



Jersey

IMMIGRATION (JERSEY) ORDER 1993

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APPENDIX

Jersey Order in Council 22/1993 The Immigration (Jersey) Order 1993

Jersey Order in Council 22/1993

THE IMMIGRATION (JERSEY) ORDER 1993

(Registered on the 10th day of September 1993)

At the Court at Buckingham Palace

20th July 1993

PRESENT

The Queen's Most Excellent Majesty in Council

HER MAJESTY in exercise of the powers conferred upon Her by section 36 of the Immigration Act 1971, section 53(5) of the British Nationality Act 1981, section 81(11) of the Criminal Justice Act 1982, section 2(3) of the Immigration (Carriers' Liability) Act 1987 and section 12(5) of the Immigration Act 1988, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows –

1. This Order may be cited as the Immigration (Jersey) Order 1993 and shall come into force on 1st August 1993.

2. In this Order –

“the 1971 Act” means the Immigration Act 1971;

“the 1981 Act” means the British Nationality Act 1981;

“the 1987 Act” means the Immigration (Carriers' Liability) Act 1987; and

“the 1988 Act” means the Immigration Act 1988; and “Jersey” means the Bailiwick of Jersey.

3.-(1) Sections 1 to 9, 11, 24 to 29, 32, 33 and 37 of the 1971 Act and Schedules 2 to 4 to that Act shall extend, with the modifications specified in Part I of Schedule 1 to this Order, to Jersey.

(2) Section 39(8) of the 1981 Act shall extend to Jersey.

(3) The 1987 Act shall extend, with the modifications specified in Part II of Schedule 1 to this Order, to Jersey.

(4) Sections 2, 7, 8, 9, 11 and 12 of the 1988 Act shall extend, with the modifications specified in Part III of Schedule 1 to this Order, to Jersey.

4.-(1) Subject to paragraph (2), for the purposes of construing provisions of the 1971 Act, the 1981 Act, the 1987 Act and the 1988 Act, as extended by article 3, as part of the law of Jersey, any reference to an enactment which extends to Jersey shall be construed as a reference to that enactment as it has effect in Jersey.

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(2) Paragraph (1) does not apply to the reference in section 8(4) of the 1971 Act to the International Headquarters and Defence Organisations Act 1964.

5. The Orders specified in Schedule 2 to this Order are revoked to the extent specified.

N.H. NICHOLLS

Clerk of the Privy Council.

*SCHEDULE 1**PART I*

THE 1971 ACT

(Article 3(1))

1. In section 1 (general principles)⁵ –

- (a) in subsections (1), (2) and (3) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (b) in subsection (3) for the words “any of the Islands (that is to say, the Channel Islands and the Isle of Man)” substitute “the United Kingdom, the Bailiwick of Guernsey, the Isle of Man”; and
- (c) for subsection (4) substitute –

“(4) The Committee may make rules as to the practice to be followed in the administration of this Act for regulating the taking of employment by persons not having the right of abode who are given leave to enter the Bailiwick and the Subordinate Legislation (Jersey) Law 1960 shall apply to such rules.

(4A) The Lieutenant-Governor shall give directions as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the Bailiwick of persons not having the right of abode and such directions shall include provision for admitting (in such cases and subject to such restrictions as may be provided by the directions and subject or not to conditions as to length of stay or otherwise) persons coming for the purpose of taking employment, or for the purposes of study, or as visitors, or as dependants of persons lawfully in or entering the Bailiwick.”.

2. In section 2 (right of abode)⁶ for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”.**3.** In section 3 (general provisions for regulation and control)⁷ –

- (a) in subsection (1) –
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”, and
 - (ii) in paragraph (c) for the words “with the police” substitute “as provided under section 4(3) below”;
- (b) for subsection (2) substitute –

⁵ Section 1(5) was repealed by the Immigration Act 1988, section 1.

⁶ Section 2 was substituted by the British Nationality Act 1981, section 39(2), and amended by the Immigration Act 1988, section 3(3).

⁷ Section 3 was amended by the British Nationality Act 1981, section 39(3) and (6) and Schedule 4 paragraphs 2 and 4.

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“(2) Section 1(4) and (4A) of this Act shall not be taken to require uniform provision to be made as regards admission of persons for a purpose or in a capacity specified in the said section (and, in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).”;

- (c) in subsections (3) to (7) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (d) in subsection (5) for the words “Secretary of State” substitute “Lieutenant-Governor”;
- (e) in subsection (7) omit the words from “Any Order in Council”, to the end; and
- (f) in subsection (9) for the words “United Kingdom”, where first occurring, substitute “Bailiwick of Jersey”.

4. In section 4 (administration of control)⁸ –

- (a) in subsection (1) for the words from “The power” to “Secretary of State” substitute “The following powers under this Act shall be exercised as hereinafter provided, that it to say –
 - (a) the power to give or refuse leave to enter the Bailiwick of Jersey shall be exercised by immigration officers,
 - (b) the power to give leave to remain in the Bailiwick of Jersey, and the power under section 3(3)(a) to vary any leave as regards duration, shall be exercised by the Lieutenant-Governor, and
 - (c) the power under section 3(3)(a) to vary any leave otherwise than as regards duration shall be exercised by the Committee”,
 and omit the words “made by statutory instrument”;
- (b) in subsection (2) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey” and omit the words “or through the tunnel system”;
- (c) in subsection (3) –
 - (i) for the words from “The Secretary of State” to “either House of Parliament,” substitute “The Committee may by order”,
 - (ii) omit the words “with the police”,
 - (iii) for the word “regulations”, wherever occurring, substitute “order”,
 - (iv) in paragraph (a) for the words “officers of police” substitute “body or person”, and
 - (v) in paragraph (b) for the words “as to the place” substitute “as to the body or person with whom and as to the place”; and

⁸ Section 4 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2, and by S.I. 1990/2227.

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- (d) in subsection (4) for the words from “The Secretary of State” to “appears to him” substitute “the Committee may by order make such provision as appears to it”.

5. In section 5 (deportation)⁹ –

- (a) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (b) in subsections (1) and (2) for the words “Secretary of State” substitute “Lieutenant-Governor”; and
- (c) in subsection (6) for the words “Secretary of State” substitute “Committee”.

6. In section 6 (recommendations by court for deportation)¹⁰ –

- (a) in subsection (1) omit the words after “sentence him for the offence”;
- (b) in subsection (2) for the words from “adjournment” to “Northern Ireland” substitute “a court to adjourn”;
- (c) in subsection (6) omit the words after “bringing that appeal”; and
- (d) omit subsection (7).

7. In section 7 (exemption from deportation) –

- (a) in subsection (1) –
 - (i) for the words “United Kingdom” where first occurring substitute “Bailiwick of Jersey”, and
 - (ii) for the words “Secretary of State’s”, wherever occurring, substitute “Lieutenant-Governor’s”; and
- (b) in subsection (4) omit the words after “unlawfully at large”.

8. In section 8 (exceptions for seamen, etc.)¹¹ –

- (a) in subsection (1) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (b) for subsection (2) substitute –

“(2) The Committee may direct that any particular person or class of persons shall be exempt either conditionally or subject to such conditions as the Committee may impose from all or any of the provisions of this Act relating to those who are not British citizens insofar as those provisions apply to the taking of employment; and the Lieutenant-Governor may direct that any particular person or class of persons shall be exempt either unconditionally or subject to

⁹ Section 5 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2 and by the Immigration Act 1988, section 10 and Schedule, paragraph 2.

¹⁰ Section 6 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2.

¹¹ Section 8 was amended by the British Nationality Act 1981, section 39(4) and (6) and Schedule 4 paragraphs 2 and 5, and by the Immigration Act 1988, section 4.

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such conditions as the Lieutenant-Governor may impose from all or any of the remaining provisions of this Act relating to those who are not British citizens.”;

- (c) in subsection (3) after the words “otherwise entitled” insert “within the United Kingdom”;
- (d) in subsections (3A), (4)(b) and (5A), and wherever occurring in subsection (5), for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (e) in subsections (5) and (5A) for the word “order”, wherever occurring, substitute “direction”; and
- (f) in subsection (6) for the words “United Kingdom”, wherever occurring, substitute, “Bailiwick of Jersey”.

9. In section 9 (common travel area)¹² –

- (a) in subsection (1) omit the words “Subject to subsection (5) below,” and for the words “in the United Kingdom of the operation in any of the Islands” substitute “in the Bailiwick of Jersey of the operation in the United Kingdom, the Bailiwick of Guernsey or the Isle of Man”;
- (b) in subsection (2) –
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”,
 - (ii) for the words “any of the Islands” substitute “the United Kingdom, the Bailiwick of Guernsey or the Isle of Man”, and
 - (iii) for the words after “register” substitute “as provided under section 4(3) above or both, as may be imposed by order and may be applicable to them; and the power to make an order under this subsection shall be exercised –
 - (a) as respects the period for which persons may remain, by the Lieutenant-Governor, and
 - (b) as respects other conditions, by the Committee.”;
- (c) in subsection (3) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (d) in subsection (4) –
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”, and
 - (ii) for the words “Secretary of State” substitute “Lieutenant-Governor”;
- (e) omit subsection (5);
- (f) in subsection (6) for the words “Secretary of State” substitute “Lieutenant-Governor”; and
- (g) omit subsection (7).

¹² Section 9 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2.

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10. In section 11 (construction of references to entry, etc.)¹³ for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey” and omit subsection (1A).

11. In section 24 (illegal entry and similar offences)¹⁴ –

- (a) in subsection (1) –
 - (i) for the words from “on summary conviction” to “standard scale” substitute “with a fine”, and
 - (ii) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (b) in subsection (1A) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (c) in subsection (2) for the word “constable” substitute “police officer”;
- (d) omit subsection (3); and
- (e) in subsection (4) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”.

12. In section 25 (assisting illegal entry, and harbouring)¹⁵ –

- (a) in subsection (1) –
 - (i) for the words “United Kingdom” substitute “Bailiwick of Jersey”, and
 - (ii) omit the words from “on summary conviction” to “indictment”;
- (b) in subsection (2) for the words from “on summary conviction” to “standard scale” substitute “with a fine”;
- (c) omit subsection (4);
- (d) in subsection (5) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (e) in subsection (6) omit the words “on indictment”; and
- (f) in subsection (7) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”.

