

**GUERNSEY STATUTORY INSTRUMENT**  
**No. 151**  
ENTITLED

**The Immigration and Social Security Co-ordination**  
**(EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020**

ARRANGEMENT OF REGULATIONS

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GUERNSEY STATUTORY INSTRUMENT

2020 No.

**The Immigration and Social Security Co-ordination (EU  
Withdrawal) (Bailiwick of Guernsey) Regulations, 2020**

<i>Made</i>	<i>18<sup>th</sup> December, 2020</i>
<i>Coming into operation</i>	<i>See article 1</i>
<i>Laid before the States</i>	<i>, 2021</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by article 1(1) of the Immigration (Guernsey) Order 2020<sup>a</sup>, section 5 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020<sup>b</sup> as extended to the Bailiwick by that Order, and all other powers in that behalf hereby makes the following Regulations:-

**Commencement of the Immigration (Guernsey) Order 2020 and these Regulations.**

1. The Immigration (Guernsey) Order 2020 and these Regulations come into force at 11 pm on 31<sup>st</sup> December, 2020.

**Deemed leave to enter and remain during grace period or period of lawful residence.**

2. (1) Subject to paragraphs (2) and (3), despite the repeal of section

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<sup>a</sup> UK S.I. 2020 No. 1560 registered on the records of the Island on the 18<sup>th</sup> December, 2020.

<sup>b</sup> An Act of Parliament (Chapter 20 of 2020).

7 of the Immigration Act 1988<sup>c</sup> by section 1 of the 2020 Act –

- (a) any Bailiwick relevant person who was ordinarily resident in the Bailiwick immediately before commencement day is deemed to have been given leave to enter and remain in the Bailiwick on commencement day, and
- (b) any UK relevant person or Isle of Man relevant person who at any time during the person's period of lawful residence arrives or is present in the Bailiwick is deemed to have been given leave to enter and remain in the Bailiwick that has effect only while the person is so arriving or present in the Bailiwick.

(2) Any leave to enter or remain in the Bailiwick deemed to have been given under paragraph (1)(a) expires at the end of the grace period unless it has been revoked or ceased to be effective earlier.

(3) Any leave to enter or remain in the Bailiwick deemed to have been given to a person under paragraph (1)(b) expires at the end of the person's period of lawful residence.

(4) Paragraph (1) does not apply to the following –

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<sup>c</sup> An Act of Parliament (Chapter 14 of 1998); extended to the Bailiwick of Guernsey by the Immigration (Guernsey) Order, 1993 (UK S.I. 1993 No. 1796).

- (a) any person who otherwise has leave to enter or, as the case may be, remain in the Bailiwick under the 1971 Act,
- (b) any person who does not require leave to enter or, as the case may be, remain in the Bailiwick under the 1971 Act,
- (c) any person who is subject to a deportation order made under section 5 of the 1971 Act (procedure for, and further provisions as to, deportation) or a decision to make a deportation order under that section,
- (d) any person who is an excluded person for the purposes of section 8B of the 1971 Act (persons excluded from the Bailiwick of Guernsey under international obligations) or an equivalent statutory provision in force in a UK and Islands jurisdiction other than the Bailiwick,
- (e) any person in respect of whom directions have been given by the Lieutenant Governor under section 3ZA (Irish citizens) or 9 (further provisions as to a common travel area) of the 1971 Act for that person not to be given entry to the Bailiwick on the ground that the person's exclusion is conducive to the public good,
- (f) any person in respect of whom a removal direction has been given under section 10 of the Immigration and

Asylum Act 1999<sup>d</sup> (removal of persons unlawfully in the Bailiwick of Guernsey) as extended to the Bailiwick, and who has not since then been granted admission to the Bailiwick, and

- (g) any person in respect of whom a removal direction has been given or a removal decision made under the immigration laws of any UK and Islands jurisdiction other than the Bailiwick, and who has not since then been granted admission to that jurisdiction.

