



**The Immigration (Bailiwick of Guernsey)  
(Amendment) Rules 2019**

*Made*

*4 March, 2019*

*Coming into force*

*30<sup>th</sup> March, 2019*

*Laid before the States*

*, 2019*

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by section 3(2) of the Immigration Act 1971<sup>a</sup> as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993<sup>b</sup> hereby makes the following rules:-

**Amendments to Rules of 2008.**

1. The Immigration (Bailiwick of Guernsey) Rules 2008<sup>c</sup> are amended in the manner set out in the Schedule.

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<sup>a</sup> An Act of Parliament (Chapter 77 of 1971).

<sup>b</sup> UK S.I. 1993 No. 1796 registered on the records of the Island on 24th August, 1993 and published in Ordres en Conseil Vol. XXXIV, p. 491; as amended by UK S.I. 2011 No. 2444 registered on the records of the Island on 7th November 2011. See also Recueil d'Ordonnances, Tome XXIX p. 406 and Ordinance No. IX of 2016.

<sup>c</sup> G.S.I. No. 26 of 2008; as amended by G.S.I. No. 18 of 2011; No. 33 of 2013; No. 27 of 2015.

**Interpretation.**

2. For the avoidance of doubt, unless the context requires otherwise, an expression used in these Rules has the same meaning as in the Immigration Act 1971.

**Citation.**

3. These Rules may be cited as the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2019.

**Commencement and application.**

4. These Rules come into force on the 30<sup>th</sup> March, 2019 and apply to all decisions taken on or after that date.

Dated this 4 day of March, 2019

A handwritten signature in black ink, reading "Mary Lowe". The signature is written in a cursive style with a horizontal line underneath the name.

DEPUTY MARY LOWE

President of the Committee for Home Affairs

For and on behalf of the Committee

## SCHEDULE 1

### AMENDMENTS TO THE IMMIGRATION (BAILIWICK OF GUERNSEY) RULES,

2008

Paragraph 1

Provision or Part	Amendment
Paragraph 5	For "where expressly indicated", substitute "in Appendix EU or where expressly indicated".
Part 7	Immediately before paragraph 255, insert the following paragraph –  "A255. Appendix EU has effect."
Part 9	Between paragraph A320 and paragraph 320, insert the following paragraph –  "B320. Nothing in Part 9 (except paragraph 323(ii)) applies to an application under Appendix EU for indefinite leave to enter or remain or limited leave to enter or remain."
Appendices	<p>Immediately after Appendix B, insert the following and the two annexes set out in Schedule 2 –</p> <p style="text-align: center;"><b>"APPENDIX EU: EU, OTHER EEA AND SWISS CITIZENS AND FAMILY MEMBERS</b></p> <p><b>Purpose</b></p> <p>EU1 This Appendix sets out the basis on which EEA citizens, their family members and family members of a qualifying British citizen, will, if they apply under it, be granted indefinite leave to enter or remain or limited leave to enter or remain.</p> <p><b>Requirements and procedure</b></p> <p>EU2 The applicant will be granted indefinite leave to enter (where the application is made outside the Bailiwick of Guernsey) or indefinite leave to remain (where the application is made within the Bailiwick of Guernsey) where –</p> <p style="padding-left: 40px;">(a) a valid application has been made in accordance with paragraph EU9; and</p>

Provision or Part	Amendment
	<p>(b) the applicant meets the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12; and</p> <p>(c) the applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.</p> <p>EU3 The applicant will be granted five years' limited leave to enter (where the application is made outside the Bailiwick of Guernsey) or five years' limited leave to remain (where the application is made within the Bailiwick of Guernsey) where –</p> <p>(a) a valid application has been made in accordance with paragraph EU9; and</p> <p>(b) the applicant does not meet the eligibility requirements for indefinite leave to enter or remain in accordance with paragraph EU11 or EU12, but meets the eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and</p> <p>(c) the applicant is not to be refused on grounds of suitability in accordance with paragraph EU15 or EU16.</p> <p>EU4 Where a person has been granted limited leave to enter or remain under this Appendix –</p> <p>(a) the person must continue to meet the eligibility requirements for that leave which that person met at the date of application (except for any which related to that person's dependency on another person) or meet other eligibility requirements for limited leave to enter or remain in accordance with paragraph EU14; and</p> <p>(b) the person remains able to apply for indefinite leave to enter or remain under this Appendix and will be granted this where the requirements in paragraph EU2 are met.</p> <p>EU5 Where a person –</p> <p>(a) has been granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix; and</p> <p>(b) has the right to enter or remain in the Bailiwick of Guernsey under the privileged entry provision;</p> <p>the leave does not have effect to the person's detriment in so far as the leave is incompatible with that right to enter or remain for as</p>

Provision or Part	Amendment
	<p>long as that person has that right.</p> <p>EU6 A valid application made under this Appendix which does not meet the requirements for indefinite leave to enter or remain or (as the case may be) limited leave to enter or remain will be refused.</p> <p>EU7 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.</p> <p>EU8 Annex 2 applies to the consideration by the decision-maker of a valid application made under this Appendix.</p> <p><b>Valid application</b></p> <p>EU9 A valid application has been made under this Appendix where –</p> <ul style="list-style-type: none"> <li>(a) it has been made in accordance with the specified application process; and</li> <li>(b) the required proof of identity and nationality has been provided in accordance with the specified application process; and</li> <li>(d) the specified biometrics have been provided.</li> </ul> <p>EU10 An application will be rejected as invalid where it does not meet the requirements in paragraph EU9.</p> <p style="text-align: center;"><i>Eligibility for indefinite leave to enter or remain</i></p> <p><b>Persons eligible for indefinite leave to enter or remain as a relevant EEA citizen, a family member of a relevant EEA citizen, or a person who has a derivative right to reside or a Zambrano right to reside</b></p> <p>EU11 The applicant meets the eligibility requirements for indefinite leave to enter or remain as a relevant EEA citizen, a family member of a relevant EEA citizen, or a person who has a derivative right to reside or a person who has a Zambrano right to reside where the decision-maker is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application, one of conditions 1 to 7 set out in the following table is met –</p>