13. In section 26 (general offences)¹⁶ –

- (a) in subsection (1) –

¹³ Section 11 was amended by S.I. 1990/2227.

¹⁴ Section 24 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 2, and by the Immigration Act 1988, section 6 and 10 and Schedule paragraph 10(3).

¹⁵ Section 25 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 6.

¹⁶ Section 26 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraph 3(1).

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- (i) for the words from “on summary conviction” to “standard scale” substitute “with a fine”,
 - (ii) in paragraph (e) for the word “order” substitute “direction”, and
 - (iii) in paragraph (f) for the words from “regulations” to “section 4(4)” substitute “an order under section 4(3) or (4)”; and
- (b) omit subsection (2).
- 14.** In section 27 (offences by persons connected with ships, etc.)¹⁷ –
- (a) for the words from “on summary conviction” to “standard scale” substitute “with a fine”;
 - (b) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
 - (c) in paragraph (b)(ii) for the words “an order” substitute “a direction”; and
 - (d) omit paragraph (d).
- 15.** In section 28 (proceedings)¹⁸ omit subsections (1) to (3).
- 16.** In section 29 (contributions for expenses of persons returning abroad)¹⁹ –
- (a) for the words “Secretary of State”, wherever occurring, substitute “Committee”;
 - (b) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”; and
 - (c) in subsection (1) for the words “as he may with the approval of the Treasury” substitute “as it may with the approval of the Finance and Economics Committee of the States”.
- 17.** In section 32 (general provisions as to order, etc.) –
- (a) for the words “the Secretary of State”, wherever occurring, substitute “the Lieutenant-Governor or the Committee”;
 - (b) in subsection (2) –
 - (i) after the words “on his behalf”, and
 - (ii) after the words “so given and to be signed by him”,
 insert “or, as the case may be, on behalf of the Committee”, and after the words “issued by him” insert “or, as the case may be, by the Committee”; and
 - (c) in subsections (3) and (4) omit the words “or proceedings under Part II of this Act”.
- 18.** In section 33 (interpretation)²⁰ –

¹⁷ Section 27 was amended by S.I. 1990/2227.

¹⁸ Section 28 was amended by the Immigration Act 1988, section 10 and Schedule, paragraph 4.

¹⁹ Section 29 was amended by the British Nationality Act 1981, section 39(6) and a Schedule 4 paragraph 2.

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- (a) in subsection (1) –
 - (i) after the definition of “certificate of entitlement” insert –

“ ‘Committee’ means the Defence Committee of the States;”,
 - (ii) in the definitions of “entrant”, “entry clearance” and “limited leave” for the words “United Kingdom” substitute “Bailiwick of Jersey”,
 - (iii) omit the definition of “immigration rules”,
 - (iv) for the definition of “legally adopted” substitute –

“ ‘legally adopted’ means adopted in pursuance of an order made by a court in the United Kingdom and Islands;”,
 - (v) after that definition insert –

“ ‘Lieutenant-Governor’ means the person for the time being holding the office of Lieutenant-Governor and Commander-in-Chief of the Island of Jersey and its Dependencies;”,
 - (vi) after the definition of “ship” insert –

“ ‘States’ means the States of Jersey;”, and
 - (viii) for the definition of “work permit” substitute –

“ ‘work permit’ means a permit issued by the Committee to a specific employer in respect of a specific post;”,

and omit the definitions of “Concessionaires” and “tunnel system”;
 - (b) in subsection (2A) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
 - (c) for subsection (3) substitute –

“(3) The ports of entry for the purposes of this Act and the ports of exit for the purposes of any Order in Council made under section 3(7) above shall be the approved ports set out in the Schedule to the Loi (1937) sur les Etrangers or such places as the States may by Act designate.”; and
 - (d) omit subsection (4).
- 19.** In section 37 (short title and extent) omit subsection (2).
- 20.** In Schedule 2 (administrative provisions as to control on entry, etc.)²¹ –
- (a) in paragraph 1 –

Footnote continued...

²⁰ Section 33 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraphs 2, 3(2) and 7, by the Immigration Act 1988, section 10 and Schedule, paragraph 5, and by S.I. 1990/2227.

²¹ Schedule 2 was amended by the British Nationality Act 1981, section 39(6) and Schedule 4 paragraphs 2 and 3(1), by the Immigration Act 1988, section 10 and Schedule, paragraphs 6 to 10, and by S.I. 1990/2227.

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- (i) for sub-paragraphs (1) to (3) substitute –

“(1) Immigration officers for the purposes of this Act shall be appointed by the Committee with the concurrence of the Lieutenant-Governor and, with such concurrence, the Committee may arrange for the employment of officers of customs as immigration officers under this Act; and aliens officers appointed in pursuance of the Loi (1937) sur les Etrangers shall be deemed to have been duly appointed immigration officers under this paragraph for the purposes of this Act.

(2) The medical officer of health and his deputy shall be medical inspectors for the purposes of this Act.

(3) In the exercise of their functions under this Act, immigration officers shall act in accordance with such directions as may be given them –

- (a) by the Lieutenant-Governor, as respects the entry of persons into the Bailiwick, the period for which such persons may remain and matters incidental thereto;

- (b) by the Committee as respects any other matters;

and medical officers shall act in accordance with such instructions as may be given them by the Committee.”,

- (ii) in sub-paragraph (4) for the words from “aircraft” to “system, vehicle” substitute “or aircraft”, and
- (iii) in sub-paragraph (5) for the words from “aircraft” to “system, vehicle” substitute “or aircraft” and for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (b) in paragraph 2 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey” and in sub-paragraph (1) for the words “aircraft or through the tunnel system” substitute “or aircraft”;
- (c) in paragraph 3 for the words from “to embark” to “system”, wherever occurring, substitute “to embark in the Bailiwick of Jersey”;
- (d) in paragraph 4(2A) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (e) in paragraph 4(4) omit the words “on an appeal under this Act or”;
- (f) in paragraph 5 –
- (i) for the words “The Secretary of State may by order made by statutory instrument” substitute “The Lieutenant-Governor may by direction”,
- (ii) for the words “United Kingdom” substitute “Bailiwick of Jersey”, and
- (iii) for the words “Secretary of State”, in the second place in which they occur, substitute “Lieutenant-Governor”;

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- (g) in paragraphs 6 to 9 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (h) in paragraph 8(1)(c) omit the words from “, or where” to “Concessionaires”;
- (i) in paragraph 10 for the words “Secretary of State” –
 - (i) wherever occurring in sub-paragraphs (1) and (2), substitute “Lieutenant-Governor”, and
 - (ii) in sub-paragraph (3), substitute “Committee”;
- (j) in paragraphs 12 and 13 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (k) in paragraph 14 for the words “Secretary of State” –
 - (i) wherever occurring in sub-paragraphs (1) and (2), substitute “Lieutenant-Governor”, and
 - (ii) in sub-paragraph (3), substitute “Committee”;
- (l) in paragraph 16 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey” and omit sub-paragraph (4A);
- (m) in paragraph 17 –
 - (i) in sub-paragraph (1) for the word “constable” substitute “police officer”, and
 - (ii) in sub-paragraph (2) for the words from “if” to “enter” substitute “If the Bailiff is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises, he may grant a warrant authorising any police officer to enter”;
- (n) in paragraph 18 –
 - (i) in sub-paragraphs (1) and (2) for the words “Secretary of State” substitute “Attorney General for Jersey”,
 - (ii) in sub-paragraphs (2) and (3) for the word “constable” substitute “police officer”; and
 - (iii) in sub-paragraph (3) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (o) in paragraph 19 –
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
 - (ii) in sub-paragraph (1) for the words “Secretary of State” substitute “Committee” and omit the words from “or where” to “Concessionaires”;

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- (iii) in sub-paragraph (3) omit the words from “or if he is” to “such a refusal),” and
- (iv) for sub-paragraph (4) substitute –
 - “(4) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.”;
- (p) in paragraph 20 –
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”,
 - (ii) in sub-paragraph (1) for the words “Secretary of State” substitute “Committee” and omit the words from “, or, where” to “Concessionaires”, and
 - (iii) for sub-paragraph (3) substitute –
 - “(3) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person concerned to and from the place where he is detained or accommodated.”;
- (q) in paragraph 21 for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (r) omit paragraphs 22 to 25;
- (s) in paragraphs 26 and 27 –
 - (i) for the words “Secretary of State”, wherever occurring, substitute “Lieutenant-Governor”, and
 - (ii) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (t) in paragraph 27(2) omit the words “made by statutory instrument”; and
- (u) omit paragraphs 27A to 33.
- 21.** In Schedule 3 (supplementary provision as to deportation)²² –
 - (a) in paragraph 1 –
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
 - (ii) in sub-paragraphs (1) to (3) for the words “Secretary of State” substitute “Lieutenant-Governor”, and
 - (iii) in sub-paragraph (4) for the words “Secretary of State, if he” substitute “Committee, if it”;

²² Schedule 3 was amended by the Criminal Justice Act 1982 (c.48), section 64 and Schedule 10, and by the Immigration Act 1988, section 10 and Schedule, paragraph 10(2).

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- (b) in paragraph 2 –
 - (i) for the words “Secretary of State”, wherever occurring, substitute “Lieutenant-Governor”,
 - (ii) omit sub-paragraph (2) and the references to it in sub-paragraphs (3), (4) and (6), and
 - (iii) in sub-paragraph (3) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
- (c) omit paragraph 3;
- (d) in paragraph 5(1) for the word “constable” substitute “police officer”;
- (e) for paragraph 6 substitute –

“6. In this Schedule “the appropriate court” means the court which directed release.”;
- (f) in paragraph 7 –
 - (i) in sub-paragraph (1) for the word “constable” substitute “police officer” and for the words “relevant part of the United Kingdom” substitute “Bailiwick of Jersey”, and
 - (ii) omit sub-paragraph (2);
- (g) for paragraph 8(1) substitute –

“(1) A person arrested in the Bailiwick of Jersey in pursuance of paragraph 7 above shall be brought before a Jurat as soon as practicable and in any event within 24 hours after his arrest.”;
- (h) omit paragraph 9; and
- (i) in paragraph 10 –
 - (i) for the words “Any justice of the peace or court” substitute “Any Jurat”,
 - (ii) omit the words “or 9”, and
 - (iii) for the words “the court” substitute “the Jurat”.