(5) Unless the context requires otherwise, a reference in the 1971 Act to limited leave includes a reference to leave deemed to have been given under paragraph (1).

**Extension of grace period for Bailiwick relevant persons.**

3. (1) Where a Bailiwick relevant person ("the applicant") deemed to have been given leave to enter or remain in the Bailiwick under regulation 2(1)(a) has made an in-time application, the grace period in relation to the person is extended until the end of the relevant period unless it has been revoked or ceased to be effective earlier.

(2) For the purposes of paragraph (1), an in-time application is an application for leave to enter or remain in the Bailiwick by virtue of residence scheme immigration rules which —

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<sup>d</sup> An Act of Parliament (Chapter 33 of 1999); extended to the Bailiwick of Guernsey by the Immigration and Asylum Act 1999 (Guernsey) Order, 2003 (UK S.I. 2003 No. 2900).

- (a) is valid under those rules,
- (b) is made on or before the application deadline, and
- (c) has not been withdrawn.

(3) For the purposes of paragraph (1), the relevant period begins immediately after the application deadline and ends—

- (a) if the applicant is, by virtue of the in-time application, granted leave to enter or remain in the Bailiwick, on the day on which that leave is granted,
- (b) if a decision is taken not to grant any leave to enter or remain in the Bailiwick in response to the applicant's application, and the applicant does not bring relevant proceedings against that decision, on the specified day, and
- (c) if a decision is taken not to grant any leave to enter or remain in the Bailiwick, and the applicant brings relevant proceedings against that decision, on the day on which those proceedings are finally determined, withdrawn or abandoned, or lapse.

(4) In paragraph (3)(b) and (c) –

- (a) "**relevant proceedings**" means –

- (i) proceedings for judicial review of the decision,  
or
  - (ii) an application to the Complaints Panel to have the decision reviewed by a Review Board under the Administrative Decisions (Review) Guernsey Law, 1986<sup>e</sup>, to the extent that such an application is permitted under that Law, and
- (b) "the specified day" means the day immediately after the expiry of three months following the day on which notice of the decision is given to the applicant.
- (5) For the purposes of paragraph (3)(c) –
- (a) the relevant proceedings are to be treated as abandoned if the applicant is granted leave to enter or remain in the Bailiwick by virtue of residence scheme immigration rules, and
  - (b) the relevant proceedings are not to be treated as abandoned solely because the appellant leaves the Bailiwick.

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<sup>e</sup> Ordres en Conseil Vol. XXIX, p. 381; as amended by Order in Council No. VIII of 1992; Nos. II and V of 1993; No. X of 2019; Ordinance No. XXXIII of 2003; No. IX of 2016.

**Extension of grace period: late applications.**

4. (1) This regulation applies where a Bailiwick relevant person makes an application for leave to enter or remain in the Bailiwick by virtue of residence scheme immigration rules which –

(a) is valid under those rules and has not been withdrawn, but

(b) is made after the application deadline.

(2) Where this regulation applies and the Committee for Home Affairs is satisfied that there is good reason for the person's failure to make the application on or before the application deadline, the grace period in relation to the person is deemed to be and have been extended in accordance with regulation 3 as if the application had been made on or before the application deadline.

**Meaning of "Bailiwick relevant person".**

5. (1) In these Regulations, "**Bailiwick relevant person**" means a person who –

(a) does not have (and who has not, during the grace period, had) leave to enter or remain in the Bailiwick by virtue of residence scheme immigration rules, and

(b) satisfies one or more of conditions A, B and C.

