that each of the requirements of paragraph **39** (of this Appendix) is met.

#### **Refusal of indefinite leave to remain as the unmarried partner of a person present and settled in Jersey**

**41.** Indefinite leave to remain as the unmarried partner of a person present and settled in Jersey is to be refused if the Minister is not satisfied that each of the requirements of paragraph **39** (of this Appendix) is met.

## **INDEFINITE LEAVE TO REMAIN FOR THE BEREAVED UNMARRIED PARTNER OF A PERSON PRESENT AND SETTLED IN JERSEY**

### **Requirements for indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey**

**42.** 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 Jersey, are that:

- (i) the applicant was admitted to Jersey or given an extension of stay for a period as the unmarried partner of a person present and settled in Jersey in accordance with paragraphs **29-38** (of this Appendix); and
- (ii) the person whom the applicant was admitted or granted an extension of stay to join died during that period; and
- (iii) the applicant was still the unmarried partner of the person he was admitted or granted and extension of stay to join at the time of death; and
- (iv) 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
- (v) 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 Jersey**

**43.** Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey, may be granted provided that the Minister is satisfied that each of the requirements of paragraph **42** (of this Appendix) is met.

### **Refusal of indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey**

**44.** Indefinite leave to remain for the bereaved unmarried partner of a person present and settled in Jersey, is to be refused if the Minister is not satisfied that each of the requirements of paragraph **42** (of this Appendix) is met.

## **APPENDIX FM (J1)**

## **ADULT DEPENDENT RELATIVE OF PERSONS PRESENT AND SETTLED IN JERSEY**

### **Requirements for indefinite leave to enter as an adult dependent relative**

1. The requirements for indefinite leave to enter as an adult dependent relative are that-
  - (a) the applicant must be the-
    - (i) parent aged 18 years or over; or

- (ii) grandparent; or
  - (iii) brother or sister aged 18 years or over; or
  - (iv) son or daughter aged 18 years or over of a person ("the sponsor") who is permanently resident in Jersey; and
- (b) the applicant must be outside the United Kingdom and Islands; and
- (c) if the applicant is the sponsor's parent or grandparent they must not be in a subsisting relationship with a partner unless that partner is also the sponsor's parent or grandparent and is applying for entry clearance at the same time as the applicant; and
- (d) the applicant or, if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must as a result of age, illness or disability require long-term personal care to perform everyday tasks; and
- (e) the applicant or, if the applicant and their partner are the sponsor's parents or grandparents, the applicant's partner, must be unable, even with the practical and financial help of the sponsor, to obtain the required level of care in the country where they are living, because-
- (i) it is not available and there is no person in that country who can reasonably provide it; or
  - (ii) it is not affordable; and
- (f) the applicant must provide evidence that they can be adequately maintained, accommodated and cared for in Jersey by the sponsor without recourse to public funds; and
- (g) the applicant must provide an undertaking signed by the sponsor confirming that the applicant will have no recourse to public funds, and that the sponsor will be responsible for their maintenance, accommodation and care, for a period of 5 years from the date the applicant enters Jersey if they are granted indefinite leave to enter; and
- (h) the sponsor must at the date of application be-
- (i) aged 18 years or over; and
  - (ii) a British citizen permanently resident in Jersey; or
  - (iii) settled and permanently resident in Jersey; and
- (i) the applicant must not fall for refusal under any of the grounds in paragraph 4 (of this Appendix); and
- (j) the applicant holds a valid entry clearance for entry in this capacity.

### **Indefinite leave to enter as an adult dependent relative**

2. A person seeking indefinite leave to enter Jersey as an adult dependent relative who satisfies each of the requirements of paragraph 1 (of this Appendix) may be given leave to enter for an indefinite period.

### **Refusal of indefinite leave to enter as an adult dependent relative**

3. Indefinite leave to enter Jersey as an adult dependent is to be refused if the immigration officer is not satisfied that each of the requirements of paragraph 1 (of this Appendix) is met.

### **Refusal of Entry Clearance as an adult dependent relative**

4. The applicant will be refused entry clearance if:

- (a) the Minister has personally directed that the exclusion of the applicant from Jersey is conducive to the public good; or
- (b) the applicant is currently the subject of a deportation order; or
- (c) the exclusion of the applicant from Jersey is conducive to the public good because they have:
  - (i) been convicted of an offence for which they have been sentenced to a period of imprisonment of at least 4 years; or
  - (ii) been convicted of an offence for which they have 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
  - (iii) been convicted of an offence for which they have 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 paragraph applies, unless refusal would be contrary to the Human Rights Convention or the 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.); or

- (d) the exclusion of the applicant from Jersey is conducive to the public good because, for example, the applicant's conduct (including convictions which do not fall within sub paragraph (c)), character, associations, or other reasons, make it undesirable to grant them entry clearance; or
- (e) the applicant has failed without reasonable excuse to comply with a requirement to-
  - (i) attend an interview;
  - (ii) provide information;
  - (iii) provide physical data; or
  - (iv) undergo a medical examination or provide a medical report; or
- (f) it is undesirable to grant entry clearance to the applicant for medical reasons.

5. The applicant will normally be refused entry clearance if:
- (a) whether or not to the applicant's knowledge-
    - (i) 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
    - (ii) there has been a failure to disclose material facts in relation to the application;
  - (b) a maintenance and accommodation undertaking has been requested or required under paragraph **35** or otherwise and has not been provided; or
  - (c) the exclusion of the applicant from Jersey is conducive to the public good because:
    - (i) within the 12 months prior to the date on which the application is decided, the person has been convicted of or admitted an offence for which they received a non-custodial sentence or other out of court disposal that is recorded on their criminal record; or
    - (ii) in the view of the Minister:
      - (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.

#### **Definition of “partner”**

6. For the purposes of this Appendix, “partner” means:-
- (i) the applicant's spouse; or
  - (ii) the applicant's civil partner; or
  - (iii) the applicant's fiancé(e) or proposed civil partner; or
  - (iv) a person who has been living together with the applicant in a relationship akin to a marriage or civil partnership for at least 2 years prior to the date of the application.

## **APPENDIX EU(J)**

### **EU, OTHER EEA AND SWISS CITIZENS AND FAMILY MEMBERS**

#### **Purpose**

- EU(J)1.** This Appendix sets out the basis on which an **EEA citizen**<sup>3</sup> and their family members, and the family members of a **qualifying British citizen**, will, if they apply under it, be granted indefinite leave to remain or limited leave to remain (or,

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<sup>3</sup> Bold is used once where a term is defined in **Annex 1** to this Appendix.

if the applicant is not in Jersey when the leave is granted, indefinite leave to enter or limited leave to enter).

References in this Appendix to the grant of leave to remain include references to the grant of leave to enter, where the applicant is not in Jersey when the leave is granted.

## **Requirements and procedure**

### Requirements for indefinite leave to remain other than as a joining family member of a relevant sponsor

**EU(J)2.** The applicant will be granted indefinite leave to remain where:

- A valid application has been made in accordance with paragraph **EU(J)9**;
- The applicant meets the eligibility requirements for indefinite leave to remain in accordance with paragraph **EU(J)11** or **EU(J)12**; and
- The applicant is not to be refused on grounds of suitability in accordance with paragraph **EU(J)15** or **EU(J)16**.

### Requirements for indefinite leave to remain as a joining family member of a relevant sponsor

**EU(J)2A.** The applicant will be granted indefinite leave to remain as a **joining family member of a relevant sponsor** where:

- A valid application has been made in accordance with paragraph **EU(J)9**;
- The applicant meets the eligibility requirements for indefinite leave to remain in accordance with paragraph **EU(J)11A**; and
- The application is not to be refused on grounds of suitability in accordance with paragraph **EU(J)15** or **EU(J)16**.

### Requirements for limited leave to remain other than as a joining family member of a relevant sponsor

**EU(J)3.** The applicant will be granted five years' limited leave to remain where:

- A valid application has been made in accordance with paragraph **EU(J)9**;
- The applicant does not meet the eligibility requirements for indefinite leave to remain in accordance with paragraph **EU(J)11** or **EU(J)12**, but meets the eligibility requirements for limited leave to remain in accordance with paragraph **EU(J)14**; and
- The applicant is not to be refused on grounds of suitability in accordance with paragraph **EU(J)15** or **EU(J)16**.

### Requirements for limited leave to remain as a joining family member of a relevant sponsor

**EU(J)3A.** The applicant will be granted five years' limited leave to remain as a joining family member of a relevant sponsor where:

- A valid application has been made in accordance with paragraph **EU(J)9**;
- The applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph **EU(J)11A**, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph **EU(J)14A**; and
- The application is not to be refused on grounds of suitability in accordance with paragraph **EU(J)15** or **EU(J)16**.

## Other provisions as to requirements and procedure

**EU(J)4.** Where a person has been granted limited leave to remain under this Appendix:

- They must continue to meet the eligibility requirements for that leave which they met at the **date of application** (except for any which related to their dependency as a **child, dependent parent or dependent relative**) or meet other eligibility requirements for limited leave to remain in accordance with paragraph **EU(J)14**; and
- 
- They remain able to apply for indefinite leave to remain under this Appendix and will be granted this where the requirements in paragraph **EU(J)2** are met.

**EU(J)5.** Paragraphs **18** to **19A** (of the Immigration Rules) (returning residents) do not apply to indefinite leave to enter or remain granted under this Appendix. A person granted such leave may resume their residence in Jersey where, having been absent from the **UK and Islands**, that leave has not lapsed under paragraph 13 of the **Leave to Enter and Remain Directions 2017**.

**EU(J)6.** A valid application made under this Appendix which does not meet the requirements for indefinite leave to remain or limited leave to remain will be refused.

**EU(J)7.** (1) **Annex 1** sets out definitions which apply to this Appendix. Any provision made for those terms elsewhere in the Immigration Rules does not apply to an application made under this Appendix.

(2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside under s. 7(1) of **the 1988 Act** (or under the equivalent provision elsewhere in **the UK and Islands**), on which basis the document, card or other evidence was issued, by virtue of the revocation of s. 7(1) (or of the equivalent provision elsewhere in the UK and Islands).

**EU(J)8.** **Annex 2** applies to the consideration by the Minister of a valid application made under this Appendix.

### **Valid application**

**EU(J)9.** A valid application has been made under this Appendix where:

- (a) The application has been made in Jersey using the **specified application process**;
- (b) The **required proof of identity and nationality** has been provided;
- (c) The **specified biometrics** have been provided.

**EU(J)10.** An application will be rejected as invalid where it does not meet the requirements in paragraph **EU(J)9**.

### **Eligibility for indefinite leave to remain**

Persons eligible for indefinite leave to remain as a relevant EEA citizen or their family member, or as a person with a derivative right to reside or with a Zambrano right to reside

**EU(J)11.** The applicant meets the eligibility requirements for indefinite leave to remain as a **relevant EEA citizen** or their family member (or as a **person with a derivative right to reside** or a **person with a Zambrano right to reside**) where the Minister is satisfied, including (where applicable) by the **required evidence of family relationship**, that, at the date of application and in an application made by the **required date**, one of conditions 1 to 7 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant:</p> <p>(i) is a relevant EEA citizen,</p> <p>(ii) is (or, as the case may be, was) a <b>family member of a relevant EEA citizen</b> or</p> <p>(iii) is (or, as the case may be, was) a <b>family member who has retained the right of residence</b> by virtue of a relationship with a relevant EEA citizen;</p> <p>and</p> <p>(b) The applicant has a <b>documented right of permanent residence</b>; and</p> <p>(c) No <b>supervening event</b> has occurred</p>
2.	<p>(a) The applicant is:</p> <p>(i) a relevant EEA citizen,</p> <p>(ii) a family member of a relevant EEA citizen or</p> <p>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and</p> <p>(b) There is <b>valid evidence of their indefinite leave to enter or remain</b></p>
3.	<p>(a) The applicant:</p> <p>(i) is a relevant EEA citizen,</p> <p>(ii) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen or</p> <p>(iii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen;</p> <p>(iv) is a person who has a derivative right to reside; or</p> <p>(v) is a person who has a Zambrano right to reside; or</p> <p>(vi) is a <b>person who had a derivative or Zambrano right to reside</b>;</p> <p>and</p> <p>(b) The applicant has completed a <b>continuous qualifying period</b> of five years in any (or any combination) of those categories; and</p>

	(c) Since then no supervening event has occurred
4.	(a) The applicant is a relevant EEA citizen who is a <b>person who has ceased activity</b> ; and (b) Since they did so, no supervening event has occurred
5.	(a) The applicant is (or, as the case may be, was) a family member of a relevant EEA citizen; and (b) The relevant EEA citizen is a person who has ceased activity; and  (c) (i) Where the date of application by the family member is before 1 July 2021, the relevant EEA citizen:  (aa) meets the requirements of sub-paragraph (b) of the applicable definition of relevant EEA citizen in <b>Annex 1</b> ; or  (bb) meets the requirements of sub-paragraph (d)(ii)(bb) of the applicable definition of relevant EEA citizen in <b>Annex 1</b> ; or  (cc) meets the requirements of sub-paragraph (e)(ii) or (e)(iii) of the applicable definition of relevant EEA citizen in <b>Annex 1</b> ; or  (dd) is a <b>relevant naturalised British citizen</b> (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in <b>Annex 1</b> ); or  (ii) Where the date of application by the family member is on or after 1 July 2021, the relevant EEA citizen meets the following requirements of the applicable definition of relevant EEA citizen in <b>Annex 1</b> :  (aa) sub-paragraph (a)(ii)(aa); or (bb) sub-paragraph (b)(ii)(aa); or (cc) sub-paragraph (c)(i); or (dd) sub-paragraph (d)(iii)(aa); or (ee) sub-paragraph (e)(i)(bb)(aaa), (e)(i)(bb)(ccc) or (e)(ii)(bb)(aaa); and  (d) Sub-paragraph (a) above was met at the point at which the relevant EEA citizen became a person who has ceased activity; and (e) The applicant was resident in Jersey or elsewhere in the UK and Islands for a continuous qualifying period immediately before the relevant EEA citizen became a person who has ceased activity; and (f) Since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred
6.	(a) The applicant is a family member of a relevant EEA citizen; and (b) The relevant EEA citizen has died and was resident in Jersey as a <b>worker</b> or <b>self-employed person</b> at the time of their death; and (c) The relevant EEA citizen was resident in Jersey or elsewhere in the UK and Islands for a continuous qualifying period of at least 2 years immediately before dying, or the death was the result of an accident at work or an occupational disease; and (d) The applicant was resident in Jersey with the relevant EEA citizen immediately before their death and since then no supervening event has

	occurred
7.	<p>(a) The applicant is a child under the age of 21 years of a relevant EEA citizen or of their <b>spouse</b> or <b>civil partner</b>, and either:</p> <p>(i) the marriage was contracted or civil partnership was formed before the <b>specified date</b>; or</p> <p>(ii) the person who is now their spouse or civil partner was the <b>durable partner</b> of the relevant EEA citizen before the specified date (the definition of durable partner in <b>Annex 1</b> being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</p> <p>(b)(i) Where the date of application by the family member is before 1 July 2021, the relevant EEA citizen (or, as the case may be, their spouse or civil partner):</p> <p>(aa) has been granted indefinite leave to remain under paragraph <b>EU(J)2</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent elsewhere in the UK and Islands); or</p> <p>(bb) meets the requirements of sub-paragraph (b)(ii) of the applicable definition of relevant EEA citizen in <b>Annex 1</b> (where the relevant EEA citizen is an Irish citizen) ; or</p> <p>(cc) meets the requirements of sub-paragraph (d)(ii)(bb) of the applicable definition of relevant EEA citizen in <b>Annex 1</b>; or</p> <p>(dd) meets the requirements of sub-paragraph (e)(ii) or (e)(iii) of the applicable definition of relevant EEA citizen in <b>Annex 1</b>; or</p> <p>(ee) meets the requirements of sub-paragraph (f)(ii) of the applicable definition of relevant EEA citizen in <b>Annex 1</b>; or</p> <p>(ff) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in <b>Annex 1</b>); or</p> <p>(ii) Where the date of application by the family member is on or after 1 July 2021, the relevant EEA citizen (or, as the case may be, their spouse or civil partner) meets the following requirements of the applicable definition of relevant EEA citizen in <b>Annex 1</b>:</p> <p>(aa) sub-paragraph (a)(ii)(aa); or</p> <p>(bb) sub-paragraph (b)(ii)(aa) (where the relevant citizen is an Irish citizen); ; or</p> <p>(cc) sub-paragraph (c)(i); or</p> <p>(dd) sub-paragraph (d)(iii)(aa); or</p> <p>(ee) sub-paragraph (e)(i)(bb)(aaa), (e)(i)(bb)(ccc) or (e)(ii)(bb)(aaa); or</p> <p>(ff) sub-paragraph (f)(ii)(aa)</p>

Persons eligible for indefinite leave to remain as a joining family member of a relevant sponsor

**EU(J)11A.** The applicant meets the eligibility requirements for indefinite leave to remain as a joining family member of a relevant sponsor where the Minister is satisfied, including by the required evidence of family relationship, that, at the date of application and in an application made after the specified date and by the required date, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant:</p> <p>(i) is (or, as the case may be, for the relevant period was) a joining family member of a relevant sponsor; or</p> <p>(ii) is (or, as the case may be, for the relevant period was) a family member who has retained the right of residence by virtue of a relationship with a <b>relevant sponsor</b>; and</p> <p>(b) The applicant has completed a continuous qualifying period of five years which began after the specified date, in either (or any combination) of those categories; and</p> <p>(c) Since then no supervening event has occurred.</p>
2.	<p>(a) The applicant is (or, as the case may be, was) a joining family member of a relevant sponsor; and</p> <p>(b) The relevant sponsor is a person who has ceased activity; and</p> <p>(c)(i) Where the date of application is before 1 July 2021, the relevant sponsor:</p> <p>(aa) meets the requirements of sub-paragraph (a)(i)(aa) or (a)(ii)(bb) of the definition of relevant sponsor in <b>Annex 1</b>; or</p> <p>(bb) meets the requirements of sub-paragraph (a)(iv)(bb) or (a)(iv)(cc) of the definition of relevant sponsor in <b>Annex 1</b>; or</p> <p>(cc) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in <b>Annex 1</b>); or</p> <p>(ii) Where the date of application is on or after 1 July 2021, the relevant sponsor meets the following requirements of the definition of relevant sponsor in <b>Annex 1</b>:</p> <p>(aa) sub-paragraph (b)(i)(aa); or</p> <p>(bb) sub-paragraph (b)(ii)(aa); or</p> <p>(cc) sub-paragraph (b)(iii)(aa); or</p> <p>(dd) sub-paragraph (b)(iv)(bb)(aaa), (b)(iv)(bb)(bbb) or (b)(v)(bb)(aaa); or</p> <p>(ee) sub-paragraph (b)(vi)(aa); and</p> <p>(d) Sub-paragraph (a) above was met at the point at which the relevant sponsor became a person who has ceased activity; and</p> <p>(e) Immediately before the relevant sponsor became a person who has ceased activity, the applicant was resident in the UK and Islands for a continuous qualifying period which began after the specified date; and</p> <p>(f) Since the relevant sponsor became a person who has ceased activity, no supervening event has occurred</p>
3.	<p>(a) The applicant is a joining family member of a relevant sponsor; and</p> <p>(b) The relevant sponsor has died and was resident in Jersey as a worker or self-employed person at the time of their death; and</p> <p>(c) The relevant sponsor was resident in the UK and Islands for a continuous qualifying period of at least 2 years immediately before dying, or the death was</p>

	<p>the result of an accident at work or an occupational disease; and</p> <p>(d) The applicant was resident in Jersey with the relevant sponsor after the specified date and immediately before their death; and</p> <p>(e) Since the death of the relevant sponsor, no supervening event has occurred</p>
4.	<p>(a)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the relevant sponsor; and</p> <p>(ii) (aa) Where the date of application is before 1 July 2021, the relevant sponsor:</p> <p>(aaa) meets the requirements of sub-paragraph (a)(i)(aa) of the definition of relevant sponsor in <b>Annex 1</b>; or</p> <p>(bbb) meets the requirements of sub-paragraph (a)(ii)(bb) of the definition of relevant sponsor in <b>Annex 1</b> (where the relevant sponsor is an Irish citizen); or</p> <p>(ccc) meets the requirements of sub-paragraph (a)(iv)(bb) or (a)(iv)(cc) of the definition of relevant sponsor in <b>Annex 1</b>; or</p> <p>(ddd) meets the requirements of sub-paragraph (a)(v)(bb) of the definition of relevant sponsor in <b>Annex 1</b>; or</p> <p>(eee) is a relevant naturalised British citizen (in accordance with sub-paragraphs (b), (c) and (d) of the relevant definition in <b>Annex 1</b>); or</p> <p>(bb) Where the date of application is on or after 1 July 2021, the relevant sponsor meets the following requirements of the definition of relevant sponsor in <b>Annex 1</b>:</p> <p>(aaa) sub-paragraph (b)(i)(aa); or</p> <p>(bbb) sub-paragraph (b)(ii)(aa); or</p> <p>(ccc) sub-paragraph (b)(iii)(aa); or</p> <p>(ddd) sub-paragraph (b)(iv)(bb)(aaa), (b)(iv)(bb)(bbb) or (b)(v)(bb)(aaa); or</p> <p>(eee) sub-paragraph (b)(vi)(aa); or</p> <p>(b)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the spouse or civil partner of the relevant sponsor (in accordance with sub-paragraph (a) of the definition of family member of a relevant EEA citizen in <b>Annex 1</b>, substituting ‘relevant sponsor’ for each reference in that sub-paragraph to ‘relevant EEA citizen’); and</p> <p>(ii) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph <b>EU(J)2</b>; or</p> <p>(c)(i) The applicant is a joining family member of a relevant sponsor and is a child under the age of 21 years of the spouse or civil partner of the relevant sponsor (in accordance, in respect of the spouse or civil partner, with the first sub-paragraph (a), together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii), of the definition of joining family member of a relevant sponsor in <b>Annex 1</b>); and</p> <p>(ii) The spouse or civil partner has been or is being granted indefinite leave to enter or remain under paragraph <b>EU(J)2A</b></p>

Persons eligible for indefinite leave to remain as a family member of a qualifying British citizen

**EU(J)12.** The applicant meets the eligibility requirements for indefinite leave to remain as a **family member of a qualifying British citizen**, or as a family member who has retained the right of residence by virtue of a relationship with a qualifying British

citizen, where the Minister is satisfied, including by the required evidence of family relationship, that, at the date of application, one of conditions 1 to 4 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant is (or, as the case may be, was):</p> <p>(i) a family member of a qualifying British citizen or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has a documented right of permanent residence; and</p> <p>(c) No supervening event has occurred</p>
2.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) There is valid evidence of their indefinite leave to enter or remain</p>
3.	<p>(a) The applicant is (or, as the case may be, for the relevant period was):</p> <p>(i) a family member of a qualifying British citizen or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant has completed a continuous qualifying period of five years in either (or any combination) of those categories; and</p> <p>(c) The applicant was, for any period in which they were present in Jersey as a family member of a qualifying British citizen relied upon under sub-paragraph (b), lawfully resident under s. 7(1) of the 1988 Act read with regulation 9(1) to (6) of the EEA Regulations (regardless of whether the qualifying British citizen would have ranked as a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(d) Since completing the continuous qualifying period of five years, no supervening event has occurred</p>
4.	<p>(a) The applicant is a child under the age of 21 years of the spouse or civil partner of the qualifying British citizen and either:</p> <p>(i) the marriage was contracted or the civil partnership was formed before the <b>date and time of withdrawal</b>; or</p> <p>(ii) the person who is now their spouse or civil partner was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of durable partner in <b>Annex 1</b> being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and</p>

	<p>(b) The applicant is in Jersey lawfully under s. 7(1) of the 1988 Act read with regulation 9(1) to (6) of the EEA Regulations (regardless of whether the qualifying British citizen would rank as a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(c) The spouse or civil partner has been or is being granted indefinite leave to remain under this Appendix</p>
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**EU(J)13.** The reference to the applicant completing a continuous qualifying period of five years:

- In condition 3 in the table in paragraph **EU(J)12** can include a period (or combination of periods) during which the applicant was a relevant EEA citizen, a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, a person who has a derivative right to reside or a person who has a Zambrano right to reside before becoming the family member of a qualifying British citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen); and
- In condition 3 in the table in paragraph **EU(J)11** can include a period during which the applicant was a family member of a qualifying British citizen or a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen before becoming (as the case may be) a relevant EEA citizen, a family member of a relevant EEA citizen (or thereafter a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen), a person who has a derivative right to reside or a person who has a Zambrano right to reside.

### Eligibility for limited leave to remain

Persons eligible for limited leave to enter or remain as a relevant EEA citizen or their family member, as a person with a derivative right to reside or with a Zambrano right to reside or as a family member of a qualifying British citizen

**EU(J)14.** The applicant meets the eligibility requirements for limited leave to remain where the Minister is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application and in an application made by the required date, condition 1 or 2 set out in the following table is met:

Condition	Is met where:
1.	<p>(a) The applicant is</p> <p>(i) a relevant EEA citizen, or</p> <p>(ii) a family member of a relevant EEA citizen or</p> <p>(iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</p> <p>(iv) a person who has a derivative right to reside; or</p>

	<p>(v) a person who has a Zambrano right to reside;</p> <p>and</p> <p>(b) The applicant is not eligible for indefinite leave to remain under this Appendix solely because they have completed a continuous qualifying period of less than five years</p>
2.	<p>(a) The applicant is:</p> <p>(i) a family member of a qualifying British citizen; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</p> <p>(b) The applicant was, for any period in which they were present in Jersey as a family member of a qualifying British citizen relied upon under sub-paragraph (c), lawfully resident under s. 7(1) of the 1988 Act read with regulation 9(1) to (6) of the EEA Regulations (regardless of whether the qualifying British citizen would have ranked as a qualified person under regulation 6 of the EEA Regulations); and</p> <p>(c) The applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because they have completed a continuous qualifying period in the United Kingdom of less than five years</p>

Persons eligible for limited leave to enter or remain as a joining family member of a relevant sponsor

**EU(J)14A.** The applicant meets the eligibility requirements for limited leave to enter or remain as a joining family member of a relevant sponsor where the Minister is satisfied, including by the required evidence of family relationship, that, at the date of application and in an application made after the specified date and by the required date, the condition set out in the following table is met:

Condition	Is met where:
	<p>(a) The applicant is:</p> <p>(i) a joining family member of a relevant sponsor; or</p> <p>(ii) a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor; and</p> <p>(b) The applicant is not eligible for indefinite leave to remain under paragraph <b>EU(J)11A</b> solely because they have completed a continuous qualifying period of less than five years which began after the specified date</p>

**Suitability**

**EU(J)15.** An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to a **deportation order** or of a decision to make a deportation order; or
- (b) The applicant is subject to an **exclusion order** or **exclusion decision**.

**EU(J)16.** An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the Minister is satisfied that it is proportionate to refuse the application:

- (a) where, in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or
- (b) where the applicant is subject to a removal decision under the EEA Regulations on the grounds of their non-exercise or misuse of rights; or
- (c) where the applicant:
  - (i) has previously been refused admission to another part of the UK and Islands in accordance with EEA Regulations; or
  - ; or
  - (ii) had indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix (or limited leave to enter granted by virtue of having arrived in Jersey with an entry clearance that was granted under Appendix **EU(J) (Family Permit)**) which was cancelled under paragraph **321B(b)(i)** or **321B(b)(ii)** of these Rules, under **Annex 3** to this Appendix or under **Annex 3** to Appendix **EU(J) (Family Permit)**; or
- (d) where the applicant is a **relevant excluded person**.

**EU(J)17.** The references in paragraphs **EU(J)15** and **EU(J)16** to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or revoked.

**EU(J)18.** **Annex 3** applies in respect of the cancellation, curtailment and revocation of leave to enter or remain granted under this Appendix.