22.-(1) For the heading to Schedule 4 substitute –

“INTEGRATION WITH JERSEY LAW OF IMMIGRATION LAWS OF THE UNITED
KINGDOM, GUERNSEY AND THE ISLE OF MAN”

- (2) In Schedule 4 –
 - (a) for the words “any of the Islands”, wherever occurring, substitute “the United Kingdom, the Bailiwick of Guernsey or the Isle of Man”;

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- (b) after the words “island”, wherever occurring, insert “or, as the case may be, the United Kingdom,”;
- (c) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”;
- (d) in paragraph 1 –
 - (i) in sub-paragraph (2) after the words “under this Act” insert “, and for the purposes of this sub-paragraph a condition requiring a person to register with the police or any other body or person shall be treated as a condition requiring him to register under section 4(3) of this Act”,
 - (ii) in sub-paragraph (3) omit the words “and subject to the like appeal (if any)”, and
 - (iii) omit sub-paragraph (5); and
- (e) in paragraph 3(2) for the words “Secretary of State” substitute “Lieutenant-Governor”.

PART II

THE 1987 ACT

(Article 3(3))

1. In section 1 (liability of carriers for passengers without proper documents) –
 - (a) in subsection (1) –
 - (i) for the words “United Kingdom”, wherever occurring, substitute “Bailiwick of Jersey”; and
 - (ii) for the words after “liable to pay” substitute “the Committee on demand such sum, not exceeding £1,000 or such other sum as may be prescribed, as the Committee may determine”;
 - (b) in subsection (2) for the words “United Kingdom, substitute “Bailiwick of Jersey”;
 - (c) in subsection (3) for the words after “made by” substitute “the Committee; and the Subordinate Legislation (Jersey) Law 1960 shall apply to any such order.”; and
 - (d) for subsection (5) substitute –

“(5) Any sums received by the Committee under this section shall be paid to the Treasurer of the States and credited to the Annual Income of the States.”.
2. In section 2 (short title, etc.) –
 - (a) omit subsection (3); and

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(b) in subsection (4) –

- (i) for the words “United Kingdom” substitute “Bailiwick of Jersey”; and
- (ii) for the words “4th March 1987” substitute “15th April 1989”.

PART III

THE 1988 ACT

(Article 3(4))

1. In section 2 (restriction on exercise of right of abode in cases of polygamy) –

- (a) for the words “United Kingdom”, wherever occurring except in subsection (1)(a)(ii), substitute “Bailiwick of Jersey”;
- (b) in subsection (10) for the words “and any appeal proceedings relating to it have” substitute “has”; and
- (c) after subsection (10) insert –

“(11) This section does not apply to a woman who has made an application for a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) before 1st August 1993.”.

2. In section 7 (persons exercising Community rights and nationals of member States) –

- (a) in subsection (1) for the words “the United Kingdom in any case in which he is entitled to do so” substitute “the Bailiwick of Jersey in circumstances in which he would be entitled to enter or remain in the United Kingdom”; and
- (b) in subsection (2) –
 - (i) for the words “The Secretary of State may by order made by statutory instrument” substitute “The Lieutenant-Governor may by directions”;
 - (ii) for the words “United Kingdom”, in the first place in which they occur, substitute “Bailiwick of Jersey”, and
 - (iii) for the words “are not entitled” substitute “would not be entitled”; and
- (c) in subsection (3) for the words “an order”, wherever occurring, substitute “directions”.

3. In section 8 (examination of passengers prior to arrival)²³ for the words “United Kingdom”, wherever occurring in subsections (1) to (7), substitute “Bailiwick of Jersey” and omit subsection (8).

4. In section 9 (charges) –

²³ Section 8 was amended by S.I. 1990/2227.

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- (a) in subsection (1) –
 - (i) for the words from “The Secretary of State” to “prescribing” substitute “The Committee may, by order, prescribe”, and
 - (ii) for the words “United Kingdom” substitute “Bailiwick of Jersey”;
 - (b) in subsection (2) for the word “Regulations” substitute “An order”;
 - (c) for subsection (3) substitute –

“(3) The Subordinate Legislation (Jersey) Law 1960 shall apply to any order made under subsection (1) above.”; and
 - (d) in subsection (4) –
 - (i) for the words “Secretary of State” substitute “Committee”, and
 - (ii) for the words “he may” substitute “it may”.
- 5.** In section 11 (expenses and receipts) –
- (a) omit subsection (1); and
 - (b) in subsection (2) –
 - (i) for the words “Secretary of State” substitute “Committee”, and
 - (ii) for the words “into the Consolidated Fund” substitute “to the Treasurer of the States and credited to the Annual Income of the States”.
- 6.** In section 12 (short title, etc.) for subsection (3) to (5) substitute –
- “(3) This Act shall come into force on 1st August 1993.”.

SCHEDULE 2

REVOCATIONS

(Article 5)

| <i>Orders revoked</i> | <i>Extent of revocation</i> |
|--|-----------------------------|
| The Immigration (Jersey) Order 1972. ²⁴ | The whole Order. |
| The Immigration (Jersey) (Variation) Order 1982. ²⁵ | The whole Order. |
| The Criminal Justice Act 1982 (Jersey) Order 1984. ²⁶ | The whole Order. |
| The Immigration (Jersey) (Variation) Order 1989. ²⁷ | The whole Order. |

²⁴ Volume 1970–1972, page 515.

²⁵ Volume 1982–1983, page 135.

²⁶ Volume 1984–1985, page 157.

²⁷ Volume 1988–1989, page 301.

IMMIGRATION ACT 1971**CHAPTER 77***ARRANGEMENT OF SECTIONS**PART I***REGULATION OF ENTRY INTO AND STAY IN UNITED
KINGDOM**

Section

1. General principles
- <2. Statement of right of abode in [Bailiwick of Jersey]>
3. General provisions for regulation and control
4. Administration of control
5. Procedure for, and further provisions as to, deportation
6. Recommendations by court for deportation
7. Exemption from deportation for certain existing residents
8. Exceptions for seamen, aircrews and other special cases
9. Further provisions as to common travel area
10. * * * * *
11. Construction of references to entry, and other phrases relating to travel

PART II

* * * * *

*PART III***CRIMINAL PROCEEDINGS**

24. Illegal entry and similar offences
25. Assisting illegal entry, and harbouring
26. General offences in connexion with administration of Act
27. Offences by persons connected with ships or aircraft or with ports
28. Proceedings

PART IV

SUPPLEMENTARY

- 29. Contributions for expenses of persons returning abroad
- 30. * * * * *
- 31. * * * * *
- 32. General provisions as to Orders, etc.
- 33. Interpretation
- 34. * * * * *
- 35. * * * * *
- 36. * * * * *
- 37. Short title and extent

SCHEDULES

- Schedule 1 * * * * *
- Schedule 2 Administrative provisions as to control on entry, etc.
 - Part I – General provisions
 - Part II * * * * *
- Schedule 3 Supplementary provisions as to deportation
- Schedule 4 <Integration with Jersey Law of Immigration Laws of the
United Kingdom, Guernsey and the Isle of Man>
- Schedule 5 * * * * *
- Schedule 6 * * * * *

ELIZABETH II**1971 CHAPTER 77**

AN ACT to amend and replace the present immigration laws, to make certain related changes in the citizenship law and enable help to be given to those wishing to return abroad, and for purposes connected therewith.

[28th October 1971]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows²⁸ –

*PART I***REGULATION OF ENTRY INTO AND STAY IN UNITED KINGDOM****General principles**

1.-(1) All those who are in this Act expressed to have the right of abode in the [Bailiwick of Jersey] shall be free to live in, and to come and go into and from, the [Bailiwick of Jersey] without let or hindrance except such as may be required under and in accordance with this Act to enable their right to be established or as may be otherwise lawfully imposed on any person.

(2) Those not having that right may live, work and settle in the [Bailiwick of Jersey] by permission and subject to such regulation and control of their entry into, stay in and departure from the [Bailiwick of Jersey] as is imposed by this Act; and indefinite leave to enter or remain in the [Bailiwick of Jersey] shall, by virtue of this provision, be treated as having been given under this Act to those in the [Bailiwick of Jersey] at its coming into force, if they are then settled there (and not exempt under this Act from the provisions relating to leave to enter or remain).

(3) Arrival in and departure from the [Bailiwick of Jersey] on a local journey from or to [the United Kingdom, the Bailiwick of Guernsey, the Isle of Man] or the Republic of Ireland shall not be subject to control under this Act, nor shall a person require leave to enter the [Bailiwick of Jersey] on so arriving, except insofar as any of those places is for any purpose excluded from this subsection under the powers conferred by this Act; and in this Act the [Bailiwick of Jersey] and those places, or such of them as are not so excluded, are collectively referred to as “the common travel area”.

[(4) The Committee may make rules as to the practice to be followed in the administration of this Act for regulating the taking of employment by persons not having the

²⁸ Deletions and words in square brackets indicate adaptations and modifications made by the Immigration (Jersey) Order 1993 and those in angle brackets indicate amendments made by Orders in Council as listed in the Schedules to the Immigration (Jersey) Order 1993.

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right of abode who are given leave to enter the Bailiwick and the Subordinate Legislation (Jersey) Law 1960²⁹ shall apply to such rules.

(4A) The Lieutenant-Governor shall give directions as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the Bailiwick of persons not having the right of abode and such directions shall include provision for admitting (in such cases and subject to such restrictions as may be provided by the directions and subject or not to conditions as to length of stay or otherwise) persons coming for the purpose of taking employment, or for the purposes of study, or as visitors, or as dependants of persons lawfully in or entering the Bailiwick.].