Provision or Part	Amendment	
	<b>Condition</b>	<b>Is met where</b>
	1.	<p>(a) The applicant is (i) a relevant EEA citizen, (ii) a family member of a relevant EEA citizen or (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) 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 (i) a relevant EEA citizen, (ii) a family member of a relevant EEA citizen or (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 valid evidence of the applicant's indefinite leave to enter or remain.</p>
	3.	<p>(a) The applicant is (i) a relevant EEA citizen, (ii) a family member of a relevant EEA citizen, (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, (iv) a person who has a derivative right to reside, or (v) a person who has a Zambrano right to reside; and</p> <p>(b) the applicant has completed a continuous qualifying period of five years in any (or any combination) of those categories; and</p> <p>(c) since then no supervening event has occurred.</p>
	4.	<p>(a) The applicant is a relevant EEA citizen who is a person who has ceased activity; and</p> <p>(b) since the applicant did so, no supervening event has occurred.</p>
	5.	<p>(a) The applicant is a family member of a relevant EEA citizen who is a person who has ceased activity; and</p> <p>(b) the relevant EEA citizen –</p> <p style="padding-left: 40px;">(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or its equivalent in any</p>

Provision or Part	Amendment	
		<p>other jurisdiction in the UK and Islands); or</p> <p>(ii) would be granted indefinite leave to enter or remain under this Appendix, if the relevant EEA citizen made a valid application under it; and</p> <p>(c) subparagraph (a) was met at the point at which the relevant EEA citizen became a person who has ceased activity; and</p> <p>(d) since the relevant EEA citizen became a person who has ceased activity, no supervening event has occurred.</p>
	6.	<p>(a) The applicant is a family member of a relevant EEA citizen who has died and the relevant EEA citizen was resident in the UK and Islands as a worker or self-employed person at the time of their death; and</p> <p>(b) the relevant EEA citizen was resident in the UK and Islands for a continuous qualifying period of at least two years before dying, or the death was the result of an accident at work or an occupational disease; and</p> <p>(c) the applicant was resident in the UK and Islands with the relevant EEA citizen immediately before their death and since then no supervening event has occurred.</p>
	7.	<p>(a) The applicant is a child under the age of 21 years of a relevant EEA citizen, or of the spouse or civil partner of a relevant EEA citizen and either –</p> <p>(i) the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(ii) the person who is now the spouse or civil partner of the relevant EEA citizen was the durable partner of the relevant EEA citizen before the specified date (the definition of durable partner in Annex 1 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) the relevant EEA citizen (or, as the case may be, the spouse or civil partner of the relevant EEA citizen) –</p> <p>(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or its equivalent in any other jurisdiction in the UK and Islands); or</p>

Provision or Part	Amendment									
		(ii) in the case of a person who is an Irish citizen as a matter of Irish law who has not made a valid application under this Appendix, would be granted leave of the kind specified in subparagraph (i) if the person made such an application.								
	<p><b>Persons eligible for indefinite leave to enter or remain as a family member of a qualifying British citizen</b></p> <p>EU12 The applicant meets the eligibility requirements for indefinite leave to enter or 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 decision-maker 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 –</p> <table><tr><th>Condition</th><th>Is met where</th></tr><tr><td>1.</td><td>(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) the applicant has a documented right of permanent residence; and (c) no supervening event has occurred.</td></tr><tr><td>2.</td><td>(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) there is valid evidence of the applicant's indefinite leave to enter or remain.</td></tr><tr><td>3.</td><td>(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and</td></tr></table>		Condition	Is met where	1.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) the applicant has a documented right of permanent residence; and (c) no supervening event has occurred.	2.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) there is valid evidence of the applicant's indefinite leave to enter or remain.	3.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and
Condition	Is met where									
1.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and (b) the applicant has a documented right of permanent residence; and (c) no supervening event has occurred.									
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3.	(a) The applicant is (i) a family member of a qualifying British citizen or (ii) a family member who has retained the right of residence by virtue of a relationship with a qualifying British citizen; and									



Provision or Part	Amendment				
	<table border="1" data-bbox="438 347 1401 1451"> <tr> <td data-bbox="438 347 614 869"></td><td data-bbox="614 347 1401 869"> <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 of residence as a family member of a qualifying British citizen relied upon under subparagraph (b), in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was 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> </td></tr> <tr> <td data-bbox="438 869 614 1451">4.</td><td data-bbox="614 869 1401 1451"> <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 the marriage or civil partnership was formed before the specified date); and</p> <p>(b) the applicant is in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was 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 enter or remain under this Appendix (or its equivalent in any other jurisdiction in the UK and Islands).</p> </td></tr> </table> <p data-bbox="438 1467 507 1500">EU13</p> <p data-bbox="518 1523 1401 1601">The reference to the applicant completing a continuous qualifying period of five years -</p> <p data-bbox="518 1624 1401 1960">(a) in condition 3 in the table in paragraph EU11 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, 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</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 of residence as a family member of a qualifying British citizen relied upon under subparagraph (b), in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was 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 the marriage or civil partnership was formed before the specified date); and</p> <p>(b) the applicant is in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was 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 enter or remain under this Appendix (or its equivalent in any other jurisdiction in the UK and Islands).</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 of residence as a family member of a qualifying British citizen relied upon under subparagraph (b), in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen was 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>				
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Provision or Part	Amendment								
	<p>a person who has a Zambrano right to reside; and</p> <p>(b) in condition 3 in the table in paragraph EU12 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, 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.</p> <p><i>Eligibility for limited leave to enter or remain</i></p> <p>EU14 The applicant meets the eligibility requirements for limited leave to enter or remain where the decision-maker is satisfied, including (where applicable) by the required evidence of family relationship, that, at the date of application, condition 1 or 2 set out in the following table is met –</p> <table border="1"> <tr> <th>Condition</th><th>Is met where</th></tr> <tr> <td>1.</td><td> <p>(a) The applicant is (i) a relevant EEA citizen, (ii) a family member of a relevant EEA citizen, (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, (iv) a person who has a derivative right to reside, or (v) a person who has a Zambrano right to reside; and</p> <p>(b) the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because the applicant has completed a continuous qualifying period of less than five years.</p> </td></tr> <tr> <td>2.</td><td>A or B applies:</td></tr> <tr> <td>A.</td><td> <p>(a) the applicant is:</p> <p>(i) a family member of a qualifying British citizen and is (or, as the case may be, for the relevant period was) in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is (or, as the case may be, for the relevant period was) a qualified person</p> </td></tr> </table>	Condition	Is met where	1.	<p>(a) The applicant is (i) a relevant EEA citizen, (ii) a family member of a relevant EEA citizen, (iii) a family member who has retained the right of residence by virtue of a relationship with a relevant EEA citizen, (iv) a person who has a derivative right to reside, or (v) a person who has a Zambrano right to reside; and</p> <p>(b) the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because the applicant has completed a continuous qualifying period of less than five years.</p>	2.	A or B applies:	A.	<p>(a) the applicant is:</p> <p>(i) a family member of a qualifying British citizen and is (or, as the case may be, for the relevant period was) in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is (or, as the case may be, for the relevant period was) a qualified person</p>
Condition	Is met where								
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2.	A or B applies:								
A.	<p>(a) the applicant is:</p> <p>(i) a family member of a qualifying British citizen and is (or, as the case may be, for the relevant period was) in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is (or, as the case may be, for the relevant period was) a qualified person</p>								