(2) Condition A is that –



- (a) the person had been issued an EEA family permit under paragraphs 258, 259 and 260 of the Immigration Rules (as they had effect immediately before commencement day), and
  - (b) the EEA family permit had not been revoked or otherwise ceased to be effective before commencement day.
- (3) Condition B is that immediately before commencement day, the person –
  - (a) was ordinarily resident in the Bailiwick, and
  - (b) had the right to enter or remain in the Bailiwick, without requiring leave to enter or remain, by virtue of section 7(1) of the Immigration Act 1988.
- (4) Condition C is that the person is a relevant family member of a person who satisfies Condition B.
- (5) For the purposes of paragraph (4), a person ("X") is a relevant family member of another person ("Y") if –
  - (a) before commencement day or during the grace period–
    - (i) X is or becomes Y's child,
    - (ii) X is or becomes the civil partner, durable

partner or spouse of Y,

(iii) X is or becomes a dependent parent or dependent relative of Y,

(iv) X would in the United Kingdom be or have become a family member of Y within the meaning of regulation 7 of the EEA Regulations, or

(v) X would in the United Kingdom be or have become an extended family member of Y within the meaning of regulation 8 of the EEA Regulations, and

(b) at the time of determining whether X is a family member of Y, X is a child, civil partner, durable partner, spouse, dependent parent, dependent relative, family member or (as the case may be) extended family member of Y within the respective meanings given by paragraph (a).

(6) In paragraph (5), "**child**", "**civil partner**", "**dependent parent**", "**dependent relative**", "**durable partner**" and "**spouse**" have the respective meanings given by Annex 1 to Appendix EU to the Immigration Rules (in relation to a relevant EEA citizen or any other person), subject to any necessary modifications.

**Meaning of "Isle of Man relevant person" and "UK relevant person".**

6. In these Regulations –

**"Isle of Man relevant person"** means a person who, under the Isle of Man Regulations, is treated as having the right to lawfully reside in the Isle of Man during the period of lawful residence, and

**"UK relevant person"** means a person who, under the UK Regulations, is treated as having the right to reside in the United Kingdom during the period of lawful residence.

**Interpretation.**

7. In these Regulations, unless the context requires otherwise –

**"the 1971 Act"** means the Immigration Act 1971 as extended to the Bailiwick,

**"the 1999 Act"** means the Immigration and Asylum Act 1999<sup>f</sup> as extended to the Bailiwick,

**"the 2020 Act"** means the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 as extended to the Bailiwick by the Immigration (Guernsey) Order 2020,

**"the application deadline"** means the end of the 30<sup>th</sup> June, 2021,

**"the Bailiwick"** means the Bailiwick of Guernsey,

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<sup>f</sup> Chapter 33 of 1999; as extended

**"Bailiwick relevant person"**: see regulation 5,

**"commencement day"** means the time specified in regulation 1 for the commencement of the 2020 Act and these Regulations,

**"the EEA Regulations"** means the Immigration (European Economic Area) Regulations 2016<sup>g</sup> as they had effect immediately before commencement day,

**"the grace period"** –

- (a) means the period beginning immediately after commencement day and ending with the application deadline, and
- (b) may be extended in respect of any person in accordance with regulation 3 or 4,

**"the Immigration Rules"** means the Immigration (Bailiwick of Guernsey) Rules, 2008<sup>h</sup>,

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<sup>g</sup> UK S.I. 2016 No. 1052; amended by S.I. 2017 No. 1; S.I. 2017 No. 1242; S.I. 2018 No. 801; S.I. 2019 No. 468; S.I. 2019 No. 745 (prospectively); and S.I. 2019 No. 1155.

<sup>h</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; and No. 17 of 2019. There are other amendments not relevant to these Regulations.

**"the Isle of Man Regulations"** means the UK Regulations as those Regulations apply in the Isle of Man under the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) (Application) Regulations 2020<sup>i</sup>,

**"Isle of Man relevant person"**: see regulation 6,

**"period of lawful residence"** –

- (a) in relation to an Isle of Man relevant person, means the period during which the person may lawfully reside in the Isle of Man under the Isle of Man Regulations taken with the Immigration (European Economic Area) Regulations 2019<sup>j</sup> as they are amended and have effect after commencement day, and
- (b) in relation to a UK relevant person, means the period during which the person may lawfully reside in the United Kingdom under the UK Regulations taken with the EEA Regulations as they are amended and have effect after commencement day,

**"residence scheme immigration rules"** means –

- (a) Appendix EU to the Immigration Rules, or

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<sup>i</sup> SD No. 2020/0508.

