



Jersey

IMMIGRATION (CONTROL OF ENTRY THROUGH REPUBLIC OF IRELAND) (JERSEY) ORDER 2015

Arrangement

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Made

Coming into force

THE LIEUTENANT-GOVERNOR AND THE MINISTER FOR HOME AFFAIRS, in pursuance of section 9(2) and (6) of the Immigration Act 1971 as extended to Jersey with modifications by the Immigration (Jersey) Order 1993, order as follows –

1 Interpretation

In this Order –

“Act” means the Immigration Act 1971 (c.77) of the United Kingdom as extended to Jersey with modifications by the Immigration (Jersey) Order 1993;

“1988 Act” means the Immigration Act 1988 (c.14) of the United Kingdom as extended to Jersey with modifications by the Immigration (Jersey) Order 1993;

“EEA national” means a national of an EEA State who is not also a British citizen;

“EEA” means the European Economic Area;

“EEA State” means, other than the United Kingdom –

- (a) a member State of the European Union;
- (b) Norway, Iceland, Liechtenstein and Switzerland;

“Jersey” has the meaning given in Article 2 of the Immigration (Jersey) Order 1993;

“visa national” means a person, including a stateless person, who in accordance with the Jersey Immigration Rules is required on entry into Jersey to produce a passport or other document of identity endorsed with a visa for his or her entry into Jersey.

2 Immigration control in respect of certain persons travelling through the Republic of Ireland

- (1) This Article applies to –
- (a) any person (other than a citizen of the Republic of Ireland) who arrives in Jersey on an aircraft which began its flight in that Republic if he or she entered that Republic in the course of a journey to Jersey which began outside the common travel area and was not given leave to land in that Republic in accordance with the law in force there;
 - (b) any person (other than a person to whom sub-paragraph (a) refers) who arrives in Jersey on a local journey from the Republic of Ireland if he or she satisfies any of the following conditions, that is to say –
 - (i) he or she is a visa national who has no valid visa for his or her entry into Jersey, save for a visa national to whom Article 3 applies,
 - (ii) he or she entered that Republic unlawfully from a place outside the common travel area,
 - (iii) he or she entered that Republic from a place in the United Kingdom or Islands (that is to say, the Channel Islands and the Isle of Man) after entering there unlawfully, or, if he or she had a limited leave to enter or remain there, after the expiry of the leave, provided that in either case he or she has not subsequently been given leave to enter or remain in the United Kingdom or any of the Islands,
 - (iv) he or she is a person in respect of whom directions have been given by the Lieutenant-Governor for that person not to be given entry to Jersey on the ground that his or her exclusion is conducive to the public good, or
 - (v) he or she is a person who has been prohibited from entering the United Kingdom by an order made by the Secretary of State under any provision made under section 2(2) of the European Communities Act 1972 (c.68) of the United Kingdom.
- (2) In relation only to persons to whom this Article applies, the Republic of Ireland shall be excluded from section 1(3) of the Act (provisions relating to persons travelling on local journeys in the common travel area).

3 Recognition of certain 90 day visit visas issued by the Republic of Ireland

This Article applies to a visa national who is a citizen of a country specified in the Schedule who –

- (a) has applied to the Republic of Ireland authorities for a visa to travel to the Republic;
- (b) has made the application mentioned in paragraph (a) to the Republic of Ireland authorities based in the country listed in the Schedule where the visa national is a citizen;

- (c) has been granted a visa to travel to the Republic of Ireland by the Republic of Ireland authorities for the purpose of a stay of a period of 90 days or fewer, as a result of the application mentioned in paragraph (a), which is endorsed with the letters “BIVS”;
- (d) has since been given permission by the Republic of Ireland authorities, endorsed on his or her passport, to land or be in the Republic of Ireland pursuant to the visa mentioned in paragraph (c); and
- (e) is in possession of both the valid Irish visa mentioned in paragraph (c) and the valid endorsement from the Republic of Ireland authorities conferring permission to land or to be in the Republic mentioned in paragraph (d), at the time when he or she enters Jersey on a local journey from the Republic of Ireland.

4 Restrictions and conditions

- (1) Subject to paragraph (2), this Article applies to any person who does not have the right of abode in Jersey under section 2 of the Act and is not an EEA national, or a person who is entitled to enter or remain in Jersey by virtue of section 7 of the 1988 Act, who enters Jersey on a local journey from the Republic of Ireland after having entered that Republic –
 - (a) on coming from a place outside the common travel area; or
 - (b) after leaving Jersey whilst having a limited leave to enter or remain there which has since expired.
- (2) This Article shall not apply to any person who arrives in Jersey with leave to enter or remain in Jersey which is in force but which was given to that person before his or her arrival or who requires leave to enter Jersey by virtue of Article 2 or section 9(4) of the Act.
- (3) A person to whom this Article applies by virtue only of paragraph (1)(a) shall, unless that person is a visa national without a valid visa for entry to Jersey and who is also a visa national to whom Article 3 applies, be subject to the restriction and condition set out in paragraph (4).
- (4) The restriction and condition referred to in paragraph (3) are that –
 - (a) the period for which the person may remain in Jersey shall not be more than 3 months from the date on which he or she first entered Jersey; and
 - (b) the person shall not engage in any occupation for reward or in any employment.
- (5) In relation to a person who is a visa national without a valid visa for entry to Jersey and who is also a visa national to whom Article 3 applies, the restriction and condition set out in paragraph (6) shall apply instead of the provisions contained in paragraph (4).
- (6) The restriction and condition referred to in paragraph (5) are that –
 - (a) the period for which the visa national may remain in Jersey ends on the date of the expiry of the permission to land or to be in the Republic of Ireland mentioned in Article 3(d); and

- (b) the person shall not engage in any occupation for reward or in any employment.
- (7) A person to whom this Article applies by virtue of paragraph (1)(b) (whether or not he or she is also a person to whom this Article applies by virtue of paragraph (1)(a)) shall be subject to the restriction and condition set out in paragraph (8).
- (8) The restriction and condition referred to in paragraph (7) are that –
 - (a) the period for which the person may remain in Jersey shall not be more than 7 days from the date on which he or she first entered Jersey; and
 - (b) the person shall not engage in any occupation for reward or in any employment.
- (9) The restriction and condition set out in paragraphs (4), (6) and (8) shall cease to apply to a person if that person becomes entitled to enter or remain in the United Kingdom by virtue of section 7 of the 1988 Act.

5 Citation and commencement

This Order may be cited as the Immigration (Control of Entry Through Republic of Ireland) (Jersey) Order 2015 and shall come into force 7 days after it is made.

Signed.....

Lieutenant-Governor

Signed.....

Minister for Home Affairs

Date.....

SCHEDULE

(Article 3)

SPECIFIED COUNTRIES

The countries specified for the purposes of Article 3 are –

India

People's Republic of China