Provision or Part	Amendment
	<p>under regulation 6 of the EEA Regulations); 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) in either case, the applicant is not eligible for indefinite leave to enter or remain under this Appendix solely because the applicant has completed a continuous qualifying period of less than five years.</p>
	<p>B.</p> <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 the marriage or civil partnership was formed before the specified date); and</p> <p>(b) the applicant is (or, as the case may be, for the relevant period was) in the UK and Islands lawfully by virtue of regulation 9(1) to (6) of the EEA Regulations (regardless of whether in the UK the qualifying British citizen is (or, as the case may be, for the relevant period was) was 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 limited leave to enter or remain under this Appendix (or its equivalent in any other jurisdiction in the UK and Islands).</p>
	<p style="text-align: center;"><i>Suitability</i></p> <p>EU15 An application made under this Appendix will be refused on grounds of suitability where any of the following apply at the date of decision -</p> <p>(a) the applicant is subject to a deportation order or a decision to make a deportation order; or</p> <p>(b) the applicant is subject to an exclusion order or exclusion decision.</p> <p>EU16 An application made under this Appendix may be refused on grounds of suitability where, at the date of decision, the decision-maker is satisfied that it is proportionate to refuse the application where -</p>

Provision or Part	Amendment
	<p>(a) 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</p> <p>(b) the applicant is subject to a removal decision under the EEA Regulations on the grounds of the applicant's non-exercise or misuse of rights under Directive 2004/38/EC.</p> <p>EU17 The references in paragraphs EU15 and EU16 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 the applicant's application under this Appendix, has been set aside or no longer has effect in respect of the applicant.</p> <p>EU18 Unless the context requires otherwise, a reference in this Appendix (including any annex to it) to any provision of the EEA Regulations includes a reference to –</p> <p>(a) any equivalent provision of equivalent regulations having effect in any of the Islands; and</p> <p>(b) the privileged entry provision, taken together with the provision of the EEA Regulations or any equivalent provision described in paragraph (a).</p>

## SCHEDULE 2

### ANNEXES TO APPENDIX EU TO THE IMMIGRATION (BAILIWICK OF GUERNSEY) RULES, 2008

Schedule 1

#### "ANNEX 1 DEFINITIONS

Term	Definition
The 1971 Act	(a) the Immigration Act 1971 as it has effect in the United Kingdom; or (b) that Act as extended to the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.
The 2007 Act	(a) The UK Borders Act 2007 as it has effect in the United Kingdom; or (b) that Act as extended to the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.
Adopted child	A child adopted in accordance with a decision taken – (a) by the competent administrative authority or court in the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands; or (b) by the competent administrative authority or court in a country whose adoption orders are recognised by the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands; or (c) in a particular case in which the decision has been taken in another country, that decision has been recognised by the competent administrative authority or court in the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands.
Applicant	A person applying for indefinite leave to enter or remain or limited leave to enter or remain under this Appendix.
Child, in relation to a relevant EEA citizen, a qualifying	At the date of application, a person who is – (a) the direct descendant under the age of 21 years of the person

<p>British citizen, or the spouse or civil partner of either ("the person concerned")</p>	<p>concerned; or</p> <p>(b) (i) the direct descendant aged 21 years or over of the person concerned; and</p> <p>(ii) dependent on the person concerned, unless the applicant was previously granted limited leave to enter or remain under this Appendix (or its equivalent in any other jurisdiction in the UK and Islands) as a child on the basis that subparagraph (a) above (or its equivalent in any other jurisdiction in the UK and Islands) applied; or</p> <p>(c) an adopted child of the person concerned; or</p> <p>(d) a child born through surrogacy (where recognised in the law of the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands) for the person concerned; or</p> <p>(e) a child in respect of whom a special guardianship order (within the meaning of section 14A(1) of the Children Act 1989 (1989 c. 41)) is in force appointing the person concerned as their special guardian; or</p> <p>(f) a child in respect of whom an order has been made under section 5 of the Children Act 1989 appointing the person concerned as their guardian; or</p> <p>(g) a child subject to a permanence order made under section 80 of the Adoption and Children (Scotland) Act 2007 (2007 asp 4) vesting parental responsibilities and parental rights in the person concerned; or</p> <p>(h) a child who has a guardian appointed under section 7 of the Children (Scotland) Act 1995 (1995 c. 36), 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 the person concerned; or</p> <p>(i) 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 the person concerned as their guardian; or</p> <p>(j) 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 Children (Guernsey and Alderney) Law, 2008 or section 13 of the Children (Sark) Law, 2016, and that guardian or other person is the person concerned;</p> <p>(k) a child in respect of whom an order under Article 7 of the Children (Jersey) Law 2002 is in force appointing the person concerned as their guardian; or</p>
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	<p>(l) 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 the person concerned as their special guardian; or</p> <p>(m) a child in respect of whom an order has been made under sections 6 or 7 of the Children and Young Persons Act 2001 of Tynwald appointing the person concerned as their guardian;</p> <p>but does not include a child cared for by the person concerned solely by virtue of a formal or informal fostering arrangement.</p> <p>For the purposes of this definition -</p> <p>(a) a direct descendant ("<b>D</b>") of a person is "<b>dependent</b>" on the person concerned where –</p> <p style="padding-left: 40px;">(i) having regard to the financial and social conditions, or health, of D, D cannot meet D's essential living needs (in whole or in part) without the financial or other material support of the person concerned; and</p> <p style="padding-left: 40px;">(ii) such support is, or (as the case may be) was being provided to D by the person concerned.</p> <p>(b) "<b>direct descendant</b>" includes a grandchild or great-grandchild, other than for the purpose of meeting condition 7 in the table in paragraph EU11 or condition 2 in the table in paragraph EU12.</p>
Civil partner, in relation to a relevant EEA citizen or qualifying British citizen (" <b>the person concerned</b> ")	<p>For the relevant period, a person –</p> <p>(a) in a valid civil partnership with the person concerned (which exists or existed under or by virtue of the Civil Partnership Act 2004 or its equivalent in any other jurisdiction in the UK and Islands; or</p> <p>(b) in a same sex relationship with the person concerned registered outside of the UK and Islands which is, or was, entitled to be treated as a civil partnership under the Civil Partnership Act 2004 or its equivalent in any other jurisdiction in the UK and Islands; or</p> <p>(c) living with the person concerned as an unmarried partner (whether same sex or not) of that person in a relationship akin to a marriage or civil partnership (within the meaning of subparagraph (a) or (b)), for a period of at least two years;</p> <p>where –</p> <p>(d) in the case of subparagraph (a) or (b), the civil partnership is lawfully recognised in the country in which it was formed; and</p>