(5) <*****>

Statement of right of abode in [Bailiwick of Jersey]

2.-(1) A person is under this Act to have the right of abode in the [Bailiwick of Jersey] if –

- (a) he is a British citizen; or
- (b) he is a Commonwealth citizen who –
 - (i) immediately before the commencement of the British Nationality Act 1981 was a Commonwealth citizen having the right of abode in the [Bailiwick of Jersey] by virtue of section 2(1)(d) or section 2(2) of this Act as then in force; and
 - (ii) has not ceased to be a Commonwealth citizen in the meanwhile.

(2) In relation to Commonwealth citizens who have the right of abode in the [Bailiwick of Jersey] by virtue of subsection (1)(b) above, this Act, except this section and section <5(2)>, shall apply as if they were British citizens; and in this Act (except as aforesaid) “British citizen” shall be construed accordingly.>

General provisions for regulation and control

3.-(1) Except as otherwise provided by or under this Act, where a person is not <a British citizen> –

- (a) he shall not enter the [Bailiwick of Jersey] unless given leave to do so in accordance with this Act;
- (b) he may be given leave to enter the [Bailiwick of Jersey] (or, when already there, leave to remain in the [Bailiwick of Jersey]) either for a limited or for an indefinite period;
- (c) if he is given a limited leave to enter or remain in the [Bailiwick of Jersey], it may be given subject to conditions restricting his employment or occupation in the [Bailiwick of Jersey], or requiring him to register [as provided under section 4(3) below], or both.

[(2) Section 1(4) and (4A) of this Act shall not be taken to require uniform provision to be made as regards admission of persons for a purpose or in a capacity specified in the said

²⁹ Tome VIII, page 849.

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section (and, in particular, for this as well as other purposes of this Act, account may be taken of citizenship or nationality).]

(3) In the case of a limited leave to enter or remain in the [Bailiwick of Jersey] –

- (a) a person's leave may be varied, whether by restricting, enlarging or removing the limit on its duration, or by adding, varying or revoking conditions, but if the limit on its duration is removed, any conditions attached to the leave shall cease to apply; and
- (b) the limitation on and any conditions attached to a person's leave <(whether imposed (originally or on a variation) shall>, if not superseded, apply also to any subsequent leave he may obtain after an absence from the [Bailiwick of Jersey] within the period limited for the duration of the earlier leave.

(4) A person's leave to enter or remain in the [Bailiwick of Jersey] shall lapse on his going to a country or territory outside the common travel area (whether or not he lands there), unless within the period for which he had leave he returns to the [Bailiwick of Jersey] in circumstances in which he is not required to obtain leave to enter; but, if he does so return, his previous leave (and any limitation on it or conditions attached to it) shall continue to apply.

(5) A person who is not <a British citizen> shall be liable to deportation from the [Bailiwick of Jersey] –

- (a) if, having only a limited leave to enter or remain, he does not observe a condition attached to the leave or remains beyond the time limited by the leave; or
- (b) if the [Lieutenant-Governor] deems his deportation to be conducive to the public good; or
- (c) if another person to whose family he belongs is or has been ordered to be deported.

(6) Without prejudice to the operation of subsection (5) above, a person who is not <a British citizen> shall also be liable to deportation from the [Bailiwick of Jersey] if, after he has attained the age of seventeen, he is convicted of an offence for which he is punishable with imprisonment and on his conviction is recommended for deportation by a court empowered by this Act to do so.

(7) Where it appears to Her Majesty proper so to do by reason of restrictions or conditions imposed on <British citizens, British Dependent Territories citizens or British Overseas citizens> when leaving or seeking to leave any country or the territory subject to the government of any country, Her Majesty may by Order in Council make provision for prohibiting persons who are nationals or citizens of that country and are not <British citizens> from embarking in the [Bailiwick of Jersey], or from doing so elsewhere than at a port of exit, or for imposing restrictions or conditions on them when embarking or about to embark in the [Bailiwick of Jersey]; and Her Majesty may also make provision by Order in Council to enable those who are not <British citizens> to be, in such cases as may be prescribed by the Order, prohibited in the interests of safety from so embarking on a ship or aircraft specified or indicated in the prohibition.

* * * * *

(8) When any question arises under this Act whether or not a person is <a British citizen> or is entitled to any exemption under this Act, it shall lie on the person asserting it to prove that he is.

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<(9) A person seeking to enter the [Bailiwick of Jersey] and claiming to have the right of abode there shall prove that he has that right by means of either –

- (a) a United Kingdom passport describing him as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom; or
- (b) a certificate of entitlement issued by or on behalf of the Government of the United Kingdom certifying that he has such a right of abode.>

Administration of control

4.-(1) [The following powers under this Act shall be exercised as hereinafter provided, that is to say –

- (a) the power to give or refuse leave to enter the Bailiwick of Jersey shall be exercised by immigration officers,
- (b) the power to give leave to remain in the Bailiwick of Jersey, and the power under section 3(3)(a) to vary any leave as regards duration, shall be exercised by the Lieutenant-Governor, and
- (c) the power under section 3(3)(a) to vary any leave otherwise than as regards duration shall be exercised by the Committee];

and, unless otherwise allowed by this Act, those powers should be exercised by notice in writing given to the person affected, except that the powers under section 3(3)(a) may be exercised generally in respect of any class of persons by order * * *.

(2) The provisions of Schedule 2 to this act shall have effect with respect to –

- (a) the appointment and powers of immigration officers and medical inspectors for purposes of this Act;
- (b) the examination of persons arriving in or leaving the [Bailiwick of Jersey] by ship or aircraft * * *, and the special powers exercisable in the case of those who arrive as, or with a view to becoming, members of the crews of ships and aircraft; and
- (c) the exercise by immigration officers of their powers in relation to entry into the [Bailiwick of Jersey], and the removal from the [Bailiwick of Jersey] of persons refused leave to enter or entering or remaining unlawfully; and
- (d) the detention of persons pending examination or pending removal from the [Bailiwick of Jersey];

and for other purposes supplementary to the foregoing provisions of this Act.

(3) [The Committee may by order] make provision as to the effect of a condition under this Act requiring a person to register * * *; and the [order] may include provision –

- (a) as to the [body or person] by whom registers are to be maintained, and as to the form and content of the registers;

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- (b) [as to the body or person with whom and as to the place] and manner in which anyone is to register and as to the documents and information to be furnished by him, whether on registration or on any change of circumstances;
- (c) as to the issue of certificates of registration and as to the payment of fees for certificates of registration;

and the [order] may require anyone who is for the time being subject to such a condition to produce a certificate of registration to such persons and in such circumstances as may be prescribed by the [order].

(4) [The Committee may by order make such provision as appears to it] to be expedient in connexion with this Act for records to be made and kept of persons staying at hotels and other premises where lodging or sleeping accommodation is provided, and for persons (whether <British citizens> or not) who stay at any such premises to supply the necessary information.

Procedure for, and further provisions as to deportation

5.-(1) Where a person is under section 3(5) or (6) above liable to deportation, then subject to the following provisions of this Act the [Lieutenant-Governor] may make a deportation order against him, that is to say an order requiring him to leave and prohibiting him from entering the [Bailiwick of Jersey]; and a deportation order against a person shall invalidate any leave to enter or remain in the [Bailiwick of Jersey] given him before the order is made or while it is in force.

(2) A deportation order against a person may at any time be revoked by a further order of the [Lieutenant-Governor], and shall cease to have effect if he becomes <a British citizen>.

(3) A deportation order shall not be made against a person as belonging to the family of another person if more than eight weeks have elapsed since the other person left the [Bailiwick of Jersey] after the making of the deportation order against him; and a deportation order made against a person on that ground shall cease to have effect if he ceases to belong to the family of the other person, or if the deportation order made against the other person ceases to have effect.

(4) For purposes of deportation the following shall be those who are regarded as belonging to another person's family –

- (a) where that other person is a man, his wife and his or her children under the age of eighteen; and
- (b) where that other person is a woman, her children under the age of eighteen;

and for purposes of this subsection an adopted child, whether legally adopted or not, may be treated as the child of the adopter and, if legally adopted shall be regarded as the child only of the adopter; an illegitimate child (subject to the foregoing rule as to adoptions) shall be regarded as the child of the mother; and “wife” includes each of two or more wives.

(5) The provisions of Schedule 3 to this Act shall have effect with respect to the removal from the [Bailiwick of Jersey] of persons against whom deportation orders are in force and with respect to the detention or control of persons in connexion with deportation.

(6) Where a person is liable to deportation under section 3(5)<* * *> or (6) above but without a deportation order being made against him, leaves the [Bailiwick of Jersey] to live permanently abroad, the [Committee] may make payments of such amounts as he may

determine to meet that person's expenses in so leaving the [Bailiwick of Jersey], including travelling expenses for members of his family or household.

Recommendations by court for deportation

6.-(1) Where under section 3(6) above a person convicted of an offence is liable to deportation on the recommendation of a court, he may be recommended for deportation by any court having power to sentence him for the offence.* * *

<* * * * *

(2) A court shall not recommend a person for deportation unless he has been given not less than seven days notice in writing stating that a person is not liable to deportation if he is <a British citizen>, describing the persons who are <British citizens> and stating (so far as material) the effect of section 3(8) above and section 7 below; but the powers of [a court to adjourn] shall include power to adjourn, after convicting an offender, for the purpose of enabling a notice to be given to him under this subsection or, if a notice was so given to him less than seven days previously, for the purpose of enabling the necessary seven days to elapse.

(3) For purposes of section 3(6) above –

- (a) a person shall be deemed to have attained the age of seventeen at the time of his conviction if, on consideration of any available evidence, he appears to have done so to the court making or considering a recommendation for deportation; and
- (b) the question whether an offence is one for which a person is punishable with imprisonment shall be determined without regard to any enactment restricting the imprisonment of young offenders or <persons who have not previously been sentenced to imprisonment>;

and for the purposes of deportation a person who on being charged with an offence is found to have committed it shall, notwithstanding any enactment to the contrary and notwithstanding that the court does not proceed to conviction, be regarded as a person convicted of the offence, and references to conviction shall be construed accordingly.

(4) Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a recommendation for deportation may be made in respect of an offender who is sentenced to imprisonment for life.