### **Annex 1 – Definitions**

<b>Term</b>	<b>Definition</b>
1988 Act	the Immigration Act 1988 as extended to Jersey by the Immigration (Jersey) Order 1993 before the repeal of s. 7 of that Act (or, in the application of the said s. 7 to persons in the Bailiwick of Guernsey or in the Isle of Man, the said Act as extended to each of those jurisdictions before the repeal of s. 7)
2007 Act	the UK Borders Act 2007
adopted child	a child adopted in accordance with a <b>relevant adoption decision</b>
child	<ul style="list-style-type: none"> <li>(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; or</li> <li>(b)(i) the direct descendant aged 21 years or over of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; and</li> <li>(ii) (unless the applicant was previously granted limited leave to enter</li> </ul>

or remain under this Appendix as a child on the basis that subparagraph (a) above applied or under its equivalent elsewhere in the UK and Islands on that basis) dependent on (as the case may be):

- (aa) the relevant EEA citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date; or
- (bb) on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date; or
- (cc) on the relevant sponsor (or on their spouse or civil partner) at the date of application

'dependent' means here that:

- (a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner; and
- (b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen or by the relevant sponsor) or by their spouse or civil partner; and
- (c) there is no need to determine the reasons for that dependence or for the recourse to that support

in addition:

(a) 'child' includes:

(i) an **adopted child** of; or

(ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or

(iii) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian a relevant EEA citizen (or a qualifying British citizen) or their spouse or civil partner, but 'child' does not include a child cared for by a relevant EEA citizen (or by a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement;

(ab) 'child' also includes a person who would rank as a child under the equivalent provision to this Appendix elsewhere in the UK and Islands;

(b) 'direct descendant' also includes a grandchild or great-grandchild, other than for the purpose of meeting condition 7 in the table in paragraph **EU(J)11**, condition 4 in the table in paragraph **EU(J)11A** or condition 4 in the table in paragraph **EU(J)12**; and

	<p>(c) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table, in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table or in the first sub-paragraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for 'joining family member of a relevant sponsor' in this table</p>
civil partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a valid civil partnership (which exists or existed under or by virtue of the Civil Partnership (Jersey) Law 2012 or under any equivalent legislation elsewhere in the UK and Islands); or is, or (as the case may be) for the relevant period was, in a relationship registered overseas which is, or was, entitled to be treated as a civil partnership under that Law or under any equivalent legislation elsewhere in the UK and Islands, with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor); and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a <b>civil partnership of convenience</b>; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the UK or the Islands</b> based on that person's relationship with that party</p>
civil partnership of convenience	See under marriage of convenience
continuous qualifying period	<p>a period of residence in the UK and Islands (save in condition 3 in the table in paragraph <b>EU(J)12</b>; in condition 2 in the table in paragraph <b>EU(J)14</b>; in sub-paragraph (a)(ii) or (d)(iii)(aa) of the entry for 'family member who has retained the right of residence' in this table; in sub-paragraph (c) of the entry for 'person who has ceased activity' in this table; and in the entry for 'person with a derivative right to reside' and for 'person with a Zambrano right to reside' in this table, where (in each case) the period of residence must be in Jersey and the reference in sub-paragraphs (b)(i) and (ii) below to the UK and Islands is to be read as a reference to Jersey):</p> <p>(a) which, unless the person is a joining family member of a relevant sponsor, is a specified relevant person of Northern Ireland (or is the dependent relative of such a person) or relies on sub-paragraph (b)(i)(cc), (b)(i)(dd) or (b)(i)(ee) below, began before the specified date; and</p> <p>(b) during which none of the following occurred:</p> <p>(i) absence(s) from the UK and Islands which exceeded a total of 6 months in any 12-month period, except for:</p> <p>(aa) a single period of absence which did not exceed 12 months and was for an important reason (such as pregnancy, childbirth, serious illness, study, vocational training or an overseas posting, or because of COVID-19);</p> <p>or</p>

(bb) a single period of absence which did not exceed 12 months and which, although the absence was not originally for an important reason, is to be treated as being for an important reason as it exceeded 6 months because of COVID-19; or

(cc) (following a period of absence under sub-paragraph (b)(i)(aa) above because of COVID-19 or under sub-paragraph (b)(i)(bb) above) a second period of absence which did not exceed 12 months and was for an important reason (such as described in sub-paragraph (b)(i)(aa) above) which, save for caring for someone with a serious illness, was not because of COVID-19; where this is the case, the period of absence under this sub-paragraph exceeding 6 months will not count towards any period of residence in the UK and Islands on which the person relies; or

(dd) (following a period of absence under sub-paragraph (b)(i)(aa) above which, save for caring for someone with a serious illness, was not because of COVID-19) either a second period of absence which did not exceed 12 months and was for an important reason, where that reason was because of COVID-19, or a period of absence under sub-paragraph (b)(i)(bb) above; where this is the case, the period of absence under this sub-paragraph exceeding 6 months will not count towards any period of residence in the UK and Islands on which the person relies; or

(ee) a period of absence under sub-paragraph (b)(i)(aa), (b)(i)(bb), (b)(i)(cc) or (b)(i)(dd) above which exceeded 12 months because COVID-19 meant that the person was prevented from, or advised against, returning earlier; where this is the case, the period of absence under this sub-paragraph exceeding 12 months will not count towards any period of residence in the UK and Islands on which the person relies; or

(ff) any period of absence on compulsory military service; or

(gg) any period of absence on a posting on Crown service or (as a spouse, civil partner, durable partner or child) any period of absence accompanying a person on a posting on Crown service; or

(hh) any period spent working in the United Kingdom marine area (as defined in section 42 of the Marine and Coastal Access Act 2009); or

(ii) any period of absence due directly to an order or decision to which sub-paragraph (b)(iii) below refers, where that order or decision has been set aside or revoked ; or

(iii) any of the following in respect of the person, unless it has been set aside or revoked:

(aa) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations (or under the equivalent provisions of the Immigration (European

	<p>Economic Area) Regulations of the Isle of Man); or</p> <p>(bb) a decision to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1) of the EEA Regulations (or the equivalent decision, subject to the equivalent qualification, under the Immigration (European Economic Area) Regulations of the Isle of Man); or</p> <p>(cc) an exclusion decision; or</p> <p>(dd) a deportation order, other than by virtue of the EEA Regulations; and</p> <p>(c) which continues at the date of application, unless:</p> <p>(i) the period is of at least five years' duration; or</p> <p>(ii) (aa) the person acquired the right of permanent residence in Jersey under section 7(1) of the Immigration Act 1988 or in the United Kingdom under regulation 15 of the EEA Regulations or elsewhere in the Islands through the application of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man (or, where there are reasonable grounds for the person's failure to meet the deadline applicable to them in the entry for 'required date' in this table, would have acquired such a right had section 7(1) of the Immigration Act 1988 or the EEA Regulations not been revoked); or</p> <p>(bb) the period relates to:</p> <p>(aaa) a relevant EEA citizen, where, in relation to that EEA citizen, the applicant relies:</p> <p>(i) for all or part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph <b>EU(J)11</b> refers (or, as the case may be, for part of the period to which sub-paragraph (b) of condition 3 in the table in paragraph <b>EU(J)12</b> refers) on having been a family member of a relevant EEA citizen; or</p> <p>(ii) on being or having been a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, provided (in any case) the period relating to that relevant EEA citizen continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant EEA citizen instead) either, as the case may be, throughout the period the applicant relies on in (i) as having been a family member of a relevant EEA citizen or, as relied on in (ii), until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; or</p> <p>(bbb) a relevant sponsor, where, in relation to that relevant sponsor, the applicant relies for all or part of the period to which sub-paragraph (b) of condition 1 in the table in paragraph <b>EU(J)11A</b> refers on having been (or, as the case</p>
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may be, relies for all or part of the period to which sub-paragraph (b)(ii) of the condition in the table in paragraph **EU(J)14A** refers on being) a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, provided (in either case) the period relating to that relevant sponsor continued (unless sub-paragraph (c)(i), (c)(ii)(aa), (c)(iii) or (c)(iv) of this entry applied to that relevant sponsor instead) until the applicant became a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor; or

- (iii) the person has valid indefinite leave to enter or remain granted under this Appendix (or under its equivalent elsewhere in the UK and Islands); or
- (iv) there is valid evidence of their indefinite leave to enter or remain; or
- (v) a relevant reference is concerned

in addition, 'relevant reference' in sub-paragraph (c)(v) above means the reference to continuous qualifying period in:

- condition 6 in the table in paragraph **EU(J)11**;

- condition 3 in the table in paragraph **EU(J)11A**;

- sub-paragraph (d)(iii)(aa) of the entry for 'family member who has retained the right of residence' in this table (as that reference applies to, as the case may be, the relevant EEA citizen, the qualifying British citizen or the relevant sponsor);

- where the date of application is on or after 1 July 2021, sub-paragraph (b)(i) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (b)(ii)(aa) of that entry applies;

- where the date of application is on or after 1 July 2021, sub-paragraph (c) of the applicable entry for 'relevant EEA citizen' in this table (in so far as the reference in that sub-paragraph to sub-paragraph (a) of the entry for 'relevant naturalised British citizen' in this table is concerned), where sub-paragraph (c)(i) of the applicable entry for 'relevant EEA citizen' in this table applies;

- where the date of application is on or after 1 July 2021, sub-paragraph (d)(ii) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (d)(iii)(aa) of that entry applies;

- where the date of application is on or after 1 July 2021, sub-paragraph (e)(i)(aa) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (e)(i)(bb)(ccc) of that entry applies;

- where the date of application is on or after 1 July 2021, sub-paragraph (e)(ii)(aa) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (e)(ii)(bb)(aaa) of that entry applies;

	<p>- where the date of application is on or after 1 July 2021, sub-paragraph (f)(i) of the applicable entry for 'relevant EEA citizen' in this table, where sub-paragraph (f)(ii)(aa) of that entry applies;</p> <p>- sub-paragraph (b)(ii) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(ii)(aa) of that entry applies;</p> <p>- sub-paragraph (b)(iii) of the entry for 'relevant sponsor' in this table (where the reference to sub-paragraph (a) of the entry for 'relevant naturalised British citizen' in this table is concerned), where sub-paragraph (b)(iii)(aa) of the entry for 'relevant sponsor' in this table applies;</p> <p>- sub-paragraph (b)(iv)(aa) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(iv)(bb)(bbb) of that entry applies;</p> <p>- sub-paragraph (b)(v)(aa) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(v)(bb)(aaa) of that entry applies; and</p> <p>- sub-paragraph (b)(vi) of the entry for 'relevant sponsor' in this table, where sub-paragraph (b)(vi)(aa) of that entry applies</p>
Crown Service	<p>service as:</p> <p>(a) a member of HM Forces (as defined in the <b>Armed Forces (Offences and Jurisdiction) (Jersey) Law 2017</b>); or</p> <p>(b) an employee of the UK Government, a Northern Ireland department, the Scottish Administration or the Welsh Government; or</p> <p>(c) a permanent member of the British Council</p>
custody of a child	the child normally lives with the applicant or does so part of the time, and includes arrangements agreed informally and those which are subject to a court order for determining with whom the child is to live and when
date and time of withdrawal	2300 <b>GMT</b> on 31 January 2020
date of application	the date on which the application is submitted under the specified application process
dependent parent	<p>(a) the direct relative in the ascending line of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) or of their spouse or civil partner; and</p> <p>(b) (unless sub-paragraph (c) immediately below applies) dependent on (as the case may be):</p> <p>(i) the relevant EEA citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the relevant EEA citizen is under the age of 18 years at the date of application or, where the date of application is after the specified date, the relevant EEA citizen was under the</p>

age of 18 years at the specified date) that dependency is assumed; or

(ii) on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the qualifying British citizen is under the age of 18 years at the date of application or, where the date of application is after the specified date, the qualifying British citizen was under the age of 18 years at the specified date) that dependency is assumed; or

(iii) on the relevant sponsor (or on their spouse or civil partner) at the date of application and (unless the relevant sponsor is under the age of 18 years) that dependency is assumed where the date of application is before 1 July 2021; and

(c) this sub-paragraph applies (and the applicant therefore has to meet no requirement as to dependency) where:

(i) the applicant was previously granted limited leave to enter or remain under this Appendix as a dependent parent, and that leave has not lapsed or been cancelled, curtailed or invalidated; or

(ii) the spouse, civil partner or durable partner of the applicant (and with whom they reside) has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, and that indefinite or limited leave has not lapsed or been cancelled, curtailed, revoked or invalidated

‘dependent’ means here that:

(a) having regard to their financial and social conditions, or health, the applicant cannot, or (as the case may be) for the relevant period could not, meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner; and

(b) such support is, or (as the case may be) was, being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen or by the relevant sponsor) or by their spouse or civil partner; and

(c) there is no need to determine the reasons for that dependence or for the recourse to that support

in addition:

(a) ‘direct relative in the ascending line’ includes:

(i) a grandparent or great-grandparent; and

(ii) an adoptive parent of an adopted child; and

	<p>(b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table, in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table or in the first sub-paragraph (a) (together with either the second sub-paragraph (a) or sub-paragraph (b)(i) or (b)(ii)) of the entry for 'joining family member of a relevant sponsor' in this table; and</p> <p>(c) in respect of the reference in sub-paragraph (c)(ii) above to the spouse, civil partner or durable partner of the applicant, the entry for (as the case may be) 'spouse', 'civil partner' or 'durable partner' in this table applies, except that in the applicable entry 'applicant' is to be substituted for 'relevant EEA citizen' and sub-paragraph (b) of the entry for 'durable partner' in this table is to be disregarded</p>
dependent relative	<p>the person:</p> <p>(a)(i)(aa) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of their sponsoring person; and  (bb) is, or (as the case may be) for the relevant period was, a dependant of the sponsoring person, a member of their household or in strict need of their personal care on serious health grounds; or</p> <p>(ii) is a <b>person who is subject to a non-adoptive legal guardianship order</b> in favour (solely or jointly with another party) of their sponsoring person; or</p> <p>(iii) is a person under the age of 18 years who:</p> <p>(aa) is the direct descendant of the durable partner of their sponsoring person; or  (bb) has been adopted by the durable partner of their sponsoring person, in accordance with a relevant adoption decision; and</p> <p>(b) holds a <b>relevant document</b> as the dependent relative of their sponsoring person for the period of residence relied upon (unless, in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(viii) of that entry in this table, the Minister is satisfied that there are reasonable grounds for the person's failure to meet the deadline to which that sub-paragraph refers); for the purposes of this provision, where the person applies for a relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(ii) of that entry in this table) as the dependent relative of their sponsoring person before the specified date and their relevant document is issued on that basis after the specified date, they are deemed to have held the relevant document since immediately before the specified date</p> <p>in addition, 'sponsoring person' means:</p> <p>(a) (where sub-paragraphs (a)(i) and (b) above apply):</p> <p>(i) a relevant EEA citizen (in accordance with the applicable entry in this table); or  (ii) the spouse or civil partner (as described in sub-paragraph</p>

	<p>(a) of the entry for 'family member of a relevant EEA citizen' in this table) of a relevant EEA citizen (in accordance with the applicable entry in this table); or</p> <p>(iii) a qualifying British citizen; or</p> <p>(iv) the spouse or civil partner (as described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table) of a qualifying British citizen; or</p> <p>(b) (where the first sub-paragraph (a)(ii) in this entry and sub-paragraph (b) above apply or the first sub-paragraph (a)(iii) in this entry and sub-paragraph (b) above apply):</p> <p>(i) a relevant EEA citizen (in accordance with the applicable entry in this table); or</p> <p>(ii) a qualifying British citizen</p>
deportation order	an order under section 5(1) of the Immigration Act 1971 made in Jersey or elsewhere in the UK and Islands
documented right of permanent residence	<p>the Minister is satisfied from the information available to them that the person</p> <p>(a) has been issued by the Minister with a document in accordance with Immigration Rules 255 – 258 in an appropriate form certifying permanent residence or a permanent residence card, and this document or card has not been revoked or otherwise ceased to be effective; or</p> <p>(b) has a documented right of permanent residence effective under the equivalent provision to this Appendix elsewhere in the UK and Islands</p>
durable partner	<p>(a) the person is, or (as the case may be) for the relevant period was, in a durable relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least 2 years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) (i) the person holds a relevant document as the durable partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) for the period of residence relied upon; for the purposes of this provision, where the person applies for a relevant document (as described in sub-paragraph (a)(i)(aa) or (a)(ii) of that entry in this table) as the durable partner of the relevant EEA citizen or, as the case may be, of the qualifying British citizen before the specified date and their relevant document is issued on that basis after the specified date, they are deemed to have held the relevant document since immediately before the specified date; or</p> <p>(ii) where the person is applying as the durable partner of a relevant sponsor (or, as the case may be, of a qualifying British citizen), or as the spouse or civil partner of a relevant sponsor (as described in sub-paragraph (a)(i)(bb) of the entry for 'joining family member of a relevant sponsor' in this table), and does not hold a document of the type to which sub-paragraph (b)(i) above applies, and where:</p> <p>(aa) the date of application is after the specified date; and</p>

	<p>(bb) the person:</p> <p>(aaa) was not resident in the UK and Islands as the durable partner of a relevant EEA citizen (where that relevant EEA citizen is their relevant sponsor) on a basis which met the definition of ‘family member of a relevant EEA citizen’ in this table, (or, as the case may be, as the durable partner of the qualifying British citizen), at (in either case) any time before the specified date, unless the reason why, in the former case, they were not so resident is that they did not hold a relevant document as the durable partner of a relevant EEA citizen for that period (where their relevant sponsor is that relevant EEA citizen) and they did not otherwise have a lawful basis of stay in the UK and Islands for that period; or</p> <p>(bbb) was resident in the UK and Islands before the specified date, and one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of ‘continuous qualifying period’ in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date; or</p> <p>(ccc) was resident in the UK and Islands before the specified date, and the event referred to in sub-paragraph (a) in the definition of ‘supervening event’ in this table has occurred and after that event occurred they were not resident in the UK and Islands again before the specified date,</p> <p>the Minister is satisfied by evidence provided by the person that the partnership was formed and was durable before (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i)(bb) or (a)(iii) of that entry in this table) the date and time of withdrawal and otherwise before the specified date; and</p> <p>(c) it is, or (as the case may be) for the relevant period was, not a <b>durable partnership of convenience</b>; and</p> <p>(d) neither party has, or (as the case may be) for the relevant period had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person’s relationship with that party</p> <p>in addition, to meet condition 6 in the table in paragraph <b>EU(J)11</b> (or condition 3 in the table in paragraph <b>EU(J)11A</b>), the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen (or, as the case may be, of the relevant sponsor) rather than to the date of application</p>
educational course	a general educational course, apprenticeship or vocational training course, as provided by regulation 10(7) of the EEA Regulations
EEA citizen	<p>a person who is (and throughout any continuous qualifying period relied upon, was):</p> <p>(a) (i) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</p>

	<p>(ii) not also a British citizen; or</p> <p>(b) a relevant naturalised British citizen; or</p> <p>(c) (i) a national of a country listed in sub-paragraph (a)(i) above; and</p> <p>(ii) (where the applicant would in the United Kingdom meet the criteria in paragraph 9 of Schedule 6 to the EEA Regulations as the family member (“F”) to whom that paragraph refers) a British citizen within the meaning of the person (“P”) to whom that paragraph refers; or</p> <p>(d) <b>a relevant person of Northern Ireland</b></p>
EEA Regulations	the Immigration (European Economic Area) Regulations 2016 (as they have effect in the United Kingdom at the date of application or as they had effect immediately before they were revoked or as they continue to have effect despite being revoked, being provision made in the United Kingdom under section 2(2) of the European Communities Act 1972 (to which s. 7(1) of the 1988 Act refers) and where relevant includes the corresponding provision made in the Isle of Man
evidence of birth	<p>(a) (in the case of a child) the <b>full birth certificate(s)</b> or other document(s) which the Minister is satisfied evidences that the applicant is the direct descendant of the relevant EEA citizen ( or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, as described (as the case may be) in sub-paragraph (a)(i) or (a)(ii) of the entry for ‘family member of a qualifying British citizen’ in this table or in sub-paragraph (a) of the entry for ‘family member of a relevant EEA citizen’ in this table; or</p> <p>(b) (in the case of a dependent parent) the full birth certificate or other document(s) which the Minister is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, as described in sub-paragraph (a), above</p>
exclusion decision	a direction given by the Minister that a person must be refused entry to Jersey on the ground that that person’s presence here would not be conducive to the public good or a direction given elsewhere in the UK and Islands having equivalent effect there.
exclusion order	an order made under regulation 23(5) of the EEA Regulations
family member of a qualifying British citizen	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that:</p> <p>(a) they have (or, as the case may be, had) returned to the UK and Islands:</p> <p>(i) before 2300 GMT on 29 March 2022, as the spouse or civil partner of a qualifying British citizen, and:</p> <p>(aa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(bb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of ‘durable partner’ in this table being met before then rather than at</p>

	<p>the date of application) and the partnership remained durable at the date and time of withdrawal; or</p> <p>(ii) (where sub-paragraph (a)(i)(bb) above does not apply) before 2300 GMT on 31 December 2020, as the spouse or civil partner of a qualifying British citizen, and the marriage was contracted or the civil partnership was formed after the date and time of withdrawal; or</p> <p>(iii) before 2300 GMT on 29 March 2022, as the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable before the date and time of withdrawal; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(iv) before 2300 GMT on 31 December 2020, as the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable after the date and time of withdrawal; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(v) before 2300 GMT on 29 March 2022, as the child or dependent parent of a qualifying British citizen; or</p> <p>(vi) before 2300 GMT on 29 March 2022, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (a)(i) above; or</p> <p>(vii) before 2300 GMT on 31 December 2020, as the child or dependent parent of the spouse or civil partner of a qualifying British citizen, as described in sub-paragraph (a)(ii) above; or</p> <p>(viii) before 2300 GMT on 31 December 2020, as the dependent relative of a qualifying British citizen or (as the case may be) of their spouse or civil partner as described in sub-paragraph (a)(i) or (a)(ii) above, and that family relationship and (in sub-paragraph (a)(i)(bb) of the entry for 'dependent relative' in this table) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the applicant returned to the UK and Islands with the qualifying British citizen; and</p> <p>(b) they satisfied, or would in the United Kingdom have satisfied, the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member ("F") to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member ("EFM") to whom those provisions refer), in either case doing so:</p> <p>(i) before 2300 GMT on 31 December 2020; and (ii) immediately before returning to the UK and Islands with the qualifying British citizen (who is to be treated as the British citizen ("BC") to whom</p>
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	<p>those provisions refer); and</p> <p>(c) (where the applicant does not rely on having a documented right of permanent residence, on having completed a continuous qualifying period in Jersey or, as the case may be, the UK and islands of five years, or on being a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen) the family relationship continues to exist at the date of application</p>
<p>family member of a relevant EEA citizen</p>	<p>a person who does not meet the definition of 'joining family member of a relevant sponsor' in this table, and who has satisfied the Minister, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and:</p> <p>(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(ii) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application), and the partnership remained durable at the specified date; or</p> <p>(b) the durable partner of a relevant EEA citizen, and:</p> <p>(i) the partnership was formed and was durable before the specified date; and</p> <p>(ii) the partnership remains durable at the date of application (or it did so for the relevant period or immediately before the death of the relevant EEA citizen); or</p> <p>(c) the child or dependent parent of a relevant EEA citizen, and the family relationship existed before the specified date; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen (as described in sub-paragraph (a) above), and the family relationship existed before the specified date; or</p> <p>(e) the dependent relative, before the specified date, of a relevant EEA citizen (or of their spouse or civil partner, as described in sub-paragraph (a) above) and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continues to exist at the date of application (or did so for the period of residence relied upon)</p> <p>in addition, where the applicant does not rely on meeting condition 1, 3, or 6 of paragraph <b>EU(J)11</b>, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, the family relationship continues to exist at the date of application</p>
<p>family member who has retained the right of residence</p>	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that the requirements set out in one of sub-paragraphs (a) to (e) below are met and that since satisfying those requirements the required continuity of residence has been maintained:</p> <p>(a) the applicant is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who:</p>

	<p>(i) was, as the case may be, the family member of a relevant EEA citizen (or of a qualifying British citizen), or the joining family member of a relevant sponsor, and that person died; and</p> <p>(ii) was resident, as the case may be, as the family member of a relevant EEA citizen (or of a qualifying British citizen), or as the joining family member of a relevant sponsor, for a continuous qualifying period in Jersey of at least a year immediately before the death of that person; or</p> <p>(b) the applicant is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who:</p> <p>(i) is the child (including where they are a joining family member of a relevant sponsor) of:</p> <p>(aa) a relevant EEA citizen (or, as the case may be, of a qualifying British citizen or of a relevant sponsor) who has died or of their spouse or civil partner immediately before their death; or</p> <p>(bb) a person who ceased to be a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) on ceasing to reside in Jersey or of their spouse or civil partner at that point; and</p> <p>(ii) was attending an <b>educational course</b> in Jersey immediately before the relevant EEA citizen (or, as the case may be, the qualifying British citizen or the relevant sponsor) died or ceased to be a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor), and continues to attend such a course; or</p> <p>(c) the applicant is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who is the parent with <b>custody of a child</b> who meets the requirements of sub-paragraph (b) above and the child is not a joining family member of a relevant sponsor; or</p> <p>(d) the applicant (“A”) is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who:</p> <p>(i) ceased to be, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor, on the <b>termination of the marriage or civil partnership</b> of that relevant EEA citizen (or, as the case may be, of that qualifying British citizen or of that relevant sponsor); for the purposes of this provision, where, after the initiation of the proceedings for that termination, that relevant EEA citizen ceased to be a relevant EEA citizen (or, as the case may be, that qualifying British citizen ceased to be a qualifying British citizen, or that relevant sponsor ceased to be a relevant sponsor), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen or a relevant sponsor) until that</p>
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	<p>termination; and</p> <p>(ii) was resident in Jersey at the date of the termination of the marriage or civil partnership; and</p> <p>(iii) one of the following applies:</p> <p>(aa) prior to the initiation of the proceedings for the termination of the marriage or the civil partnership, the marriage or civil partnership had lasted for at least three years and the parties to the marriage or civil partnership had been resident for a continuous qualifying period in the United Kingdom of at least one year during its duration; or</p> <p>(bb) A has custody of a child of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor); or</p> <p>(cc) A has the right of access to a child of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor), where the child is under the age of 18 years and where a court has ordered that such access must take place in Jersey; or</p> <p>(dd) the continued right of residence in Jersey of A is warranted by particularly difficult circumstances, such as where A or another family member has been a victim of domestic violence or abuse whilst the marriage or civil partnership was subsisting; or</p> <p>(e) the applicant (“A”) is an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) or non-EEA citizen who:</p> <p>(i) provides evidence that a relevant family relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) has broken down permanently as a result of domestic violence or abuse; and</p> <p>(ii) was resident in Jersey when the relevant family relationship broke down permanently as a result of domestic violence or abuse, and the continued right of residence in Jersey of A is warranted where A or another family member has been a victim of domestic violence or abuse before the relevant family relationship broke down permanently</p> <p>in addition:</p> <p>(a) ‘relevant family relationship’ in sub-paragraph (e) above means a family relationship with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor) such that the applicant is, or (immediately before the relevant family relationship broke down permanently as a result of domestic violence or abuse) was, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor; and</p> <p>(b) where sub-paragraph (e) above applies, then, where, following the permanent breakdown of the relevant family relationship as a result of domestic violence or abuse, the applicant remains, as the case may be, a family member of a relevant EEA citizen (or of a qualifying British citizen), or a joining family member of a relevant sponsor, they will be</p>
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	<p>deemed to have ceased to be such a family member for the purposes of this Appendix once the permanent breakdown occurred; and</p> <p>(c) 'required continuity of residence' means that, where the applicant has not completed a continuous qualifying period of five years (and does not have valid evidence of their indefinite leave to enter or remain, and has not acquired the right of permanent residence in any of the Islands through the application of section 7(1) of the Immigration Act 1988 or in the United Kingdom under regulation 15 of the EEA Regulations, or in the Isle of Man or under the Immigration (European Economic Area) Regulations of the Isle of Man), then, since the point at which (where they do so) they began to rely on being in the UK and Islands as a family member who has retained the right of residence and while they continued to do so, one of the events referred to in subparagraph (b)(i) or (b)(ii) in the definition of 'continuous qualifying period' in this table has not occurred</p>
full birth certificate	a birth certificate recognised in the United Kingdom or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the UK or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the United Kingdom or the right of permanent residence in the United Kingdom under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man
joining family member of a relevant sponsor	<p>a person who has satisfied the Minister, including by the required evidence of family relationship, that they are (and for the relevant period have been), or (as the case may be) for the relevant period (or at the relevant time) they were:</p> <p>(a) the spouse or civil partner of a relevant sponsor, and</p> <p>(i) (aa) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(bb) the applicant was the durable partner of the relevant sponsor before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application), and the partnership remained durable at the specified date; and</p> <p>(ii)(aa) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph <b>EU(J)11A</b>, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the marriage or civil partnership continues to exist at the date of application; or</p> <p>(bb) (where the applicant relies on meeting condition 1 of paragraph <b>EU(J)11A</b>) the marriage or civil partnership existed for the relevant period; or</p> <p>(cc) (where the applicant relies on meeting condition 3 of paragraph <b>EU(J)11A</b>) the marriage or civil partnership existed immediately before the death of the relevant sponsor; or</p> <p>(b) the <b>specified spouse or civil partner of a Swiss citizen</b>; or</p> <p>(c) the durable partner of a relevant sponsor, and:</p>