	<p>(e) in any case, the civil partnership or relationship is not one of convenience; and</p> <p>(e) in any case, neither party has another civil partnership, a spouse or a durable partner with (in any of those circumstances) immigration status based on that person's relationship with that party.</p>
Continuous qualifying period, in relation to any person	<p>A period of residence in the UK and Islands –</p> <p>(a) which (in the case of a relevant EEA citizen) 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 six 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</p> <p>(bb) any period of absence on compulsory military service; or</p> <p>(cc) any period of absence on a posting on Crown service or any period of absence (as a spouse, civil partner, durable partner or child) accompanying a person on a posting on Crown service; or</p> <p>(ii) the person served or is serving a sentence of imprisonment of any length in the UK and Islands; or</p> <p>(iii) any of the following, unless it has been set aside or no longer has effect in respect of the person –</p> <p>(aa) any decision or order to exclude or remove under regulation 23 or 32 of the EEA Regulations; 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); or</p> <p>(cc) an exclusion decision; or</p> <p>(dd) a deportation order, other than under the EEA Regulations; and</p> <p>(c) (where the period is less than five years) which continues at the date of application.</p>
Crown service	Service as -



	<p>(a) a member of HM Forces (as defined in the Armed Forces Act 2006); 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 of application	The date on which the application is submitted under the specified application process.
Decision-maker	The Lieutenant-Governor (including any person authorised by the Lieutenant-Governor)
Dependent parent, in relation to a relevant EEA citizen, a qualifying British citizen or the spouse or civil partner of either (" <b>the person concerned</b> ")	<p>The direct relative in the ascending line of the person concerned.</p> <p>For the purposes of this definition –</p> <p>(a) "<b>direct relative in the ascending line</b>" includes a grandparent or great-grandparent; and</p> <p>(b) the dependence of the direct relative in the ascending line on the person concerned is assumed.</p>
Dependent relative, in relation to a sponsor	<p>A person who –</p> <p>(a) is a relative of the sponsor and is, or (as the case may be) for the relevant period was, a dependant of the sponsor, a member of the sponsor's household or in strict need of the sponsor's personal care on serious health grounds; and</p> <p>(b) is not the spouse, civil partner, durable partner, child or dependent parent of the sponsor; and</p> <p>(c) holds a relevant document as the dependent relative of the sponsor for the period of residence relied upon.</p> <p>For the purposes of this definition, "<b>sponsor</b>" means –</p> <p>(a) a relevant EEA citizen who -</p> <p>(i) has been or is being granted indefinite leave to enter or remain or limited leave to enter or remain under this Appendix (or who would be granted that leave, if the relevant EEA citizen made a</p>

	<p>valid application under this Appendix); or</p> <p>(ii) has been or is being granted indefinite leave to enter or remain or limited leave to enter or remain under the equivalent of this Appendix in any other jurisdiction in the UK and Islands; or</p> <p>(b) the spouse or civil partner of such a relevant EEA citizen, where the application for that relevant document was made before 1 February 2017; or</p> <p>(c) a qualifying British citizen.</p>
Deportation order, in relation to any person	<p>Any of the following , unless it has been set aside or no longer has effect in respect of the person –</p> <p>(a) a deportation order made under section 5 of the 1971 Act as extended to the Bailiwick of Guernsey (in respect of conduct after the specified date by a relevant EEA citizen or other person eligible for leave under this Appendix); or</p> <p>(b) an order made under the immigration laws of the Bailiwick of Jersey or Isle of Man under which a person is, or has been, ordered to leave the Bailiwick of Jersey or (as the case may be) Isle of Man and forbidden to return (in respect of conduct after the specified date by a relevant EEA citizen or other person eligible for leave under this Appendix); or</p> <p>(c) an order made under section 5(1) of the 1971 Act as that provision has effect in the UK (in respect of conduct after the specified date by a relevant EEA citizen or other person eligible for leave under this Appendix); or</p> <p>(d) an order made under regulation 32(3) of the EEA Regulations; or</p> <p>(e) an order made in accordance with section 32(5) of the UK Borders Act 2007 as that provision has effect in the UK (in respect of conduct after the specified date by a relevant EEA citizen or other person eligible for leave under this Appendix).</p>
Documented right of permanent residence, in relation to any person	<p>The decision-maker is satisfied from the information available to the decision-maker that the person –</p> <p>(a) has been given notice in writing under any of paragraphs 256, 257 or 257A of these Immigration Rules showing that that person may remain in the Bailiwick of Guernsey indefinitely and this notice has not been revoked or otherwise ceased to be effective; or</p> <p>(b) has been issued by the responsible Minister in the Bailiwick of Jersey with a document in accordance with Immigration Rules 255 – 258 of the Bailiwick of Jersey in an appropriate form certifying</p>

