

## Customs and Immigration Service

### Report

To: Minister for Home Affairs

Submitted By: Andrew Allan  
Senior Manager  
Immigration and Nationality

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Notice of Changes to the Immigration Rules: Jersey EU  
Settlement Scheme

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There is a need to amend the Jersey Immigration Rules (“the Rules”) concerning the Jersey EU Settlement Scheme (“the Scheme”).

The Settlement Scheme is contained in Appendix EU(J) to the Jersey Immigration Rules, and Appendix EU(J)(Family Permit), which together provide the basis to apply for the necessary Jersey immigration status (“settled status”).

The eligibility criteria for settled status need to be consistent throughout the Common Travel Area. For this reason, it is desirable that the criteria for applicants under the Scheme mirror the criteria set out in the UK Immigration Rules for the same purpose.

The amendments, which do not contain substantive policy changes, are mainly to cater for the end of the grace period on 30 June 2021, and are set out as follows –

- (a) To enable a family member applying to the Scheme to rely on a family permit issued under the Immigration (European Economic Area) Regulations 2016 as a relevant document evidencing that relationship. This entitlement would apply in the same circumstances as it now does in the UK.
- (b) To enable a person who is the family member of an EEA citizen, where both were continuously resident in Jersey before the end of the Transition Period, to apply on or after 1 July 2021 provided that certain conditions are met which mirror those in the UK.
- (c) To enable a person applying to the Scheme on or after 1 July 2021 as the joining family member of an EEA citizen, who was continuously resident in

Jersey before the end of the Transition Period, to rely on that prior residence of the EEA citizen provided that certain conditions are met which mirror those in the UK.

- (d) To enable a person who relies on having reasonable grounds for missing the deadline to apply directly to the Scheme, so that the Minister for Home Affairs can consider those grounds in assessing their eligibility for settled status.
- (e) To allow an applicant for a family permit to rely on 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 compelling practical or compassionate reasons.

*Recommendation*

It is recommended that the Minister for Home Affairs issue directions, in pursuance of section 1(4A) of the Immigration Act 1971, as extended to Jersey, that the Jersey Immigration Rules are amended accordingly, with effect from the day the Ministerial Decision is signed.



Andrew Allan  
Senior Manager  
Immigration and Nationality