<sup>j</sup> SD No. 2019/0132 (as amended).

- (b) any other immigration rules which are identified in the Immigration Rules as having effect in connection with the United Kingdom exiting the European Union,

"UK and Islands jurisdiction" means any of the Bailiwick, the Bailiwick of Jersey, the Isle of Man or the United Kingdom,

"the UK Regulations" means the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020<sup>k</sup>, and

"UK relevant person": see regulation 6.

**Amendment of the Immigration Act 1971.**

8. (1) The 1971 Act is amended as follows.

(2) In section 9(4)(a) of that Act, delete "written" and "as being in the interests of national security".

(3) In para 27C of Schedule 2 to that Act –

(a) in its heading, delete "non-EEA",

(b) in subparagraph (1)(b), for "not an EEA national", substitute "neither a British citizen nor an Irish citizen", and

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<sup>k</sup> UK S.I. 2020 No. 1209.

- (c) repeal subparagraph (10).

**Amendment of the Immigration and Asylum Act 1999.**

9. (1) The 1999 Act is amended as follows.

(2) In section 10 of that Act –

(a) in subsection (1), for "British citizen", substitute "privileged person", and

(b) immediately after subsection (1), insert the following subsection –

"(1A) In subsection (1), "**a privileged person**" means –

(a) a British citizen,

(b) an Irish citizen, or

(c) a person who has been given leave to enter or remain in the Bailiwick of Guernsey by virtue of –

(i) Appendix EU to the Immigration (Bailiwick of Guernsey) Rules, 2008,

(ii) any other immigration rules which are identified in those rules as having effect

in connection with the United Kingdom  
exiting the European Union, or

- (iii) any equivalent immigration rules in force in any UK and Islands jurisdiction other than the Bailiwick."

(3) In section 167(1) of that Act, delete the definition of "EEA State".

**Amendment of the Immigration (Entry through Republic of Ireland) (Exclusions and Restrictions) (Bailiwick of Guernsey) Order, 2015.**

10. (1) The Immigration (Entry through Republic of Ireland) (Exclusions and Restrictions) (Bailiwick of Guernsey) Order, 2015<sup>1</sup> is amended as follows.

(2) In article 1(1)(b) of that Order –

(a) immediately after "other than", insert "a citizen of the Republic of Ireland or", and

(b) for items (iv) and (v), substitute the following items –

"(iv) the Lieutenant Governor has given directions under section 3ZA or 9 of the Act for the person not to be

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<sup>1</sup> G.S.I. No. 56 of 2015.



given entry to Guernsey on the ground that that person's exclusion is conducive to the public good,

(v) the person is subject to a deportation order made under section 5 of the Act or a decision to make a deportation order under that section,

(vi) the person is an excluded person for the purposes of section 8B of the Act, or an equivalent statutory provision in force in any United Kingdom and Islands jurisdiction other than Guernsey,

(vii) a removal direction has been given in respect of the person under section 10 of the Immigration and Asylum Act 1999 as extended to Guernsey, and the person has not since then been granted admission to Guernsey, or

(viii) a removal direction has been given or a removal decision made in respect of the person under the immigration laws of any jurisdiction in the United Kingdom and Islands other than Guernsey, and the person has not since then been granted admission to that jurisdiction."

(3) Immediately after article 1 of that Order, insert the following

article –

**"Stay of persons undertaking permitted paid engagements.**

1A. (1) Subject to articles 5 and 6, this article applies to any person who –

(a) enters the Bailiwick on a local journey from the Republic of Ireland, having entered that Republic –

(i) on coming from a place outside the common travel area, or

(ii) after leaving the Bailiwick whilst having a limited leave to enter or remain there which has since expired, and

(b) at the time of the person's entry to the Bailiwick, intends, and has a previously arranged invitation, to undertake a permitted paid engagement in the Bailiwick.