	<p>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>(c) the person has been issued by the Minister with a document certifying permanent residence (and that permanent residence document was issued or renewed within the last 10 years) under regulation 20 of the Immigration (European Economic Area) Regulations 2009 (Isle of Man), and</p> <p>(i) this document is not invalid under regulation 20(3)(c) of those Regulations; and</p> <p>(ii) this document has not been revoked, and its renewal has not been refused, under regulation 25 of those Regulations (except where the revocation or refusal occurred because the person had been absent from the Isle of Man for a period of more than two, and no more than five, consecutive years); and</p> <p>(iii) the person's right to reside has not been cancelled under regulation 26 of those Regulations; or</p> <p>(d) the person has been issued by the Secretary of State with a document certifying permanent residence or a permanent residence card (and that permanent residence card was issued or renewed within the last 10 years) under regulation 19 of the EEA Regulations, or with a residence permit or residence document under the Immigration (European Economic Area) Order 1994 endorsed to show permission to remain in the UK indefinitely, and –</p> <p>(i) this document or card is not invalid under regulation 19(4)(c) of the EEA Regulations; and</p> <p>(ii) this document or card has not been revoked, and its renewal has not been refused, under regulation 24 of the EEA Regulations (except where the revocation or refusal occurred because the person had been absent from the UK for a period of more than two, and no more than five, consecutive years); and</p> <p>(iii) the person's right to reside has not been cancelled under regulation 25 of the EEA Regulations.</p>
Durable partner	<p>A person ("A") is the durable partner of another person ("B") for a period of time where –</p> <p>(a) A and B had lived together in a relationship akin to a marriage or civil partnership for at least two years during that period of time (unless there is other significant evidence of the durable relationship); and</p> <p>(b) A holds a relevant document as the durable partner of B for the period of residence relied upon, unless (where B is a relevant EEA citizen) the date of the application under this Appendix is after the</p>

	<p>specified date and A was resident outside the UK and Islands at that date; and</p> <p>(c) it was not a durable partnership of convenience; and</p> <p>(d) during that period of time, neither A nor B had another durable partner, a spouse or a civil partner with (in any of those circumstances) immigration status based on the relationship of that durable partner, spouse or civil partner with A or B.</p> <p>In addition, to meet condition 6 in the table in paragraph EU11, the above requirements are to be met with reference to the period immediately before the death of the relevant EEA citizen rather than to the date of application.</p>
EEA citizen	<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 (unless they are a relevant naturalised British citizen) is not also a British citizen</p>
EEA Regulations	<p>The Immigration (European Economic Area) Regulations 2016 (as they have effect at the date of application); see also paragraph EU18 of this Appendix.</p>
Evidence of birth, in the case of an applicant and in relation to a relevant EEA citizen, a qualifying British citizen, or the spouse or civil partner of either (" <b>the person concerned</b> ")	<p>(a) In any case where the applicant contends that the applicant is a child of the person concerned, the full birth certificate or other document which the decision-maker is satisfied evidences that the applicant is the direct descendant of (or otherwise a child of) the person concerned; and</p> <p>(b) in any case where the applicant contends that the applicant is a dependent parent of the person concerned, the full birth certificate or other document which the decision-maker is satisfied evidences that the applicant is the direct relative in the ascending line of the person concerned.</p>
Exclusion decision, in relation to any person	<p>Any of the following, unless it has been set aside or no longer has effect in respect of the person –</p> <p>(a) a direction given by the Lieutenant Governor of the Bailiwick of Guernsey or the relevant Minister or other competent authority of the Bailiwick of Jersey or Isle of Man that the person must be refused entry to the Bailiwick of Jersey or (as the case may be) Isle of Man on the ground that that person's presence in that country or territory</p>

	<p>would not be conducive to the public good (in respect of conduct after the specified date by a relevant EEA citizen or other person eligible for leave under this Appendix); or</p> <p>(b) a direction given by the Secretary of State that the person must be refused entry to the United Kingdom on the ground that that person's presence in the United Kingdom would not be conducive to the public good (in respect of conduct after the specified date by a relevant EEA citizen or other person eligible for leave under this Appendix).</p>
Exclusion order	An order made under regulation 23(5) of the EEA Regulations.
Family member of a qualifying British citizen	<p>A person who satisfies the decision-maker, including by the required evidence of family relationship, that -</p> <p>(a) the person was, at the relevant time or for the relevant period resident in the UK and Islands before the specified date as -</p> <p>(i) the spouse or civil partner of the qualifying British citizen, and the marriage was contracted or the civil partnership was formed before the specified date; or</p> <p>(ii) the durable partner of the qualifying British citizen; and</p> <p>(aa) the partnership was formed and was durable before the specified date; and</p> <p>(bb) the partnership remains durable at the date of application; or</p> <p>(iii) the child or dependent parent of the qualifying British citizen; or</p> <p>(iv) the child or dependent parent of the spouse or civil partner of the qualifying British citizen, as described in subparagraph (i); or</p> <p>(v) the dependent relative of the qualifying British citizen and that family relationship and 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</p> <p>(b) the person satisfied, or would in the UK have satisfied, the conditions in regulation 9(2) and (4)(a) of the EEA Regulations (as the family member ("F") to whom those provisions refer) 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 those provisions refer).</p>

