

IMMIGRATION (LEAVE TO ENTER) (PRIVATE AIRCRAFT AND VESSELS) (JERSEY) DIRECTIONS 2021

Made

28 May 2021

Coming into force

29 May 2021

THE MINISTER FOR HOME AFFAIRS makes these Directions under section 3A of the Immigration Act 1971 as extended to Jersey and as modified by the Immigration and Asylum Act 1999 (Jersey) Order 2003 as amended by the Immigration (Jersey) (Amendment) Order 2017 –

1. Interpretation

In these Directions –

“1971 Act” means the Immigration Act 1971, as extended to Jersey and as modified by the Immigration (Jersey) Order 1993 as amended by the Immigration (Jersey) (Amendment) Order 2017;

“1999 Act” means the Immigration and Asylum Act 1999, as extended to Jersey and as modified by the Immigration and Asylum Act 1999 (Jersey) Order 2003 as amended by the Immigration (Jersey) (Amendment) Order 2017;

“Appendix V(J) Visitor” means the Appendix of that name in the Jersey Immigration Rules;

“EEA citizen” means a national of an EEA State;

“EEA State” means a Member State of the European Union, Liechtenstein, Iceland, Norway or Switzerland;

“Jersey Immigration Rules” means the directions, as amended from time to time, given under sections 1(4A) and 3(2) of the 1971 Act;

“private aircraft or vessel” means a civilian aircraft or vessel other than an aircraft or vessel operating commercially carrying passengers for reward.

2. Application

These Directions apply to a person who –

(a) is –

(i) an EEA citizen, or

(ii) a citizen of Australia, Canada, Japan, New Zealand, Singapore, South Korea or the United States of America;;

(b) arrives in Jersey on a private aircraft or vessel and requires leave to enter Jersey but does not have it; and

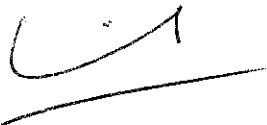
- (c) is not examined by an immigration officer under any of the powers conferred by paragraphs 2, 2A and 3 of Schedule 2 to the 1971 Act.

3. Deemed visitor leave

- (1) A person to whom these Directions apply is taken to have been given leave to enter Jersey as a visitor subject to the requirements of Appendix V(J)Visitor where –
 - (a) on the person's arrival in Jersey, a declaration under these Directions is submitted to the Jersey Customs and Immigration Service listing the person's arrival in Jersey; and
 - (b) each of the conditions in sub-paragraph (3) has been met.
- (2) A declaration under these Directions –
 - (a) is a declaration –
 - (i) in the form, and
 - (ii) containing the information, specified for this purpose on a website maintained by the Jersey Customs and Immigration Service; and
 - (b) is submitted in the same manner as a declaration making inward entry of a ship or aircraft in accordance with Article 24 of the Customs and Excise (Jersey) Law 1999 (whether or not inward entry requires to be made under that Law).
- (3) The conditions referred to in sub-paragraph (1)(b) are that the person –
 - (a) meets the requirements for the grant of leave to enter Jersey in accordance with Appendix V(J)Visitor;
 - (b) is travelling on a valid passport (or, in the case of an EEA citizen arriving in Jersey before 1st October 2021, a valid national ID card) issued to that person by the competent authority of the country concerned; and
 - (c) is not a person to whom sub-paragraph (4) applies.
- (4) This sub-paragraph applies to any of the following persons, namely –
 - (a) a person who is subject to a deportation order made under section 5 of the 1971 Act or a decision to make a deportation order under that section;
 - (b) a person who is an excluded person for the purposes of section 8B of the 1971 Act;
 - (c) a person in respect of whom directions have been given by the Minister under section 3ZA or section 9 of the 1971 Act for that person not to be given entry to Jersey on the ground that the person's exclusion is conducive to the public good;
 - (d) a person in respect of whom a removal direction has been given under section 10 of the 1999 Act, and who has not since then been granted admission to Jersey.
- (5) This paragraph does not affect any power of examination able to be exercised by an immigration officer under paragraph 2, 2A or 3 of Schedule 2 to the 1971 Act.

4. Citation and commencement

These Directions may be cited as the Immigration (Leave to Enter) (Private Aircraft and Vessels) (Jersey) Directions 2021 and come into force on the day after they are made.

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Assistant Minister for Home Affairs

The 28 day of MAY 2021