(2) Subject to paragraph (3), a person to whom this article applies may remain in the Bailiwick for a period not exceeding one month from the date on which the person entered the Bailiwick.

(3) If a person to whom this article has at any time applied leaves the Bailiwick but does not leave the common travel area, on the person's subsequent entry to the Bailiwick, that person may remain in the Bailiwick for a period not exceeding seven days from the date of that subsequent entry."

(4) In article 2(1) of that Order, for "articles 5", substitute "articles

1A, 5".

(5) In article 3 of that Order –

(a) in its heading and paragraph (2), for "seven days" in each place where the expression occurs, substitute "two months", and

(b) in paragraph (1), for "articles 5", substitute "articles 1A, 5".

(6) In article 4 of that Order –

(a) in its heading and paragraph (2), for "three months" in each place where the expression occurs, substitute "six months", and

(b) in paragraph (1), for "articles 5", substitute "articles 1A, 5".

(7) In article 5 of that Order, for "articles 2", substitute "articles 1A, 2".

(8) In article 6 of that Order, for "entitled to enter or remain in the Bailiwick by virtue of section 7(1) of the Immigration Act 1988", substitute "a citizen of the Republic of Ireland".

(9) In article 7 of that Order, for paragraph (b), substitute the following paragraph –

"(b) is a citizen of the Republic of Ireland, or".

(10) In article 9(1) of that Order –

(a) insert, in the appropriate alphabetical order, the following definition –

"permitted paid engagement" means an activity listed in paragraph 56X(iii)(a), (b), (d) or (e) of the Immigration (Bailiwick of Guernsey) Rules, 2008," and

(b) delete the definition of "the Immigration Act 1988".

**Amendment of the Immigration (Entry through Republic of Ireland) (Occupation and Employment) (Bailiwick of Guernsey) Order, 2015.**

11. (1) The Immigration (Entry through Republic of Ireland) (Occupation and Employment) (Bailiwick of Guernsey) Order, 2015<sup>m</sup> is amended as follows.

(2) In article 1 of that Order –

(a) for paragraph (3), substitute the following paragraph –

"(3) A person to whom this article applies –

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<sup>m</sup> G.S.I. No. 55 of 2015.

(a) who, at the time of the person's entry to the Bailiwick, intends and has a previously arranged invitation to undertake a permitted paid engagement in the Bailiwick, must not engage in any occupation for reward or any employment except a permitted paid engagement, and

(b) in any other case, must not engage in any occupation for reward or any employment during the person's stay in the Bailiwick.",

(b) immediately after paragraph (3), insert the following paragraph –

"(3A) If a person to whom paragraph (3)(a) has at any time applied leaves the Bailiwick but does not leave the common travel area, on the person's subsequent entry to the Bailiwick, the condition in paragraph (3)(a) applies to that person.", and

(c) in paragraph (4), for "entitled to enter or remain in the Bailiwick by virtue of section 7(1) of the Immigration Act 1988", substitute "an Irish citizen".

(3) In article 2 of that Order, for paragraph (b), substitute the following paragraph –

"(b) is an Irish citizen,".

(4) In article 3(1) of that Order –

(a) insert, in the appropriate alphabetical order, the following definitions –

""**employment**"" includes paid and unpaid employment, paid and unpaid work placements undertaken as part of a course or period of study, self-employment, and engaging in business or any professional activity," and

""**permitted paid engagement**"" means an activity listed in paragraph 56X(iii)(a), (b), (d) or (e) of the Immigration (Bailiwick of Guernsey) Rules, 2008," and

(b) delete the definition of "the Immigration Act 1988".