<p>Family member of a relevant EEA citizen</p>	<p>A person who satisfies the decision-maker, including by the required evidence of family relationship, that the person was, at the relevant time or for the relevant period –</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; or</p> <p>(d) the child or dependent parent of the spouse or civil partner of a relevant EEA citizen, as described in subparagraph (a); or</p> <p>(e) resident in the UK and Islands before the specified date as the dependent relative of a relevant EEA citizen (or of their spouse or civil partner, where the application for the relevant document referred to in the definition of "dependent relative" in this table was made before 1 February 2017) and that family relationship and 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 (or, as the case may be, before 1 February 2017).</p> <p>In addition, in relation to subparagraphs (a) to (d) above if -</p> <p>(a) the United Kingdom withdraws from the European Union at 2300 GMT on 29 March 2019 without a Withdrawal Agreement; and</p> <p>(b) the person was by then the family member of a relevant EEA citizen (who is not a national of Iceland, Liechtenstein, Norway or Switzerland) or subsequently became a child of such a relevant EEA citizen (or of the spouse or civil partner of such a relevant EEA citizen, as described in subparagraph (a) above),</p> <p>the person must be resident in the UK and Islands by 2300 GMT on 29 March 2022 in order to make an application under this Appendix</p>
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	as a family member of a relevant EEA citizen
Family member who has retained the right of residence	<p>A person who satisfies the decision-maker, including by the required evidence of family relationship, that the requirements set out in one of subparagraphs (a) to (d) are met -</p> <p>(a) the person is an EEA citizen or non-EEA citizen who –</p> <ul style="list-style-type: none"> <li>(i) was the family member of a relevant EEA citizen (or of a qualifying British citizen) and that person died; and</li> <li>(ii) was resident in the UK and Islands as the family member of a relevant EEA citizen (or of a qualifying British citizen) for a continuous qualifying period of at least a year immediately before the death of that person; or</li> </ul> <p>(b) the person is an EEA citizen or non-EEA citizen who –</p> <ul style="list-style-type: none"> <li>(i) is the child of – <ul style="list-style-type: none"> <li>(aa) a relevant EEA citizen (or of a qualifying British citizen) who has died or of their spouse or civil partner immediately before their death; or</li> <li>(bb) a person who ceased to be a relevant EEA citizen (or a qualifying British citizen) on ceasing to reside in the UK and Islands or of their spouse or civil partner at that point; and</li> </ul> </li> <li>(ii) was attending an educational course in the UK and Islands immediately before the relevant EEA citizen (or the qualifying British citizen) died or ceased to be a relevant EEA citizen (or a qualifying British citizen), and continues to attend such a course; or</li> </ul> <p>(c) the person is an EEA citizen or non-EEA citizen who is the parent with custody of a child who meets the requirements of subparagraph (b); or</p> <p>(d) the person ("A") is an EEA citizen or non-EEA citizen who –</p> <ul style="list-style-type: none"> <li>(i) ceased to be a family member of a relevant EEA citizen (or a qualifying British citizen) on the termination of the marriage or civil partnership of A; 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 that qualifying British citizen ceased to be a qualifying British citizen), they will be deemed to have remained a relevant EEA citizen (or, as the case may be, a qualifying British citizen) until that termination; and</li> <li>(ii) was resident in the UK and Islands at the date of the termination; and</li> </ul>

	<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 in the UK and Islands for a continuous qualifying period of at least one year during its duration; or</p> <p>(bb) A has custody of a child of the relevant EEA citizen (or the qualifying British citizen); or</p> <p>(cc) A has the right of access to a child of the relevant EEA citizen (or the qualifying British citizen), where the child is under the age of 18 years and where a court has ordered that such access must take place in a place in the UK and Islands; or</p> <p>(dd) the continued right of residence in the Bailiwick of Guernsey 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.</p>
Full birth certificate	A birth certificate recognised in the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands which records the name of the mother and (where registered) the father.
GMT	Greenwich Mean Time
Immigration law	Any provision of immigration law or any requirement of immigration rules in force in any jurisdiction in the UK and Islands, and for the avoidance of doubt includes the EEA Regulations to the extent that they have or are given effect in the jurisdiction.
Immigration status	<p>(a) Indefinite or limited leave to enter or remain in the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands under or outside immigration rules applying in the jurisdiction; or</p> <p>(b) exemption from immigration control in the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands; or</p> <p>(c) entitlement to reside in the UK or the right of permanent residence under regulations 13 to 15 of the EEA Regulations; or</p> <p>(d) entitlement to reside in any of the Islands through the application of the privileged entry provision or under the EEA Regulations; or</p> <p>(e) a documented right of permanent residence in the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands.</p>



The Islands	The Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man.
The law of the Bailiwick of Guernsey	Includes the law of Alderney or Sark.
Marriage of convenience; civil partnership of convenience; durable partnership of convenience	<p>A marriage, civil partnership or durable partnership entered into as a means to circumvent –</p> <p>(a) any criterion the party would have to meet in order to be able to enter or remain in the Bailiwick of Guernsey, the Bailiwick of Jersey or the Isle of Man in accordance with the privileged entry provision without requiring leave to enter or remain under the 1971 Act; or</p> <p>(b) any criterion the party would have to meet in order to be able to enjoy a right to enter or reside in UK under EU law or the EEA Regulations; or</p> <p>(c) any other provision of immigration law.</p>
Non-EEA citizen	A person who is neither an EEA citizen nor a British citizen.
Person who has a derivative right to reside	<p>A person who has satisfied the decision-maker that the person is, or (as the case may be) for the relevant period was, in the UK and Islands lawfully 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 meets, or (as the case may be) met, the requirement in regulation 4(1)(c)(ii) of the EEA Regulations for comprehensive sickness insurance cover in the UK; and</p> <p>(b) excluding a person satisfying the criteria in -</p> <p>(i) paragraph (5) of regulation 16(1) of the EEA Regulations; or</p> <p>(ii) paragraph (6)(c) of that regulation where that person's primary carer is, or (as the case may be) was or would be, entitled to a derivative right to reside in the UK under paragraph (5)</p>
Person who has a Zambrano right to reside	<p>A person who has satisfied the decision-maker that the person is, or (as the case may be) for the relevant period was, in the UK and Islands -</p> <p>(a) without leave to enter or remain in the UK and Islands granted under another part of these Rules (or any other immigration rules applying in the UK and Islands); and</p>

	<p>(b) lawfully 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)(c) of that regulation where that person's primary carer is, or (as the case may be) was or would be, entitled to a derivative right to reside in the UK under paragraph (5).</p>
Person who has ceased activity	<p>A person who –</p> <p>(a) has terminated activity as a worker or self-employed person in the UK 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 the UK and Islands for at least 12 months and resided 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 the UK and Islands for a continuous qualifying period of more than the preceding two 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 part by an institution in the UK and Islands; or</p> <p>(c) resided in the UK and Islands for a continuous qualifying period 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 mentioned in the definition of "EEA citizen" in this table, while retaining a place of residence 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 subparagraphs (a) and (b) above do not apply where the decision-maker is satisfied, including by the required evidence of family relationship, that the relevant EEA citizen is the spouse or civil partner of a British citizen (substituting "British citizen" for "relevant EEA citizen" in the definition of, as the case may be, "spouse" or "civil partner" in this table).</p>
The privileged entry provision	<p>(a) Means section 7(1) of the Immigration Act 1988 as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993; and</p> <p>(b) includes any equivalent provision of immigration law in force in any other jurisdiction in the UK and Islands.</p>
Qualifying British	A British citizen who:

citizen, in relation to an applicant	<p>(a) has been or was resident in the UK and Islands with the applicant for a continuous qualifying period which corresponds with the continuous qualifying period on which the applicant relies; and</p> <p>(b) satisfied, or would in the UK have satisfied, regulation 9(2) and (4)(a) of the EEA Regulations (as the British citizen ("BC") to whom those provisions refer) immediately before returning to the UK and Islands with the applicant (who is to be treated as the family member ("F") to whom those provisions refer).</p>
Relevant document, in relation to any person	<p>A family permit, registration certificate, residence card, document certifying permanent residence, permanent residence card, or notice showing that the person may remain in the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands indefinitely which -</p> <p>(a) was issued under immigration rules or the EEA Regulations by the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands; and</p> <p>(b) was not subsequently revoked, or fell to be so, because the relationship or dependency on which it was based had never existed or had ceased; and</p> <p>(c) has not expired or otherwise ceased to be effective; and</p> <p>(d) remained valid for the period of residence relied upon.</p>
Relevant EEA citizen, in relation to an applicant	<p>(a) An EEA citizen resident in the UK and Islands for a continuous qualifying period which began before the specified date; or</p> <p>(b) an EEA citizen who, having been resident in the UK and Islands as described in subparagraph (a) -</p> <p>(i) has been or is being granted indefinite leave to enter or remain under this Appendix (or its equivalent in any other jurisdiction in the UK and Islands); or</p> <p>(ii) would be granted indefinite leave to enter or remain under this Appendix, if they made a valid application under it; or</p> <p>(c) where the applicant is a family member of an EEA citizen resident in the UK and Islands for a continuous qualifying period who is a relevant naturalised British citizen, a relevant naturalised British citizen resident in the UK and Islands for a continuous qualifying period.</p>
Relevant naturalised British citizen	<p>A relevant EEA citizen as described in subparagraph (a) of the definition of "relevant EEA citizen" in this table, who, if he or she were in the UK would also -</p> <p>(a) have fallen within paragraph (b) of the definition of "EEA</p>

	<p>national" in regulation 2(1) of the EEA Regulations; and</p> <p>(b) have met the criteria contained in regulation 9A(2) or (3) of the EEA Regulations as the dual national ("DN") to whom those provisions refer.</p>
<p>Required evidence of family relationship, in relation to a relevant EEA citizen or a qualifying British citizen ("<b>the person concerned</b>")</p>	<p>In the case of –</p> <p>(a) a spouse without a documented right of permanent residence – a relevant document as the spouse of the person concerned, or a valid document of record of a marriage recognised under the law of the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands;</p> <p>(b) a civil partner without a documented right of permanent residence – a relevant document as the civil partner of the person concerned, or a valid civil partnership certificate recognised under the law of the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands;</p> <p>(c) a child without a documented right of permanent residence – evidence of the child's birth or a relevant document issued on the basis of the relevant family relationship, and where the applicant is aged 21 years or over and was not previously granted limited leave to enter or remain under this Appendix (or its equivalent in any other jurisdiction in the UK and Islands) as a child, evidence which satisfies the decision-maker that subparagraph (b)(ii) of the definition of "child" in this table is met;</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 evidence of birth of the child of the dependent parent;</p> <p>(e) a durable partner –</p> <p>(i) a relevant document as the durable partner of the person concerned and, unless this confirms that the person has the right of permanent residence under regulation 15 of the EEA Regulations, evidence which satisfies the decision-maker that the durable partnership continues to subsist (or did so for the period of residence relied upon); or</p> <p>(ii) where the applicant is seeking to come to the Bailiwick of Guernsey after the specified date as the durable partner of a relevant EEA citizen, evidence which satisfies the decision-maker that the partnership was formed and was durable before that date and that the partnership remains durable;</p> <p>(f) a dependent relative – a relevant document as the dependent relative of the sponsor (in the definition of "dependent relative" in</p>

	<p>this table) and, unless this confirms that the person has the right of permanent residence under regulation 15 of the EEA Regulations, evidence which satisfies the decision-maker that the relationship continues to subsist (or did so for the period of residence relied upon).</p> <p>For the purposes of this definition –</p> <p>(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 the deceased person's death certificate or other evidence which the decision-maker is satisfied evidences the death; and</p> <p>(b) where the applicant is a non-EEA citizen without a documented right of permanent residence, the required evidence of family relationship must include –</p> <p>(i) the following proof of identity and nationality of the person concerned, in relation to whom the applicant is a family member–</p> <p>(aa) (in the case of an EEA citizen or a qualifying British citizen) their valid passport (and 'valid' here and in subparagraph (bb) means that the document is genuine and has not expired or been cancelled or invalidated); or</p> <p>(bb) (in the case of an EEA citizen) 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;</p> <p>unless (in any case) the decision-maker 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</p> <p>(ii) evidence which satisfies the decision-maker that –</p> <p>(aa) where the applicant is a family member of a relevant EEA citizen, either that EEA citizen was a relevant EEA citizen as described in subparagraph (a) in the definition of "relevant EEA citizen" in this table throughout the continuous qualifying period on which the applicant relies as being a family member of a relevant EEA citizen; or that EEA citizen is a relevant EEA citizen as described in subparagraph (b) or (c) in the definition of "relevant EEA citizen" in this table; or</p> <p>(bb) where the applicant is a family member of a qualifying British citizen, that British citizen was a qualifying British</p>
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	<p>citizen throughout the continuous qualifying period on which the applicant relies as being a family member of a qualifying British citizen; and</p> <p>(c) where, in order to meet the requirements of this definition, the applicant submits a copy (and not the original) of a document (including by uploading this as part of the required application process), the decision-maker can require the applicant to submit the original document where the decision-maker has reasonable doubt as to the authenticity of the copy submitted.</p>
Required proof of identity and nationality	<p>The following –</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>unless (in the case of (a) or (b)) the decision-maker 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>For the purposes of this definition, "<b>valid</b>" means that the document is genuine and has not expired or been cancelled or invalidated.</p>
Right of permanent residence under regulation 15 of the EEA Regulations, in relation to any person	Includes the person, in accordance with the privileged entry provision, not requiring leave to enter or remain in any of the Islands under the 1971 Act by virtue of having that right, or because if the person were in the UK that person would be entitled to that right.
Right of permanent residence under regulations 13 to 15 of the EEA Regulations, in relation to any person	Includes the person, in accordance with the privileged entry provision, not requiring leave to enter or remain in any of the Islands under the 1971 Act by virtue of having that right, or because the person would in the UK be entitled to that right.
Right to reside under the EEA	Includes the person, in accordance with the privileged entry provision, not requiring leave to enter or remain in any of the Islands