- (i) the partnership was formed and was durable before the specified date; and
  - (ii) (aa) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph **EU(J)11A**, or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the partnership remains durable at the date of application; or  
 (bb) (where the applicant relies on meeting condition 1 of paragraph **EU(J)11A**) the partnership remained durable for the relevant period; or  
 (cc) (where the applicant relies on meeting condition 3 of paragraph **EU(J)11A**) the partnership remained durable immediately before the death of the relevant sponsor; or
- (d) the child or dependent parent of a relevant sponsor, and the family relationship:
- (i) existed before the specified date (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and
  - (ii) continues to exist at the date of application (or did so for the period of residence relied upon); o
- (e) the child or dependent parent of the spouse or civil partner of a relevant sponsor, as described in sub-paragraph (a) above, and all the family relationships:
- (i) existed before the specified date (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and
  - (ii) continue to exist at the date of application (or did so for the period of residence relied upon)

in addition, the person meets one of the following requirements:

(a) (where sub-paragraph (c) or (d) below does not apply) they were not resident in the UK and Islands on a basis which met the definition of 'family member of a relevant EEA citizen' in this table (where that relevant EEA citizen is their relevant sponsor) at any time before the specified date; or

(b) (where sub-paragraph (c) or (d) below does not apply) they were resident in the UK and Islands before the specified date, and:

- (i) one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the definition of 'continuous qualifying period' in this table has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or

	<p>(ii) the event referred to in sub-paragraph (a) in the definition of 'supervening event' in this table has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or</p> <p>(iii) they are the specified spouse or civil partner of a Swiss citizen, and they do not rely on any period of residence in the UK and Islands before the marriage was contracted or the civil partnership was formed; or</p> <p>(c) (where sub-paragraph (d) below does not apply) where the person is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry (with the references below to 'parents' in this sub-paragraph construed to include the guardian or other person to whom the order or other provision referred to in the relevant sub-paragraph of (a)(iii) to (a)(xi) of that entry relates), one of the following requirements is met:</p> <ul style="list-style-type: none"> <li>(i) both of their parents are a relevant sponsor; or</li> <li>(ii) one of their parents is a relevant sponsor and the other is a British citizen who is not a relevant sponsor; or</li> <li>(iii) one of their parents is a relevant sponsor who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of the UK, of the Islands or of a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in the United Kingdom, in the Islands or in a country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law); or</li> </ul> <p>(d) where the person is a child born after the specified date to (or adopted after that date in accordance with a relevant adoption decision by or after that date became, within the meaning of the entry for 'child' in this table and on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, a child of) a Swiss citizen or their spouse or civil partner (as described in the first sub-paragraph (a) in this entry), the Swiss citizen or their spouse or civil partner is a relevant sponsor</p>
Irish citizen	a person who is an Irish citizen as a matter of Irish law
marriage of convenience	a marriage, civil partnership or durable partnership entered into as a means to circumvent:
civil partnership of convenience	(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in Jersey or elsewhere in the UK and Islands –
durable partnership of convenience	<ul style="list-style-type: none"> <li>(i) in Jersey through an entitlement under s. 7(1) of the 1988 Act that the applicant would have in the United Kingdom, or</li> <li>(ii) elsewhere in the UK and Islands,</li> </ul>

	<p>by virtue of the EEA Regulations; or</p> <p>(b) any other provision of immigration law or any requirement of the Immigration Rules in Jersey or elsewhere in the UK and Islands; or</p> <p>(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the United Kingdom under EU law or a right to enter or reside in the Islands under Islands law</p>
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non-EEA citizen	a person who is not an EEA citizen and is not a British citizen
person who had a derivative or Zambrano right to reside	a person who was a person with a derivative right to reside or, as the case may be, a person with a Zambrano right to reside, immediately before they became, as the case may be, a relevant EEA citizen, a family member of a relevant EEA citizen, a person with a derivative right to reside, a person with a Zambrano right to reside or a family member of a qualifying British citizen, and they have since remained, to the date of application, in any (or any combination) of those categories or as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen or with a qualifying British citizen
person who is subject to a non-adoptive legal guardianship order	<p>a person who has satisfied the Minister that, before the specified date, they:</p> <p>(a) are under the age of 18 years; and</p> <p>(b) are subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a relevant EEA citizen or of a qualifying British citizen (who, in either case, is their 'sponsor' in accordance with the second sub-paragraph (b) in the entry for 'dependent relative' in this table) that:</p> <p>(i) is recognised under the national law of the state in which it was contracted; and</p> <p>(ii) places parental responsibility on a permanent basis on the relevant EEA citizen or on the qualifying British citizen (in either case, solely or jointly with another party); and</p> <p>(c) have lived with the relevant EEA citizen (or with the qualifying British citizen) since their placement under the guardianship order; and</p> <p>(d) have created family life with the relevant EEA citizen (or with the qualifying British citizen); and</p> <p>(e) have a personal relationship with the relevant EEA citizen (or with the qualifying British citizen) that involves dependency on the relevant EEA citizen (or on the qualifying British citizen) and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the relevant EEA citizen (or by the qualifying British citizen)</p>
person with a derivative right to reside	<p>a person who has satisfied the Minister that they would in the United Kingdom have, by the specified date, a right to reside in the United Kingdom by virtue of regulation 16(1) of the EEA Regulations:</p> <p>(a) regardless of whether, in respect of the criterion in regulation 16(2)(b)(ii) of the EEA Regulations, the EEA citizen would meet, or (as the case may be) would have met, the requirement in</p>

	<p>regulation 4(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover; and</p> <p>(b) regardless (where the person was previously granted limited leave to enter or remain as a person with a derivative right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(2)(b)(i) or regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</p> <p>(c) excluding a person who would satisfy the criteria in:</p> <p>(i) paragraph (5) of regulation 16(1) of the EEA Regulations; or</p> <p>(ii) paragraph (6) of that regulation where that person's primary carer would be, or (as the case may be) would have been, entitled to a derivative right to reside in the United Kingdom under paragraph (5)</p>
<p>person who has a Zambrano right to reside</p>	<p>a person who has satisfied the Minister that they:</p> <p>(a) would have, by the specified date, a right to reside in the United Kingdom by virtue of regulation 16(1) of the EEA Regulations, by satisfying the criteria in:</p> <p>(i) paragraph (5) of that regulation; or</p> <p>(ii) paragraph (6) of that regulation where that person's primary carer would be, or (as the case may be) would have been, entitled to a derivative right to reside in the United Kingdom under paragraph (5), regardless (where the person was previously granted limited leave to enter or remain as a person with a Zambrano right to reside and was under the age of 18 years at the date of application for that leave) of whether, in respect of the criterion in regulation 16(6)(a) of the EEA Regulations, they are, or (as the case may be) were, under the age of 18 years; and</p> <p>(b) without leave to remain in Jersey granted under another part of these Rules</p>
<p>person who has ceased activity</p>	<p>the person:</p> <p>(a) has terminated activity as a worker or self-employed person in Jersey or elsewhere in the UK and Islands and either reached the age of entitlement to a state pension on terminating that activity or, in the case of a worker, ceased working to take early retirement; and immediately before that termination, was a worker or self-employed person in Jersey or elsewhere in the UK and Islands for at least 12 months and resided in Jersey or elsewhere in the UK and Islands for a continuous qualifying period of more than three years; or</p> <p>(b) stopped being a worker or self-employed person owing to permanent incapacity to work, having resided in Jersey or elsewhere in the UK and Islands for a continuous qualifying period of more than the preceding 2 years or the incapacity having resulted from an accident at work or an occupational disease that entitles the person to a pension payable in full or in</p>

	<p>part by an institution in any part of the UK and Islands; or</p> <p>(c) resided for a continuous qualifying period in the UK and Islands of at least three years as a worker or self-employed person, immediately before becoming a worker or self-employed person in an EU country listed in sub-paragraph (a)(i) of the entry for 'EEA citizen' in this table, while retaining a place of residence in Jersey or elsewhere in the UK and Islands to which they return, as a rule, at least once a week</p> <p>in addition, the conditions as to length of residence and of employment in sub-paragraphs (a) and (b), above, do not apply where the relevant EEA citizen (or, as the case may be, the relevant sponsor) is the spouse or civil partner of a British citizen (substituting 'British citizen' for 'relevant EEA citizen' in the entry for, as the case may be, 'spouse' or 'civil partner' in this table)</p>
qualifying British citizen	<p>a British citizen who:</p> <p>(a) has (or, as the case may be, for the relevant period had) returned to the UK and Islands with the applicant:</p> <p>(i) (where sub-paragraph (a)(ii) below does not apply) before 2300 GMT on 29 March 2022; or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for 'family member of a qualifying British citizen' in this table) before 2300 GMT on 31 December 2020;</p> <p>(b) satisfied, or would in the United Kingdom have satisfied, regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen ("BC") to whom those provisions refer):</p> <p>(i) before 2300 GMT on 31 December 2020; and(ii) immediately before returning to Jersey with the applicant (who is to be treated as the family member ("F") or, as the case may be, as the extended family member ("EFM"), to whom those provisions refer);; and</p> <p>(c) was continuously resident in the United Kingdom accordance with regulation 3 of the EEA Regulations or in Jersey or elsewhere in the UK and Islands such as would have been in accordance with that regulation throughout any period on which the applicant relies as being present in the UK and Islands by virtue of being a family member of a qualifying British citizen</p>
relevant adoption decision	<p>an adoption decision taken:</p> <p>(a) by the competent administrative authority or court in the United Kingdom or the Islands; or</p> <p>(b) by the competent administrative authority or court in a country whose adoption orders are recognised by the United Kingdom or the Islands; or</p> <p>(c) in a particular case in which that decision in another country has been recognised in the United Kingdom or the Islands as an adoption</p>
relevant document	

	<p>(a) (i)(aa) a family permit (or a letter from the Minister, issued after 30 June 2021, confirming their qualification for one), registration certificate, residence card, document certifying permanent residence, permanent residence card or derivative residence card issued by the UK under the EEA Regulations on the basis of an application made under the EEA Regulations before (in the case of a family permit (or a letter from the Minister, issued after 30 June 2021, confirming their qualification for one)) 1 July 2021 and otherwise before the specified date; or</p> <p>(bb) (where the applicant is a family member of a relevant person of Northern Ireland and is a dependent relative or durable partner) other evidence which satisfies the Minister of the same matters under this Appendix concerning the relationship and (where relevant) dependency as a document to which sub-paragraph (a)(i)(aa) above refers; for the purposes of this provision, where the Minister is so satisfied, such evidence is deemed to be the equivalent of a document to which sub-paragraph (a)(i)(aa) above refers; or</p> <p>(ii) a document or other evidence equivalent to a document to which sub-paragraph (a)(i)(aa) above refers, and issued by the Islands under the relevant legislation there evidencing the entitlement to enter or reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man; or</p> <p>(iii) a biometric residence card issued by virtue of having been granted limited leave to enter or remain under this Appendix; and</p> <p>(b) it was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased; and</p> <p>(c) (subject to sub-paragraph (d) below) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon; and</p> <p>(d) for the purposes of the reference to 'relevant document' in the first sub-paragraph (b) of the entry for 'dependent relative' in this table, in sub-paragraph (b) of the entry for 'durable partner' in this table and in sub-paragraphs (e) and (f) of the entry for 'required evidence of family relationship' in this table, the relevant document may have expired, where:</p> <p>(i) before it expired, the applicant applied for a further relevant document (as described in sub-paragraph (a)(i)(aa) above) on the basis of the same family relationship as that on which that earlier relevant document was issued; and</p> <p>(ii) the further relevant document to which sub-paragraph (d)(i) above refers was issued by the date of decision on the application under this Appendix</p>
<p>relevant EEA citizen (where, in respect of the application under consideration, the date of</p>	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry</p>

application by the relevant EEA citizen or their family member is before 1 July 2021)

in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above:

- (i) has been granted indefinite leave to enter or remain under paragraph **EU(J)2** (or under its equivalent elsewhere in the UK and the Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent elsewhere in the UK and the Islands); or
- (ii) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(c) where the applicant is a family member of a relevant naturalised British citizen, an EEA citizen in accordance with sub-paragraph (b) of that entry in this table; or

(d) where the applicant is the family member ("F") to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and would in the United Kingdom meet the criteria as F in that paragraph, an EEA citizen:

- (i) in accordance with sub-paragraph (c) of that entry in this table; and
- (ii)(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or
- (bb) who, having been resident in the UK and Islands as described in sub-paragraph (d)(ii)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(e) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table):

- (i) resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date; or
- (ii) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table):
  - (aa) has been granted indefinite leave to enter or remain under paragraph **EU(J)2** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph of this Appendix or under its equivalent elsewhere in the UK and the Islands); or
  - (bb) would, if they had made a valid application under this Appendix before 1 July 2021, have been granted indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

	<p>(iii) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph <b>EU(J)2</b>, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(f) where the applicant is their family member, a person exempt from immigration control:</p> <p>(i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(ii) who, having been resident in the UK and Islands as described in sub-paragraph (f)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph <b>EU(J)2</b>, which would not have lapsed or been cancelled, revoked or invalidated before the date of application.</p>
<p>relevant EEA citizen (where, in respect of the application under consideration, the date of application by the relevant EEA citizen or their family member is on or after 1 July 2021)</p>	<p>(a) (i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(ii) where the applicant is their family member, the EEA citizen, having been resident in the UK and Islands as described in sub-paragraph (a)(i) above, has been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph <b>EU(J)2</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated; or</p> <p>(bb) limited leave to enter or remain under paragraph <b>EU(J)3</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed or invalidated; or</p> <p>(b) (i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(ii) where the applicant is their family member, the EEA citizen, having been resident in the UK and Islands as described in sub-paragraph (b)(i) above, would, if they had made a valid application under this Appendix before 1 July 2021, have been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph <b>EU(J)2</b>, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p>

	<p>(bb) limited leave to enter or remain under paragraph <b>EU(J)3</b>, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(c) where the applicant is a family member of a person who falls within sub-paragraphs (a), (c) and (d) of the entry for 'relevant naturalised British citizen' in this table, the person falling within those sub-paragraphs who, if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted:</p> <p>(i) indefinite leave to enter or remain under paragraph <b>EU(J)2</b>, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(ii) limited leave to enter or remain under paragraph <b>EU(J)3</b>, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(d) where the applicant is the family member ("F") to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and would in the United Kingdom meet the criteria as F in that paragraph, an EEA citizen:</p> <p>(i) in accordance with sub-paragraph (c) of that entry in this table; and</p> <p>(ii) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</p> <p>(iii) who, having been resident in the UK and Islands as described in sub-paragraph (d)(ii) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph <b>EU(J)2</b>, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</p> <p>(bb) limited leave to enter or remain under paragraph <b>EU(J)3</b>, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or</p> <p>(e) where the applicant is a family member of a relevant person of Northern Ireland, an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table):</p> <p>(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:</p> <p>(aa) resident in the UK and Islands for a continuous</p>
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qualifying period which began before the specified date; and

(bb) who, having been resident in the UK and Islands as described in sub-paragraph (e)(i)(aa) above:

(aaa) has been granted indefinite leave to enter or remain under paragraph **EU(J)2** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated; or

(bbb) has been granted limited leave to enter or remain under paragraph **EU(J)3** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed or invalidated; or

(ccc) if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(ddd) if they had made a valid application under this Appendix before 1 July 2021, would have been granted limited leave to enter or remain under paragraph **EU(J)3**, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or

(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table:

(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and

(bb) who, having been resident in the UK and Islands as described in sub-paragraph (e)(ii)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted:

(aaa) indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(bbb) limited leave to enter or remain under paragraph **EU(J)3**, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or

(f) where the applicant is their family member, a person exempt

	<p>from immigration control:</p> <ul style="list-style-type: none"> <li>(i) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and</li> <li>(ii) who, having been resident in the UK and Islands as described in sub-paragraph (f)(i) above and if they had made a valid application under this Appendix before 1 July 2021, would have been granted: <ul style="list-style-type: none"> <li>(aa) indefinite leave to enter or remain under paragraph <b>EU(J)2</b> of this Appendix, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or</li> <li>(bb) limited leave to enter or remain under paragraph <b>EU(J)3</b>, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application.</li> </ul> </li> </ul> <p>in addition, notwithstanding what is said above, in relation to sub-paragraphs (a) to (f) above, it will suffice that the relevant EEA citizen is (or, as the case may be, for the relevant period was) resident in the UK and Islands for a continuous qualifying period which began, unless they are a specified relevant person of Northern Ireland, before the specified date where the applicant:</p> <ul style="list-style-type: none"> <li>(a)(i) is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and</li> <li>(ii) has completed a continuous qualifying period of five years under condition 3 in the table in paragraph <b>EU(J)11</b>; or</li> <li>(b)(i) is a family member of a relevant EEA citizen or a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen; and</li> <li>(ii) otherwise meets the eligibility requirements for limited leave to enter or remain under condition 1 in the table in paragraph <b>EU(J)14</b>; or</li> <li>(c) relies on meeting condition 1, 2 or 6 in the table in paragraph <b>EU(J)11</b></li> </ul>
<p>relevant excluded person</p>	<p>a person:</p> <ul style="list-style-type: none"> <li>(a) in respect of whom the Minister has made a decision under Article 1F of the Refugee Convention to exclude the person from the Refugee Convention or under paragraph <b>339D</b> to exclude them from humanitarian protection; or</li> <li>(b) in respect of whom the Minister has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because there are reasonable grounds for</li> </ul>

	<p>regarding them as a danger to security; or</p> <p>(c) who the Minister considers to be a person in respect of whom sub-paragraph (a) or (b) above would apply except that:</p> <p>(i) the person has not made a protection claim; or</p> <p>(ii) the person made a protection claim which has already been finally determined without reference to Article 1F of the Refugee Convention or paragraph <b>339D</b>; or</p> <p>(d) in respect of whom the Minister has previously made a decision that they are a person to whom Article 33(2) of the Refugee Convention applies because, having been convicted by a final judgment of a particularly serious crime, they constitute a danger to the community</p>
relevant naturalised British citizen	<p>(a) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a)(i) of that entry in this table) who, having been resident in the UK and Islands as described in sub-paragraph (a) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted indefinite leave to enter or remain under paragraph <b>EU(J)2</b>, which would not have lapsed or been cancelled, revoked or invalidated before the date of application;</p> <p>and in either case the person also:</p> <p>(c) comes or would in the United Kingdom come within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and</p> <p>(d) meets or would in the United Kingdom meet the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether, save in conditions 5 and 6 in the table in paragraph <b>EU(J)11</b> and in conditions 2 and 3 in the table in paragraph <b>EU(J)11A</b>, they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship)</p>
relevant person of Northern Ireland	<p>a person who:</p> <p>(a) is:</p> <p>(i) a British citizen; or</p> <p>(ii) an Irish citizen; or</p> <p>(iii) a British citizen and an Irish citizen; and</p> <p>(b) was born in Northern Ireland and, at the time of the person’s birth, at least one of their parents was:</p> <p>(i) a British citizen; or</p> <p>(ii) an Irish citizen; or</p> <p>(iii) a British citizen and an Irish citizen; or</p>

	(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence
relevant sponsor	<p>(a) where the date of application by a joining family member of a relevant sponsor is after the specified date and before 1 July 2021:</p> <p>(i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, has been granted:</p> <p>(aa) indefinite leave to enter or remain under paragraph <b>EU(J)2</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph or under its equivalent elsewhere in the UK and Islands); or</p> <p>(bb) limited leave to enter or remain under paragraph <b>EU(J)3</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed or invalidated (or is being granted that leave under that paragraph or under its equivalent elsewhere in the UK and Islands); or</p> <p>(ii) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table):</p> <p>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(ii)(aa) above, would be granted indefinite leave to enter or remain under paragraph <b>EU(J)2</b>, if they made a valid application under this Appendix before 1 July 2021; or</p> <p>(iii) an EEA citizen in accordance with sub-paragraph (b) of that entry in this table (a relevant naturalised British citizen, in accordance with sub-paragraph (a) or (b), together with sub-paragraphs (c) and (d), of that entry in this table); or</p> <p>(iv) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table):</p> <p>(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table):</p> <p>(aaa) has been granted indefinite leave to enter or remain under paragraph <b>EU(J)2</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated (or is being granted that leave under that paragraph or under its equivalent elsewhere in the UK and Islands); or</p> <p>(bbb) would be granted indefinite leave to enter or remain</p>

under paragraph **EU(J)2** , if they made a valid application under this Appendix before 1 July 2021; or

(cc) who, having been resident in the UK and Islands as described in sub-paragraph (a)(iv)(aa) above, would, but for the fact (where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table) that they are a British citizen, be granted indefinite leave to enter or remain under paragraph **EU(J)2** , if they made a valid application under this Appendix before 1 July 2021; or

(v) a person exempt from immigration control:

(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; or

(bb) who, having been resident in the UK and Islands as described in sub-paragraph (a)(v)(aa) above, would, but for the fact that they are a person exempt from immigration control, be granted indefinite leave to enter or remain under paragraph **EU(J)2** , if they made a valid application under this Appendix before 1 July 2021; or

(b) where the date of application by a joining family member of a relevant sponsor is on or after 1 July 2021:

(i) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, has been granted:

(aa) indefinite leave to enter or remain under paragraph **EU(J)2** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated; or

(bb) limited leave to enter or remain under paragraph **EU(J)3** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed or invalidated; or

(ii) an Irish citizen who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date, would, if they had made a valid application under this Appendix before 1 July 2021, have been granted:

(aa) indefinite leave to enter or remain under paragraph **EU(J)2** , which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(bb) limited leave to enter or remain under paragraph **EU(J)3** , which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or

(iii) a person who falls within sub-paragraphs (a), (c) and (d) of the entry for 'relevant naturalised British citizen' in this table, who, if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British

citizen, have been granted:

(aa) indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(bb) limited leave to enter or remain under paragraph **EU(J)3**, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or

(iv) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table) who is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:

(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and

(bb) who, having been resident in the UK and Islands as described in sub-paragraph (b)(iv)(aa) above:

(aaa) has been granted indefinite leave to enter or remain under paragraph **EU(J)2** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, revoked or invalidated; or

(bbb) if they had made a valid application under this Appendix before 1 July 2021, would have been granted indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(ccc) has been granted limited leave to enter or remain under paragraph **EU(J)3** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed or invalidated; or

(ddd) if they had made a valid application under this Appendix before 1 July 2021, would have been granted limited leave to enter or remain under paragraph **EU(J)3**, which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or

(v) an EEA citizen (in accordance with sub-paragraph (d) of that entry in this table) who is a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table:

(aa) resident in the UK and Islands for a continuous qualifying period which began before the specified date; and

(bb) who, having been resident in the UK and Islands as described in sub-paragraph (b)(v)(aa) above and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a British citizen, have been granted:

(aaa) indefinite leave to enter or remain under paragraph **EU(J)2**, which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(bbb) limited leave to enter or remain under paragraph **EU(J)3** , which would not have lapsed or been cancelled, curtailed or invalidated before the date of application; or

(vi) a person exempt from immigration control who, having been resident in the UK and Islands for a continuous qualifying period which began before the specified date and if they had made a valid application under this Appendix before 1 July 2021, would, but for the fact that they are a person exempt from immigration control, have been granted:

(aa) indefinite leave to enter or remain under paragraph **EU(J)2** , which would not have lapsed or been cancelled, revoked or invalidated before the date of application; or

(bb) limited leave to enter or remain under paragraph **EU(J)3** , which would not have lapsed or been cancelled, curtailed or invalidated before the date of application

in addition:

(a) save for the purposes of condition 3 in the table in paragraph **EU11A** and of sub-paragraphs (a) and (b) of the entry for 'family member who has retained the right of residence' in this table, the relevant sponsor has not died; and

(b) notwithstanding what is said above, where the date of application by a joining family member of a relevant sponsor is on or after 1 July 2021, it will suffice that the relevant sponsor is or (as the case may be) was resident in the UK and Islands for a continuous qualifying period which, unless they are a specified relevant person of Northern Ireland, began before the specified date where the applicant:

(i) on the basis of events which occurred during the period to which sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) of the entry for 'required date' in this table refers, relies on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor, or has limited leave to enter or remain granted on that basis under paragraph **EU(J)3A** ; or

(ii) relies on meeting condition 3 in the table in paragraph **EU(J)11A** ; or

(iii)(aa) has limited leave to enter or remain granted under paragraph **EU(J)3A** ; and

(bb) would have been eligible for indefinite leave to enter or remain under condition 1, 2 or 3 in the table in paragraph **EU(J)11A** , had they made a further valid application under this Appendix (subsequently to that which led to the grant of leave to which sub-paragraph (b)(iii)(aa) immediately above refers)

	<p>before the indefinite or limited leave to enter or remain granted under paragraph <b>EU(J)2</b> or (as the case may be) <b>EU(J)3</b> to their relevant sponsor lapsed or was cancelled, curtailed, revoked or invalidated (or would have done so or been so, where the first sub-paragraph (b)(ii) above or sub-paragraph (b)(iii), (b)(iv)(bb)(bbb), (b)(iv)(bb)(ddd), (b)(v) or (b)(vi) above applies); for the purposes of this provision, the reference to continuous qualifying period in this sub-paragraph (b) will be treated as a relevant reference for the purposes of sub-paragraph (c)(v) of the entry for 'continuous qualifying period' in this table, where sub-paragraph (c)(i), (c)(ii), (c)(iii) or (c)(iv) of that entry does not apply</p>
required date	<p>(a) where the applicant does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix):</p> <p>(i) (where sub-paragraph (a)(ii), (a)(iii) or (a)(iv) below does not apply) the date of application is:</p> <p>(aa) before 1 July 2021; or</p> <p>(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(i)(aa) above) on or after 1 July 2021; or</p> <p>(ii) (in the case of a joining family member of a relevant sponsor and that joining family member arrived in Jersey on or after 1 April 2021, and where sub-paragraph (a)(iii) below does not apply, or that joining family member is a child born in Jersey on or after 1 April 2021 or adopted in Jersey on or after that date in accordance with a relevant adoption decision, or on or after 1 April 2021 became a child in Jersey within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry) the date of application is:</p> <p>(aa) within three months of the date on which they arrived in Jersey (or, as the case may be, of the date on which they were born in Jersey, adopted in Jersey or became a child in Jersey within the meaning of the entry for 'child' in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); or</p> <p>(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(ii)(aa) above) after that deadline; or</p> <p>(iii) (in the case of a joining family member of a relevant sponsor as described in sub-paragraph (b) of that entry in this table and that joining family member arrived in Jersey on or after 1 April 2021) the date of application is:</p> <p>(aa) within three months of the date on which they arrived in Jersey, and before 1 January 2026; or</p>

(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(iii)(aa) above) after that deadline; or

(iv) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for 'family member of a qualifying British citizen' in this table) the date of application is:

(aa) before 2300 GMT on 29 March 2022; or

(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(iv)(aa) above) after 2300 GMT on 29 March 2022; or

(v) (in the case of an applicant who has limited leave to enter or remain granted under another part of these Rules or outside the Immigration Rules, which has not lapsed or been cancelled, curtailed or invalidated, and the date of expiry of that leave is on or after 1 July 2021, which, notwithstanding the deadline in sub-paragraph (a)(i)(aa) above, the Minister will deem to be reasonable grounds for the person's failure to meet that deadline), the date of application is:

(aa) before the date of expiry of that leave; or

(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(v)(aa) above) after the date of expiry of that leave; or

(vi) (in the case of an applicant who ceases to be exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971 on or after 1 July 2021, which, notwithstanding the deadline applicable under sub-paragraph (a)(i)(aa), (a)(ii)(aa) or (a)(iii)(aa) above, the Minister will deem to be reasonable grounds for the person's failure to meet that deadline), the date of application is:

(aa) within the period of 90 days beginning on the day on which they ceased to be exempt from immigration control; or

(bb) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (a)(vi)(aa) above) after that deadline; or

(b) where the applicant has limited leave to enter or remain granted under this Appendix, which has not lapsed or been cancelled, curtailed or invalidated, the date of application is:

(i) before the date of expiry of that leave; or

	<p>(ii) (where the Minister is satisfied by information provided with the application that, at the date of application, there are reasonable grounds for the person's failure to meet the deadline in sub-paragraph (b)(i) above) after the date of expiry of that leave</p> <p>in addition:</p> <p>(a) for the avoidance of doubt, paragraph <b>39E</b> does not apply to applications made under this Appendix; and</p> <p>(b) the deadline in sub-paragraph (a)(i)(aa) above does not apply (and the applicant therefore has to meet no requirement under sub-paragraph (a) above) where the applicant:</p> <p>(i) is a joining family member of a relevant sponsor; and</p> <p>(ii) does not have indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix; and</p> <p>(iii) is not caught by the deadline in sub-paragraph (a)(ii)(aa) or (a)(iii)(aa) above; and</p> <p>(iv) does not fall within sub-paragraph (a)(v) or (a)(vi) above.</p>
<p>required evidence of being a relevant person of Northern Ireland</p>	<p>(a) the person's birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and</p> <p>(b) evidence which satisfies the Minister that, at the time of the person's birth, at least one of their parents was:</p> <p>(i) a British citizen; or</p> <p>(ii) an Irish citizen; or</p> <p>(iii) a British citizen and an Irish citizen; or</p> <p>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</p> <p>in addition:</p> <p>(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Minister can require the applicant to submit the original document where the Minister has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Minister can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain under this Appendix</p>
<p>required evidence of</p>	<p>in the case of:</p>

family relationship

- (a) a spouse without a documented right of permanent residence –
  - (i) a relevant document as the spouse of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor), or a valid document of record of a marriage recognised under the law of Jersey or under the law of another part of the UK and Islands; and
  - (ii) (aa) where the marriage to the relevant EEA citizen (or, as the case may be, the relevant sponsor) was contracted after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant is the joining family member of a relevant sponsor or relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the Minister that the durable partnership was formed and was durable before the specified date; or  
(bb) where the marriage to the qualifying British citizen was contracted after the date and time of withdrawal, evidence which satisfies the Minister that the durable partnership was formed and was durable before the date and time of withdrawal; or
- (b) a civil partner without a documented right of permanent residence –
  - (i) a relevant document as the civil partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor); a valid civil partnership certificate recognised under the law of Jersey or under any equivalent legislation elsewhere in the UK and Islands; or the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership (Jersey) Law 2012 or under any equivalent legislation elsewhere in the UK and Islands; and
  - (ii) (aa) where the civil partnership with the relevant EEA citizen (or, as the case may be, the relevant sponsor) was formed after the specified date and the applicant is not the specified spouse or civil partner of a Swiss citizen, a relevant document as the durable partner of the relevant EEA citizen or, where the applicant is a joining family member of a relevant sponsor or relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the Minister that the durable partnership was formed and was durable before the specified date; or  
(bb) where the civil partnership with the qualifying British citizen was formed after the date and time of withdrawal, evidence which satisfies the Minister that the durable partnership was formed and was durable before the date and time of withdrawal; or

	<p>(c) a child without a documented right of permanent residence –</p> <p>a relevant document issued on the basis of the relevant family relationship or their <b>evidence of birth</b>, and:</p> <p>(i) where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or under its equivalent elsewhere in the UK and Islands) as a child, evidence which satisfies the Minister that the requirements in sub-paragraph (b)(ii) of the entry for ‘child’ in this table are met; and</p> <p>(ii) where, in the case of a joining family member of a relevant sponsor, the applicant is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, evidence which satisfies the Minister that the requirements in the second sub-paragraph (c) (as set out in sub-paragraph (i), (ii) or (iii) of that sub-paragraph) or in the second sub-paragraph (d) of the entry for ‘joining family member of a relevant sponsor’ in this table are met; or</p> <p>(d) a dependent parent without a documented right of permanent residence – a relevant document issued on the basis of the relevant family relationship or their evidence of birth, and, where the first sub-paragraph (b) of the entry for ‘dependent parent’ in this table applies, evidence which satisfies the Minister that (where this is not assumed) the requirement as to dependency in that sub-paragraph is met; or</p> <p>(e) a durable partner:</p> <p>(i) a relevant document as the durable partner of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) and, unless this confirms the right of permanent residence in Jersey or Guernsey through the application of section 7(1) of the Immigration Act 1988 or in the United Kingdom or the Isle of Man under regulation 15 of the EEA Regulations or under the Immigration (European Economic Area) Regulations of the Isle of Man, as the case may be, evidence which satisfies the Minister that the partnership remains durable at the date of application (or did so for the period of residence relied upon); or</p> <p>(ii) (where the person is applying as the durable partner of a relevant sponsor (or, as the case may be, of a qualifying British citizen) and sub-paragraph (b)(ii) of the entry for ‘durable partner’ in this table applies) the evidence to which that sub-paragraph refers, and evidence which satisfies the Minister that the partnership remains durable at the date of application (or did so for the period of residence relied upon); or</p> <p>(f) a dependent relative –</p>
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- (i) (where sub-paragraph (f)(ii) below does not apply) a relevant document as the dependent relative of their sponsoring person (in the entry for 'dependent relative' in this table) and, unless this confirms the right of permanent residence in Jersey or Guernsey through the application of section 7(1) of the Immigration Act 1988 or in the United Kingdom or the Isle of Man under regulation 15 of the EEA Regulations or under the Immigration (European Economic Area) Regulations of the Isle of Man, as the case may be, evidence which satisfies the Minister that the relationship and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) continue to exist at the date of application (or did so for the period of residence relied upon); or
- (ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(viii) of that entry in this table, where the Minister is satisfied that there are reasonable grounds for the person's failure to meet the deadline to which that sub-paragraph refers) evidence which satisfies the Minister that the relationship and the dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application (or did so for the period of residence relied upon)

in addition:

- (a) where the eligibility requirements to be met for leave to be granted under this Appendix relate to the death of a person, the required evidence of family relationship must include their death certificate or other evidence which the Minister is satisfied evidences the death; and
- (b) where the applicant is a non-EEA citizen without a documented right of permanent residence, or is an EEA citizen without a documented right of permanent residence who relies on being (or, as the case may be, for the relevant period on having been) a family member of a qualifying British citizen, a family member of a relevant EEA citizen or a family member who has retained the right of residence, the required evidence of family relationship must include:
  - (i) the following proof of identity and nationality of (as the case may be) the relevant EEA citizen, or the qualifying British citizen, of whom the applicant is (or, as the case may be, for the relevant period was) a family member:
    - (aa) (in the case of a relevant EEA citizen who is neither a relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table nor relied on by the applicant as being a relevant person of Northern Ireland, or in the case of a qualifying British citizen) their valid passport; or
    - (bb) (in the case of a relevant EEA citizen who is neither a

relevant naturalised British citizen nor a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table nor relied on by the applicant as being a relevant person of Northern Ireland) their valid national identity card or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(cc) (in the case of a relevant EEA citizen who is a relevant naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (d) of that entry in this table) their valid passport or their valid national identity card as a national of a country listed in sub-paragraph (a)(i) in the entry for 'EEA citizen' in this table, and information or evidence which is provided by the applicant, or is otherwise available to the Minister, which satisfies the Minister that the person is a British citizen; or

(dd) (in the case of a relevant EEA citizen who is relied on by the applicant as being a relevant person of Northern Ireland) the **required evidence of being a relevant person of Northern Ireland**, and:

(aaa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the Minister, which satisfies the Minister that the person is a British citizen; or

(bbb) (where they are an Irish citizen) their valid passport or their valid national identity card as an Irish citizen, or confirmation that they have been or are being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; or

(ccc) (where they are a British citizen and an Irish citizen) the evidence required by sub-paragraph (b)(i)(dd)(aaa) or (b)(i)(dd)(bbb) above,

unless (in any case) the Minister agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons; and

(ii) evidence which satisfies the Minister that:

(aa) where the applicant is (or, as the case may be, for the relevant period was) a family member of a relevant EEA citizen, that EEA citizen is (or, as the case may be, for the relevant period was) a relevant EEA citizen as described in the applicable entry for 'relevant EEA citizen' in this table, and is (or, as the case may be, was) such a relevant EEA citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen ; or

(bb) where the applicant is (or, as the case may be, for the relevant period was) a family member of a qualifying British

	<p>citizen, that British citizen is (or, as the case may be, for the relevant period was) a qualifying British citizen, and is (or, as the case may be, was) a qualifying British citizen throughout any continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; and</p> <p>(cc) where the applicant is (or, as the case may be, for the relevant period was) a joining family member of a relevant sponsor, that relevant sponsor is (or, as the case may be, for the relevant period was) a relevant sponsor, and is (or, as the case may be, was) a relevant sponsor throughout any continuous qualifying period on which the applicant relies as being a joining family member of a relevant sponsor; and</p> <p>(c) 'valid' here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and</p> <p>(d) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the Minister can require the applicant to submit the original document where the Minister has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(e) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the Minister can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to remain or for limited leave to remain under this Appendix</p>
<p>required proof of identity and nationality</p>	<p>(a) in the case of an EEA citizen:</p> <p>(i) their valid passport; or</p> <p>(ii) their valid national identity card; or</p> <p>(b) in the case of a non-EEA citizen:</p> <p>(i) their valid passport; or</p> <p>(ii) their valid specified relevant document; or</p> <p>(iii) their valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007),</p> <p>unless (in the case of (a) or (b)) the Minister agrees to accept alternative evidence of identity and nationality where the applicant is unable to obtain or produce the required document due to circumstances beyond their control or to compelling practical or compassionate reasons</p> <p>in addition, 'valid' here means that the document is genuine and has not expired or been cancelled or invalidated</p>
<p>self-employed person</p>	<p>there is evidence which satisfies the Minister that the person is, or would in the United Kingdom be, or (as the case may be) for the relevant period was, or would in the United Kingdom have been either:</p>

	<p>(a) a self-employed person under regulation 4(1) of the EEA Regulations; or</p> <p>(b) a person who is or was no longer in self-employment but who continues or continued, or would in the United Kingdom continue or have continued, to be treated as a self-employed person within the meaning of “qualified person” under regulation 6 of the EEA Regulations,</p> <p>irrespective, in either case, of whether the EEA Regulations would apply, or (as the case may be) for the relevant period would have applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland</p>
specified application process	the relevant on-line application form published by the Jersey Customs and Immigration Service and the relevant process set out in that form for providing the required proof of identity and nationality
specified biometrics	a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of the 2007 Act) enrolled as part of the specified application process
specified date	<p>(a) (where sub-paragraph (b) below does not apply) 2300 GMT on 31 December 2020; or</p> <p>(b) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(i), (a)(iii), (a)(v) or (a)(vi) of the entry for ‘family member of a qualifying British citizen’ in this table) 2300 GMT on 29 March 2022 in the reference to specified date in sub-paragraph (a) of the entry for ‘continuous qualifying period’ in this table, for the purposes of the references to continuous qualifying period in:</p> <ul style="list-style-type: none"> <li>- condition 3 in the table in paragraph <b>EU(J)12</b> ;</li> <li>- condition 2 in the table in paragraph <b>EU(J)14</b> ;</li> <li>- sub-paragraphs (a) and (d) of the entry for ‘family member who has retained the right of residence’ in this table; and</li> </ul> <p>- sub-paragraph (a) of the entry for ‘supervening event’ in this table</p>
specified relevant document	<p>(a) within the meaning of sub-paragraph (a)(i) of the entry for ‘relevant document’ in this table, a residence card, permanent residence card or derivative residence card issued by the appropriate authority in the UK and Islands on the basis of an application made on or after 6 April 2015; or</p> <p>(b) a biometric residence card as described in sub-paragraph (a)(iii) of the entry for ‘relevant document’ in this table</p>
specified spouse or civil partner of a Swiss citizen	<p>(a) the person is the spouse or civil partner of a relevant sponsor; and</p> <p>(b) the relevant sponsor is a national of Switzerland and is not also a British citizen; and</p> <p>(c) the marriage was contracted or the civil partnership was formed after the specified date and before 1 January 2026; and</p> <p>(d)(i) (unless the applicant relies on meeting condition 1 or condition 3 of paragraph <b>EU(J)11A</b> , or on being a family member who has retained the right of residence by virtue of a relationship with a relevant sponsor) the marriage or civil partnership continues to</p>

	<p>exist at the date of application; or</p> <p>(ii) (where the applicant relies on meeting condition 1 of paragraph <b>EU(J)11A</b> ) the marriage or civil partnership existed for the relevant period; or</p> <p>(iii) (where the applicant relies on meeting condition 3 of paragraph <b>EU(J)11A</b> ) the marriage or civil partnership existed immediately before the death of the relevant sponsor</p>
spouse	<p>(a) the person is, or (as the case may be) for the relevant period was, party to a marriage with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen or with a relevant sponsor ) and the marriage is recognised under the law of Jersey or under the law of another part of the UK and Islands; and</p> <p>(b) it is, or (as the case may be) for the relevant period was, not a <b>marriage of convenience</b>; and</p> <p>(c) neither party has, or (as the case may be) for the relevant period had, another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person's relationship with that party</p>
supervening event	<p>at the date of application:</p> <p>(a) the applicant has been absent from the UK and Islands for a period of more than five consecutive years (at any point since they last acquired the right of permanent residence in Jersey or elsewhere in the UK and Islands, whether under s. 7(1) of the 1988 Act read with regulation 15 of the EEA Regulations, or directly under regulation 15 of the EEA Regulations, or since they last completed a continuous qualifying period of five years); or</p> <p>(b) any of the following events has occurred in respect of the person, unless it has been set aside or revoked:</p> <p>(i) any decision or order in the UK and Islands to exclude or remove under regulation 23 or 32 of the EEA Regulations; or</p> <p>(ii) a decision in the UK and Islands to which regulation 15(4) of the EEA Regulations otherwise refers, unless that decision arose from a previous decision under regulation 24(1); or</p> <p>(iii) an exclusion decision; or</p> <p>(iv) a deportation order</p>
termination of the marriage or civil partnership	the date on which a document finally terminating the marriage or civil partnership is issued by a court
the Islands	the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man
the UK and Islands	the United Kingdom and the Islands taken together
valid evidence of their indefinite leave to enter or remain	<p>(a) a valid biometric immigration document (as defined in section 5 of the UK Borders Act 2007), a valid stamp or endorsement in a passport (whether or not the passport has expired) or other valid document issued by the Jersey Customs and Immigration Service or by the appropriate immigration authority of another part of the UK and Islands, confirming that the applicant has indefinite leave to enter or remain which has not lapsed or been revoked or</p>

	<p>invalidated; or</p> <p>(b) the Minister is otherwise satisfied from the information available to them that the applicant has indefinite leave to enter or remain which has not lapsed or been revoked or invalidated</p>
worker	<p>there is evidence which satisfies the Minister that the person is, or would in the United Kingdom be, or (as the case may be) for the relevant period was, or would in the United Kingdom have been, either:</p> <p>(a) a worker as defined in regulation 4(1) of the EEA Regulations; or</p> <p>(b) a person who is or was no longer working but who continues or continued to be treated as a worker within the meaning of “qualified person” under regulation 6 of the EEA Regulations,</p> <p>irrespective, in either case, of whether the EEA Regulations would apply, or (as the case may be) for the relevant period would have applied, to that person where the person is, or (as the case may be) was, a relevant person of Northern Ireland</p>

## Annex 2 – Consideration of a valid application

**A(J)2.1.** A valid application made under this Appendix will be decided on the basis of:

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the Minister; and
- (b) any other information or evidence made available to the Minister (including from other government departments) at the date of decision.

**A(J)2.2.(1)** For the purposes of deciding whether the applicant meets the eligibility requirements for indefinite leave to remain or for limited leave to remain, the Minister may invite the applicant to:

- (a) provide further information or evidence that they meet those requirements; or
- (b) attend an interview in person, by telephone, by video-telecommunications link or over the internet.

(2) If the applicant purports to meet the eligibility requirements for indefinite leave to remain or for limited leave to remain on the basis of a relationship with another person (“P”), including where P is a qualifying British citizen or a relevant sponsor, the Minister may invite P to:

- (a) provide information or evidence about their relationship with the applicant, their residence in Jersey or elsewhere in the UK and Islands or, where P is a qualifying British citizen, their residence in an EU country mentioned in the entry for ‘EEA citizen’ in the table at **Annex 1** to this Appendix; or
- (b) attend an interview in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or (as the case may be) P:

- (a) fails to provide the information or evidence requested; or

- (b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the Minister may draw any factual inferences about whether the applicant meets the eligibility requirements for indefinite leave to remain or for limited leave to remain as appear appropriate in the circumstances.

- (4) The Minister may decide following the drawing of a factual inference under subparagraph (3) that the applicant does not meet the eligibility requirements for indefinite leave to remain or for limited leave to remain.
- (5) The Minister must not decide that the applicant does not meet the eligibility requirements for indefinite leave to remain or for limited leave to remain on the sole basis that the applicant or (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.

### **Annex 3 – Cancellation, curtailment and revocation of leave to enter or remain**

**A(J)3.1.** A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix will be cancelled where the person's presence in Jersey is not conducive to the public good.

**A(J)3.2.** A person's indefinite leave to enter or remain or limited leave to enter or remain granted under this Appendix may be cancelled where the Minister or an Immigration Officer is satisfied that it is proportionate to cancel that leave and cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix.

**A(J)3.3.** A person's limited leave to enter or remain granted under this Appendix may be cancelled on or before their arrival in Jersey where the Minister or an Immigration Officer is satisfied that it is proportionate to cancel that leave where they cease to meet the requirements of this Appendix.

**A(J)3.4.** A person's limited leave to enter or remain granted under this Appendix may be curtailed where the Minister is satisfied that it is proportionate to curtail that leave where:

- (a) curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant leave to enter or remain under this Appendix; or
- (b) curtailment is justified on grounds that it is more likely than not that, after the specified date, the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience; or
- (c) the person ceases to meet the requirements of this Appendix.

**A(J)3.5.** A person's indefinite leave to enter or remain granted under this Appendix may be revoked where the Minister is satisfied that it is proportionate to revoke that leave where:

- (a) the person is liable to deportation, but cannot be deported for legal reasons; or
- (b) the indefinite leave to enter or remain was obtained by deception.

## **APPENDIX EU(J) (FAMILY PERMIT)**

## Purpose

- FP(J)1.** This Appendix sets out the basis on which a person will, if they apply under it, be granted entry clearance –
- (a) in the form of an EU Settlement Scheme Family Permit – to join a **relevant EEA citizen** or a **qualifying British citizen** in Jersey or to accompany them to Jersey; or
  - (b) in the form of an EU Settlement Scheme Travel Permit – to travel to Jersey.
- FP(J)2.** This Appendix has effect in connection with the granting of entry clearance for the purposes of acquiring leave to remain in (or enter) Jersey by virtue of Appendix EU(J) .

## Requirements and procedure

- FP(J)3.** The applicant will be granted an entry clearance under this Appendix, valid for a period of 6 months from the date of decision, by an entry clearance officer where:
- (a) A valid application has been made in accordance with paragraph **FP(J)4**;
  - (b) The applicant meets the eligibility requirements in paragraph **FP(J)6** (1) or (2); and
  - (c) The application is not to be refused on grounds of suitability in accordance with paragraph **FP(J)7**.
- FP(J)4.** A valid application has been made under this Appendix where:
- (a) It has been made using the **required application process**;
  - (b) The **required proof of identity and nationality** has been provided; and
  - (c) The **specified biometrics** have been provided.
- FP(J)5.** An application will be rejected as invalid or will not be considered where it does not meet the requirements in paragraph **FP(J)4**.
- FP(J)6.** (1) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Family Permit, where the entry clearance officer is satisfied that at the **date of application**:
- (a) The applicant is a **specified EEA citizen** or a **non-EEA citizen**;
  - (b) The applicant is a **family member of a relevant EEA citizen**;
  - (c) The relevant EEA citizen is resident in Jersey or will be travelling to Jersey within 6 months of the date of application;
  - (d) The applicant will be accompanying the relevant EEA citizen to Jersey (or joining them in Jersey) within 6 months of the date of application; and

- (e) The applicant (“A”) is not the **spouse, civil partner or durable partner** of a relevant EEA citizen (“B”) where a spouse, civil partner or durable partner of A or B –
  - (i) has been granted entry clearance under this Appendix,
  - (ii) holds a valid EEA family permit issued under these Rules or in the United Kingdom under regulation 12 of the **EEA Regulations** or under the equivalent provisions in the other **Islands**, or
  - (iii) has been granted leave to enter or remain in Jersey in that capacity under or outside the Immigration Rules.
  
- (2) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Travel Permit, where the entry clearance officer is satisfied that at the date of application:  
  
reported to the Jersey Customs and Immigration Service or to the UK Home Office that it has been lost or stolen
  - (a) The applicant is a specified EEA citizen or a non-EEA citizen;
  - (b) The applicant is a **family member of a qualifying British citizen**;
  - (c) The qualifying British citizen is resident in Jersey or will be travelling to Jersey with the applicant within 6 months of the date of application;
  - (d) The applicant will be accompanying the qualifying British citizen to Jersey (or joining them in Jersey) within 6 months of the date of application; and
  - (e) The applicant (“A”) is not the spouse, civil partner or durable partner of a qualifying British citizen (“B”) where a spouse, civil partner or durable partner of A or B has been granted an entry clearance under this Appendix, holds a valid EEA family permit issued under these Rules or in the United Kingdom under regulation 12 of the EEA Regulations or under the equivalent provisions in the other Islands or has been granted leave to enter or remain in Jersey in that capacity under or outside the Immigration Rules.
  
- (3) The applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix in the form of an EU Settlement Scheme Travel Permit, where the entry clearance officer is satisfied that at the date of application:
  - (a) The applicant is a non-EEA citizen;
  - (b) The applicant has been granted indefinite leave to enter or remain or limited leave to enter or remain under Appendix EU(J) , or under its equivalent elsewhere in the UK and Islands, which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands);
  - (c) The applicant:
    - (i) Has been issued with a **relevant document** by virtue of having been granted leave under Appendix EU(J) or under the equivalent elsewhere in the UK and Islands; and

- (ii) Has reported to the Jersey Customs and Immigration Service or to the UK Home Office that it has been lost or stolen or has expired; and
- (d) The applicant will be travelling to Jersey within 6 months of the date of application.

**FP(J)7.** (1) An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision:

- (a) The applicant is subject to a **deportation order** or to a decision to make a deportation order; or
- (b) The applicant is subject to an **exclusion order** or **exclusion decision**.

(2) An application made under this Appendix will be refused on grounds of suitability where the applicant's presence in Jersey is not conducive to the public good.

(3) An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the entry clearance officer is satisfied that:

- (a) It is proportionate to refuse the application where, in relation to the application and whether or not to the applicant's knowledge, false or misleading information, representations or documents have been submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation is material to the decision whether or not to grant the applicant an entry clearance under this Appendix; or

(b)(i) The applicant:

(aa) Has previously been refused admission to the UK in accordance with the EEA Regulations; or

(bb) Had indefinite leave to enter or remain or limited leave to enter or remain granted under Appendix **EU(J)** (or limited leave to enter granted by virtue of having arrived in Jersey with an entry clearance that was granted under this Appendix) which was cancelled under paragraph **321B(b)(i)** or **321B(b)(ii)** of these Rules, under of **Annex 3** to this Appendix or under of **Annex 3** to Appendix **EU(J)**; and

(ii) The refusal of the application is justified on the ground that the decision is conducive to the public good.

(4) The references in this paragraph to an order or decision to which the applicant is subject do not include an order or decision which, at the date of decision on their application under this Appendix, has been set aside or revoked.

**FP(J)8.** A valid application made under this Appendix which does not meet the requirements for an entry clearance to be granted will be refused.

**FP(J)9.** (1) **Annex 1** sets out definitions which apply to this Appendix. Any provision made elsewhere in the Immigration Rules for those terms, or for other matters for which this Appendix makes provision, does not apply to an application made under this Appendix.

(2) Where this Appendix requires that a document, card or other evidence is valid (or that it remained valid for the period of residence relied upon), or has not been cancelled or invalidated or has not ceased to be effective, it does not matter that the person concerned no longer has the right to enter or reside through an entitlement under s. 7(1) of the 1988 Act or under the EEA Regulations, on which basis the document, card or other evidence was issued, by virtue of the revocation of s.7(1) or those Regulations.

**FP(J)10.** Annex 2 applies to the consideration by the entry clearance officer of a valid application made under this Appendix.

**FP(J)11.** Annex 3 applies in respect of the cancellation and curtailment of leave to enter granted by virtue of having arrived in Jersey with an entry clearance that was granted under this Appendix.

