

GUERNSEY STATUTORY INSTRUMENT

2019 No. 29

The Immigration (Fees) (Bailiwick of Guernsey) Order, 2019*Made*18th March, 2019*Coming into operation*30th March, 2019

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by sections 67A, 67B and 67C of the Immigration Act 2014^a as extended to the Bailiwick by the Immigration (Guernsey) Order 2016^b and section 33(1) of the Immigration Act 1971^c as extended to the Bailiwick by the Immigration (Guernsey) Order 1993^d, hereby makes the following Order:-

Fees in respect of immigration-related applications.

1. (1) The Schedule prescribes the fee for the consideration and determination of an application for the following –

- (a) a work permit,

^a An Act of Parliament (Chapter 22 of 2014).

^b UK S.I. 2016 No. 996 registered on the records of the Island on the 14th November, 2016.

^c An Act of Parliament (Chapter 77 of 1971)

^d 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.

- (b) leave to remain in the Bailiwick for a limited or indefinite period, other than a work permit or Appendix EU leave, and
- (c) variation of leave to enter or remain in the Bailiwick, other than variation of a work permit or of Appendix EU leave.

(2) The person who makes the application must pay to the States of Guernsey (through the Committee) the fee prescribed in the Schedule for the application.

(3) If the fee prescribed for the application is not paid, the decision-maker must not consider or determine the application.

(4) This article is subject to articles 2, 3 and 4.

(5) For the avoidance of doubt, no fee is payable for the consideration or determination of an application for –

- (a) Appendix EU leave, or
- (b) a notice in writing under any of paragraphs 255, 256, 257 or 257A of the Immigration Rules.

Exemptions.

2. Each of these applications is exempt from the fee that would otherwise be payable for the application under article 1 –

- (a) an application for leave to remain in the Bailiwick (for a limited or indefinite period) made by a person who –
 - (i) has been granted limited leave to enter or remain in the Bailiwick outside the provisions of the Immigration Rules following the rejection of their claim for asylum, or the dependent of any such person, or
 - (ii) is under the age of 18 and, in the Committee's view, is being provided with financial, or similar, assistance from the States of Guernsey,
- (b) an application for leave to remain in the Bailiwick for an indefinite period made by a person who is a victim of domestic violence and, in the Committee's view, appears to be destitute, and
- (c) an application for variation of leave to enter or remain in the Bailiwick for a period of up to 6 months made to an immigration officer on the applicant's arrival at a port of entry in the Bailiwick.

Simultaneous multiple applications.

3. (1) This article applies where two or more applications of one or both kinds specified in article 1(1)(a), (b) or (c) are made –

- (a) at the same time, and

(b) in respect of the same person.

(2) Where this article applies –

(a) only a single fee is payable under article 1 in respect of all those applications, and

(b) the fee payable under article 1 is the highest fee prescribed in the Schedule for any of those applications.

Committee may waive or reduce fee in exceptional circumstances.

4. The Committee may waive or reduce any fee payable for an application under article 1 where the Committee considers it appropriate to do so due to –

(a) circumstances beyond the control of the applicant, or

(c) compelling practical or compassionate reasons.

Interpretation.

5. (1) In this Order, unless the context requires otherwise –

"**the 1971 Act**" means the Immigration Act 1971 as extended to the Bailiwick by the Immigration (Guernsey) Order 1993,

"**Appendix EU leave**" means limited or indefinite leave to enter or remain granted by virtue of Appendix EU to the Immigration Rules, as inserted by the Immigration (Bailiwick of Guernsey)

(Amendment) Rules, 2019^e,

"the Bailiwick" means the Bailiwick of Guernsey,

"claim for asylum" means a claim that it would be contrary to the United Kingdom's obligations in respect of the Bailiwick of Guernsey under –

- (a) the United Nations Convention relating to the Status of Refugees and its Protocol, or
- (b) Article 3 of the Human Rights Convention

for the claimant to be removed from, or required to leave, the Bailiwick of Guernsey,

"the Committee" means the Committee for Home Affairs,

"the decision-maker", in relation to an application specified in article 1(1), means the Lieutenant Governor, the Committee, an immigration officer or any other person carrying out the function of considering and determining applications of that kind,

"dependant", in relation to any person, means –

- (a) a spouse of the person, or

^e Made by the Committee for Home Affairs on the 4th March, 2019.