**Amendment and saving of the Directions of the Lieutenant Governor Concerning Leave to Enter or Remain, 2019.**

12. (1) The Directions of the Lieutenant Governor Concerning Leave to Enter or Remain, 2019<sup>n</sup> are amended as follows.

(2) In paragraph 1(1) of those Directions, delete the definitions of "EEA citizen" and "EEA state".

(3) Revoke paragraphs 11, 12, 13 and 14 of those Directions.

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<sup>n</sup> G.S.I. No. 53 of 2019.

(4) In paragraph 19(2)(b) of those Directions, for "EEA citizen", substitute "Irish citizen".

(5) In paragraph 21 of those Directions, for "British Citizens", substitute "British citizens or Irish citizens".

(6) Revoke paragraph 22 of those Directions.

(7) In paragraph 25 of those Directions –

(a) in subparagraph (1), delete "Subject to paragraph (2),",  
and

(b) revoke subparagraph (2).

(8) Despite the amendment of paragraph 19(2)(b) of those Directions by paragraph (4) of this regulation, where any EEA citizen is posted outside the United Kingdom and Islands in accordance with paragraph 19(2)(b) of those Directions before commencement day, paragraph 19(2)(b) of those Directions continues to apply in relation to the EEA citizen as if unamended by paragraph (4) of this regulation.

**Amendment and transition of the Immigration Rules.**

13. (1) The Immigration Rules are amended as follows.

(2) In paragraph 6 of those Rules, for the definitions of "EEA national" and "EEA state", substitute the following definition –

"EEA citizen" means a national of a State which is a Contracting Party to the European Economic Area Agreement; a Swiss national shall be treated as an EEA citizen for the purposes of these Rules,".

(3) In the heading of the Part of those Rules entitled "EEA NATIONALS AND THEIR FAMILIES", for "NATIONALS", substitute "CITIZENS".

(4) Revoke paragraphs 255 to 262 of those Rules, inclusive of both paragraphs.

(5) Where –

(a) before commencement day, a person had been given notice in writing under any of paragraphs 256, 257 or 257A of those Rules (as they had effect immediately before commencement day) showing that the person may remain in the Bailiwick indefinitely, and

(b) the notice had not been revoked or otherwise ceased to be effective before commencement day,

the notice has effect as if it were indefinite leave to remain in the Bailiwick given to that person by the Lieutenant Governor other than by virtue of Appendix EU to those Rules.

(6) Where –

(a) before commencement day, a person had been given or issued either of the following documents –



- (i) a notice in writing showing that the person may remain in the Bailiwick for up to five years, under paragraph 255 of those Rules (as they had effect immediately before commencement day), or
  - (ii) leave to enter or remain as the primary carer or relative of an EEA national self-sufficient child, under paragraphs 257C and 257D of those Rules (as they had effect immediately before commencement day), and
- (b) the notice or (as the case may be) leave had not been revoked or otherwise ceased to be effective before commencement day,

the notice or (as the case may be) leave has effect or (as the case may be) continues to have effect as if it were limited leave to enter or remain in the Bailiwick given to that person by the Lieutenant Governor, other than by virtue of Appendix EU to those Rules, for the duration specified in that notice (or as the case may be) that leave as the period for which that person may remain in the Bailiwick.

(7) Paragraphs (5) and (6) of this regulation have effect despite the revocation of paragraphs 255 to 262 of those Rules by paragraph (4) of this regulation.

**Transitional provision relating to section 3ZA of the 1971 Act.**

14. (1) This regulation applies where –

- (a) before commencement day, the Lieutenant Governor had issued directions under section 9 of the 1971 Act for a person not to be given entry to Guernsey on the ground that the person's exclusion is conducive to the public good, and
- (b) immediately before commencement day, those directions were still in force.

(2) Where this regulation applies and the person is for the time being an Irish citizen, those directions have effect as if they were issued under section 3ZA(3) of the 1971 Act in respect of that person.