(5) Where a court recommends or purports to recommend a person for deportation, the validity of the recommendation shall not be called in question except on an appeal against the recommendation or against the conviction on which it is made; but –

- (a) <* * * > the recommendation shall be treated as a sentence for the purpose of any enactment providing an appeal against sentence;
- (b) <* * * >.

(6) A deportation order shall not be made on the recommendation of a court so long as an appeal or further appeal is pending against the recommendation or against the conviction on which it was made; and for this purpose an appeal or further appeal shall be treated as pending (where one is competent but has not been brought) until the expiration of the time for bringing that appeal.* * *

(7) * * * * *

Exemption from deportation for certain existing residents

7.-(1) Notwithstanding anything in section 3(5) or (6) above but subject to the provisions of this section a Commonwealth citizen or citizen of the Republic of Ireland who was such a citizen at the coming into force of this Act and was then ordinarily resident in the [Bailiwick of Jersey] –

- (a) shall not be liable to deportation under section 3(5)(b) if at the time of the [Lieutenant-Governor's] decision he had at all times since the coming into force of this Act been ordinarily resident in the United Kingdom and Islands; and
- (b) shall not be liable to deportation under section 3(5)(a), (b) or (c) if at the time of the [Lieutenant-Governor's] decision he had for the last five years been ordinarily resident in the United Kingdom and Islands; and
- (c) shall not on conviction of an offence be recommended for deportation under section 3(6) if at the time of the conviction he had for the last five years been ordinarily resident in the United Kingdom and Islands.

(2) A person who has at any time become ordinarily resident in the United Kingdom or in any of the Islands shall not be treated for the purposes of this section as having ceased to be so by reason only of his having remained there in breach of the immigration laws.

(3) The “last five years” before the material time under subsection (1)(b) or (c) above is to be taken as a period amounting in total to five years exclusive of any time during which the person claiming exemption under this section was undergoing imprisonment or detention by virtue of a sentence passed for an offence on a conviction in the United Kingdom and Islands, and the period for which he was imprisoned or detained by virtue of the sentence amounted to six months or more.

(4) For purposes of subsection (3) above –

- (a) “sentence” includes any order made on conviction of an offence; and
- (b) two or more sentences for consecutive (or partly consecutive) terms shall be treated as a single sentence; and
- (c) a person shall be deemed to be detained by virtue of a sentence –
 - (i) at any time when he is liable to imprisonment or detention by virtue of the sentence, but is unlawfully at large * * *.

(5) Nothing in this section shall be taken to exclude the operation of section 3(8) above in relation to an exemption under this section.

Exceptions for seamen, aircrews and other special cases

8.-(1) Where a person arrives at a place in the [Bailiwick of Jersey] as a member of the crew of a ship or aircraft under an engagement requiring him to leave on that ship as a member of the crew, or to leave within seven days on that or another aircraft as a member of its crew, then unless either –

- (a) there is in force a deportation order made against him; or

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- (b) he has at any time been refused leave to enter the [Bailiwick of Jersey] and has not since then been given leave to enter or remain in the [Bailiwick of Jersey]; or
- (c) an immigration officer requires him to submit to examination in accordance with Schedule 2 to this Act;

he may without leave enter the [Bailiwick of Jersey] at that place and remain until the departure of the ship or aircraft on which he is required by his engagement to leave.

[(2) The Committee may direct that any particular person or class of persons shall be exempt either unconditionally or subject to such conditions as the Committee may impose from all or any of the provisions of this Act relating to those who are not British citizens insofar as those provisions apply to the taking of employment; and the Lieutenant-Governor may direct that any particular person or class of persons shall be exempt either unconditionally or subject to such conditions as the Lieutenant-Governor may impose from all or any of the remaining provisions of this Act relating to those who are not British citizens.]

(3) <Subject to subsection 3A below> the provisions of this Act relating to those who are not <British citizens> shall not apply to any person so long as he is a member of a mission (within the meaning of the Diplomatic Privileges Act 1964), a person who is a member of the family and forms part of the household of such a member, or a person otherwise entitled [within the United Kingdom] to the like immunity from jurisdiction as is conferred by that Act on a diplomatic agent.

<(3A) In the case of a member of a mission other than a diplomatic agent (within the meaning of the said Act of 1964) subsection (3) above shall apply only if he enters or has entered the [Bailiwick of Jersey] –

- (a) as a member of that mission; or
- (b) in order to take up a post as such a member which was offered to him before his arrival;

and references in that subsection to a member of a mission shall be construed accordingly.>

(4) The provisions of this Act relating to those who are not <British citizens>, other than the provisions relating to deportation, shall also not apply to any person so long as either –

- (a) he is subject, as a member of the home forces, to service law; or
- (b) being a member of a Commonwealth force or of a force raised under the law of any associated state, colony, protectorate or protected state, is undergoing or about to undergo training in the [Bailiwick of Jersey] with any body, contingent or detachment of the home forces; or
- (c) he is serving or posted for service in the United Kingdom as a member of a visiting force or of any force raised as aforesaid or as a member of an international headquarters or defence organisation designated for the time being by an Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964.

(5) Where a person having a limited leave to enter or remain in the [Bailiwick of Jersey] becomes entitled to an exemption under this section, that leave shall continue to apply after he ceases to be entitled to the exemption, unless it has by then expired; and a person is not to be regarded for purposes of this Act as having been <settlement in the [Bailiwick of Jersey] at

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any time when he was entitled under the former immigration laws to any exemption corresponding to any of those afforded by subsection (3) or (4)(b) or (c) above or by any [direction] under subsection (2) above>.

<(5A) A [direction] under subsection (2) above may, as regards any person or class of persons to whom it applies, provide for that person or class to be in specified circumstances regarded (notwithstanding the [direction]) as settled in the [Bailiwick of Jersey] for the purposes of section 1(1) of the British Nationality Act 1981.>

(6) In this section “the home forces” means any of her Majesty’s forces other than a Commonwealth force or a force raised under the law of any associated state, colony, protectorate or protected state; “Commonwealth force” means a force of any country to which provisions of the Visiting Forces Act 1952 apply without an Order in Council under section 1 of the Act; and “visiting force” means a body, contingent or detachment of the forces of a country to which any of those provisions apply, being a body, contingent or detachment for the time being present in the [Bailiwick of Jersey] on the invitation of Her Majesty’s Government in the [Bailiwick of Jersey].

Further provisions as to common travel area

9.-(1) * * * the provisions of Schedule 4 to this Act shall have effect for the purpose of taking account [in the Bailiwick of Jersey of the operation in the United Kingdom, the Bailiwick of Guernsey or the Isle of Man] of the immigration laws there.

(2) Persons who lawfully enter the [Bailiwick of Jersey] on a local journey from a place in the common travel area after having either –

- (a) entered [the United Kingdom, the Bailiwick of Guernsey or the Isle of Man] or the Republic of Ireland on coming from a place outside the common travel area; or
- (b) left the [Bailiwick of Jersey] while having a limited leave to enter or remain which has since expired;

if they are not <British citizens> (and are not to be regarded under Schedule 4 to this Act as having leave to enter the [Bailiwick of Jersey]), shall be subject in the [Bailiwick of Jersey] to such restrictions on the period for which they may remain, and such conditions restricting their employment or occupation or requiring them to register [as provided under section 4(3) above or both, as may be imposed by order and may be applicable to them; and the power to make an order under this subsection shall be exercised –

- (a) as respects the period for which persons may remain, by the Lieutenant-Governor, and
- (b) as respects other conditions, by the Committee.]

(3) Any provision of this Act applying to a limited leave or to conditions attached to a limited leave shall, unless otherwise provided, have effect in relation to a person subject to any restriction or condition by virtue of an order under subsection (2) above as if the provisions of the order applicable to him were terms on which he had been given leave under this Act to enter the [Bailiwick of Jersey].

(4) Section 1(3) above shall not be taken to affect the operation of a deportation order; and, subject to Schedule 4 to this Act, a person who is not <a British citizen> may not by virtue of section 1(3) enter the [Bailiwick of Jersey] without leave on a local journey from a place in the common travel area if either –

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- (a) he is on arrival in the [Bailiwick of Jersey] given written notice by an immigration officer stating that, the [Lieutenant-Governor] having issued directions for him not to be given entry to the [Bailiwick of Jersey] on the ground that his exclusion is conducive to the public good as being in the interests of national security, he is accordingly refused leave to enter the [Bailiwick of Jersey]; or
- (b) he has at any time been refused leave to enter the [Bailiwick of Jersey] and has not since then been given leave to enter or remain in the [Bailiwick of Jersey].
- (5) * * * * *
- (6) The [Lieutenant-Governor] shall also have power by order to exclude the Republic of Ireland from section 1(3) for such purposes as may be specified in the order.
- (7) * * * * *
- 10. * * * * *

Construction of references to entry, and other phrases relating to travel

11.-(1) A person arriving in the [Bailiwick of Jersey] by ship or aircraft shall for purposes of this Act be deemed not to enter the [Bailiwick of Jersey] unless and until he disembarks, and on disembarkation at a port shall further be deemed not to enter the [Bailiwick of Jersey] so long as he remains in such area (if any) at the port as may be approved for this purpose by an immigration officer; and a person who has not otherwise entered the [Bailiwick of Jersey] shall be deemed not to do so as long as he is detained, or temporarily admitted or released while liable to detention, under the powers conferred by Schedule 2 to this Act.

(1A) * * * * *

(2) In this Act “disembark” means disembark from a ship or aircraft, and “embark” means embark in a ship or aircraft; and, except in subsection (1) above –

- (a) references to disembarking in the [Bailiwick of Jersey] do not apply to disembarking after a local journey from a place in the [Bailiwick of Jersey] or elsewhere in the common travel area; and
- (b) references to embarking in the [Bailiwick of Jersey] do not apply to embarking for a local journey to a place in the [Bailiwick of Jersey] or elsewhere in the common travel area.
- (3) Except insofar as the context otherwise requires, references in this Act to arriving in the [Bailiwick of Jersey] by ship shall extend to arrival by any floating structure, and “disembark” shall be construed accordingly; but the provisions of this Act specially relating to members of the crew of a ship shall not by virtue of this provision apply in relation to any floating structure not being a ship.
- (4) For purposes of this Act “common travel area” has the meaning given by section 1(3), and a journey is, in relation to the common travel area, a local journey if but only if it begins and ends in the common travel area and is not made by a ship or aircraft which –
 - (a) in the case of a journey to a place in the [Bailiwick of Jersey], began its voyage from, or has during its voyage called at, a place not in the common travel area; or

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- (b) in the case of a journey from a place in the [Bailiwick of Jersey], is due to end its voyage in, or call in the course of its voyage at, a place not in the common travel area.