- (b) a child under the age of eighteen years of that person or that person's spouse,

"the Immigration Rules" means the Immigration (Bailiwick of Guernsey) Rules, 2008^f,

"the Human Rights Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on the 4th November, 1950 as it has effect for the time being in relation to the Bailiwick,

"leave to enter the Bailiwick" or **"leave to remain in the Bailiwick"** means leave of that kind under the provisions of the 1971 Act or the Immigration Rules,

"spouse" includes an unmarried partner,

"unmarried partner" has the meaning given in paragraph 6 of the Immigration Rules,

"variation of leave to remain in the Bailiwick" means such a variation to leave of that kind under the provisions of the 1971 Act or the Immigration Rules, and

^f G.S.I. No. 26 of 2008; as amended by G.S.I. No. 18 of 2011; G.S.I. No. 33 of 2013; G.S.I. No. 27 of 2015 and the Immigration (Bailiwick of Guernsey) (Amendment) Rules, 2019.

"work permit" –

- (a) means a work permit within the meaning of section 33(1) of the 1971 Act, and
- (b) includes a duplicate or replacement work permit.

(2) The Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^g applies to the interpretation of this Order throughout the Bailiwick.

Revocation.

6. The following Orders are revoked –

- (a) the Immigration and Asylum Act 1999 (Fees) (Bailiwick of Guernsey) (Amendment) Order, 2016^h,
- (b) the Immigration (Work Permit Fee) (Bailiwick of Guernsey) Order, 2016ⁱ, and
- (c) the Immigration and Asylum Act 1999 (Fees) (Bailiwick of Guernsey) Order, 2011^j.

^g Order in Council No. V of 2018; as amended by Ordinances No. 68 and 82 of 2018.

^h G.S.I. No. 34 of 2016.

ⁱ G.S.I. No. 33 of 2016.

^j G.S.I. No. 50 of 2011.

Citation.

7. This Order may be cited as the Immigration (Fees) (Bailiwick of Guernsey) Order, 2019.

Commencement.

8. This Order shall come into force on the 30th March, 2019.

Dated this 18th day of March, 2019

A handwritten signature in cursive script that reads "Mary Lowe". The signature is written in black ink and is positioned above a dotted horizontal line.

Deputy Mary Lowe

President of the Committee for Home Affairs

For and on behalf of the Committee.

SCHEDULE

Art. 1

FEEES FOR APPLICATIONS

	Type of Application for Work Permit	Fee
1.	First issue of a work permit valid for a period of one month or less.	£50
2.	First issue of a work permit valid for a period of more than one month but not exceeding 3 years.	£300
3.	First issue of a work permit valid for a period exceeding 3 years.	£500
4.	Issue of a duplicate work permit in any case where the work permit is reported as lost, stolen or damaged.	£20
5.	Issue of a replacement work permit where necessary as a result of the employer providing incorrect information to the Committee.	£100

	Type of Application (other than an Application for a Work Permit or Appendix EU Leave)	Fee for each applicant and each dependant of an applicant
1.	Indefinite leave to remain.	£2,389.00
2.	Leave to remain for a limited period where the application is made in relation to – (a) a person who is a work permit holder, or (b) a dependant of a work permit holder.	£704.00

	Type of Application (other than an Application for a Work Permit or Appendix EU Leave)	Fee for each applicant and each dependant of an applicant
3.	Leave to remain for a limited period in any case not falling within item 2 above.	£1,033.00
4.	Variation of leave to enter or remain.	£1,033.00

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes fees in respect of various applications under the Immigration Act 1971, as extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order 1993, and under the Immigration (Bailiwick of Guernsey) Rules, 2008, as amended ("**Immigration Rules**"). It also consolidates the fees prescribed in the Immigration (Work Permit Fee) (Bailiwick of Guernsey) Order, 2016.

Article 1 of this Order, together with the Schedule, prescribes the fees payable for applications for –

- a work permit,
- indefinite or limited leave to remain in the Bailiwick, other than a work permit or leave to enter or remain under Appendix EU to the Immigration Rules ("**Appendix EU leave**"), or
- variation of leave to enter or remain in the Bailiwick.

No fee is payable in respect of an application for Appendix EU leave or a notice in writing (given to EEA nationals or family members) under paragraph 255, 256, 257

or 257A of the Immigration Rules.

Article 2 of this Order exempts an application of the kind specified in paragraph (a), (b) or (c) of that article from the fee that would otherwise be payable under article 1 of this Order.

Article 3 of this Order provides that, in any case where multiple applications are made at the same time in respect of the same person, only a single fee is payable in respect of those applications. That single fee is the highest fee prescribed for any of those applications in the Schedule to this Order.

Article 4 of this Order authorises the Committee for Home Affairs to waive or reduce any fee payable for an application under article 1 due to circumstances beyond the applicant's control or compelling practical or compassionate reasons.

Article 5 of this Order defines expressions used in this Order and sets out other interpretation provisions.

Article 6 of this Order revokes three earlier Orders prescribing immigration-related fees, including fees payable for applications for work permits.

Articles 7 and 8 of this Order are the citation and commencement provisions respectively.

This Order comes into force on the 30th March, 2019.