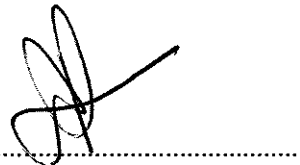
**Extent.**

15. These Regulations have effect throughout the Bailiwick of Guernsey.

**Citation.**

16. These Regulations may be cited as the Immigration and Social Security Co-ordination (EU Withdrawal) (Bailiwick of Guernsey) Regulations, 2020.

Dated this 18 day of December, 2020



Deputy Robert Prow  
President of the Committee for Home Affairs  
For and on behalf of the Committee.

## EXPLANATORY NOTE

*(This note is not part of these Regulations)*

These Regulations bring the Immigration (Guernsey) Order 2020 ("**the 2020 Order**") into force, and make consequential and transitional provisions as a result of that Order coming into force.

Regulation 1 brings the 2020 Order (and these Regulations) into force at 11 pm on the 31st December, 2020 ("**commencement day**"), which is the end of the Brexit Transitional Period. The 2020 Order, amongst other things, extends provisions of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ending the free movement of EEA nationals and their family members, conferring special immigration privileges to Irish citizens and authorising the Committee for Home Affairs to make consequential and transitional provisions. The power to make these provisions includes power to amend provisions of the Immigration Act 1971 and other UK statutory provisions previously extended to the Bailiwick as well as directions, orders, Rules and other provisions made under those UK statutory provisions as extended to the Bailiwick.

Regulations 2 to 7 provide for EEA citizens and their family members who were ordinarily resident in the Bailiwick before the Transition Period to be deemed to have been given leave to enter and remain during the 'grace period'. This is to give them time to apply for 'settled status' or 5-year leave to enter and remain under the EEA Settlement Scheme. The grace period is the period from commencement day until the 30<sup>th</sup> June 2021, but would be automatically extended for any person who has made such an application before that date and is awaiting a decision on the application, or awaiting a decision after bringing proceedings to challenge a refusal. The grace period expires if no proceedings are brought within 3 months of a refusal.

However, in the event of a late application being made, and the Committee for Home Affairs being satisfied that there is a good reason for this, provision is made for deemed extension of the grace period.

Regulations 2 to 7 also provide for those EEA citizens and their family members who are given lawful residence under the UK or Isle of Man versions of these consequential and transitional regulations to be deemed to have leave to enter and remain if they arrive in the Bailiwick while they have such lawful residence. This would enable the 'grace period' cohorts in the UK and Isle of Man to travel freely in the Bailiwick, in the spirit of the Common Travel Area. There is no need to make equivalent provision for the Bailiwick of Jersey as it will be giving deemed leave to enter and remain to its 'grace period' cohort, which is deemed under the Immigration Act 1971 to have a similar effect in the Bailiwick of Guernsey.

Regulations 8 to 13 amend the following legislation and provisions as they extend to or are made in the Bailiwick: the Immigration Act 1971, the Immigration and Asylum Act 1999, the Immigration (Entry through Republic of Ireland) (Exclusions and Restrictions) (Bailiwick of Guernsey) Order, 2015, the Immigration (Entry through Republic of Ireland) (Occupation and Employment) (Bailiwick of Guernsey) Order, 2015, the Directions of the Lieutenant Governor Concerning Leave to Enter or Remain, 2019 and the Immigration (Bailiwick of Guernsey) Rules, 2008. These amendments are made as a consequence of the end of free movement of EEA citizens and their families and the granting of special immigration privileges to Irish citizens. So far as practicable, these amendments and the related transitional provisions reflect similar amendments and transitional provisions made in the UK.

Regulation 14 makes transitional provisions in relation to the new section 3ZA of the Immigration Act 1971, which confers special immigration privileges to Irish citizens.

These Regulations have effect throughout the Bailiwick.

The 2020 Order and these Regulations come into force at 11 pm on the 31<sup>st</sup> December, 2020.

