

## Customs and Immigration Service

### Report

To: Minister for Home Affairs

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Notice of Changes to the Immigration Rules: amendments to effect changes relating to evidence of identity and nationality requirements for persons arriving in Jersey, Jersey EU Settlement Scheme and minor adjustments to other policy areas

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There is a need to amend the Jersey Immigration Rules (the "Rules") to reflect necessary changes concerning (i) the evidence of identity and nationality requirements for persons arriving in Jersey, (ii) the Jersey EU Settlement Scheme (the "EUSS") and (iii) a series of minor changes to other policy areas (Appendix KoLL, Appendix V(J) and Appendix HK(J) British National (Overseas)).

#### **Changes relating to the evidence of identity and nationality requirements for persons arriving in Jersey**

Consistent with the Citizens' Rights Agreements<sup>1</sup>, EU, other European Economic Area (EEA) and Swiss citizens (collectively referred to here as "EEA citizens") resident in the UK and the Islands<sup>2</sup> by the end of the transition period at 2300 on 31 December 2020 and certain EEA citizen family members (referred to herein as the "citizens' rights cohort") can continue to use their EEA national identity card to enter the UK and the Islands until at least the end of 2025. The citizens' rights cohort is comprised of EEA citizens in any of the following groups:

- a national of Switzerland with a valid entry clearance granted under Appendix Service Providers from Switzerland to the UK Immigration Rules and their equivalent under the respective Islands immigration rules.
- an EEA citizen with valid indefinite or limited leave to enter or remain granted under the EUSS (in Appendix EU(J) to the Immigration Rules), or who has made a

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<sup>1</sup> The UK-EU withdrawal agreement, the separation agreement with the EEA EFTA states (Norway, Iceland and Liechtenstein) and the Swiss citizens' rights agreement.

<sup>2</sup> "The Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man"

valid application under that Appendix (other than as a joining family member of a relevant sponsor, as defined in Annex 1 to that Appendix) which has not yet been finally determined.

- an EEA citizen with a valid entry clearance in the form of an EU Settlement Scheme Family Permit.
- an EEA citizen with a frontier worker permit.
- an EEA citizen seeking to come to the UK as an S2 Healthcare Visitor under the UK Immigration Rules and their equivalent under the respective Islands immigration rules.
- a member of an organised school group (being an EEA national under 19 years old).

The above also extends to an EEA citizen who has been granted the equivalent immigration permission by the Islands, or who has made a valid application to the equivalent of the EUSS operated by the Islands (other than as the equivalent of a joining family member of a relevant sponsor under that scheme) which has not yet been finally determined.

From 1 January 2021, the Jersey (in coordination with the UK Government and the other Islands) has implemented a single global immigration system which applies to nationals of all countries, except the UK and Ireland and the citizens' rights cohort. Inconsistency in the design and security features of identity cards gives rise to document security risks, and the need for manual processing increases border queues. Therefore, EEA citizens outside of the citizens' rights cohort will, like other nationalities, need, from 1 October 2021, a passport to demonstrate nationality and identity at the Jersey border, rather than a national identity card.

#### **Changes to the EUSS regarding joining family members and to improve clarity**

The EUSS enables EU, other EEA and Swiss citizens living in Jersey by the end of the transition period, and their family members, to obtain the Jersey immigration status they need to continue living in Jersey. The EUSS family permit enables certain family members of such citizens to travel to Jersey.

The main changes in respect of the EUSS and the EUSS family permit are as follows:

- to allow a joining family member to apply to the EUSS whilst in Jersey as a visitor. From 6 October 2021, the temporary concession to this effect outside Appendix EU(J) where certain joining family members are concerned, as currently set out in the EUSS caseworker guidance, will cease to operate.
- technical changes to reflect the passing of the 30 June 2021 deadline for applications to the EUSS by those resident in Jersey by the end of the transition period (though a late application can still be made where there are reasonable grounds as to why the person missed that deadline).

**Changes to the visitor rules to provide further clarity on when employees of overseas manufacturers or suppliers can come to Jersey as visitors**

The changes will provide further clarity on when employees of overseas manufacturers or suppliers can come to Jersey as visitors, in order to install, maintain, service or advise on equipment, software or hardware.

**Changes to the eligibility requirements for the Hong Kong British National (Overseas) route**

Following a concession made by the UK Home Office outside the Rules to allow the partner and, if applicable, child under 18 of a BN(O) status holder to join the BN(O) status holder following a grant on the BN(O) route, this concession has now been incorporated into Appendix HK(J) British National (Overseas).

Provision has been made within the Rules for parents of a child born in Jersey to a BN(O) status holder or their partner, or a BN(O) household member or their partner, to regularise that child's stay on the BN(O) route.

**Minor policy or technical changes to the Rules that will:**

Replace references to the National Academic Recognition Information Centre in Appendix KoLL. After the UK's exit from the EU, UK NARIC, an EU member only term, has changed to UK ENIC (European Network Information Centre). UK ENIC is managed by a service provider called Ecctis, and it is through this service that individuals can check their qualifications for immigration purposes. The Rules have been changed throughout to reflect this and replace references to "UK NARIC" with "Ecctis".

*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.



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