**Annex 1 – Definitions**

Term	Definition
adopted child	a <b>child</b> adopted in accordance with a <b>relevant adoption decision</b>
child	<p>(a) the direct descendant under the age of 21 years of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; or</p> <p>(b) (i) the direct descendant aged 21 years or over of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; and  (ii)(aa) dependent on the relevant EEA citizen or on their spouse or civil partner:  (aaa) (where sub-paragraph (b)(ii)(aa)(bbb) below does not apply) at the date of application; or  (bbb) (where the date of application is after the specified date and where the applicant is not a <b>joining family member</b>) at the specified date; or  (bb) dependent on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date</p> <p>‘dependent’ means here that:</p> <p>(a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner; and</p> <p>(b) such support is being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen) or by their spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) ‘child’ includes:</p>

	<p>(i) an <b>adopted child</b> of; or</p> <p>(ii) a child born through surrogacy (where recognised in UK law or Islands law) for; or</p> <p>(iii) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989) is in force appointing as their special guardian; or</p> <p>(iv) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing as their guardian; or</p> <p>(v) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 vesting parental responsibilities and parental rights in a person who is; or</p> <p>(vi) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995, or who is living with a person pursuant to an order made under section 11 of that Act, and that guardian or other person is; or</p> <p>(vii) a child in respect of whom an order has been made under Article 159 of the Children (Northern Ireland) Order 1995, or in respect of whom an appointment has been made under Article 160 of that Order, appointing as their guardian a person who is; or</p> <p>(viii) a child who has a guardian appointed under section 12 or 14 of the Children (Guernsey and Alderney) Law 2008 or section 12 or 13 of the Children (Sark) Law 2016, or who is living in the care of a person pursuant to an order made under section 14 of the 2008 Law or section 13 of the 2016 Law, and that guardian or other person is; or</p> <p>(ix) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing as their guardian; or</p> <p>(x) a child in respect of whom a special guardianship order (within the meaning of section 17A of the Children and Young Persons Act 2001 of Tynwald) has been made appointing as their special guardian; or</p> <p>(xi) a child in respect of whom an order has been made under section 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing as their guardian,</p> <p>a relevant EEA citizen (or, as the case may be, a qualifying British citizen) or their spouse or civil partner, but 'child' does not include a child cared for by a relevant EEA citizen (or, as the case may be, by a qualifying British citizen) or their spouse or civil partner solely by virtue of a formal or informal fostering arrangement; and</p>
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	<p>(b) 'direct descendant' also includes a grandchild or great-grandchild; and</p> <p>(c) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table</p>
civil partner	<p>(a) the person is in a valid civil partnership (which exists under or by virtue of the Civil Partnership (Jersey) Law 2012); or is in a relationship registered overseas which is entitled to be treated as a civil partnership under that Law, with a relevant EEA citizen (or, as the case may be, with a qualifying British citizen); and</p> <p>(b) it is not a <b>civil partnership of convenience</b>; and</p> <p>(c) neither party has another civil partner, a spouse or a durable partner with (in any of those circumstances) <b>immigration status in the UK or the Islands</b> based on that person's relationship with that party</p>
civil partnership of convenience	a civil partnership, durable partnership or marriage entered into as a means to circumvent:
durable partnership of convenience	(a) any criterion the party would have to meet in order to enjoy a right to enter or reside in Jersey or elsewhere in the UK and Islands through an entitlement under s. 7(1) of the 1988 Act or by virtue of the EEA Regulations; or
marriage of convenience	(b) any other provision of immigration law or any requirement of the Immigration Rules in Jersey or elsewhere in the UK and Islands; or
	(c) any criterion the party would otherwise have to meet in order to enjoy a right to enter or reside in the UK under EU law or a right to enter or reside in the Islands under Islands law
date and time of withdrawal	2300 <b>GMT</b> on 31 January 2020
date of application	the date on which the application is submitted under the required application process
dependent parent	<p>(a) the direct relative in the ascending line of a relevant EEA citizen (or, as the case may be, of a qualifying British citizen) or of their spouse or civil partner; and</p> <p>(b) (unless sub-paragraph (c) immediately below applies):</p> <p>(i) dependent on the relevant EEA citizen or on their spouse or civil partner:  (aa) (where sub-paragraph (b)(i)(bb) or (b)(i)(cc) below does not apply) at the date of application and (unless the relevant EEA citizen is under the age of 18 years at the date of application) that dependency is assumed; or  (bb) (where the date of application is after the specified date and where the applicant is not a joining family member) at the specified date, and (unless the relevant EEA citizen was under the age of 18 years at the specified date) that dependency is assumed; or</p>

	<p>(cc) (where the date of application is after the specified date and where the applicant is a joining family member) at the date of application and (unless the relevant EEA citizen is under the age of 18 years at the date of application) that dependency is assumed where the date of application is before 1 July 2021; or</p> <p>(ii) dependent on the qualifying British citizen (or on their spouse or civil partner) at the date of application or, where the date of application is after the specified date, at the specified date, and (unless the qualifying British citizen is under the age of 18 years at the date of application or, where the date of application is after the specified date, the qualifying British citizen was under the age of 18 years at the specified date) that dependency is assumed; and</p> <p>(c) this sub-paragraph applies (and the applicant therefore has to meet no requirement as to dependency) where the spouse, civil partner or durable partner of the applicant (and with whom they reside) has been granted:</p> <p>(i) an entry clearance under this Appendix in the form of an EU Settlement Scheme Family Permit as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, and that entry clearance has not been revoked or otherwise ceased to be valid; or</p> <p>(ii) indefinite leave to enter or remain or limited leave to enter or remain under Appendix <b>EU(J)</b> as a dependent parent of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen or of the relevant sponsor) or of their spouse or civil partner, and that indefinite or limited leave has not lapsed or been cancelled, curtailed, revoked or invalidated</p> <p>‘dependent’ means here that:</p> <p>(a) having regard to their financial and social conditions, or health, the applicant cannot meet their essential living needs (in whole or in part) without the financial or other material support of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner; and</p> <p>(b) such support is being provided to the applicant by the relevant EEA citizen (or, as the case may be, by the qualifying British citizen) or by their spouse or civil partner; and</p> <p>(c) there is no need to determine the reasons for that dependence or for the recourse to that support</p> <p>in addition:</p> <p>(a) ‘direct relative in the ascending line’ includes:</p> <p>(i) a grandparent or great-grandparent; and</p>
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	<p>(ii) an adoptive parent of an adopted child; and</p> <p>(b) 'spouse or civil partner' means (as the case may be) the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table or in sub-paragraph (a) of the entry for 'family member of a relevant EEA citizen' in this table; and</p> <p>(c) in respect of the reference in the first sub-paragraph (c) in this entry to the spouse, civil partner or durable partner of the applicant, the entry for (as the case may be) 'spouse', 'civil partner' or 'durable partner' in this table applies, except that in the applicable entry 'applicant' is to be substituted for 'relevant EEA citizen'</p>
dependent relative of a qualifying British citizen	<p>the person:</p> <p>(a)(i) is a relative (other than a spouse, civil partner, durable partner, child or dependent parent) of a qualifying British citizen or of their spouse or civil partner; and</p> <p>(ii) is a dependant of a qualifying British citizen or of their spouse or civil partner, a member of their household or in strict need of their personal care on serious health grounds; or</p> <p>(b) is a <b>person who is subject to a non-adoptive legal guardianship order</b> in favour (solely or jointly with another party) of a qualifying British citizen; or</p> <p>(c) is a person under the age of 18 years who:</p> <p>(i) is the direct descendant of the durable partner of a qualifying British citizen; or</p> <p>(ii) has been adopted by the durable partner of a qualifying British citizen, in accordance with a relevant adoption decision</p> <p>in addition, 'spouse or civil partner' means the person described in sub-paragraph (a)(i) or (a)(ii) of the entry for 'family member of a qualifying British citizen' in this table</p>
deportation order	an order made under section 5(1) of the Immigration Act 1971
durable partner	<p>(a) the person is, or (as the case may be) was, in a durable relationship with the relevant EEA citizen (or, as the case may be, with the qualifying British citizen), with the couple having lived together in a relationship akin to a marriage or civil partnership for at least 2 years (unless there is other significant evidence of the durable relationship); and</p> <p>(b) where the applicant was resident in the UK and Islands as the durable partner of a relevant EEA citizen before the specified date, the person held a relevant document as the durable partner of the relevant EEA citizen or, where there is evidence which satisfies the entry clearance officer that the applicant was otherwise lawfully resident in the UK and Islands for the relevant period before the specified date (or where the applicant is a joining family member) or where the applicant relies on the relevant EEA citizen being a relevant person of Northern Ireland, there is evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable before the specified date; and</p>

	<p>(c) it is, or (as the case may be) was, not a <b>durable partnership of convenience</b>; and</p> <p>(d) neither party has, or (as the case may be) had, another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person’s relationship with that party</p>
EEA citizen	<p>a person who is:</p> <p>(a) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who (unless they are a <b>relevant naturalised British citizen</b>) is not also a British citizen; or</p> <p>(b) (i) a national of a country listed in sub-paragraph (a) of the entry for ‘specified EEA citizen’ in this table; and</p> <p>(ii) (where the applicant would in the United Kingdom meet the criteria in paragraph 9 of Schedule 6 to the EEA Regulations as the family member (“F”) to whom that paragraph refers) a British citizen within the meaning of the person (“P”) to whom that paragraph refers; or</p> <p>(c) <b>a relevant person of Northern Ireland</b></p>
EEA Regulations	<p>(a) (where relevant to something done before the specified date) the Immigration (European Economic Area) Regulations 2016 (as they have effect immediately before that date); or</p> <p>(b) (where relevant to something done after the specified date and before 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as, despite the revocation of those Regulations, they continue to have effect, with specified modifications, by virtue of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020); or</p> <p>(c) (where relevant to something done on or after 1 July 2021) the Immigration (European Economic Area) Regulations 2016 (as they had effect immediately before they were revoked and, where the context requires it, on the basis that those Regulations had not been revoked)</p> <p>being provision made in the United Kingdom under section 2(2) of the European Communities Act 1972 (to which s. 7(1) of the Immigration Act 1988 Act refers) and where relevant includes the corresponding provision made in the Isle of Man</p>
evidence of birth	<p>(a) (in the case of a child) the <b>full birth certificate(s)</b> or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, as described in sub-paragraph (a) of the entry for</p>

	<p>'family member of a relevant EEA citizen' in this table; or</p> <p>(b) (in the case of a <b>dependent parent</b>) the full birth certificate(s) or other document(s) which the entry clearance officer is satisfied evidences that the applicant is the direct relative in the ascending line of the relevant EEA citizen (or, as the case may be, of the qualifying British citizen) or of their spouse or civil partner, as described in sub-paragraph (a) above</p>
exclusion decision	a direction given by the Minister that a person must be refused entry to Jersey on the ground that that person's presence in Jersey would not be conducive to the public good
exclusion order	an order made under regulation 23(5) of the EEA Regulations
family member of a qualifying British citizen	<p>a person who has satisfied the entry clearance officer, including by the <b>required evidence of family relationship</b>, that:</p> <p>(a) they will be returning to Jersey:</p> <p>(i) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the spouse or civil partner of a qualifying British citizen, and:</p> <p>(aa)(aaa) the marriage was contracted or the civil partnership was formed before the date and time of withdrawal; or</p> <p>(bbb) the applicant was the durable partner of the qualifying British citizen before the date and time of withdrawal (the definition of 'durable partner' in this table being met before then rather than at the date of application) and the partnership remained durable at the date and time of withdrawal; and</p> <p>(bb)(aaa) the marriage or civil partnership continues to exist at the date of application; or</p> <p>(bbb) the entry clearance officer is satisfied that the marriage will be contracted or the civil partnership will be formed before the couple return to Jersey; or</p> <p>(ii) (where sub-paragraph (a)(i)(aa)(bbb) above does not apply) as the spouse or civil partner of a qualifying British citizen, and:</p> <p>(aa) the marriage was contracted or the civil partnership was formed after the date and time of withdrawal and before the specified date; and</p> <p>(bb) the marriage or civil partnership continues to exist at the date of application; and</p> <p>(cc) the entry clearance officer is satisfied that there are reasonable grounds why they did not return to Jersey with the qualifying British citizen before the specified date; or</p> <p>(iii) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the durable partner of a qualifying British citizen, and:</p> <p>(aa) the partnership was formed and was durable before the</p>

date and time of withdrawal; and

(bb) the partnership remains durable at the date of application; or

(iv) as the durable partner of a qualifying British citizen, and:

(aa) the partnership was formed and was durable after the date and time of withdrawal and before the specified date; and

(bb) the partnership remains durable at the date of application; and

(cc) the entry clearance officer is satisfied that there are reasonable grounds why they did not return to Jersey with the qualifying British citizen before the specified date; or

(v) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of a qualifying British citizen,

and the family relationship:

(aa) existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and

(bb) continues to exist at the date of application; or

(vi) before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the person's failure to meet that deadline), as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(i) above), and all the family relationships:

(aa) existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and

(bb) continue to exist at the date of application; or

(vii) as the child or dependent parent of the spouse or civil partner of a qualifying British citizen (as described in sub-paragraph (a)(ii) above), and:

(aa) the family relationship of the child or dependent parent to the spouse or civil partner existed before the date and time of withdrawal (unless, in the case of a child, the person was born thereafter, was adopted thereafter in accordance with a relevant adoption decision or thereafter became a child within the meaning of that entry in this table on the basis of one of sub-

	<p>paragraphs (a)(iii) to (a)(xi) of that entry); and</p> <p>(bb) all the family relationships continue to exist at the date of application; and</p> <p>(cc) the entry clearance officer is satisfied that there are reasonable grounds why the person did not return to Jersey with the qualifying British citizen before the specified date; or</p> <p>(viii) as the <b>dependent relative of a qualifying British citizen</b>, or (as the case may be) of their spouse or civil partner (as described in sub-paragraph (a)(i) or (a)(ii) above), and:</p> <p>(aa) the family relationship and (in sub-paragraph (a)(ii) of the entry for 'dependent relative of a qualifying British citizen' in this table) the person's dependency (or, as the case may be, their membership of the household or their strict need for personal care on serious health grounds) existed before the specified date and continue to exist at the date of application; and</p> <p>(bb) the entry clearance officer is satisfied that there are reasonable grounds why the person did not return to Jersey with the qualifying British citizen before the specified date; and</p> <p>(b) they would in the United Kingdom have satisfied the conditions in regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the family member ("F") to whom those provisions refer) or, as the case may be, the conditions in regulation 9(1A)(b), (2), (3) and (4)(a) of the EEA Regulations (as the extended family member ("EFM") to whom those provisions refer), in either case doing so (with the qualifying British citizen being treated as the British citizen ("BC") to whom those provisions refer):</p> <p>(i) before the specified date; and</p> <p>(ii) (save where the date of application is after the specified date and where those conditions concern matters relevant to the dependency referred to in sub-paragraph (b)(ii)(bb) of the entry for 'child' in this table or in sub-paragraph (b)(ii) of the entry for 'dependent parent' in this table) at the date of application</p>
<p>family member of a relevant EEA citizen</p>	<p>a person who has satisfied the entry clearance officer, including by the required evidence of family relationship, that they are:</p> <p>(a) the spouse or civil partner of a relevant EEA citizen, and:</p> <p>(i)(aa) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(bb) the applicant was the durable partner of the relevant EEA citizen before the specified date (the definition of 'durable partner' in this table being met before that date rather than at the date of application) and the partnership remained durable at the specified date; and</p> <p>(ii) the marriage or civil partnership continues to exist at the date of application; or</p> <p>(b) the <b>specified spouse or civil partner of a Swiss citizen</b>; or</p>

	<ul style="list-style-type: none"><li>(c) the durable partner of a relevant EEA citizen, and:<ul style="list-style-type: none"><li>(i) the partnership was formed and was durable before the specified date; and</li><li>(ii) the partnership remains durable at the date of application; and</li><li>(iii) the date of application is after the specified date; or</li><li>(iv) where they were resident in the UK and Islands as the durable partner of the relevant EEA citizen before the specified date, the definition of 'durable partner' in this table was met before that date as well as at the date of application, and the partnership remained durable at the specified date; or</li></ul></li><li>(d) the child or dependent parent of a relevant EEA citizen and the family relationship:<ul style="list-style-type: none"><li>(i) existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</li><li>(ii) continues to exist at the date of application; or</li></ul></li><li>(e) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in sub-paragraph (a) above, and:<ul style="list-style-type: none"><li>(i) the family relationship of the child or dependent parent to the spouse or civil partner existed before the specified date (unless, in the case of a child, the person was born after that date, was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry); and</li><li>(ii) all the family relationships continue to exist at the date of application; or</li></ul></li><li>(f) a person who the entry clearance officer is satisfied by evidence provided by the person that they would, if they had made a valid application under Appendix <b>EU(J)</b> before 1 July 2021, have been granted (as the case may be) indefinite leave to enter under paragraph <b>EU(J)2</b> of that Appendix or limited leave to enter under paragraph <b>EU(J)3</b> and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix:<ul style="list-style-type: none"><li>(i) as a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen (as defined in Annex 1 to Appendix <b>EU(J)</b>); or</li><li>(ii) on the basis that condition 6 of paragraph <b>EU(J)11</b> of Appendix <b>EU(J)</b> is met;</li></ul></li></ul>
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	<p>in addition, where the person is a child born after the specified date or adopted after that date in accordance with a relevant adoption decision, or after the specified date they became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry (and with the references to 'parents' in sub-paragraph (a) below construed to include the guardian or other person to whom the order or other provision referred to in the relevant sub-paragraph of (a)(iii) to (a)(xi) of that entry relates), they meet one of the following requirements:</p> <p>(a) (where sub-paragraph (b) below does not apply), one of the following requirements is met:</p> <p>(i) both of their parents are a relevant EEA citizen; or</p> <p>(ii) one of their parents is a relevant EEA citizen and the other is a British citizen who is not a relevant EEA citizen; or</p> <p>(iii) one of their parents is a relevant EEA citizen who has sole or joint rights of custody of them, in accordance with the applicable rules of family law of any part of the UK and Islands or of a country listed in sub-paragraph (a) of the entry for 'specified EEA citizen' in this table (including applicable rules of private international law under which rights of custody under the law of a third country are recognised in any part of the UK and Islands or in a country listed in sub-paragraph (a) of the entry for 'specified EEA citizen' in this table, in particular as regards the best interests of the child, and without prejudice to the normal operation of such applicable rules of private international law); or</p> <p>(b) where they were born after the specified date to (or adopted after that date in accordance with a relevant adoption decision by or after that date became, within the meaning of the entry for 'child' in this table and on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry, a child of) a Swiss citizen or their spouse or civil partner (as described in the first sub-paragraph (a) in this entry), the Swiss citizen or their spouse or civil partner is a relevant EEA citizen</p>
full birth certificate	a birth certificate recognised in the United Kingdom or the Islands which records the name of the mother and (where registered) the father
GMT	Greenwich Mean Time
immigration status in the UK or the Islands	indefinite or limited leave to enter or remain in the United Kingdom or the Islands under or outside the relevant Immigration Rules; exemption from immigration control; the entitlement to reside in the United Kingdom or the right of permanent residence in the United Kingdom under regulations 13 to 15 of the EEA Regulations; or the entitlement to reside in the Islands or the right of permanent residence in the Islands through the application there of section 7(1) of the Immigration Act 1988 or under the Immigration (European Economic Area) Regulations of the Isle of Man
Irish citizen	a person who is an Irish citizen as a matter of Irish law
joining family member	a person who is a family member of a relevant EEA citizen (in accordance with sub-paragraph (a)(i)(bb), (c), (d) or (e) – together, where applicable, with the second sub-paragraph (a) or the second sub-paragraph (b) – of that entry in this table) and who (save, in the case of a child, where the person was born after the specified date,

	<p>was adopted after that date in accordance with a relevant adoption decision or after that date became a child within the meaning of that entry in this table on the basis of one of sub-paragraphs (a)(iii) to (a)(xi) of that entry):</p> <ul style="list-style-type: none"> <li>(a) was not resident in the UK and Islands at any time before the specified date; or</li> <li>(b) was resident in the UK and Islands before the specified date, and: <ul style="list-style-type: none"> <li>(i) one of the events referred to in sub-paragraph (b)(i) or (b)(ii) in the entry for ‘continuous qualifying period’ in the table at <b>Annex 1</b> to Appendix <b>EU(J)</b> has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date; or</li> <li>(ii) the event referred to in sub-paragraph (a) in the entry for ‘supervening event’ in the table at <b>Annex 1</b> to Appendix <b>EU(J)</b> has occurred, and after that event occurred they were not resident in the UK and Islands again before the specified date</li> </ul> </li> </ul>
non-EEA citizen	a person who is not an <b>EEA citizen</b> and is not a British citizen
person exempt from immigration control	<p>a person who:</p> <ul style="list-style-type: none"> <li>(a) is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and</li> <li>(b) is not a British citizen; and</li> <li>(c) is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; and <ul style="list-style-type: none"> <li>(i) (d) the entry clearance officer is satisfied, including by the required evidence of qualification would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b> , if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix.</li> </ul> </li> </ul>
person who is subject to a non-adoptive legal guardianship order	<p>a person who has satisfied the entry clearance officer that, immediately before the specified date, they:</p> <ul style="list-style-type: none"> <li>(a) are under the age of 18 years; and</li> <li>(b) are subject to a non-adoptive legal guardianship order in favour (solely or jointly with another party) of a qualifying British citizen that: <ul style="list-style-type: none"> <li>(i) is recognised under the national law of the state in which it was contracted; and</li> <li>(ii) places parental responsibility on a permanent basis on the qualifying British citizen (solely or jointly with another party); and</li> </ul> </li> </ul>

	<p>(c) have lived with the qualifying British citizen since their placement under the guardianship order; and</p> <p>(d) have created family life with the qualifying British citizen; and</p> <p>(e) have a personal relationship with the qualifying British citizen that involves dependency on the qualifying British citizen and the assumption of parental responsibility, including legal and financial responsibilities, for that person by the qualifying British citizen</p>
qualifying British citizen	<p>a British citizen who:</p> <p>(a)(i) (where sub-paragraph (a)(ii) below does not apply) will be returning to Jersey with the applicant before 2300 GMT on 29 March 2022 (or later where the entry clearance officer is satisfied that there are reasonable grounds for the British citizen’s failure to meet that deadline); or</p> <p>(ii) (in the case of a family member of a qualifying British citizen as described in sub-paragraph (a)(ii), (a)(iv), (a)(vii) or (a)(viii) of the entry for ‘family member of a qualifying British citizen’ in this table) will be returning to Jersey with the applicant and the entry clearance officer is satisfied that there are reasonable grounds why the British citizen did not do so before the specified date; and</p> <p>(b) satisfied or would in the United Kingdom have satisfied regulation 9(2), (3) and (4)(a) of the EEA Regulations (as the British citizen (“BC”) to whom those provisions refer, with the applicant being treated as the family member (“F”) or, as the case may be, as the extended family member (“EFM”), to whom those provisions refer):</p> <p>(i) before the specified date; and</p> <p>(ii) at the date of application</p>
relevant adoption decision	<p>a decision taken:</p> <p>(a) by the competent administrative authority or court in the United Kingdom or the Islands; or</p> <p>(b) by the competent administrative authority or court in a country whose adoption orders are recognised by the United Kingdom or the Islands; or</p> <p>(c) in a particular case in which that decision in another country has been recognised in the United Kingdom or the Islands as an adoption</p>
relevant document	<p>a family permit, registration certificate, residence card, document certifying permanent residence or permanent residence card which:</p> <p>(a) was issued by Jersey or by another jurisdiction in the UK and Islands under Immigration Rules or under the EEA Regulations (and was not subsequently revoked, or fell to be so, because the relationship or dependency had never existed or the relationship or (where relevant) dependency had ceased); and</p> <p>(b) has not expired or otherwise ceased to be effective or it remained</p>

	<p>valid for the period of residence relied upon; and</p> <p>(c) (in relation to an application for an EU Settlement Scheme Family Permit (or a letter from the Minister, issued after 30 June 2021, confirming the person’s qualification for one)) it has not expired or otherwise ceased to be effective, or it remained valid for the period of residence relied upon</p>
<p>relevant EEA citizen (where the date of application under this Appendix is before 1 July 2021)</p>	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who:</p> <p>(i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or</p> <p>(ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b> , which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p>(iii) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen; or</p> <p>(c) (where the applicant is the family member (“F”) to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and would in the United Kingdom meet the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that entry in this table) who the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b> , if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(d) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table) who:</p> <p>(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:</p>

	<p>(aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or</p> <p>(bb) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p>(cc) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p><b>(e) a person exempt from immigration control.</b></p>
<p>relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)</p>	<p>(a) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who:</p> <p>(i) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b> (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or</p> <p>(ii) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p>

(iii) in the case of an **Irish citizen** who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph **EU(J)2** or **EU(J)3** of Appendix **EU(J)** or under its equivalent elsewhere in the UK and Islands, where the applicant does not rely on that person being a relevant person of Northern Ireland) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted such leave under that Appendix, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or

(iv) the applicant satisfies the entry clearance officer by relevant information and evidence provided with the application (including their valid passport or valid national identity card as an EEA citizen, which is the original document and not a copy) meets sub-paragraph (a)(i) of the definition of 'relevant EEA citizen (where the date of application under this Appendix is on or after 1 July 2021)' in **Annex 1** to Appendix **EU(J)**, such that the applicant is a 'family member of a relevant EEA citizen' (as defined in **Annex 1** to Appendix **EU(J)**); or

(b) an EEA citizen (in accordance with sub-paragraph (a) of that entry in this table) who is a relevant naturalised British citizen; or

(c) (where the applicant is the family member ("F") to whom paragraph 9 of Schedule 6 to the EEA Regulations refers and would in the United Kingdom meet the criteria as F in that paragraph) an EEA citizen (in accordance with sub-paragraph (b) of that entry in this table) who the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph **EU(J)2** or **EU(J)3** of Appendix **EU(J)**, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or

(d) an EEA citizen (in accordance with sub-paragraph (c) of that entry in this table) who:

(i) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table:

(aa) has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph **EU(J)2** or **EU(J)3** of Appendix **EU(J)** (or under its equivalent elsewhere in the UK and Islands), which has not lapsed or been cancelled, curtailed, revoked or invalidated and which is evidenced by the Home Office reference number for that grant of leave (or by the equivalent evidence in the Islands); or

	<p>(bb) at the date of decision on the application under this Appendix, the entry clearance officer is satisfied from the information available to them has been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, which has not lapsed or been cancelled, curtailed, revoked or invalidated; or</p> <p>(cc) the entry clearance officer is satisfied, including by the required evidence of qualification, would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(ii) where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(i) or (a)(iii) of that entry in this table, the entry clearance officer is satisfied, including by the required evidence of qualification, would (but for the fact that they are a British citizen and, where they are a specified relevant person of Northern Ireland in accordance with that entry in this table, but, where applicable, for that fact) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(e) a person exempt from immigration control</p>
<p>relevant naturalised British citizen</p>	<p>a person who is a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland, and who:</p> <p>(a) comes within paragraph (b) of the definition of “EEA national” in regulation 2(1) of the EEA Regulations; and</p> <p>(b) meets the criteria contained in regulation 9A(2) or (3) as the dual national (“DN”) to whom those provisions refer (regardless of whether they remained a qualified person under regulation 6 of the EEA Regulations after they acquired British citizenship); and</p> <p>(c) the entry clearance officer is satisfied, including by the required evidence of qualification would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed,</p>

	<p>revoked or invalidated before the date of application under this Appendix.</p> <p>(i)</p>
relevant period	<p>(a) (where sub-paragraph (b) below does not apply) a period of 6 months from the date of decision; or</p> <p>(b) (where, in the case of an application for an EU Settlement Scheme Family Permit, the applicant indicates as part of the required application process that their intended date of arrival in Jersey is on or after 1 April 2021 and that date is more than three months from the date of decision) a period of four months from their intended date of arrival in Jersey</p>
relevant person of Northern Ireland	<p>a person who:</p> <p>(a) is:</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; and</li> </ul> <p>(b) was born in Northern Ireland and, at the time of the person's birth, at least one of their parents was:</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; or</li> <li>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</li> </ul>
required application process	<p>the relevant on-line application form and a relevant process set out in that form for providing the required proof of identity and nationality and for providing the specified biometrics</p>
required evidence of being a relevant person of Northern Ireland	<p>(a) the person's birth certificate showing that they were born in Northern Ireland, or their passport where this shows that they were born in Northern Ireland; and</p> <p>(b) evidence which satisfies the entry clearance officer that, at the time of the person's birth, at least one of their parents was:</p> <ul style="list-style-type: none"> <li>(i) a British citizen; or</li> <li>(ii) an Irish citizen; or</li> <li>(iii) a British citizen and an Irish citizen; or</li> <li>(iv) otherwise entitled to reside in Northern Ireland without any restriction on their period of residence</li> </ul> <p>in addition:</p> <p>(a) where, in order to meet the requirements of this entry, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(b) where, in order to meet the requirements of this entry, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to</p>

	<p>accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
<p>required evidence of family relationship</p>	<p>in the case of:</p> <ul style="list-style-type: none"> <li>(a) a spouse – a relevant document as the spouse of the relevant EEA citizen, or a valid document of record of a marriage recognised under the law of any part of the UK and Islands;</li> <li>(b) a civil partner – a relevant document as the civil partner of the relevant EEA citizen; a valid civil partnership certificate recognised under the law of any part of the UK and Islands; or the valid overseas registration document for a relationship which is entitled to be treated as a civil partnership under the Civil Partnership (Jersey) Law 2012 or under the equivalent elsewhere in the UK and islands;</li> <li>(c) a child – a relevant document issued on the basis of the relevant family relationship or their <b>evidence of birth</b>;</li> <li>(d) a dependent parent – a relevant document issued on the basis of the relevant family relationship or their evidence of birth; or</li> <li>(e) a durable partner – evidence which satisfies the entry clearance officer that the durable partnership was formed and was durable by the specified date and that the partnership remains durable at the date of the application</li> </ul>
<p>required evidence of qualification</p>	<ul style="list-style-type: none"> <li>(a) (in the case of a relevant EEA citizen (or, where the date of application under this Appendix is on or after 1 July 2021, an Irish citizen) who has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b> or under its equivalent elsewhere in the UK and Islands, where the applicant does not rely on the relevant EEA citizen (where they are an Irish citizen) being a relevant person of Northern Ireland): <ul style="list-style-type: none"> <li>(i) their passport or national identity card as an EEA citizen or, where the date of application under this Appendix is on or after 1 July 2021, as an Irish citizen, which is: <ul style="list-style-type: none"> <li>(aa) valid; and</li> <li>(bb) the original document and not a copy; and</li> </ul> </li> <li>(ii) information or evidence which satisfies the entry clearance officer that the person would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</li> </ul> </li> <li>(b) (in the case of a relevant EEA citizen who is a relevant</li> </ul>

naturalised British citizen or who is a relevant EEA citizen as described in sub-paragraph (c) of the applicable entry for 'relevant EEA citizen' in this table):