Regulations, in relation to any person	under the 1971 Act by virtue of having that right, or because the person would in the UK be entitled to that right.
Self-employed person	<p>A person who satisfies the decision-maker that the person is, or (as the case may be) for the relevant period was, or in the UK would be or would have been, either –</p> <p>(a) a self-employed person as defined in regulation 4(1) of the EEA Regulations; or</p> <p>(b) a person who is no longer in self-employment but who continues or continued to be treated as a self-employed person within the meaning of "qualified person" under regulation 6 of the EEA Regulations.</p>
Specified application process	The application form published for the purpose of this Appendix by the Immigration & Nationality Division of the Guernsey Border Agency and the process set out in that form for making an application under this Appendix and providing the required proof of identity and nationality.
Specified biometrics, in relation to any applicant	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) 2300 GMT on 31 December 2020; or</p> <p>(b) if the United Kingdom withdraws from the European Union on 29 March 2019 without a Withdrawal Agreement –</p> <p>(i) 2300 GMT on 29 March 2019 for a relevant EEA citizen, and in the references to specified date in –</p> <ul style="list-style-type: none"> <li>- condition 7 in the table in paragraph EU11 of this Appendix;</li> <li>- subparagraph (a) of the definition of "continuous qualifying period" in this table;</li> <li>- subparagraphs (a), (b), (c) and (e) of the definition of "deportation order" in this table;</li> <li>- subparagraphs (a) and (b) of the definition of "exclusion decision" in this table; and</li> <li>- subparagraphs (a) and (b) of the definition of "family member of a relevant EEA citizen" in this table; or</li> </ul> <p>(ii) otherwise, such date as will be specified in this Appendix in due course.</p>

Specified relevant document	A relevant document issued on the basis of an application made on or after 6 April 2015.
Spouse	<p>A person ("A") is the spouse of another person ("B") during a period of time, if –</p> <p>(a) A is party to a marriage with B; and</p> <p>(b) the marriage is recognised under the law of the Bailiwick of Guernsey or any other jurisdiction in the UK and Islands; and</p> <p>(c) the marriage is not a marriage of convenience; and</p> <p>(d) neither A nor B has another spouse, a civil partner or a durable partner with (in any of those circumstances) immigration status based on the relationship of that spouse, civil partner or durable partner with A or B.</p>
Supervening event, in relation to any applicant	<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 the applicant last acquired the right of permanent residence under regulation 15 of the EEA Regulations or since the applicant last completed a continuous qualifying period of five years); or</p> <p>(b) any of the following events has occurred, unless it has been set aside or no longer has effect in respect of the applicant –</p> <p>(i) 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 Economic Area) Regulations of the Isle of Man); or</p> <p>(ii) 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>(iii) an exclusion decision; or</p> <p>(iv) a deportation order, other than under the EEA Regulations.</p>
Termination of the marriage or civil partnership	The date on which the order finally terminating the marriage or civil partnership is made by a court.
The UK and Islands	The United Kingdom and the Islands taken together.
Valid evidence of the applicant's	(a) a valid biometric immigration document (as defined in section 5 of the 2007 Act), a valid stamp or endorsement in a passport



indefinite leave to enter or remain	<p>(whether or not the passport has expired) or other valid document issued by the immigration authority of any jurisdiction in the UK and Islands, confirming that the applicant has indefinite leave to enter or remain in that jurisdiction, which has not lapsed or been revoked or invalidated; or</p> <p>(b) the decision-maker is otherwise satisfied from the evidence or information available to the decision-maker that the applicant has indefinite leave to enter or remain in any jurisdiction in the UK and Islands, which has not lapsed or been revoked or invalidated.</p>
Worker	<p>A person who satisfies the decision-maker that the person is, or (as the case may be) for the relevant period was, or in the UK would be or would 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 to be treated as a worker within the meaning of "qualified person" under regulation 6 of the EEA Regulations.</p>

ANNEX 2  
CONSIDERATION OF A VALID APPLICATION

A2.1. 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 decision-maker; and
- (b) any other information or evidence made available to the decision-maker (including from other public bodies or authorities) at the date of decision.

A2.2. (1) 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, the decision-maker may invite the applicant to –

- (a) provide further information or evidence that they meet those requirements; or
- (b) attend an interview in person with the decision-maker, or be interviewed by the decision-maker by telephone, by video-telecommunications link or over the internet.

(2) If the applicant purports to meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the basis of a relationship with another person ("P"), including where P is a qualifying British citizen, the decision-maker may invite P to –

- (a) provide information or evidence about their relationship with the applicant, their residence in the UK and Islands or, where P is a qualifying British citizen, their residence in a country listed in the definition of "EEA citizen" in the table at Annex 1; or
- (b) attend an interview in person with the decision-maker, or be interviewed by the decision-maker by telephone, by video-telecommunications link or over the internet.

(3) If the applicant or P (as the case may be):

- (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 decision-maker may draw any factual inferences about whether the applicant meets the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain as appear appropriate in the circumstances.

(4) The decision-maker 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 enter or remain or for limited leave to enter or remain.

(5) The decision-maker must not decide that the applicant does not meet the eligibility requirements for indefinite leave to enter or remain or for limited leave to enter or remain on the sole basis that the applicant or P failed on at least two occasions to comply with an invitation to attend an interview in person or with other arrangements to be interviewed."

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EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Immigration (Bailiwick of Guernsey) Rules 2008, as amended by the Immigration (Bailiwick of Guernsey) (Amendment) Rules 2011, the Immigration (Bailiwick of Guernsey) (Amendment) Rules 2013 and the Immigration (Bailiwick of Guernsey) (Amendment) Rules 2015 ("**the Immigration Rules**").

Appendix EU to the Immigration Rules, as inserted by these Rules, sets out the EU settlement scheme. This scheme provides for indefinite or limited leave to enter or remain to be granted to citizens of EEA countries or Switzerland, as well as to their family members and family members of qualifying British citizens, if they satisfy the requirements and conditions of the scheme.

These Rules will come into force on the 30<sup>th</sup> March, 2019.