(5) A person who enters the [Bailiwick of Jersey] lawfully by virtue of section 8(1) above, and seeks to remain beyond the time limited by section 8(1), shall be treated for purposes of this Act as seeking to enter the [Bailiwick of Jersey].

PART II

APPEALS

* * * * *

PART III

CRIMINAL PROCEEDINGS

Illegal entry and similar offences

24.-(1) A person who is not <a British citizen> shall be guilty of an offence punishable [with a fine] or with imprisonment for not more than six months, or with both, in any of the following cases –

- (a) if contrary to this Act he knowingly enters the [Bailiwick of Jersey] in breach of a deportation order or without leave;
- (b) if, having only a limited leave to enter or remain in the [Bailiwick of Jersey], he knowingly either –
 - (i) remains beyond the time limited by the leave; or
 - (ii) fails to observe a condition of the leave;
- (c) if, having lawfully entered the [Bailiwick of Jersey] without leave by virtue of section 8(1) above, he remains without leave, beyond the time allowed by section 8(1);
- (d) if, without reasonable excuse, he fails to comply with any requirement imposed on him under Schedule 2 to this Act to report to a medical officer of health, or to attend, or submit to a test or examination, as required by such an officer;
- (e) if, without reasonable excuse, he fails to observe any restriction imposed on him under Schedule 2 or 3 to this Act as to residence <, as to his employment or occupation> or as to reporting to the police or to an immigration officer;
- (f) if he disembarks in the [Bailiwick of Jersey] from a ship or aircraft after being placed on board under Schedule 2 or 3 to this Act with a view to his removal from the [Bailiwick of Jersey];
- (g) if he embarks in contravention of a restriction imposed by or under an Order in Council under section 3(7) of this Act.

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<(1A) A person commits an offence under subsection (1)(b)(i) above on the day when he first knows that the time limited by his leave has expired and continues to commit it throughout any period during which he is in the [Bailiwick of Jersey] thereafter; but a person shall not be prosecuted under that provision more than once in respect of the same limited leave.>

(2) A [police officer] or immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have, committed or attempted to commit an offence under this section other than an offence under subsection (1)(d) above.

(3) * * * * *

(4) In proceedings for an offence against subsection (1)(a) above of entering the [Bailiwick of Jersey] without leave –

- (a) any stamp purporting to have been imprinted on a passport or other travel document by an immigration officer on a particular date for the purpose of giving leave shall be presumed to have been duly so imprinted, unless the contrary is proved;
- (b) proof that a person had leave to enter the [Bailiwick of Jersey] shall lie on the defence, if, but only if, he is shown to have entered within six months before the date when the proceedings were commenced.

Assisting illegal entry, and harbouring

25.-(1) Any person knowingly concerned in making or carrying out arrangements for securing or facilitating the entry into the [Bailiwick of Jersey] of anyone whom he knows or has reasonable cause for believing to be an illegal entrant shall be guilty of an offence, punishable * * * with a fine or with imprisonment for not more than seven years, or with both.

(2) Without prejudice to subsection (1) above a person knowingly harbouring anyone whom he knows or has reasonable cause for believing to be either an illegal entrant or a person who has committed an offence under section 24(1)(b) or (c) above, shall be guilty of an offence, punishable [with a fine] or with imprisonment for not more than six months, or with both.

(3) <An> immigration officer may arrest without warrant anyone who has, or whom he, with reasonable cause, suspects to have committed an offence under subsection (1) above.

(4) * * * * *

(5) Subsection (1) above shall apply to things done outside as well as to things done in the [Bailiwick of Jersey] where they are done –

- <(a) by a British citizen, a British Dependent Territories citizen, or a British Overseas citizen;
- (b) by a person who under the British Nationality Act 1981³¹ is a British subject; or
- (c) by a British protected person (within the meaning of that Act)>.

(6) Where a person convicted * * * of an offence under subsection (1) above is at the time of the offence –

³¹ Page 371 of this Volume.

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- (a) the owner or one of the owners of a ship, aircraft or vehicle used or intended to be used in carrying out the arrangements in respect of which the offence is committed; or
- (b) a director or manager of a company which is the owner or one of the owners of any such ship, aircraft or vehicle; or
- (c) captain of any such ship or aircraft;

then subject to subsections (7) and (8) below the court before which he is convicted may order the forfeiture of the ship, aircraft or vehicle.

In this subsection (but not in subsection (7) below) “owner” in relation to a ship, aircraft or vehicle which is the subject of a hire-purchase agreement, includes the person in possession of it under that agreement and, in relation to a ship or aircraft, includes a charterer.

(7) A court shall not order a ship or aircraft to be forfeited under subsection (6) above on a person’s conviction, unless –

- (a) in the case of a ship, it is of less than 500 tons of gross tonnage, or, in the case of an aircraft (not being a hovercraft), it is of less than 5,700 kilogrammes operating weight; or
- (b) the person convicted is at the time of the offence the owner or one of the owners, or a director or manager of a company which is the owner or one of the owners, of the ship or aircraft; or
- (c) the ship or aircraft, under the arrangements in respect of which the offence is committed, has been used for bringing more than 20 persons at one time to the [Bailiwick of Jersey] as illegal entrants, and the intention to use the ship or aircraft in bringing persons to the [Bailiwick of Jersey] as illegal entrants was known to, or could by the exercise of reasonable diligence, have been discovered by, some person on whose conviction the ship or aircraft would have been liable to forfeiture in accordance with paragraph (b) above.

In this subsection “operating weight” means in relation to an aircraft the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances, in accordance with the certificate of airworthiness in force in respect of the aircraft.

(8) A court shall not order a ship, aircraft or vehicle to be forfeited under subsection (6) above, where a person claiming to be the owner of the ship, aircraft or vehicle or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

General offences in connexion with administration of Act

26.-(1) A person shall be guilty of an offence punishable [with a fine] or with imprisonment for not more than six months, or with both, in any of the following cases –

- (a) if, without reasonable excuse, he refuses or fails to submit to examination under Schedule 2 to this Act;
- (b) if, without reasonable excuse, he refuses or fails to furnish or produce any information in his possession, or any documents in his possession or control, which he is on an examination under that Schedule required to furnish or produce;

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- (c) if on any such examination or otherwise he makes or causes to be made to an immigration officer or other person lawfully acting in the execution of this Act a return, statement or representation which he knows to be false or does not believe to be true;
 - (d) if, without lawful authority, he alters any <certificate of entitlement>, entry clearance, work permit or other document issued or made under or for the purposes of this Act, or uses for the purposes of this Act, or has in his possession for such use, any passport, <certificate of entitlement>, entry clearance, work permit or other document which he knows or has reasonable cause to believe to be false;
 - (e) if, without reasonable excuse, he fails to complete and produce a landing or embarkation card in accordance with any [direction] under Schedule 2 to this Act;
 - (f) if, without reasonable excuse, he fails to comply with any requirement of [an order under section 4(3) or (4)] above;
 - (g) if, without reasonable excuse, he obstructs an immigration officer or other person lawfully acting in the execution of this Act.
- (2) * * * * *

Offences by persons connected with ships or aircraft or with ports

27. A person shall be guilty of an offence punishable [with a fine] or with imprisonment for not more than six months, or with both, in any of the following cases –

- (a) if, being the captain of a ship or aircraft, –
 - (i) he knowingly permits a person to disembark in the [Bailiwick of Jersey] when required under Schedule 2 or 3 to this Act to prevent it, or fails without reasonable excuse to take any steps he is required by or under Schedule 2 to take in connexion with the disembarkation or examination of passengers or for furnishing a passenger list or particulars of members of the crew; or
 - (ii) he fails, without reasonable excuse, to comply with any directions given him under Schedule 2 or 3 with respect to the removal of a person from the [Bailiwick of Jersey];
- (b) if, as owner or agent of a ship or aircraft, –
 - (i) he arranges, or is knowingly concerned in any arrangements, for the ship or aircraft to call at a port other than a port of entry contrary to any provision of Schedule 2 to this Act; or
 - (ii) he fails, without reasonable excuse, to take any steps required by [a direction] under Schedule 2 for the supply to passengers of landing or embarkation cards; or
 - (iii) he fails, without reasonable excuse, to make arrangements for the removal of a person from the [Bailiwick of Jersey] when required to do so by directions given under Schedule 2 or 3 to this Act;

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- (c) if, as owner or agent of a ship or aircraft or as a person concerned in the management of a port, he fails, without reasonable excuse, to take any steps required by Schedule 2 in relation to the embarkation or disembarkation of passengers where a control area is designated.

(d) * * * * *

Proceedings

28.-(1) * * * * *

(2) * * * * *

(3) * * * * *

(4) Any powers exercisable under this Act in the case of any person may be exercised notwithstanding that proceedings for an offence under this Part of this Act have been taken against him.

*PART IV***SUPPLEMENTARY****Contribution for expenses of persons returning abroad**

29.-(1) The [Committee] may, in such cases [as it may with the approval of the Finance and Economics Committee of the States] determine, make payments of such amount as may be so determined to meet or provide for expenses of persons who are not <British citizens> in leaving the [Bailiwick of Jersey] for a country or territory where they intend to reside permanently, including travelling expenses for members of their families or households.

(2) The [Committee] shall, so far as practicable, administer this section so as to secure that a person's expenses in leaving the [Bailiwick of Jersey] are not met by or out of a payment made by the [Committee] unless it is shown that it is in that person's interest to leave the [Bailiwick of Jersey] and that he wishes to do so.

30. * * * * *

31. * * * * *

General provision as to orders, etc.

32.-(1) Any power conferred by Part I of this Act to make an Order in Council or order (other than a deportation order) or to give any directions includes power to revoke or vary the Order in Council, order or directions.