(i) their passport or national identity card as an EEA citizen, which is:

(aa) valid; and

(bb) the original document and not a copy; and

(ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is a British citizen; and

(iii) information or evidence which satisfies the entry clearance officer that the person would (but for the fact that they are a British citizen) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph **EU(J)2** or **EU(J)3** of Appendix **EU(J)**, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or

(c) (in the case of a relevant EEA citizen who is relied on by the applicant as being a relevant person of Northern Ireland, and who, where they are a relevant person of Northern Ireland in accordance with sub-paragraph (a)(ii) of that entry in this table, has not been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph **EU(J)2** or **EU(J)3** of Appendix **EU(J)** or under its equivalent elsewhere in the UK and Islands) the required evidence of being a relevant person of Northern Ireland and (where the relevant EEA citizen is relied on by the applicant as being a specified relevant person of Northern Ireland) information or evidence which satisfies the entry clearance officer that the requirements of that entry in this table are met, and (in all cases):

(i)(aa) (where they are a British citizen) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the person is a British citizen; or

(bb) (where they are an Irish citizen) their passport or national identity card as an Irish citizen, which is:

(aaa) valid; and

(bbb) the original document and not a copy; or

(cc) (where they are a British citizen and an Irish citizen, and are not relied on by the applicant as being a specified relevant person of Northern Ireland) the evidence required by sub-paragraph (c)(i)(aa) or (c)(i)(bb) above; and

(ii) information or evidence which satisfies the entry clearance officer that the person would (but for the fact that they are a British citizen, where they are a British citizen in accordance with sub-paragraph (a)(i)

	<p>or (a)(iii) of the entry for 'relevant person of Northern Ireland' in this table) have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix; or</p> <p>(d) (in the case of a relevant EEA citizen who is a person exempt from immigration control):</p> <p>(i) their passport or national identity card as an EEA citizen, which is:</p> <p>(aa) valid; and</p> <p>(bb) the original document and not a copy; and</p> <p>(ii) information or evidence which is provided by the applicant, or is otherwise available to the entry clearance officer, which satisfies the entry clearance officer that the relevant EEA citizen is exempt from immigration control in accordance with section 8(2), (3) or (4) of the Immigration Act 1971; and</p> <p>(iii) information or evidence which satisfies the entry clearance officer that the person would have been granted indefinite leave to enter or remain or limited leave to enter or remain under (as the case may be) paragraph <b>EU(J)2</b> or <b>EU(J)3</b> of Appendix <b>EU(J)</b>, if they had made a valid application under it before 1 July 2021, and that leave would not have lapsed or been cancelled, curtailed, revoked or invalidated before the date of application under this Appendix</p> <p>in addition:</p> <p>(a) 'valid' here means, in respect of a document, that it is genuine and has not expired or been cancelled or invalidated; and</p> <p>(b) where, in order to meet the requirements of sub-paragraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a copy (and not the original) of a document, the entry clearance officer can require the applicant to submit the original document where the entry clearance officer has reasonable doubt as to the authenticity of the copy submitted; and</p> <p>(c) where, in order to meet the requirements of sub-paragraph (a)(ii), (b)(ii), (b)(iii), (c)(i)(aa), (c)(ii), (d)(ii) or (d)(iii) above, the applicant submits a document which is not in English, the entry clearance officer can require the applicant to provide a certified English translation of (or a Multilingual Standard Form to accompany) the document, where this is necessary for the purposes of deciding whether the applicant meets the eligibility requirements for an entry clearance to be granted under this Appendix</p>
<p>required proof of identity and nationality</p>	<p>the valid passport of the applicant</p> <p>in addition 'valid' here means that, at the date of application, the document is genuine and has not expired or been cancelled or</p>

	invalidated
specified biometrics	a facial photograph of the applicant (within the meaning of “biometric information” in section 15 of UK Borders Act 2007) enrolled in accordance with the required application process
specified date	2300 Greenwich Mean Time on 31 December 2020
specified EEA citizen	a person who is:  (a) a national of: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland; and  (b) not also a British citizen
spouse	(a) the person is party to a marriage with a relevant EEA citizen and the marriage is recognised under the law of Jersey; and  (b) it is not a <b>marriage of convenience</b> ; and  (c) neither party has another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status in the UK or the Islands based on that person’s relationship with that party
the Islands	the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man

## Annex 2 – Consideration of a valid application

**A(J)2.1.** A valid application made under this Appendix will be decided on the basis of:

- (a) the information and evidence provided by the applicant, including in response to any request for further information or evidence made by the entry clearance officer; and
- (b) any other information or evidence made available to the entry clearance officer (including from other government departments) at the date of decision.

**A(J)2.2.(1)** For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may invite the applicant to:

- (a) provide further information or evidence that they meet those requirements; or
- (b) be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(2) For the purposes of deciding whether the applicant meets the eligibility requirements for entry clearance, the entry clearance officer may:

- (a) request that the person (“P”) on whom the applicant relies as being the relevant EEA citizen with whom the applicant is in a family relationship provide information or evidence about their relationship with the applicant; or
- (b) invite P to be interviewed by the entry clearance officer in person, by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or (as the case may be) P:

- (a) fails within a reasonable timeframe specified in the request to provide the information or evidence requested; or
- (b) on at least two occasions, fails to comply with an invitation to attend an interview in person or with other arrangements to be interviewed,

the entry clearance officer may draw any factual inferences about whether the applicant meets the eligibility requirements for entry clearance as appear appropriate in the circumstances.

- (4) The entry clearance officer may decide following the drawing of a factual inference under sub-paragraph (3) that the applicant does not meet the eligibility requirements for entry clearance.
- (5) The entry clearance officer must not decide that the applicant does not meet the eligibility requirements for entry clearance on the sole basis that the applicant or (as the case may be) P failed on at least two occasions to comply with an invitation to be interviewed.

### **Annex 3 – Revocation of entry clearance and cancellation and curtailment of leave to enter**

**A(J)3.1.** A person's entry clearance granted under this Appendix will be revoked where the person's presence in Jersey is not conducive to the public good.

**A(J)3.2.** A person's entry clearance granted under this Appendix may be revoked where the entry clearance officer is satisfied that it is proportionate to revoke that entry clearance where:

- (a) the person is subject to an exclusion decision, made in Jersey or elsewhere in the UK and Islands; or
- (b) the revocation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or
- (c) since it was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their entry clearance ought to be revoked.

**A(J)3.3.** A person's leave to enter granted by virtue of having arrived in Jersey with an entry clearance that was granted under this Appendix will be cancelled where the person's presence in Jersey is not conducive to the public good.

**A(J)3.4.** A person's leave to enter granted by virtue of having arrived in Jersey with an entry clearance that was granted under this Appendix may be cancelled where the Minister or an Immigration Officer is satisfied that it is proportionate to cancel that leave where:

- (a) the cancellation is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(b) since the entry clearance under this Appendix was granted, there has been a change in circumstances that is, or would have been, relevant to that person's eligibility for that entry clearance, such that their leave to enter ought to be cancelled.

**A(J)3.5.** A person's leave to enter granted by virtue of having arrived in Jersey with an entry clearance that was granted under this Appendix may be curtailed where the Minister is satisfied that it is proportionate to curtail that leave where:

(a) curtailment is justified on grounds that, in relation to the relevant application under this Appendix, and whether or not to the applicant's knowledge, false or misleading information, representations or documents were submitted (including false or misleading information submitted to any person to obtain a document used in support of the application); and the information, representation or documentation was material to the decision to grant the applicant an entry clearance under this Appendix; or

(b) curtailment is justified on grounds that it is more likely than not that the person has entered, attempted to enter or assisted another person to enter or to attempt to enter, a marriage, civil partnership or durable partnership of convenience.

## **APPENDIX V(J): VISITOR**

*This route is for a person who wants to visit Jersey for a temporary period, (usually for up to 6 months), for purposes such as tourism, visiting friends or family, carrying out a business activity, or undertaking a short course of study.*

*Each Visitor must meet the requirements of the Visitor route, even if they are travelling as, for example, a family group, a tour group or a school party.*

*A visa national as set out in Appendix Visitor: Visa National list must obtain entry clearance as a Visitor (visit visa) before arrival in Jersey.*

*A non-visa national can normally seek entry on arrival in Jersey.*

*There are 4 types of Visitor:*

- *Standard Visitor: for those seeking to undertake the activities set out in Appendix Visitor: Permitted Activities, for example tourism and visiting family, usually for up to 6 months. A Standard Visitor may apply for a visit visa of six months, two, five or 10 years validity, however each stay in Jersey must not exceed the permitted length of stay endorsed on the visit visa (usually 6 months)*
- *Marriage/ Civil Partnership Visitor: for those seeking to come to Jersey to marry or form a civil partnership, or give notice of marriage or civil partnership.*
- *Permitted Paid Engagement Visitor: for experts in their field coming to Jersey to undertake specific paid engagements for up to one month.*
- *Transit Visitor: for those who want to transit Jersey on route to another country outside the Common Travel Area and who will enter Jersey for up to 48 hours.*

*Visitors cannot work in Jersey unless this is expressly allowed under the permitted activities set out in Appendix Visitor: Permitted Activities.*

*Further information of how long each Visitor can stay and what they can and cannot do in Jersey is set out at V(J)17.2 and Appendix Visitor: Permitted Activities.*

### **Entry requirements for Visitors**

**V(J)1.1.** A person seeking to come to Jersey as a Visitor must apply for and obtain entry clearance before they arrive in Jersey if they are:

- (a) a visa national, unless **V(J)1.3. (b)** applies; or
- (b) seeking to marry or form a civil partnership, or give notice of marriage or civil partnership, in Jersey unless they are –
  - (i) a British citizen,
  - (ii) a national of an EEA State, or
  - (iii) a national of Switzerland;
- (c) seeking to come to Jersey as a Visitor for more than 6 months.

**V(J)1.2.** Within the period for which the entry clearance is valid, a Visitor may enter and leave Jersey multiple times, unless the entry clearance is endorsed as single or dual entry.

**V(J)1.3.** A person seeking to come to Jersey as a Visitor may apply for leave to enter on arrival in Jersey where they are:

- (a) a non-visa national, unless **V(J)1.1. (b)** or **(c)** apply; or
- (b) a visa national and an exception applies as set out in Appendix Visitor: Visa National List.

**V(J)1.4.** A child who holds entry clearance as a Visitor on arrival in Jersey must either:

- (a) hold a valid entry clearance that states they are accompanied and will be travelling with an adult identified on that entry clearance; or
- (b) hold an entry clearance which states they are unaccompanied;

otherwise the child may be refused entry to Jersey, unless they meet the requirements of **V(J)5.1.** and **V(J)5.2.**

**V(J)2.1.** A person applying for entry clearance as a Visitor must apply online on the gov.uk website on the appropriate form specified in the United Kingdom Immigration Rules.

**V(J)2.2.** A person applying for leave to remain as a Visitor must apply online on the appropriate form published by the Jersey Customs and Immigration Service.

**V(J)2.3.** An application for entry clearance or leave to remain as a Visitor must meet all the following requirements:

- (a) any fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

**V(J)2.4.** An application for entry clearance as a Visitor must be made while the applicant is outside Jersey and to a post designated to accept such applications.

**V(J)2.5.** An application for leave to remain as a Visitor must be made by a person:

- (a) in Jersey; and

(b) with leave as a Standard Visitor or Marriage/Civil Partnership Visitor.

**V(J)2.6.** An application which does not meet all the validity requirements for a Visitor is invalid and may be rejected and not considered.

### **Suitability requirements for all Visitors**

**V(J)3.1.** The applicant must not fall for refusal under **Part 9**: grounds for refusal.

**V(J)3.2.** If applying for leave to remain the applicant must not be in breach of immigration laws.

### **Eligibility requirements for Visitors**

**V(J)4.1.** The decision maker must be satisfied that the applicant (unless they are applying for entry clearance or leave to enter as a Transit Visitor) meets all of the eligibility requirements in **V(J)4.2.** to **V(J)4.6.** and that they meet the specified additional eligibility requirements where the applicant:

- (a) is a child at the date of application, they must also meet the additional requirements at **V(J)5.1.** and **V(J)5.2;** or
- (b) is coming to Jersey under the Approved Destination Status Agreement, they must also meet the requirements at **V(J)6.1;** or
- (c) is coming to Jersey to receive private medical treatment, they must also meet the additional requirements at **V(J)7.1.** to **V(J)7.3;** or
- (d) is coming to Jersey as an organ donor, they must also meet the additional requirements at **V(J)8.1.** to **V(J)8.4;** or
- (e) is an academic seeking a 12-month entry clearance, they must also meet the additional requirements at **V(J)10.1;** or
- (f) is coming to Jersey to undertake work related training, they must also meet the additional requirements at **V(J)11.1.** to **V(J)11.3;** or
- (g) is coming to Jersey to marry or form a civil partnership or give notice of intention to marry or form a civil partnership, they must also meet the additional requirements at **V(J)12.1.** and **V(J)12.2;** or
- (h) is coming to Jersey to undertake permitted paid engagements, they must also meet the additional requirements in **V(J)13.1.** to **V(J)13.3;** or
- (i) is applying for leave to remain as a Visitor, they must also meet the additional requirements at **V(J)15.1.** to **V(J)15.5.**

### **Genuine visitor requirement**

**V(J)4.2.** The applicant must satisfy the decision maker that they are a genuine visitor, which means the applicant:

- (a) will leave Jersey at the end of their visit; and
- (b) will not live in Jersey for extended periods through frequent or successive visits, or make Jersey their main home; and

- (c) is genuinely seeking entry or remain for a purpose that is permitted under the visitor route; and
- (d) will not undertake any of the prohibited activities set out in **V(J)4.4.** to **V(J)4.6;** and
- (e) must have sufficient funds to cover all reasonable costs in relation to their visit without working or accessing public funds, including the cost of the return or onward journey, any costs relating to their dependants, and the cost of planned activities, such as private medical treatment.

**V(J)4.3.** In assessing whether an applicant has sufficient funds under **V(J)4.2.(e)**, the applicant's travel, maintenance and accommodation may be provided by a third party only if that third party:

- (a) has a genuine professional or personal relationship with the applicant; and
- (b) is not, or will not be, in breach of immigration laws at the time of the decision or the applicant's entry to Jersey as a Visitor; and
- (c) can and will provide support to the applicant for the intended duration of the applicant's stay as a Visitor.

#### **Prohibited activities and payment requirements for Visitors**

**V(J)4.4.** The applicant must not intend to:

- (a) work in Jersey, which includes:
  - (i) taking employment in Jersey; and
  - (ii) doing work for an organisation or business in Jersey; and
  - (iii) establishing or running a business as a self-employed person; and
  - (iv) doing a work placement or internship; and
  - (v) direct selling to the public; and
  - (vi) providing goods and services,

unless expressly allowed by the permitted activities in Appendix Visitor: Permitted Activities or the Permitted Paid Engagements in **V(J)13.3;** or
- (b) study in Jersey, except as permitted by Appendix Visitor: Permitted Activities; or
- (c) access medical treatment, other than private medical treatment or to donate an organ (for either of these activities they must meet the relevant additional eligibility requirements); or
- (d) get married or form a civil partnership, or give notice of intention to marry or form a civil partnership, unless they are applying for entry clearance as a Marriage/Civil Partnership Visitor.

**V(J)4.5.** Permitted activities must not amount to the Visitor undertaking employment, or doing work which amounts to them filling a role or providing short-term cover for a role within a Jersey based organisation and where the Visitor is already paid and employed outside of Jersey they must remain so.

**V(J)4.6.** The Visitor must not receive payment from a Jersey source for any activities undertaken in Jersey, except for the following:

- (a) reasonable expenses to cover the cost of their travel and subsistence, including fees for directors attending board-level meetings; or
- (b) International drivers undertaking activities permitted **PA(J) 9.2.**; or
- (c) prize money; or
- (d) billing a Jersey client for their time in Jersey, where the Visitor's overseas employer is contracted to provide services to a UK company, and the majority of the contract work is carried out overseas (payment must be lower than the amount of the applicant's salary); or
- (e) multi-national companies who, for administrative reasons, handle payment of their employees' salaries from Jersey; or
- (f) Permitted Paid Engagements, where the requirements of V(J)13.1. to V(J)13.3. are met; or
- (g) undertaking activities permitted under PA(J)4 as a market stall trader at a cultural event.

#### **Additional eligibility requirements for children**

**V(J)5.1.** Adequate arrangements must have been made for a child's travel to, reception and care in Jersey.

**V(J)5.2.** If the child is not travelling with a parent or legal guardian, based in their home country or country of ordinary residence, who is responsible for their care, that parent or legal guardian must consent to the child's travel to, reception and care in Jersey and, where requested, this consent must be given in writing.

#### **Additional eligibility requirement for Visitors under the Approved Destination Status Agreement with China**

**V(J)6.1.** A person applying for entry clearance as a Visitor under the Approved Destination Status Agreement must:

- (a) be a national of the People's Republic of China; and
- (b) intend to enter, leave and travel within Jersey as a member of a tourist group under the Approved Destination Status Agreement.

#### **Additional eligibility requirements for Visitors coming to Jersey to receive private medical treatment**

**V(J)7.1.** If the applicant is suffering from a communicable disease they must have satisfied the medical inspector that they are not a danger to public health.

**V(J)7.2.** The applicant must have arranged their private medical treatment before they travel to Jersey, and must provide a letter from their doctor or consultant in Jersey detailing:

- (a) the medical condition requiring consultation or treatment; and
- (b) the estimated costs and likely duration of any treatment, which must be of a finite

duration; and

(c) where the consultation or treatment will take place.

**V(J)7.3.** If the applicant is applying for an 11-month entry clearance for the purposes of private medical treatment they must also:

- (a) provide evidence from their doctor or consultant in Jersey that the proposed treatment is likely to exceed 6 months, but not more than 11 months; and
- (b) provide a valid medical certificate if paragraph **A39** applies confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

#### **Additional eligibility requirements for Visitors coming to Jersey to donate an organ**

**V(J)8.1.** The applicant must satisfy the decision maker that they genuinely intend to donate an organ to, or be assessed as a potential organ donor for, an identified recipient in Jersey with whom they have a genetic or close personal relationship.

**V(J)8.2.** The applicant must provide written confirmation of medical tests to show that they are a donor match to the identified recipient, or that they are undergoing further tests to be assessed as a potential donor to the identified recipient.

**V(J)8.3.** The applicant must provide a letter, dated no more than 3 months before the applicant's intended date of arrival in Jersey from either:

- (a) a Jersey or UK registered medical practitioner who holds a consultant post in Jersey or who appears in the Specialist Register of the General Medical Council; or
- (b) a person specified for the same purpose under the corresponding provision in the United Kingdom Immigration Rules;

which confirms that the applicant meets the requirements in **V(J)8.1.** and **V(J)8.2.** and confirms when and where the planned organ transplant or medical tests will take place.

**V(J)8.4.** The applicant must be able to show, if required to do so, that the identified recipient is lawfully present in Jersey, or will be at the time of the planned organ transplant.

#### **V(J)9**

#### **Additional eligibility requirements for academics seeking to come to Jersey for more than 6 months**

**V(J)10.1.** An academic applying for a 12-month entry clearance must:

- (a) intend to undertake one (or more) of the permitted activities in Appendix Visitor: Permitted Activities at **PA(J)11.2.** for up to 12 months; and
- (b) be highly qualified within their own field of expertise; and
- (c) currently be working in that field at an academic institution or institution of higher education overseas; and
- (d) provide a valid medical certificate if paragraph **A39** applies confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in them.

### **Additional eligibility requirements for Visitors coming to Jersey for work related training**

**V(J)11.1.** Where the applicant is seeking to come to Jersey to undertake a clinical attachment or dental observer post as an overseas graduate from a medical, dental or nursing school, they must provide written confirmation of their offer to take up this post and confirm they have not previously undertaken this activity in Jersey.

**V(J)11.2.** Where the applicant is seeking to come to Jersey to take the Professional and Linguistic Assessment Board test, they must provide written confirmation of this from the General Medical Council.

**V(J)11.3.** Where the applicant is seeking to come to Jersey to take the Objective Structured Clinical Examinations for overseas, they must provide written confirmation of this from the Nursing and Midwifery Council.

### **Additional eligibility requirement for Visitors coming to Jersey for purpose of marriage or civil partnership**

**V(J)12.1.** The applicant must be aged 18 or over on the date of application.

**V(J)12.2.** Unless the applicant is

- (i) a British citizen,
- (ii) a national of an EEA State, or
- (iii) a national of Switzerland,

they must, within the period for which they are seeking leave as a Visitor:

- (a) intend to give notice of marriage or civil partnership in Jersey; or
- (b) intend to marry or form a civil partnership in Jersey;

which is not a sham marriage or sham civil partnership.

### **Additional eligibility requirement for Visitors coming to Jersey for Permitted Paid Engagements**

**V(J)13.1.** An applicant as a Permitted Paid Engagement Visitor must be aged 18 or over on the date of application.

**V(J)13.2.** The applicant must intend to do one (or more) of the permitted paid engagements set out in **V(J)13.3.** which must be:

- (a) arranged before the applicant travels to Jersey; and
- (b) declared as part of the application for entry clearance or leave to enter Jersey; and
- (c) evidenced by a formal invitation as required by **V(J)13.3;** and
- (d) relate to the applicant's area of expertise and occupation overseas.

**V(J)13.3.** The following are permitted paid engagements:

- (a) an academic who is highly qualified within their field of expertise, coming to examine students and/or participate in or chair selection panels, and have been

invited by a Jersey higher education institution, or a Jersey based research or arts organisation as part of that institution or organisation's assurance processes; and

- (b) an expert coming to give lectures in their subject area, where they have been invited by a Jersey higher education institution, or a Jersey based research or arts organisation, and this does not amount to filling a teaching position for the host organisation; and
- (c) an overseas designated pilot examiner coming to assess Jersey based pilots to ensure they meet the national aviation regulatory requirements of other countries, where they have been invited by an approved training organisation based in Jersey that is regulated by Jersey Civil Aviation Authority for that purpose; and
- (d) a qualified lawyer coming to provide advocacy for a court or tribunal hearing, arbitration or other form of dispute resolution for legal proceedings within Jersey, where they have been invited by a client; and
- (e) a professional artist, entertainer, or musician coming to carry out an activity directly relating to their profession, where they have been invited by a creative (arts or entertainment) organisation, agent or broadcaster based in Jersey; and
- (f) a professional sports person coming to carry out an activity directly relating to their profession, where they have been invited by a sports organisation, agent, or broadcaster based in Jersey.

### **Requirements for admission as a Visitor in transit to another country**

**V(J)14.1.** 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 Jersey as a visitor in transit to another country are that the person:

- (i) is in transit to a country outside the common travel area; 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 Jersey within 48 hours.

### **Leave to enter as a Visitor in transit**

**V(J)14.2.** A person seeking leave to enter Jersey as a Visitor in transit may be admitted for a period not exceeding 48 hours with a prohibition on employment, study and recourse to public funds, provided the Immigration Officer is satisfied that each of the requirements of paragraph **V(J)14.1** is met.

### **Refusal of leave to enter as a Visitor in transit**

**V(J)14.3.** 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 **V(J)14.1** is met.

### **Extension of stay as a Visitor in transit**

**V(J) 14.4.** 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.

### **Additional eligibility requirements for leave to remain as a Visitor**

**V(J)15.1.** The applicant must be in Jersey with leave as a Visitor.

**V(J)15.2.** Where the applicant is applying for leave to remain as a Visitor for the purpose of receiving private medical treatment they must also:

- (a) satisfy the decision maker that they have met the costs of any medical treatment received so far; and
- (b) provide a letter from a Jersey or a UK registered medical practitioner, who holds a Jersey hospital or NHS consultant post or who appears in the Specialist Register of the General Medical Council, detailing the medical condition requiring further treatment.

**V(J)15.3.** Where the applicant applying for leave to remain is an academic (or the accompanying partner or child of such an academic) they must:

- (a) continue to intend to do one (or more) of the activities at Appendix Visitor: Permitted Activities at **PA(J)11.2**; and
- (b) be highly qualified within their own field of expertise; and
- (c) have been working in that field at an academic institution or institution of higher education overseas prior to their arrival in Jersey.

**V(J)15.4.** Where the applicant is applying for leave to remain as a Visitor to resit the Professional and Linguistic Assessment Board Test they must provide written confirmation of this from the General Medical Council.

**V(J)15.5.** Where the applicant is applying for leave to remain as a Visitor and they are an overseas graduate of a medical, dental or nursing school intending to undertake an unpaid clinical attachment or dental observer post, they must have been successful in the Professional and Linguistic Assessment Board test.

### **Decision**

**V(J)16.1.** If the decision maker is satisfied that all the suitability requirements are met, and that the relevant eligibility requirements for a Visitor are met, the application will be granted, otherwise the application will be refused.

### **Period and conditions of grant for Visitors**

**V(J)17.1.** The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) no work (which does not prohibit the permitted activities in Appendix Visitor: Permitted Activities or the Permitted Paid Engagements in **V(J)13.3.**); and
- (c) no study except where permitted by Appendix **Visitor: Permitted Activities** at **PA(J)2.** and **PA(J)17.1.** to **PA(J)17.3.**

**V(J)17.2.** Entry clearance and leave to enter as a visitor will be granted for the periods set out in the following table:

	<b>Visitor type</b>	<b>Maximum initial length of stay in Jersey</b>
(a)	Standard Visitor	up to 6 months, except: <ul style="list-style-type: none"> <li>(i) a Visitor who is coming to Jersey for private medical treatment may be granted entry clearance for up to 11 months;</li> <li>(ii) an academic (or the accompanying partner or child of such an academic), who is employed by an overseas institution and is carrying out the specific permitted activities at paragraph <b>PA(J)11.2.</b>, may be granted entry clearance for up to 12 months;</li> <li>(iii) a Visitor under the Approved Destination Status Agreement may be granted entry clearance for up to 30 days.</li> </ul>
(b)	Marriage / civil partnership Visitor	up to 6 months
(c)	Permitted Paid Engagement (PPE) Visitor	up to 1 month
(d)	Transit Visitor	up to 48 hours

**V(J)17.3.** Leave to remain will be granted for the following periods:

- (a) a Standard Visitor or a Marriage/Civil partnership Visitor, who was granted leave for less than 6 months may be granted leave to remain for a period which results in the total period they can remain in Jersey (including both the original grant and the extension) not exceeding 6 months; and
- (b) a Standard Visitor who is in Jersey for private medical treatment may be granted leave to remain as a Visitor for a further 6 months, provided the purpose is for private medical treatment; and
- (c) a Standard Visitor who is in Jersey to undertake the activities in Appendix **Visitor: Permitted Activities** at **PA(J)11.2.** or the accompanying partner or child of such a Standard Visitor, may be granted leave to remain for a period which results in the total period they can remain in Jersey (including both the original grant and the extension) not exceeding 12 months; and
- (d) a Standard Visitor may be granted leave to remain as a Visitor for up to 6 months in order to resit the Professional and Linguistic Assessment Board Test; and

- (e) a Standard Visitor who is successful in the Professional and Linguistic Assessment Board Test may be granted leave to remain as a Visitor to undertake the activities in **PA(J)10.1**. (a)for a period which results in the total period they can remain in Jersey (including both the original grant and the extension) not exceeding 18 months.

## **APPENDIX VISITOR: VISA NATIONAL LIST**

List of nationalities requiring entry clearance prior to travel to Jersey as a Visitor, or for any other purpose for less than 6 months.

**VN(J) 1.1.** A person who meets one or more of the criteria below needs entry clearance (also referred to as visa) in advance of travel to Jersey as a Visitor, or for any other purpose for less than 6 months where there is no other mandatory entry clearance requirement, unless they meet one of the exceptions set out in **VN(J) 2.1**, **VN(J) 2.2** (subject to **VN(J) 2.3.**) or **VN(J) 3.1**.

