



Discretionary Resident Permit Policies - For people living as Family Members

Introduction

The Population Management Law enables the immediate family members of Local and Open Market householders to live with them. The householder of an Open Market (Part A) private family home can also accommodate extended family members. We have policies about who else can be granted a Permit to live with a householder.

There will be times when people can't live together as a family anymore. We have policies about whether or not a person can generally expect to be granted a Permit to live separately from the householder.

The Administrator of Population Management has policies about whether or not a person can generally expect to be granted a Permit to Policies are not set out in the Population Management Law. A person can usually expect that policy will be applied to them if their situation exactly fits the description in the policy – but the Administrator can always choose not to apply a policy. It is best for a person to make an application for a Permit under these policies and not to rely on the fact that their situation seems to fit a policy.

Additional family members

If a person is living (or is able to live) in Guernsey as the immediate family member of a Local or Open Market householder, they can generally expect that a Permit will be granted to enable their spouse/partner to live in that household with them.

The Permit will be conditional on their relationship continuing. It will also be conditional on the householder having a valid Certificate or Permit.

(Reference DR2)

Under the Population Management Law, a person is treated as a step-child of someone their parent is the spouse/partner of, but only if the relationship between their parent and that person started before the child was 18, and the family lived in Guernsey before the child was 18.

If a person wants to live in Guernsey in the household of the person who is the spouse/partner of their parent but they don't fit the above description of a step-child, they can generally expect to be granted a Permit to be able to live with the householder in Guernsey, if they were living

with their parent and their parent's spouse/partner immediately before they moved to Guernsey.

The Permit will be conditional on the person living with their parent and the householder who is their parent's spouse/partner. It will also be conditional on the householder having a valid Certificate or Permit.

(Reference DR3)

If a person who is a householder becomes the legal guardian of a child under the age of 18 because that child's parents are unable to care for them, they can generally expect to be granted a Permit so that the child can live with them in Guernsey.

(Reference DR4)

If a person who is a Local Market or Open Market householder wants a family member to live with them who is not:

- an immediate family member; or
- an extended family member (Open Market (Part A) private family homes only); or
- a person covered by policy reference DR2; or
- a person covered by policy reference DR3; or
- a person covered by policy reference DR4; or
- a person who is already the holder of their own Permit;

they should have no expectation that the family member will be issued with a Permit to enable them to live in that household in Guernsey.

(Reference DR5)

Changes in circumstances for family members

Adjustment time following a change

There are times when a person's circumstances change and they need a short period of time to adjust to the change, and make plans for their future.

Following any unexpected change in circumstance that leaves a person unable to live lawfully in Guernsey (for example following a relationship breakdown), they can generally expect to be granted a temporary 3-month Permit.

By the end of the temporary 3-month Permit the person must have:

- made arrangements to leave Guernsey; or
- moved into Open Market housing so they can live in Guernsey lawfully; or
- made an application for a Permit based on their new circumstances

(Reference DR1a)

Next steps after the change

If it is a condition of a person's Permit that they live with a named householder, and their circumstances change so they can't live with that person anymore, we think it is helpful to explain whether they can usually expect that they will have to leave Guernsey or whether they can usually expect that they would be granted a Permit to live in Guernsey in their own right after their temporary 3-month Permit runs out.

We've set out the most common types of situations here. If a person's situation is not covered here, they should contact us for advice.

If it becomes impossible for a person to live with the householder named on their Permit, and they **have already lived in Local Market housing** in Guernsey **for at least 8 consecutive years**, they can generally expect to be granted a Permit so that they can live in other Local Market housing. The types of change might include:

- a relationship breakdown;
- the householder leaving Guernsey;
- a young adult needing to move out of the family home

(Reference DR6)

If a person's Permit is conditional on them living with a Local Market householder who is their spouse/partner, and the couple have **a child under 18, and the couple's relationship breaks down** before the person has lived in Guernsey for 8 consecutive years in Local Market housing, they can generally expect to be granted a Permit so that they can live in other Local Market housing if both parents have frequent and regular direct contact with the child.

It will usually be a condition of the Permit that both parents continue to have frequent and regular direct contact with the child. The Permit will not usually allow the person to live in Guernsey longer than they would otherwise have been expecting to live here.

For example, if their relationship was with a person holding a Medium Term Employment Permit, the couple would not have expected to live in Guernsey in Local Market housing for more than 5 years. But if their relationship was with a person who is a Permanent Resident, the couple would have expected to live in Guernsey for as long as they wanted to.

(Reference DR7)

If a person already lives in Local Market housing in Guernsey and has **applied to the court for an order** that would allow them to have frequent and regular direct **contact with their child**

under 18 who lives in Guernsey, they can generally expect to be granted a temporary Permit so that they can live in Guernsey until the court reaches a decision.

(Reference DR8)

If a person's Permit is conditional on them living with a householder, but they have been **the victim of domestic abuse** in that household they can generally expect to be granted a temporary 6-month Permit to support them to move into different Local Market housing.

By the end of the temporary 6-month Permit the person must have:

- made arrangements to leave Guernsey; or
- moved into Open Market housing so they can live in Guernsey lawfully; or
- made an application for a Permit based on their new circumstances

(Reference DR9)

If a person's Permit is conditional on them living with a **Local Market householder who has died**, one of the immediate family members who was living with the person who has died (usually their spouse/partner) can generally expect to be granted a Permit and to become a Local Market householder.

The Permit will not usually allow the person to live in Guernsey longer than they would otherwise have been expecting to live here.

For example, if the person who has died held a Medium Term Employment Permit, their immediate family would not have expected to live in Guernsey in Local Market housing for more than 5 years. But if the person who has died was a Permanent Resident, their immediate family would have expected to live in Guernsey for as long as they wanted to.

(Reference DR10a)

If a person's Permit is conditional on them living with a Local Market householder and when that householder's Permit runs out or becomes invalid, the person **has lived in Local Market housing in Guernsey for 8 consecutive years**, they can generally expect to be granted a Permit so that they can become a Local Market householder.

(Reference DR11)

If a person is an immediate family member and their Permit is conditional on them living with a Local Market householder, and the person **wants to move out of the family home before they have completed 8 consecutive years Local Market residence**, they should not expect to be

granted a Permit to enable them to live somewhere else, unless one of the policies referenced DR2 to DR11 applies to them.

(Reference DR12)

If a person is an immediate family member and their Permit is conditional on them living with a Local Market householder but, **before they have lived in Local Market housing for 8 consecutive years** and it **becomes impossible to live with that householder**, they should not expect to be granted a Permit to enable them to live in other Local Market housing, unless one of the policies referenced DR2 to DR11 applies to them.

(Reference DR13)

Policy Review

This policy will be reviewed on 2 April 2018. The policy should not be relied upon as an indication of the likely outcome of Permit applications made after the review date. If the policy changes as a result of the review, the change will not be retrospective. The Administrator reserves the right to review this policy before the published review date if there is good reason to do so.