(2) Any document purporting to be an order, notice or direction made or given by [the Lieutenant-Governor or the Committee] for the purposes of this Act and to be signed by him or on his behalf [or, as the case may be, on behalf of the Committee] and any document purporting to be a certificate of [the Lieutenant-Governor or the Committee] so given and to be signed by him [or, as the case may be, on behalf of the Committee] shall be received in evidence, and shall, until the contrary is proved, be deemed to be made or issued by him [or, as the case may be, by the Committee].

(3) Prima facie evidence of any such order, notice, direction or certificate as aforesaid may, in any legal proceedings * * *, be given by the production of a document

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bearing a certificate purporting to be signed by or on behalf of [the Lieutenant-Governor or the Committee] and stating that the document is a true copy of the order, notice, direction or certificate.

(4) Where an order under section 8(2) above applies to persons specified in a schedule to the order, or any directions of [the Lieutenant-Governor or the Committee] given for the purposes of this Act apply to persons specified in a schedule to the directions, prima facie evidence of the provisions of the order or directions other than the schedule of any entry contained in the schedule may, in any legal proceedings * * *, be given by the production of a document purporting to be signed by or on behalf of [the Lieutenant-Governor or the Committee] and stating that the document is a true copy of the said provisions and of the relevant entry.

Interpretation

33.-(1) For purposes of this Act, except in so far as the context otherwise requires –

“aircraft” includes hovercraft, “airport” includes hoverport and “port” includes airport;

“captain” means master (of a ship) or commander (of an aircraft);

“certificate of <entitlement>” means such a certificate as is referred to in section 3(9) above;

[“Committee” means the Defence Committee of the States];

* * * * *

“crew”, in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft, including the captain, and “member of the crew” shall be construed accordingly;

“entrant” means a person entering or seeking to enter the [Bailiwick of Jersey], and “illegal entrant” means a person unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws, and includes also a person who has so entered;

“entry clearance” means a visa, entry certificate or other document which, in accordance with the immigration rules, is to be taken as evidence <or the requisite evidence> of a person’s eligibility, though not <a British citizen>, for entry into the [Bailiwick of Jersey] (but does not include a work permit);

“immigration laws” means this Act and any law for purposes similar to this Act which is for the time being or has (before or after the passing of this Act) been in force in any part of the United Kingdom and Islands;

* * * * *

“the Islands” means the Channel Islands and the Isle of Man, and “the United Kingdom and Islands” means the United Kingdom and the Islands taken together;

[“legally adopted” means adopted in pursuance of an order made by a court in the United Kingdom and Islands];

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["Lieutenant-Governor" means the person for the time being holding the office of Lieutenant-Governor and Commander-in-Chief of the Island of Jersey and its Dependencies];

"limited leave" and "indefinite leave" mean respectively leave under this Act to enter or remain in the [Bailiwick of Jersey] which is, and one which is not, limited as to duration;

"settled" shall be construed in accordance <with subsection (2A) below>;

"ship" includes every description of vessel used in navigation;

["States" means the States of Jersey];

* * * * *

<"United Kingdom passport" means a current passport issued by the Government of the United Kingdom, or by the Lieutenant-Governor of any of the Islands or by the Government of any territory which is for the time being a dependent territory within the meaning of the British Nationality Act 1981;>

["work permit" means a permit issued by the Committee to a specific employer in respect of a specific post;]

(2) It is hereby declared that, except as otherwise provided in this Act, a person is not to be treated for the purposes of any provision of this Act as ordinarily resident in the United Kingdom or in any of the Islands at a time when he is there in breach of the immigration laws.

<(2A) Subject to section 8(5) above, references to a person being settled in the [Bailiwick of Jersey] are references to his being ordinarily resident there without being subject under the immigration laws to any restriction on the period for which he may remain.>

[(3) The ports of entry for the purposes of this Act and the ports of exit for the purposes of any Order in Council made under section 3(7) above shall be the approved ports set out in the Schedule to the Loi (1937) sur les Etrangers³² or such places as the States may by Act designate].

(4) * * * * *

(5) This Act shall not be taken to supersede or impair any power exercisable by Her Majesty in relation to aliens by virtue of Her prerogative.

34. * * * * *

35. * * * * *

36. * * * * *

Short title and extent

37.-(1) This Act may be cited as the Immigration Act 1971.

(2) * * * * *

³² Tome VII, page 207.

*SCHEDULES**SCHEDULE 1*

* * * * *

*SCHEDULE 2***(Section 4)****ADMINISTRATIVE PROVISIONS AS TO CONTROL ON ENTRY, ETC***PART I***GENERAL PROVISIONS***Immigration officers and medical inspectors*

1.-(1) Immigration officers for the purposes of this Act shall be appointed by the Committee with the concurrence of the Lieutenant-Governor and, with such concurrence, the Committee may arrange for the employment of officers of customs as immigration officers under this Act and aliens officers appointed in pursuance of the Loi (1937) sur les Etrangers³³ shall be deemed to have been duly appointed immigration officers under this paragraph for the purposes of this Act.

(2) The medical officer of health and his deputy shall be medical inspectors for the purposes of this Act.

(3) In the exercise of their functions under this Act, immigration officers shall act in accordance with such directions as may be given them –

- (a) by the Lieutenant-Governor, as respects the entry of persons into the Bailiwick, the period for which such persons may remain and matters incidental thereto;
- (b) by the Committee as respects any other matters;

and medical officers shall act in accordance with such instructions as may be given them by the Committee.]

(4) An immigration officer or medical inspector may board any ship [or aircraft] for the purpose of exercising his functions under this Act.

(5) An immigration officer, for the purpose of satisfying himself whether there are persons he may wish to examine under paragraph 2 below, may search any ship [or aircraft] and anything on board it, or any vehicle taken off a ship or aircraft in which it has been brought to the [Bailiwick of Jersey].

Examination by immigration officers, and medical examination

2.-(1) An immigration officer may examine any persons who have arrived in the [Bailiwick of Jersey] by ship [or aircraft] (including transit passengers, members of the crew and others not seeking to enter the [Bailiwick of Jersey]) for the purpose of determining –

³³ Tome VII, page 194.

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- (a) whether any of them is or is not <a British citizen>; and
- (b) whether, if he is not, he may or may not enter the [Bailiwick of Jersey] without leave; and
- (c) whether, if he may not, he should be given leave and for what period and on what conditions (if any), or should be refused leave.

(2) Any such person, if he is seeking to enter the [Bailiwick of Jersey], may be examined also by a medical inspector or by any qualified person carrying out a test or examination required by a medical inspector.

(3) A person, on being examined under this paragraph by an immigration officer or medical inspector, may be required in writing by him to submit to further examination; but a requirement under this sub-paragraph shall not prevent a person who arrives as a transit passenger, or as a member of the crew of a ship or aircraft, or for the purpose of joining a ship or aircraft as a member of the crew, from leaving by his intended ship or aircraft.

3.-(1) An immigration officer may examine any person who is embarking or seeking to embark in the [Bailiwick of Jersey] for the purpose of determining whether he is <a British citizen> and, if he is not, for the purpose of establishing his identity.

(2) So long as any Order in Council is in force under section 3(7) of this Act, an immigration officer may examine any person who is embarking or seeking to embark in the United Kingdom for the purpose of determining –

- (a) whether any of the provisions of the Order apply to him; and
- (b) whether, if so, any power conferred by the Order should be exercised in relation to him and in what way.

Information and documents

4.-(1) It shall be the duty of any person examined under paragraph 2 or 3 above to furnish to the person carrying out the examination all such information in his possession as that person may require for the purpose of his functions under that paragraph.

(2) A person on his examination under paragraph 2 or 3 above by an immigration officer shall, if so required by the immigration officer –

- (a) produce either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship; and
- (b) declare whether or not he is carrying or conveying documents of any relevant description specified by the immigration officer, and produce any documents of that description which he is carrying or conveying.

In paragraph (b), “relevant description” means any description appearing to the immigration officer to be relevant for the purposes of the examination.

<(2A) An immigration officer may detain any passport or other document produced pursuant to sub-paragraph (2)(a) above until the person concerned is given leave to enter the [Bailiwick of Jersey] or is about to depart or be removed following refusal of leave.>

(3) Where under sub-paragraph (2)(b) above a person has been required to declare whether or not he is carrying or conveying documents of any description, he and any baggage

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belonging to him or under his control may be searched with a view to ascertaining whether he is doing so by the immigration officer or a person acting under the directions of that officer:

Provided that no woman or girl shall be searched except by a woman.

(4) An immigration officer may examine any documents produced pursuant to sub-paragraph (2)(b) above or found on a search under sub-paragraph (3), and may for that purpose detain them for any period not exceeding seven days; and if on examination of any document so produced or found the immigration officer is of the opinion that it may be needed in connexion with proceedings * * * for an offence, he may detain it until he is satisfied that it will be so needed.

5. [The Lieutenant-Governor may by direction] make provision for requiring passengers disembarking or embarking in the [Bailiwick of Jersey], or any class of such passengers, to produce to an immigration officer, if so required, landing or embarkation cards in such form as the [Lieutenant-Governor] may direct, and for requiring the owners or agents of ships and aircraft to supply such cards to those passengers.

Notice of leave to enter or of refusal of leave

6.-(1) Subject to sub-paragraph (3) below, where a person examined by an immigration officer under paragraph 2 above is to be given a limited leave to enter the [Bailiwick of Jersey] or is to be refused leave, the notice giving or refusing leave shall be given not later than <twenty-four hours> after the conclusion of his examination (including any further examination) in pursuance of that paragraph; and if notice giving or refusing leave is not given him before the end of those <twenty-four hours>, he shall (if not <a British citizen>) be deemed to have been given <leave to enter the [Bailiwick of Jersey] for a period of six months subject to a condition prohibiting his taking employment> and the immigration officer shall as soon as may be give him written notice of that leave.

(2) Where on a person's examination under paragraph 2 above he is given notice of leave to enter the [Bailiwick of Jersey], then at any time before the end of <twenty-four hours> from the conclusion of the examination he may be given a further notice in writing by an immigration officer cancelling the earlier notice and refusing him leave to enter.