(a) Nationals or citizens of the following countries or territorial entities (a “\*” indicates there are exceptions in **VN(J) 2.2** to **VN(J) 6.5**):

Afghanistan  
Albania  
Algeria  
Angola  
Armenia  
Azerbaijan  
Bahrain\*  
Bangladesh  
Belarus  
Benin  
Bhutan  
Bolivia  
Bosnia Herzegovina  
Burkina Faso  
Burundi  
Cambodia  
Cameroon  
Cape Verde  
Central African Republic  
Chad  
People's Republic of China\*  
Colombia  
Comoros  
Congo  
Côte d'Ivoire (formerly Ivory Coast)  
Cuba  
Democratic Republic of the Congo  
Djibouti  
Dominican Republic  
Ecuador  
Egypt  
Equatorial Guinea  
Eritrea  
Eswatini (formerly Swaziland)  
Ethiopia  
Fiji  
Gabon

Gambia  
Georgia  
Ghana  
Guinea  
Guinea Bissau  
Guyana  
Haiti  
India  
Indonesia\*  
Iran  
Iraq  
Jamaica  
Jordan  
Kazakhstan  
Kenya  
Korea (North)  
Kosovo  
Kuwait \*  
Kyrgyzstan  
Laos  
Lebanon  
Lesotho  
Liberia  
Libya  
Madagascar  
Malawi  
Mali  
Mauritania  
Moldova  
Mongolia  
Montenegro  
Morocco  
Mozambique  
Myanmar (formerly Burma)  
Nepal  
Niger  
Nigeria  
North Macedonia (formerly Macedonia)  
Oman\*  
Pakistan  
Peru  
Philippines

Qatar\*  
Russia  
Rwanda  
São Tomé and Príncipe  
Saudi Arabia  
Senegal  
Serbia  
Sierra Leone  
Somalia  
South Africa\*  
South Sudan  
Sri Lanka  
Sudan  
Suriname  
Syria  
Taiwan\*  
Tajikistan  
Tanzania  
Thailand  
Togo  
Tunisia  
Turkey \*  
Turkmenistan  
Uganda  
Ukraine  
United Arab Emirates\*  
Uzbekistan  
Venezuela  
Vietnam\*  
Yemen  
Zambia  
Zimbabwe

(b) stateless people; and

(c) people travelling on any document other than a national passport, or, in the case of a person to whom paragraphs **11A** and **11B** apply, a national identity card, regardless of whether the document is issued by or evidences nationality of a state not listed in VN(J) 1.1. (a), except where that document has been issued by Jersey or the United Kingdom.

### **Exceptions to the list of visa nationals**

#### **Holders of specified travel documents**

**VN(J) 2.1.** It is not necessary for a Transit Visitor to hold an entry clearance before they travel to Jersey if they are travelling on an emergency travel document issued by, and evidencing the nationality of, a country not listed in VN(J) 1.1.(a) and the purpose of their Transit is to travel to the country in which they are ordinarily resident.

**VN(J) 2.2.** The following people do not need a visit visa before they travel to Jersey as a Visitor, other than where **VN(J) 2.3.** applies:

(a) nationals or citizens of the People's Republic of China who hold a passport issued by the Hong Kong Special Administrative Region; or

(b) nationals or citizens of the People's Republic of China who hold a passport issued by the Macao Special Administrative Region; or

(c) nationals or citizens of Taiwan who hold a passport issued by Taiwan that includes in it the number of the identification card issued by the competent authority in Taiwan; or

(d) people who hold a Service, Temporary Service or Diplomatic passport issued by the Holy See; or

(e) nationals or citizens of Oman who hold a diplomatic or special passport issued by Oman; or

(f) nationals or citizens of Qatar who hold a diplomatic or special passport issued by Qatar; or

(g) nationals or citizens of the United Arab Emirates who hold a diplomatic or special passport issued by the United Arab Emirates; or

(h) nationals or citizens of Turkey who hold a diplomatic passport issued by Turkey; or

(i) nationals or citizens of Kuwait who hold a diplomatic or special passport issued by Kuwait; or

(j) nationals or citizens of Bahrain who hold a diplomatic or special passport issued by Bahrain; or

(k) nationals or citizens of South Africa who hold a diplomatic passport issued by South Africa; or

(l) nationals or citizens of Vietnam who hold a diplomatic passport issued by Vietnam; or

(m) nationals or citizens of Indonesia who hold a diplomatic passport issued by Indonesia.

**VN(J) 2.3. VN(J) 2.2.** does not apply where the person is:

(a) visiting Jersey to marry or to form a civil partnership, or to give notice of marriage or civil partnership, unless they are (i) a British citizen, (ii) a national of an EEA State other than the UK or (iii) an national of Switzerland; or

(b) seeking to visit the UK or Jersey for more than 6 months.

**Exception where the applicant holds an Electronic Visa Waiver (EVW) Document (Kuwait, Oman, Qatar and United Arab Emirates nationals or citizens only)**

**VN(J) 3.1.** The holder of a valid Electronic Visa Waiver (EVW) Document does not need to obtain a visit visa, or a visa for entry for 6 months or less where there is no mandatory entry clearance requirement, in advance of arrival in Jersey or the United Kingdom, but can instead apply for permission to enter at the Jersey or UK border.

**VN(J) 3.2. VN(J) 3.1.** will not apply (meaning that the person will normally be refused permission to enter Jersey or the United Kingdom) unless the EVW Document is used in the manner specified in **VN(J) 6.1. to VN(J) 6.5.**

**VN(J) 3.3.** An EVW Document relates to one person and may only be used for one application for permission to enter Jersey or the United Kingdom.

**Obtaining an Electronic Visa Waiver Document**

**VN(J) 4.1.** Only passport holders who are nationals or citizens of Kuwait, Oman, Qatar or the United Arab Emirates can obtain and use an EVW document.

**VN(J) 4.2.** To obtain an EVW Document, a person must provide the required biographic and travel information at the website established by the UK Government at <https://www.electronic-visa-waiver.service.gov.uk/>.

**VN(J) 4.3.** EVW Documents are issued to the applicant in electronic form.

### **Validity Requirements for an Electronic Visa Waiver Document**

**VN(J) 5.1.** To be valid the biographic details on the EVW Document must match those of the holder's passport, except where:

- (a) an apostrophe, space or hyphen is present in the holder's name on their EVW Document but is not present in the holder's name on their passport; or
- (b) an apostrophe, space or hyphen is present in the holder's name on their passport but is not present in the holder's name on their EVW Document.

**VN(J) 5.2.** To be valid an EVW Document must be able to be presented by the holder:

- (a) in clear, legible format; and
- (b) in English; and
- (c) electronically or in printed form.

**VN(J) 5.3.** To be valid the EVW Document must specify the flight or ship on which the holder intends to arrive in Jersey, including the port of departure and arrival, and the scheduled date and time of departure and arrival, unless **VN(J) 5.4.** or **VN(J) 5.5.** applies.

**VN(J) 5.4.** .

**VN(J) 5.5.** .

**VN(J) 5.6.** For the EVW to be valid the required information must be submitted at least 48 hours before the holder departs on a flight or ship to Jersey.

**VN(J) 5.7.** To be valid the EVW Document must not have been issued more than 3 months before the date of the holder's scheduled departure to Jersey as specified on the EVW Document.

### **Use of the Electronic Visa Waiver Document**

**VN(J) 6.1.** The holder must present the EVW Document to an Immigration Officer on request upon the holder's arrival in Jersey.

**VN(J) 6.2.** Where the holder has presented a printed copy of the EVW Document, it must be surrendered to an Immigration Officer upon request.

**VN(J) 6.3.** The holder must travel on the flight or ship specified on the EVW Document unless **VN(J) 6.4.** or **VN(J) 6.5.** applies.

**VN(J) 6.4.** If the holder travels on a different flight or ship from that specified in the EVW Document it must depart from the same port and arrive at the same Jersey port as specified on the EVW Document and depart after the departure time specified on the EVW Document and arrive in Jersey no more than 8 hours after the arrival time specified on the EVW Document.

**VN(J) 6.5.** .

### **APPENDIX VISITOR: PERMITTED ACTIVITIES**

**PA(J)1.** Visitors are permitted to undertake the following activities:

	<b>Visitor type</b>	<b>Visitors of this type can:</b>
(a)	Standard Visitor	do all permitted activities in Appendix Visitor: Permitted Activities, except Visitors under the Approved Destination Status Agreement may only do the activities in <b>PA(J)2(a)</b> .
(b)	Marriage / civil partnership Visitor	marry or form a civil partnership, or give notice of marriage or civil partnership and do all permitted activities in Appendix <b>Visitor: Permitted Activities</b> other than study as described in <b>PA(J)17.1. to PA(J)17.3.</b> and transit as described in <b>PA(J)18.</b>
(c)	Permitted Paid Engagement (PPE) Visitor	do the permitted paid engagements in Appendix <b>V(J): Visitor at V(J)13.3.</b> and all permitted activities in Appendix <b>Visitor: Permitted Activities</b> other than study as described in <b>PA(J)17.1. to PA(J)17.3.</b> and transit as described in <b>PA(J)18.</b>
(d)	Transit	transit Jersey as described in <b>PA(J)18.</b>

## **Tourism and Leisure**

**PA(J)2.** A Visitor may:

- (a) visit friends and family and / or come to Jersey for a holiday; and
- (b) take part in educational exchanges or visits with a school or other educational institution in the wholly maintained sector; and
- (c) attend recreational courses (not English Language training) for a maximum of 30 days.

## **Volunteering**

**PA(J)3.** A Visitor may undertake volunteering provided it lasts no more than 30 days in total and is for a charity that is registered under the Charities (Jersey) Law 2014, or registered with either the Charity Commission for England and Wales; the Charity Commission for Northern Ireland; or the Office of the Scottish Charity Regulator.

## **General Business Activities**

**PA(J)4.** A Visitor may:

- (a) attend meetings, conferences, seminars, interviews; and
- (b) give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser; and
- (c) negotiate and sign deals and contracts; and
- (d) attend trade fairs, for promotional work only, provided the Visitor is not directly selling; and
- (e) carry out site visits and inspections; and

- (f) gather information for their employment overseas; and
- (g) be briefed on the requirements of a Jersey based customer, provided any work for the customer is done outside of Jersey; and
- (h) attend a cultural event as a market stall trader.

### **Intra-corporate Activities**

**PA(J)5.** An employee of an overseas based company may:

- (a) advise and consult; and
- (b) trouble-shoot; and
- (c) provide training; and
- (d) share skills and knowledge,

on a specific internal project with UK or Islands employees of the same corporate group, provided no work is carried out directly with clients.

**PA(J)6.** An internal auditor may carry out regulatory or financial audits at a UK or Islands branch of the same group of companies as the Visitor's employer overseas.

### **Manufacture and supply of goods to Jersey**

**PA(J)7.** An employee of an overseas company may install, dismantle, repair, service or advise on machinery, equipment, computer software or hardware (or train Jersey based workers to provide these services) where there is a contract of purchase, supply or lease with a UK or Islands company or organisation and either:

- (a) the overseas company is the manufacturer or supplier; or
- (b) the overseas company is part of a contractual arrangement for after sales services agreed at the time of the sale or lease or subsequent to the sale or lease in accordance with normal business practice, including in a warranty or other service contract incidental to the sale or lease.

### **Clients of Jersey export companies**

**PA(J)8.** A client of a Jersey export company may be seconded to Jersey company in order to oversee the requirements for goods and services that are being provided under contract by the Jersey company or its subsidiary company, provided the two companies are not part of the same group.

### **Overseas roles requiring specific activities in Jersey**

**PA(J)9.1.** Individuals employed outside Jersey may visit Jersey to take part in the following activities in relation to their employment overseas:

- (a) a translator and/or interpreter may translate and/or interpret in Jersey as an employee of an enterprise located overseas; or

- (b) personal assistants and bodyguards may support an overseas business person in carrying out permitted activities, provided they will attend the same event(s) as the business person and are employed by them outside Jersey. They must not be providing personal care or domestic work for the business person; or
- (c) a tour group courier, contracted to a company with its headquarters outside Jersey, who is entering and departing Jersey with a tour group organised by their company; or
- (d) a journalist, correspondent, producer or cameraman gathering information for an overseas publication, programme or film; or
- (e) archaeologists taking part in a one-off archaeological excavation; or
- (f) a professor from an overseas academic institution accompanying students to Jersey as part of a study abroad programme, may provide a small amount of teaching to the students at the host organisation providing this does not amount to filling a permanent teaching role for that institution; or
- (g) market researchers and analysts may conduct market research or analysis for an enterprise located outside of Jersey.

**PA(J)9.2.** Drivers on a genuine international route between Jersey and a country outside Jersey may:

- (a) deliver or collect goods or passengers from a country outside Jersey to Jersey; and
- (b) undertake cabotage operations.

**PA(J)9.3.** Drivers must be employed or contracted to an operator registered in a country outside Jersey or be a self-employed operator and driver based outside Jersey. The operator must hold an International Operator Licence or be operating on an own account.

### **Work-related training**

**PA(J)10.1.** Overseas graduates from medical, dental or nursing schools may:

- (a) undertake clinical attachments or dental observer posts provided these are unpaid and involve no treatment of patients, where the additional requirements of Appendix V(J): Visitor at V(J)11.1. are also met; and
- (b) take the following test/examination in Jersey:
  - (i) the Professional and Linguistic Assessment Board test, where the additional requirements of Appendix **V(J): Visitor** at **V(J)11.2.** are also met; or
  - (ii) the Objective Structured Clinical Examinations for overseas, where the additional requirements of Appendix **V(J): Visitor** at **V(J)11.3.** are also met.

**PA(J)10.2.** Employees of an overseas company or organisation may receive training from a Jersey based company or organisation in work practices and techniques which are required for the Visitor's employment overseas and not available in their home country.

**PA(J)10.3.** An employee of an overseas based training company may deliver a short series of training to employees of a Jersey based company, where the trainer is employed by an

overseas business contracted to deliver global training to the international corporate group to which Jersey based company belongs.

## **Science and academia**

**PA(J)11.1.** Scientists and researchers may:

- (a) gather information and facts for a specific project which directly relates to their employment overseas, or conduct independent research; and
- (b) share knowledge or advise on an international project that is being led from Jersey, provided the Visitor is not carrying out research in Jersey.

**PA(J)11.2.** Academics may:

- (a) take part in formal exchange arrangements with Jersey counterparts (including doctors); and
- (b) carry out research for their own purposes if they are on sabbatical leave from their home institution; and
- (c) if they are an eminent senior doctor or dentist, take part in research, teaching or clinical practice provided this does not amount to filling a permanent teaching post.

## **Legal**

**PA(J)12.1.** An expert witness may visit Jersey to give evidence in a Jersey court; other witnesses may attend a court hearing in Jersey if summoned in person by a Jersey court.

**PA(J)12.2.** An overseas lawyer may advise a Jersey based client on specific international litigation and/or an international transaction.

## **Religion**

**PA(J)13.** Religious workers overseas may visit Jersey to preach or do pastoral work.

## **Creative**

**PA(J)14.1.** An artist, entertainer, or musician may:

- (a) give performances as an individual or as part of a group; and
- (b) take part in competitions or auditions; and
- (c) make personal appearances and take part in promotional activities.

**PA(J)14.2.** Personal or technical staff or members of the production team of an artist, entertainer or musician may support the activities in **PA(J)14.1.** or Appendix **V(J): Visitor** at **V(J)13.3 (e)** provided they are attending the same event as the artist, entertainer or musician, and are employed to work for them outside of Jersey.

**PA(J)14.3.** Film crew (actor, producer, director or technician) employed by an overseas company may visit Jersey to take part in a location shoot for a film or programme or other media content that is produced and financed overseas.

## **Sports**

**PA(J)15.1.** A sports person may:

- (a) take part in a sports tournament or sports event as an individual or part of a team; and
- (b) make personal appearances and take part in promotional activities; and
- (c) take part in trials provided they are not in front of a paying audience; and
- (d) take part in short periods of training provided they are not being paid by a UK or Islands sporting body; and
- (e) join an amateur team or club to gain experience in a particular sport if they are an amateur in that sport.

**PA(J)15.2.** Personal or technical staff of the sports person, or sports officials, may support the activities in **PA(J)15.1.** or in Appendix **V(J): Visitor** at **V(J)13.3(f)**, if they are attending the same event as the sports person. Personal or technical staff of the sports person must be employed to work for the sports person outside Jersey.

### **Medical treatment and organ donation**

**PA(J)16.1.** A Visitor may receive private medical treatment provided the additional requirements at **Appendix V(J): Visitor** at **V(J)7.1.** to **V(J)7.3.** are also met.

**PA(J)16.2.** A Visitor may act as an organ donor or be assessed as a potential organ donor to an identified recipient in Jersey, provided the additional requirements at Appendix **V(J): Visitor** at **V(J)8.1.** to **V(J)8.4.** are also met.

### **Study as a Visitor**

**PA(J)17.1.** A Visitor may study for up to 6 months at a school or other educational institution, provided the study is not at a school in the wholly maintained sector.

**PA(J)17.2.** A Visitor may undertake research or be taught about research (research tuition) at a Jersey institution, where they are aged 16 years or over and enrolled on a course of study abroad equivalent to at least degree level study in Jersey.

**PA(J)17.3.** A Visitor who has been accepted by a higher education provider (being an institution referred to in the definition of “higher education provider” in the United Kingdom Immigration Rules) may undertake electives relevant to their course of study overseas, providing these are unpaid, involve no treatment of patients, and the Visitor is:

- (a) aged 16 years or over; and
- (b) enrolled on a course of study abroad equivalent to at least degree level study in Jersey; and
- (c) studying medicine, veterinary medicine and science, or dentistry as their principal course of study.

### **Transit**

**PA(J)18.** A Visitor may transit Jersey, provided they meet the requirements of Appendix **V(J): Visitor** at **V(J)14.1.** to **V(J)14.4.**

## APPENDIX HK(J) BRITISH NATIONAL (OVERSEAS)

*The Hong Kong British National (Overseas) route covers two routes –*

- (i) the BN(O) Status Holder route; and*
- (ii) the BN(O) Household Member route.*

*The BN(O) **Status Holder route** is for a British National (Overseas) citizen who is ordinarily resident in Hong Kong and wants to live and work in Jersey.*

*A dependent partner and a dependent child of a British National (Overseas) citizen can, if they are ordinarily resident in Hong Kong, apply under this route. In exceptional circumstances, other family members with a high degree of dependency may also apply.*

*The BN(O) **Household Member route** is for the adult child, born on or after 1 July 1997, of a BN(O) citizen. The BN(O) Household Member, and any dependent partner or child applying under this route must be ordinarily resident in Hong Kong and form part of the same household as the British National (Overseas) citizen.*

*The Hong Kong British National (Overseas) routes allow work and study in Jersey and are routes to settlement.*

### *(i) BN(O) STATUS HOLDER ROUTE*

#### **Validity requirements for Status Holder route**

**HK(J) 1.1.** A person applying for entry clearance as a BN(O) Status Holder must apply online on gov.uk on the appropriate form specified in the United Kingdom Immigration Rules.

**HK(J) 1.2.** An application for entry clearance or leave to remain as a BN(O) Status Holder must meet all the following requirements:

- (a) any immigration fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality.

**HK(J) 1.3.** The applicant must be aged 18 years or over at the date of application.

**HK(J) 1.4.** An application which does not meet all the validity requirements for a BN(O) Status Holder is invalid and may be rejected and not considered.

#### **Suitability requirements for BN(O) Status Holder**

**HK(J) 2.1.** The applicant must not fall for refusal under **Part 9** grounds for refusal.

**HK(J) 2.2.** If applying for leave to remain the applicant must not be in breach of immigration laws.

*Eligibility requirements for BN(O) Status Holder*

### **Entry requirement for BN(O) Status Holder**

**HK(J) 3.1.** A person seeking to come to Jersey as a BN(O) Status Holder must apply for and obtain an entry clearance as a BN(O) Status Holder before they arrive in Jersey.

**HK(J) 3.2.** A person applying for entry clearance as a BN(O) Status Holder must, if paragraph **A39** applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

### **BN(O) Status holder requirement**

**HK(J) 4.1.** The applicant must be a British National (Overseas) under the Hong Kong (British Nationality) Order 1986.

### **Ordinary residence in Hong Kong requirement for BN(O) Status Holder**

**HK(J) 5.1.** An applicant applying for entry clearance must be ordinarily resident in Hong Kong at the date of application.

**HK(J) 5.2.** An applicant applying for leave to remain must be in Jersey, and must be ordinarily resident in Jersey, the United Kingdom, the Bailiwick of Guernsey, the Isle of Man or Hong Kong on the date of application.

### **Financial requirement for BN(O) Status Holder**

**HK(J) 6.1.** If the applicant is applying for leave to remain and has been in Jersey for 12 months or more on the date of application, they will meet the financial requirement.

**HK(J) 6.2.** Where the applicant is applying for entry clearance, or is applying for leave to remain and has been in Jersey for less than 12 months on the date of application, the decision maker must be satisfied that the applicant can adequately maintain and accommodate themselves without recourse to public funds, for a period of at least 6 months.

**HK(J) 6.3.** For the purposes of **HK(J) 6.2.** accommodation will not be regarded as adequate if:

- (a) it is or will be overcrowded; or
- (b) it contravenes any statutory public health requirement.

### **In-country tuberculosis requirement for BN(O) Status Holder**

**HK(J) 7.1.** If the applicant is applying for leave to remain and:

- (a) their last grant of leave was for 6 months or less;
- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than 6 months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**HK(J) 7.2.** In **HK(J) 7.1.** a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a centre approved for the

purposes of this Rule by the Minister, issued within the 6 months immediately before the date of application.

**HK(J) 7.3.** The in-country tuberculosis requirement is met where a person has provided a medical certificate described in **HK(J) 7.1.** as part of a successful application for entry clearance in the 12 months before the date of application.

#### **Decision for BN(O) Status Holder**

**HK(J) 8.1.** If the decision-maker is satisfied that all the suitability and eligibility requirements for a BN(O) Status Holder are met, the application will be granted, otherwise the application will be refused.

#### **Period and conditions of grant for BN(O) Status Holder**

**HK(J) 9.1.** The applicant will be granted leave for either:

- (a) a period of 5 years, where the applicant has applied for a period of 5 years; or
- (b) a period of 30 months, where the applicant has applied for a period of 30 months.

**HK(J) 9.2.** The leave will be granted subject to the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach).

#### **Dependents on the BN(O) Status Holder route**

##### **Validity requirements for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 10.1.** A person applying for entry clearance as a dependent partner or BN(O) Household Child on the BN(O) Status Holder route must apply online on gov.uk on the appropriate form specified in the United Kingdom Immigration Rules.

**HK(J) 10.2.** An application for entry clearance or leave to remain as a partner or BN(O) Household Child on the BN(O) Status Holder route must meet all the following validity requirements:

- (a) any immigration fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality.

**HK(J) 10.3.** An application which does not meet the validity requirements for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route is invalid and may be rejected and not considered.

##### **Suitability requirements for a dependent partner or BN(O) Child on the Hong Kong BN(O) Status Holder route**

**HK(J) 11.1.** The applicant must not fall for refusal under **Part 9**: grounds for refusal.

**HK(J) 11.2.** If applying for leave to remain the applicant must not be in breach of immigration laws.

*Eligibility requirements for a partner or BN(O) Household Child on the BN(O) Status Holder route*

**Entry requirements for a partner or BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 12.1.** A person seeking to come to Jersey as a partner or BN(O) Household child on the BN(O) Status Holder route must apply for and obtain an entry clearance as a partner or BN(O) Household child before they arrive in Jersey.

**HK(J) 12.2.** A person applying for entry clearance on the BN(O) Status Holder route must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**Relationship requirement for dependent partner on the BN(O) Status Holder route**

**HK(J) 13.1.** If the applicant is applying for leave to remain and they have leave as a dependent partner on the BN(O) Status Holder route on the date of application, they will meet the relationship requirement.

**HK(J) 13.2.** Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave as a partner on the BN(O) Status Holder route they must meet the relationship requirement in HK(J) 13.3. to HK(J) 13.7.

**HK(J) 13.3.** The applicant must be the partner of a person (P) where one of the following applies:

- (a) P has permission on the Hong Kong BN(O) route; or
- (b) P is, at the same time, applying for (and is granted) entry clearance or permission on the Hong Kong BN(O) route.

**HK(J) 13.4.** The applicant and the BN(O) Status Holder must be both aged 18 or over at the date of application.

**HK(J) 13.5.** If the applicant and the BN(O) Status Holder are not married or in a civil partnership, all the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the 2 years before the date of application; and
- (b) any previous relationship of the applicant or the BN(O) Status Holder with another person must have permanently broken down; and
- (c) they must not be so closely related that they would not be allowed to marry in Jersey.

**HK(J) 13.6.** The relationship between the applicant and the BN(O) Status Holder must be genuine and subsisting.

**HK(J) 13.7.** The applicant and the BN(O) Status Holder must intend to live together throughout

the applicant's stay in Jersey.

### **Financial requirement for dependent partner on the BN(O) Status Holder route**

**HK(J) 14.1.** If the applicant is applying for leave to remain and has been in Jersey for 12 months or more on the date of application, they will meet the financial requirement.

**HK(J) 14.2.** If the applicant is applying for entry clearance or is applying for leave to remain and has been in Jersey for less than 12 months, the decision maker must be satisfied that the applicant or the BN(O) Status Holder are able to maintain and accommodate the applicant adequately in Jersey without recourse to public funds for at least 6 months.

**HK(J) 14.3.** For the purposes of **HK(J) 14.2.** accommodation will not be regarded as adequate if:

- (a) it is or will be overcrowded; or
- (b) it contravenes a statutory public health requirement.

### **Relationship requirement for BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 15.1.** The applicant must be the child of a parent who has, or is at the same time being granted, leave as:

- (a) the child of a parent who has, or is at the same time being granted, entry clearance or leave as
  - (i) a BN(O) Status Holder, or
  - (ii) the partner of a BN(O) Status Holder;
- (b) the grandchild of a grandparent who has, or is at the same time being granted, entry clearance or leave as –
  - (i) a BN(O) Status Holder, or
  - (ii) the partner of a BN(O) Status Holder.

**HK(J) 15.2.** If the applicant is applying for entry clearance or permission to stay as the grandchild of a grandparent who has, or is at the same time being granted, entry clearance or permission to stay as either a BN(O) Status Holder or the partner of a BN(O) Status Holder and the applicant has not previously had permission as a BN(O) Household Child on the BN(O) Status Holder route, they must:

- (a) make an application at the same time as the grandparent who is applying for entry clearance or permission on the BN(O) Status Holder route; and
- (b) form part of the same household as the BN(O) Status Holder on the date of application .

**HK(J) 15.3.** In **HK(J) 15.2.(b)** a person will form part of the same household as the BN(O) Status Holder if they normally live with the BN(O) Status Holder.

**HK(J) 15.4.** Each of the applicant's parents must either be applying at the same time as the applicant, or have permission to be in Jersey (other than as a Visitor), unless:

(a) the parent with entry clearance or permission to stay as a BN(O) Status Holder or as a partner of a BN(O) Status Holder is the sole surviving parent; or

(b) the parent with entry clearance or permission to stay as a BN(O) Status Holder or as a partner of a BN(O) Status Holder has sole responsibility for the applicant's upbringing; or

(c) the parent who does not have permission as a BN(O) Status Holder or as a partner of a BN(O) Status Holder –

(i) is a British citizen or a person who has a right to enter or stay in Jersey without restriction; and

(ii) is or will be ordinarily resident in Jersey; or

(d) there are serious and compelling reasons to grant the applicant entry clearance or permission to stay with the parent who has permission on the Hong Kong BN(O) route; or

(e) the applicant falls within **HK 15.1(b)** and there are serious and compelling reasons to grant the applicant entry clearance or permission to stay with the grandparent with entry clearance or permission to stay as a BN(O) Status Holder or as a partner of a BN(O) Status Holder.

**HK(J) 15.5.** If the applicant is a child born in Jersey to a BN(O) Status Holder or their partner, the applicant must provide a full Jersey birth certificate showing the names of both parents.

#### **Care requirement for a BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 16.1.** The applicant must intend to live with a parent or grandparent who has leave on the Hong Kong BN(O) route during their stay in Jersey, unless they can demonstrate a valid reason why they should not live with that person.

**HK(J) 16.2.** There must be suitable arrangements for the applicant's care and accommodation in Jersey, which must comply with relevant Jersey legislation and regulations.

#### **Age requirement for a BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 17.1.** The applicant must be under the age of 18 at the date of application.

#### **Financial requirement for a BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 18.1.** If the applicant is applying for leave to remain and has been in Jersey with leave for 12 months or more on the date of application, they will meet the financial requirement.

