



Discretionary Resident Permit Policies - Temporary Permits

Introduction

There are times when a person's circumstances change unexpectedly, and their Permit might become invalid because of the change.

The Administrator of Population Management has policies about whether a person can generally expect to be allowed to live in Local Market housing in the longer term following a change in circumstances.

The Administrator of Population Management also has policies about when a person can generally expect to be granted a temporary Permit.

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. If this happens, the Administrator will explain why the policy hasn't been applied. 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.

Adjustment time following a change

Following an unexpected change in circumstance that leaves a person unable to live lawfully in Guernsey (for example following a relationship breakdown or redundancy), 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 DR1)

When an application is being considered

If a person is already living in Guernsey, and a Certificate or Permit application has been made, they can generally expect to be granted a temporary Permit until the application is processed.

If the application is unsuccessful, a person can generally expect the time they spent living in Guernsey under a temporary Permit when the application was being processed will not count as ordinary residence in Guernsey.

(Reference DR28)

After an application has been refused

A decision to refuse to issue a Certificate or Permit is a legal decision. A person or employer whose application has been refused has 2 months to lodge a formal appeal against that decision if they want to challenge it. The 2 months starts on the date a person is told their application has been refused.

If a person whose application has been refused needs time to consider whether or not to lodge an appeal, they can generally expect to be granted a temporary Permit during the 2-month appeal period.

(Reference DR29)

When an appeal is ongoing

A decision to refuse to issue a Certificate or Permit is a legal decision. If an application is refused, the person who made the application has 2 months from the date they are told the application has been refused, to lodge a formal appeal against that decision if they want to challenge it.

If a person whose application has been refused needs time to consider whether or not to lodge an appeal, they can generally expect to be granted a temporary Permit during the 2-month appeal period.

(Reference DR30)

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.