**HK(J) 18.2.** Where the applicant is applying for entry clearance, or is applying for leave to remain and has been in Jersey with leave for less than 12 months, the decision maker must be satisfied that the BN(O) Status Holder or their partner is able to maintain and accommodate the BN(O) Household Child adequately in Jersey without recourse to public funds for at least 6 months.

**HK(J) 18.3.** For the purposes of **HK(J) 18.2** accommodation will not be regarded as adequate if:

(a) it is or will be overcrowded; or

(b) it contravenes a statutory public health requirement.

#### **Ordinary residence in Hong Kong requirement for dependent partner or BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 19.1.** If the applicant is applying for entry clearance as a dependant partner or **BN(O) Household Child**, the applicant must be ordinarily resident in Hong Kong at the date of application.

**HK(J) 19.2.** An applicant applying for leave to remain must be in Jersey and must be ordinarily resident in Jersey, the United Kingdom, the Bailiwick of Guernsey, the Isle of Man or Hong Kong on the date of application.

**In-country Tuberculosis requirement for a dependant partner or BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 20.1.** If the applicant is applying for leave to remain and:

- (a) their last grant of leave was for 6 months or less;
- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than 6 months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**HK(J) 20.2.** In **HK(J) 20.1.** a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a centre approved for the purposes of this Rule by the Minister, issued within the 6 months immediately before the date of application.

**HK(J) 20.3.** The in-country tuberculosis requirement is met where a person has provided a medical certificate described in **HK(J) 20.1.** as part of a successful application for entry clearance in the 12 months before the date of application.

**Decision on application for a dependant partner or BN(O) Household Child on the Hong Kong BN(O) route**

**HK(J) 21.1.** If the decision maker is satisfied that all the suitability and eligibility requirements for a dependant partner or dependent BN(O) Household Child on the BN(O) Status Holder route are met the application will be granted, otherwise the application will be refused.

### **Period and conditions of grant for a dependent partner or BN(O) Household Child on the BN(O) Status Holder route**

**HK(J) 22.1.** A partner who does not have leave on the BN(O) Status Holder route on the date of application, will be granted leave which ends on the same date as the leave of the BN(O) Status Holder.

**HK(J) 22.2.** If the partner has leave on the Hong Kong BN(O) route on the date of application, they will be granted leave for either:

- (a) 30 months, if the partner applied for 30 months; or
- (b) 5 years, if the partner applied for 5 years.

**HK(J) 22.3.** A BN(O) Household Child who does not have permission on the BN(O) Status Holder route on the date of application, will be granted permission which ends on the same date as the permission of the BN(O) Status Holder who has (or is being granted) permission.

**HK(J) 22.4.** If the BN(O) Household Child who has leave on the BN(O) Status Holder route on the date of application they will:

- (a) where the BN(O) Household Child is applying as the dependent of one parent or grandparent with leave as a BN(O) Status Holder or the partner of a BN(O) Status Holder, be granted leave that ends on the same date as that parent or grandparent; or
- (b) where the BN(O) Household Child is applying as the dependent of both parents or grandparents with leave as a BN(O) Status Holder or the partner of a BN(O) Status Holder, be granted leave that ends on the same date as those parents or grandparents, if different, the same date as the parent or grandparent whose leave ends first.

**HK(J) 22.5.** The leave will be granted subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach).

(ii) BN(O) HOUSEHOLD MEMBER ROUTE

### **Validity requirements for the BN(O) Household Member route**

**HK(J) 23.1.** A person applying for entry clearance on the BN(O) Household Member route must apply online on gov.uk on the appropriate form specified in the United Kingdom Immigration Rules.

**HK(J) 23.2.** An application for entry clearance or leave to remain a on the BN(O) Household Member route must meet all the following requirements:

- (a) any immigration fee must have been paid;
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other document which satisfactorily

established their identity and nationality.

**HK(J) 23.3.** The applicant must have been born on or after 1 July 1997.

**HK(J) 23.4.** The applicant must be aged 18 or over on the date of application.

**HK(J) 23.5.** The applicant must not have, or have last had, leave as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route.

**HK(J) 23.6.** An application which does not meet the validity requirements for the BN(O) Household Member route is invalid and may be rejected and not considered.

### **Suitability requirements for the BN(O) Household Member route**

**HK(J) 24.1.** The applicant must not fall for refusal under **Part 9**: grounds for refusal.

**HK(J) 24.2.** If applying for leave to remain the applicant must not be in breach of immigration laws.

### *Eligibility requirements for the BN(O) Household Member route*

#### **Entry requirement for a BN(O) Household Member**

**HK(J) 25.1.** A person seeking to come to Jersey on the BN(O) Household Member route must apply for and obtain an entry clearance on the BN(O) Household Member route before they arrive in Jersey.

**HK(J) 25.2.** A person applying for entry clearance as a BN(O) Household Member must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

#### **Relationship requirement for a BN(O) Household Member**

**HK(J) 26.1.** If the applicant is applying for leave to remain and they have leave on the Hong Kong British National (Overseas) route on the date of application, they will meet the relationship requirement.

**HK(J) 26.2.** If the applicant is applying for entry clearance or leave to remain and they do not have leave on the Hong Kong British National (Overseas) route on the date of application, the applicant:

- (a) must be the child of a person who is being granted leave on the BN(O) Status Holder route at the same time that the applicant is being granted leave; and
- (b) must form part of the same household as the BN(O) Status Holder.

**HK(J) 26.3.** In **HK(J) 26.2.** a person will form part of the same household as the BN(O) Status Holder if they normally live with the BN(O) Status Holder.

#### **Financial requirement for a BN(O) Household Member**

**HK(J) 27.1.** If the applicant is applying for leave to remain and has been in Jersey for 12 months or more on the date of application, they will meet the financial requirement.

**HK(J) 27.2.** If the applicant is applying for entry clearance, or is applying for leave to remain

and they have been in Jersey for less than 12 months, the decision maker must be satisfied that the applicant or a person who is being granted leave on the BN(O) Status Holder route at the same time as the applicant, is able to and will maintain and accommodate the applicant adequately in Jersey without recourse to public funds for at least 6 months.

**HK(J) 27.3.** For the purposes of HK(J) 28.2 accommodation will not be regarded as adequate if:

- (a) it is or will be overcrowded; or
- (b) it contravenes a statutory public health requirement.

### **Ordinary residence in Hong Kong requirement for a BN(O) Household Member**

**HK(J) 28.1.** An applicant applying for entry clearance must be ordinarily resident in Hong Kong at the date of application.

**HK(J) 28.2.** An applicant applying for leave to remain must be in Jersey and must be ordinarily resident in Jersey, the United Kingdom, the Bailiwick of Guernsey, the Isle of Man or Hong Kong.

### **In-country tuberculosis certificate requirement for a BN(O) Household Member**

**HK(J) 29.1.** If the applicant is applying for leave to remain and:

- (a) their last grant of leave was for less than 6 months or less;
- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than 6 months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**HK(J) 29.2.** In **HK(J) 29.1.** a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a centre approved for the purposes of this Rule by the Minister, issued within the 6 months immediately before the date of application.

**HK(J) 29.3.** The in-country tuberculosis requirement is met where a person has provided a medical certificate described in **HK(J) 29.1.** as part of a successful application for entry clearance in the 12 months before the date of application.

### **Decision on application for a BN(O) Household Member**

**HK(J) 30.1.** If the decision maker is satisfied that all the suitability and eligibility requirements on the BN(O) Household Member route are met the application will be granted, otherwise the application will be refused.

### **Conditions and period of grant for a BN(O) Household Member**

**HK(J) 31.1.** If the applicant does not have leave on the Hong Kong British National (Overseas) route on the date of application, the applicant will be granted leave which ends on the same date as the leave of the BN(O) Status Holder who is part of the same household as the applicant.

**HK(J) 31.2.** If the applicant has leave on the Hong Kong British National (Overseas) route on the date of application, they will be granted leave for either:

- (a) 30 months, if the applicant applied for 30 months; or
- (b) 5 years, if the applicant applied for 5 years.

**HK(J) 31.3.** The grant will be subject to all the following conditions:

- (a) no access to public funds;
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson, including as a sports coach.

#### DEPENDANTS OF BN(O) HOUSEHOLD MEMBERS

#### **Validity requirements for a dependent partner or dependent child of a BN(O) Household Member on the Hong Kong BN(O) route**

**HK(J) 32.1.** A person applying for entry clearance as a dependent partner or child on the BN(O) Household Member route must apply online on gov.uk on the appropriate form specified in the United Kingdom Immigration Rules.

**HK(J) 32.2.** An application for entry clearance or leave to remain as a dependent partner or child on the BN(O) Household Member route must meet all the following validity requirements:

- (a) any immigration fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality.

**HK(J) 32.3.** An applicant who is a dependent child must be the child of a person who is making an application for entry clearance or leave to remain on the BN(O) Household Member route at the same time as the applicant.

**HK(J) 32.4.** An application which does not meet the validity requirements for a dependent partner or dependent child on the BN(O) Household Member route is invalid and may be rejected and not considered.

#### **Suitability requirements for a dependent partner or child on the BN(O) Household Member route**

**HK(J) 33.1.** The applicant must not fall for refusal under **Part 9**: grounds for refusal.

**HK(J) 33.2.** If applying for leave to remain the applicant must not be in breach of immigration laws.

#### *Eligibility requirements for a dependent partner or child on the BN(O) Household Member route*

#### **Entry requirements for a partner or child on the BN(O) Household Member route**

**HK(J) 34.1.** A person seeking to come to Jersey as a partner or child on the BN(O) Household

Member route must apply for and obtain an entry clearance as a partner or child before they arrive in Jersey.

**HK(J) 34.2.** A person applying for entry clearance as the dependent partner or child of a BN(O) Household Member must, if paragraph A39 applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

#### **Relationship requirement for dependent partner of a BN(O) Household Member**

**HK(J) 35.1.** If the applicant is applying for leave to remain and they have leave as a partner on the BN(O) Household Member route on the date of application, they will meet the relationship requirement.

**HK(J) 35.2.** Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave on the BN(O) Household Member route they must meet the relationship requirement as set out in HK(J) 35.3. to HK(J) 35.9.

**HK(J) 35.3.** The applicant must be the partner of a person who is making an application for entry clearance or leave to remain on the BN(O) Household Member route at the same time as the applicant.

**HK(J) 35.4.** The applicant and the BN(O) Household Member must both be aged 18 or over at the date of application.

**HK(J) 35.5.** If the applicant and the BN(O) Household Member are not married or in a civil partnership, all the following requirements must be met:

- (a) they must have been living together in a relationship similar to marriage or civil partnership for at least the 2 years before the date of application; and
- (b) any previous relationship of the applicant or the BN(O) Household Member with another person must have permanently broken down; and
- (c) they must not be so closely related that they would not be allowed to marry in Jersey.

**HK(J) 35.6.** The relationship between the applicant and the BN(O) Household Member must be genuine and subsisting.

**HK(J) 35.7.** The applicant and the BN(O) Household Member must form part of the same household on the date of application.

**HK(J) 35.8.** In HK(J) 35.7 a person will form part of the same household as the BN(O) Household Member if they normally live with the BN(O) Household Member.

**HK(J) 35.9.** The applicant and the BN(O) Household Member must intend to live together throughout the applicant's stay in Jersey.

#### **Financial requirement for partner of a BN(O) Household Member**

**HK(J) 36.1.** If the applicant is applying for leave to remain and has been in Jersey for 12 months or more on the date of application, they will meet the financial requirement.

**HK(J) 36.2.** Where the applicant is applying for entry clearance, or is applying for leave to remain and has been in Jersey for less than 12 months at the date of application the decision

maker must be satisfied that the applicant, the BN(O) Household Member or a person being granted leave on the BN(O) Status Holder route at the same time as the applicant is being granted leave is able to maintain and accommodate the applicant adequately in Jersey without recourse to public funds for at least 6 months.

**HK(J) 36.3.** For the purposes of **HK(J) 36.2.** accommodation will not be regarded as adequate if:

- (a) it is or will be overcrowded; or
- (b) it contravenes a statutory public health requirement.

#### **Relationship requirement for dependent child of a BN(O) Household Member**

**HK(J) 37.1.** The applicant must be the child of a parent who has, or is at the same time being granted, leave as:

- (a) a BN(O) Household Member or
- (b) the partner of a BN(O) Household Member.

**HK(J) 37.2.** Each of the applicant's parents must either be applying at the same time as the applicant, or have permission to be in Jersey (other than as a Visitor), unless:

- (a) the parent with entry clearance or permission to stay as a BN(O) Household Member or as a partner of a BN(O) Household Member is the sole surviving parent; or
- (b) the parent with entry clearance or permission to stay as a BN(O) Household Member or as a partner of a Household Member has sole responsibility for the applicant's upbringing; or
- (c) the parent who does not have permission as a BN(O) Household Member or as a partner of a Household Member –
  - (i) is a British citizen or a person who has a right to enter or stay in Jersey without restriction; and
  - (ii) is or will be ordinarily resident in Jersey; or
- (d) there are serious and compelling reasons to grant the applicant entry clearance or permission to stay with the parent with permission on the Hong Kong BN(O) route.

**HK(J) 37.3.** If the applicant is applying for entry clearance or leave to remain and they have not previously had leave as a child on the BN(O) Household Member route they must form part of the same household as the BN(O) Household Member on the date of application.

**HK(J) 37.4.** In **HK(J) 37.3.** a person will form part of the same household as the BN(O) Household Member if they normally live with the BN(O) Household Member.

**HK(J) 37.5.** If the applicant is a child born in Jersey or elsewhere in the UK and Islands to a BN(O) Household Member or their partner, the applicant must provide a full birth certificate from the relevant jurisdiction showing the names of both parents.

#### **Care requirement for a dependent child of a BN(O) Household Member**

**HK(J) 38.1.** The applicant must live with a parent who has leave on the BN(O) Household Member route during their stay in Jersey, unless they can demonstrate a valid reason why they should not live with that parent.

**HK(J) 38.2.** There must be suitable arrangements for the applicant's care and accommodation in Jersey, which must comply with relevant Jersey legislation and regulations.

**Age requirement for a dependent child of a BN(O) Household Member**

**HK(J) 39.1.** The applicant must be under the age of 18 at the date of application.

**Financial requirement for child of a BN(O) Household Member**

**HK(J) 40.1.** If the applicant is applying for leave to remain and has been in Jersey for 12 months or more on the date of application, they will meet the financial requirement.

**HK(J) 40.2.** If the applicant is applying for entry clearance, or is applying for leave to remain and has been in Jersey with leave for less than 12 months, at the date of application the decision maker must be satisfied that the BN(O) Household Member, their partner or a person who is being granted leave on the BN(O) Status Holder route at the same time as the applicant is being granted leave, is able to and will maintain and accommodate the applicant adequately in Jersey without recourse to public funds for at least 6 months.

**HK(J) 40.3.** For the purposes of **HK(J) 40.2.** accommodation will not be regarded as adequate if:

- (a) it is or will be overcrowded; or
- (b) it contravenes a statutory public health requirement.

**Ordinary residence in Hong Kong requirement for partner or child of a BN(O) Household Member**

**HK(J) 41.1.** If the applicant is applying for entry clearance as a dependant partner or child the applicant must be ordinarily resident in Hong Kong at the date of application.

**HK(J) 41.2.** An applicant applying for leave to remain must be in Jersey and must be ordinarily resident in Jersey, the United Kingdom, the Bailiwick of Guernsey, the Isle of Man or Hong Kong on the date of application.

**In-country tuberculosis requirement for partner or child of a BN(O) Household Member**

**HK(J) 42.1.** If the applicant is applying for leave to remain and:

- (a) their last grant of leave was for 6 months or less;
- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than 6 months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**HK(J) 42.2.** In **HK(J) 42.1.** a valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a centre approved for the purposes of this Rule by the Minister, issued within the 6 months immediately before the date of application.

**HK(J) 42.3.** The in-country tuberculosis requirement is met where a person has provided a medical certificate described in **HK(J) 42.1.** as part of a successful application for entry clearance in the 12 months before the date of application.

#### **Decision on application for a dependent partner or child of a BN(O) Household Member on the Hong Kong BN(O) route**

**HK(J) 43.1.** If the decision maker is satisfied that all the suitability and eligibility requirements for the dependent partner or dependent child on the BN(O) Household Member route are met the application will be granted, otherwise the application will be refused.

#### **Period and conditions of grant for a dependent partner or child of a BN(O) Household Member**

**HK(J) 44.1.** A partner who does not have leave on the BN(O) Household Member route on the date of application, will be granted leave which ends on the same date as the BN(O) Household Member's leave.

**HK(J) 44.2.** If the partner has leave on the Hong Kong BN(O) route on the date of application, a partner will be granted leave for either –

- (a) 5 years, if the partner applied for 5 years; or
- (b) 30 months, if the partner applied for 30 months.

**HK(J) 44.3.** A child who does not have leave on the BN(O) Household Member route on the date of application, will be granted leave which ends on the same date as the BN(O) Household Member's leave.

**HK(J) 44.4.** A child who has leave on the BN(O) Household Member route on the date of application will –

- (a) where the child is applying as the dependent of one parent with leave on the BN(O) Household Member route, be granted leave that ends on the same date as that parent; and
- (b) where the child is applying as the dependent of both parents with leave on the BN(O) Household Member route, be granted leave that ends on the same date as those parents or, if different, the same date as the parent whose leave ends first.

**HK(J) 44.5.** The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson (including as a sports coach).

#### **ADULT DEPENDENT RELATIVE OF A BN(O) STATUS HOLDER**

##### **Validity requirements for a BN(O) Adult Dependant Relative on the BN(O) Status Holder route**

**HK(J) 45.1.** A person applying for entry clearance as a BN(O) Adult Dependant Relative on the BN(O) Status Holder route must apply online on gov.uk on the appropriate form specified in the United Kingdom Immigration Rules.

**HK(J) 45.2.** An application for entry clearance or leave to remain as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route must meet all the following validity requirements:

- (a) any immigration fee must have been paid; and
- (b) the applicant must have provided any required biometrics; and
- (c) the applicant must have provided a passport or other document which satisfactorily established their identity and nationality.

**HK(J) 45.3.** The applicant must be aged 18 years or over on the date of application.

**HK(J) 45.4.** The applicant must be the parent, grandparent, brother, sister, son or daughter of a person who is making an application for entry clearance or leave to remain as a BN(O) Status Holder or the partner of a BN(O) Status Holder at the same time as the applicant.

**HK(J) 45.5.** An application which does not meet the validity requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder route is invalid and may be rejected and not considered.

#### **Suitability requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder route**

**HK(J) 46.1.** The applicant must not fall for refusal under **Part 9**: grounds for refusal.

**HK(J) 46.2.** If applying for leave to remain the applicant must not be in breach of immigration laws.

*Eligibility requirements for a BN(O) Adult Dependent Relative on the BN(O) Status Holder route*

#### **Entry requirements for a BN(O) Adult Dependent Relative**

**HK(J) 47.1.** A person seeking to come to Jersey as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route must apply for and obtain an entry clearance as a BN(O) Adult Dependant Relative before they arrive in Jersey.

**HK(J) 47.2.** A person applying for entry clearance as the dependent partner or child of a BN(O) Household Member must, if paragraph **A39** applies, provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

#### **Relationship requirement for a BN(O) Adult Dependent Relative**

**HK(J) 48.1.** If the applicant is applying for leave to remain and they have leave as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route on the date of application, they will meet the relationship requirement.

**HK(J) 48.2.** Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave on the Hong Kong BN(O) route they must be the parent, grandparent, brother, sister, son or daughter of a person who is making an application for entry clearance or leave to remain as a BN(O) Status Holder or as the partner of a BN(O) Status Holder at the same time as the applicant.

**HK(J) 48.3.** Where the applicant is the parent or grandparent of a BN(O) Status Holder or of

the partner of a BN(O) Status Holder, the applicant must not be in a subsisting relationship with a partner unless –

- (a) that partner is also the parent or grandparent of the BN(O) Status Holder or of the partner of a BN(O) Status Holder; and
- (b) that partner is applying for entry clearance or leave to remain at the same time as the applicant.

### **Dependency requirement for a BN(O) Adult Dependent Relative**

**HK(J) 49.1.** If the applicant is applying for leave to remain and they have leave as a BN(O) Adult Dependent Relative on the BN(O) Status Holder route on the date of application, they will meet the dependency requirement.

**HK(J) 49.2.** Where the applicant is applying for entry clearance or leave to remain and they have not previously had leave on the Hong Kong BN(O) route the applicant must:

- (a) as a result of age, illness or disability require long-term personal care to perform everyday tasks; and
- (b) form part of the same household as the BN(O) Status Holder who has or is at the same time being granted leave; and
- (c) be unable even with the practical and financial help of the BN(O) Status Holder or the partner of the BN(O) Status Holder to obtain the required level of help in Hong Kong, if the BN(O) Status Holder or the partner of the BN(O) Status Holder move to Jersey, either because:
  - (i) it is not available, and there is no person in Hong Kong who can reasonably provide it; or
  - (ii) it is not affordable.

**HK(J) 49.3.** In HK(J) 49.2.(b) a person will form part of the same household as the BN(O) Status Holder if they normally live with the BN(O) Status Holder.

### **Financial requirement for a BN(O) Adult Dependent Relative**

**HK(J) 50.1.** If the applicant is applying for leave to remain and has been in Jersey for 12 months or more on the date of application, they will meet the financial requirement.

**HK(J) 50.2.** Where the BN(O) Adult Dependent Relative is applying for entry clearance, or is applying for leave to remain and has been in Jersey for less than 12 months on the date of application, the decision maker must be satisfied that the BN(O) Status Holder or their partner is able to and will maintain and accommodate the BN(O) Adult Dependent Relative adequately in Jersey without recourse to public funds for at least 6 months.

**HK(J) 50.3.** For the purposes of HK(J) 50.2 accommodation will not be regarded as adequate if:

- (a) it is or will be overcrowded; or
- (b) it contravenes a statutory public health requirement.

### **Ordinary residence in Hong Kong requirement for a BN(O) Adult Dependent Relative**

**HK(J) 51.1.** If the applicant is applying for entry clearance as a BN(O) Adult Dependent Relative the applicant must be ordinarily resident in Hong Kong at the date of application.

**HK(J) 51.2.** An applicant applying for leave to remain must be in Jersey and must be ordinarily resident in Jersey, the United Kingdom, the Bailiwick of Guernsey, the Isle of Man or Hong Kong on the date of application.

### **In-country Tuberculosis certificate requirement for a BN(O) Adult Dependent Relative**

**HK(J) 52.1.** If the applicant is applying for leave to remain and:

- (a) their last grant of leave was for less than 6 months or less;
- (b) the applicant was present in a country listed in Appendix T to the United Kingdom Immigration Rules for more than 6 months immediately prior to their last grant of leave,

the applicant must provide a valid medical certificate confirming that they have undergone screening for active pulmonary tuberculosis and that this tuberculosis is not present in the applicant.

**HK(J) 52.2.** In **HK(J) 52.1.** A valid medical certificate is a certificate from an approved centre within the meaning of the United Kingdom Immigration Rules, or a centre approved for the purposes of this Rule by the Minister, issued within the 6 months immediately before the date of application.

**HK(J) 52.3.** The in-country tuberculosis requirement is met where a person has provided a medical certificate described in **HK(J) 52.1.** as part of a successful application for entry clearance in the 12 months before the date of application.

### **Decision on application as a BN(O) Adult Dependent Relative**

**HK(J) 53.1.** If the decision maker is satisfied that all the suitability and eligibility requirements for BN(O) Adult Dependent Relative are met the application will be granted, otherwise the application will be refused

### **Period and conditions of grant for a BN(O) Adult Dependent Relative**

**HK(J) 54.1.** If the applicant does not have leave on the BN(O) Status Holder route on the date of application, they will be granted leave which ends on the same date as the leave of the BN(O) Status Holder who is part of the same household as the applicant.

**HK(J) 54.2.** If the BN(O) Adult Dependent Relative has leave on the BN(O) Status Holder route on the date of application, they will be granted leave which ends on the same date as the leave of a BN(O) Status Holder or where relevant the partner of a BN(O) Status Holder who has, or is at the same time being granted, leave.

**HK(J) 54.3.** The grant will be subject to all the following conditions:

- (a) no access to public funds; and
- (b) work (including self-employment and voluntary work) permitted except for employment as a professional sportsperson, including as a sports coach.

## **SETTLEMENT**

### **Validity requirements for Settlement on the Hong Kong BN(O) route**

**HK(J) 55.1.** A person applying for settlement on the Hong Kong BN(O) route must be in Jersey.

**HK(J) 55.2.** An application for settlement on the Hong Kong BN(O) route must meet all the following requirements:

- (a) any immigration fee must have been paid; and
- (b) the applicant must have provided a passport or other document which satisfactorily establishes their identity and nationality; and
- (c) the applicant must have, or have last had, leave on the Hong Kong BN(O) route.

**HK(J) 55.3.** An application which does not meet the validity requirements for settlement on the BN(O) route is invalid and may be rejected and not considered.

### **Suitability requirements for settlement on the Hong Kong BN(O) route**

**HK(J) 56.1.** The applicant must not fall for refusal under **Part 9**: grounds for refusal.

**HK(J) 56.2.** The applicant must not be in breach of immigration laws.

#### *Eligibility Requirements for Settlement on the Hong Kong BN(O) route*

### **Additional requirements for a child**

**HK(J) 57.1.** Where the applicant is under 18 on the date of application the additional requirements in **HK(J) 57.2** and **HK(J) 57.5** must be met.

**HK(J) 57.2.** The applicant must have last been granted leave as a dependent child on the Hong Kong BN(O) route.

**HK(J) 57.3.** The applicant's parent must:

- (a) at the same time, be being granted settlement on the Hong Kong BN(O) route; or
- (b) be settled or a British citizen.

**HK(J) 57.4.** The applicant's other parent (who is not the parent in **HK(J) 57.3**) must be being granted settlement at the same time, or be settled or a British citizen, unless:

- (a) the parent in **HK(J) 57.3** is the applicant's sole surviving parent; or
- (b) the parent in **HK(J) 57.3** has sole responsibility for the applicant's upbringing; or
- (c) the decision maker is satisfied that there are serious and compelling reasons to grant the applicant settlement.

**HK(J) 57.5.** There must be suitable arrangements for the applicant's care and accommodation in Jersey, which must comply with Jersey legislation and regulations.

### **Additional requirements for an adult dependant relative**

**HK(J) 58.1.** Where the applicant has or last had leave as an adult dependant relative on the Hong Kong BN(O) route, they must be the parent, grandparent, brother, sister, son or daughter of a person who:

- (a) last had leave as a BN(O) Status Holder or the partner of a BN(O) Status Holder and who is at the same time being granted settlement on the Hong Kong BN(O) route; or
- (b) is settled and whose last grant of leave prior to settlement was as a BN(O) Status Holder or the partner of a BN(O) Status Holder; or
- (c) is a British citizen.

#### **English language requirement for settlement on the Hong Kong BN(O) route**

**HK(J) 59.1.** If the applicant is aged 18 or over, and under 65, they must show English language ability on the Common European Framework of Reference for Languages in all four components (reading, writing speaking and listening) of at least level B1.

**HK(J) 59.2.** The applicant must show they meet the English Language requirement as specified in Appendix English Language of the United Kingdom Immigration Rules.

#### **Knowledge of life in Jersey requirement for settlement on the Hong Kong BN(O) route**

**HK(J) 60.1.** If the applicant is aged 18 or over, and under 65, they must have demonstrated sufficient knowledge of the English language and sufficient knowledge about life in the United Kingdom and Jersey, in accordance with Appendix **KoLL**.

#### **Qualifying period for settlement on the BN(O) route**

**HK(J) 61.1.** The applicant must have spent a continuous period of 5 years with leave on a route under which a person can settle, of which the most recent grant of must leave have been on the Hong Kong BN(O) route.

**HK(J) 61.2.** A continuous period of 5 years has the meaning given in paragraph **128A**.

#### **Decision on an application for settlement on the Hong Kong BN(O) route**

**HK(J) 62.1.** If the decision maker is satisfied all the suitability and eligibility requirements are met the applicant will be granted settlement, otherwise the application will be refused.