(3) Where in accordance with this paragraph a person is given notice refusing him leave to enter the [Bailiwick of Jersey], that notice may at any time be cancelled by notice in writing given him by an immigration officer; and where a person is given a notice of cancellation under this sub-paragraph <and the immigration officer does not at the same time give him indefinite or limited leave to enter, he shall be deemed to have been given leave to enter for a period of six months subject to a condition prohibiting his taking employment and the immigration officer shall as soon as may be give him written notice of that leave.>

(4) Where an entrant is a member of a party in charge of a person appearing to the immigration officer to be a responsible person, any notice to be given in relation to that entrant in accordance with this paragraph shall be duly given if delivered to the person in charge of the party.

Power to require medical examination after entry

7. If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer –

(a) determines that he may be given leave to enter the [Bailiwick of Jersey]; but

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- (b) is of opinion, on the advice of a medical inspector or, where no medical inspector is available, on that of any other fully qualified medical practitioner, that a further medical test or examination may be required in the interests of public health;

then the immigration officer, on giving that person leave to enter the [Bailiwick of Jersey], may by notice in writing require him to report his arrival to such medical officer of health as may be specified in the notice and thereafter to attend at such place and time, and submit to such test or examination (if any), as that medical officer of health may require.

Removal of persons refused leave to enter and illegal entrants

8.-(1) Where a person arriving in the [Bailiwick of Jersey] is refused leave to enter, an immigration officer may, subject to sub-paragraph (2) below –

- (a) give the captain of the ship or aircraft in which he arrives directions requiring the captain to remove him from the [Bailiwick of Jersey] in that ship or aircraft; or
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
- (c) give the owners or agents * * * directions requiring them to make arrangements for his removal from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the direction to a country or territory so specified, being either –
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country or territory in which he embarked for the [Bailiwick of Jersey]; or
 - (iv) a country or territory to which there is reason to believe that he will be admitted.

(2) No directions shall be given under this paragraph in respect of anyone after the expiration of two months beginning with the date on which he was refused leave to enter the [Bailiwick of Jersey] <except that directions may be given under sub-paragraph (1)(b) or (c) after the end of that period if the immigration officer has within that period given written notice to the owners or agents in question of his intention to give directions to them in respect of that person>.

9. Where an illegal entrant is not given leave to enter or remain in the [Bailiwick of Jersey], an immigration officer may give any such directions in respect of him as in a case within paragraph 8 above are authorised by paragraph 8(1).

10.-(1) Where it appears to the [Lieutenant-Governor] either –

- (a) that directions might be given in respect of a person under paragraph 8 or 9 above, but that it is not practicable for them to be given or that, if given, they would be ineffective; or

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- (b) that directions might have been given in respect of a person under paragraph 8 above <but that the requirements of paragraph 8(2) have not been complied with>;

then the [Lieutenant-Governor] may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 8(1)(c).

(2) Where the [Lieutenant-Governor] may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the [Lieutenant-Governor] to any country or territory to which he could be removed under sub-paragraph (1).

(3) The costs of complying with any directions given under this paragraph shall be defrayed by the [Committee].

11. A person in respect of whom directions are given under any of paragraphs 8 to 10 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Seamen and aircrews

12.-(1) If, on a person's examination by an immigration officer under paragraph 2 above, the immigration officer is satisfied that he has come to the [Bailiwick of Jersey] for the purpose of joining a ship or aircraft as a member of the crew, then the immigration officer may limit the duration of any leave he gives that person to enter the [Bailiwick of Jersey] by requiring him to leave the [Bailiwick of Jersey] in a ship or aircraft specified or indicated by the notice giving leave.

(2) Where a person (not being <a British citizen>) arrives in the [Bailiwick of Jersey] for the purpose of joining a ship or aircraft as a member of the crew and, having been given leave to enter as mentioned in sub-paragraph (1) above, remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so, an immigration officer may –

- (a) give the captain of that ship or aircraft directions requiring the captain to remove him from the [Bailiwick of Jersey] in that ship or aircraft; or
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are owners or agents; or
- (c) give those owners or agents directions requiring them to make arrangements for his removal from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either –
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country or territory in which he embarked for the [Bailiwick of Jersey]; or

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- (iv) a country or territory where he was engaged as a member of the crew of the ship or aircraft which he arrived in the [Bailiwick of Jersey] to join; or
- (v) a country or territory to which there is reason to believe that he will be admitted.

13.-(1) Where a person being a member of the crew of a ship or aircraft is examined by an immigration officer under paragraph 2 above, the immigration officer may limit the duration of any leave he gives that person to enter the [Bailiwick of Jersey] –

- (a) in the manner authorised by paragraph 12(1) above; or
- (b) if that person is to be allowed to enter the [Bailiwick of Jersey] in order to receive hospital treatment, by requiring him, on completion of that treatment, to leave the [Bailiwick of Jersey] in accordance with arrangements to be made for his repatriation; or
- (c) by requiring him to leave the [Bailiwick of Jersey] within a specified period in accordance with arrangements to be made for his repatriation.

(2) Where a person (not being <a British citizen>) arrives in the [Bailiwick of Jersey] as a member of the crew of a ship or aircraft, and either –

- (A) having lawfully entered the [Bailiwick of Jersey] without leave by virtue of section 8(1) of this Act, he remains without leave beyond the time allowed by section 8(1), or is reasonably suspected by an immigration officer of intending to do so; or
- (B) having been given leave limited as mentioned in sub-paragraph (1) above, he remains beyond the time limited by that leave, or is reasonably suspected by an immigration officer of intending to do so;

an immigration officer may –

- (a) give the captain of the ship or aircraft in which he arrived directions requiring the captain to remove him from the [Bailiwick of Jersey] in that ship or aircraft; or
- (b) give the owners or agents of that ship or aircraft directions requiring them to remove him from the [Bailiwick of Jersey]; being a ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents; or
- (c) give those owners or agents directions requiring them to make arrangements for his removal from the [Bailiwick of Jersey] in any ship or aircraft specified or indicated in the directions to a country or territory so specified, being either –
 - (i) a country of which he is a national or citizen; or
 - (ii) a country or territory in which he has obtained a passport or other document of identity; or
 - (iii) a country in which he embarked for the [Bailiwick of Jersey]; or
 - (iv) a country or territory in which he was engaged as a member of the crew of the ship or aircraft in which he arrived in the [Bailiwick of Jersey]; or

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- (v) a country or territory to which there is reason to believe that he will be admitted.

14.-(1) Where it appears to the [Lieutenant-Governor] that directions might be given in respect of a person under paragraph 12 or 13 above, but that it is not practicable for them to be given or that, if given, they would be ineffective, then the [Lieutenant-Governor] may give to the owners or agents of any ship or aircraft any such directions in respect of that person as are authorised by paragraph 12(2)(c) or 13(2)(c).

(2) Where the [Lieutenant-Governor] may give directions for a person's removal in accordance with sub-paragraph (1) above, he may instead give directions for his removal in accordance with arrangements to be made by the [Lieutenant-Governor] to any country or territory to which he could be removed under sub-paragraph (1).

(3) The costs of complying with any directions given under this paragraph shall be defrayed by the [Committee].

15. A person in respect of whom directions are given under any of paragraphs 12 to 14 above may be placed, under the authority of an immigration officer, on board any ship or aircraft in which he is to be removed in accordance with the directions.

Detention of persons liable to examination or removal

16.-(1) A person who may be required to submit to examination under paragraph 2 above may be detained under the authority of an immigration officer pending his examination and pending a decision to give or refuse him leave to enter.

(2) A person in respect of whom directions may be given under any of paragraphs 8 to 14 above may be detained under the authority of an immigration officer pending the giving of directions and pending his removal in pursuance of any directions given.

(3) A person on board a ship or aircraft may, under the authority of an immigration officer, be removed from the ship or aircraft for detention under this paragraph; but if an immigration officer so requires the captain of a ship or aircraft shall prevent from disembarking in the [Bailiwick of Jersey] any person who has arrived in the [Bailiwick of Jersey] in the ship or aircraft and been refused leave to enter, and the captain may for that purpose detain him in custody on board the ship or aircraft.

(4) The captain of a ship or aircraft, if so required by an immigration officer, shall prevent from disembarking in the [Bailiwick of Jersey] or before the directions for his removal have been fulfilled any person placed on board the ship or aircraft under paragraph 11 or 15 above, and the captain may for that purpose detain him in custody on board the ship or aircraft.

(4A) * * * * *

17.-(1) A person liable to be detained under paragraph 16 above may be arrested without warrant by a [police officer] or by an immigration officer.

(2) [If the Bailiff is by written information on oath satisfied that there is reasonable ground for suspecting that a person liable to be arrested under this paragraph is to be found on any premises, he may grant a warrant authorising any police officer to enter], if need be by force, the premises named in the warrant for the purposes of searching for and arresting that person.

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18.-(1) Persons may be detained under paragraph 16 above in such places as the [Attorney General for Jersey] may direct (when not detained in accordance with paragraph 16 on board a ship or aircraft).

(2) Where a person is detained under paragraph 16, any immigration officer [police officer] or prison officer, or any other person authorised by the [Attorney General for Jersey], may take all such steps as may be reasonably necessary for photographing, measuring or otherwise identifying him.

(3) Any person detained under paragraph 16 may be taken in the custody of a [police officer], or of any person acting under the authority of an immigration officer, to and from any place where his attendance is required for the purpose of ascertaining his citizenship or nationality or of making arrangements for his admission to a country or territory other than the [Bailiwick of Jersey], or where he is required to be for any other purpose connected with the operation of this Act.

(4) A person shall be deemed to be in legal custody at any time when he is detained under paragraph 16 or is being removed in pursuance of sub-paragraph (3) above.

19.-(1) Where a person is refused leave to enter the [Bailiwick of Jersey] and directions are given in respect of him under paragraph 8 or 10 above, then subject to the provisions of this paragraph the owners or agents of the ship or aircraft in which he arrived * * * shall be liable to pay the [Committee] on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16 above.

(2) Sub-paragraph (1) above shall not apply to expenses in respect of a person who, when he arrived in the [Bailiwick of Jersey], held a <certificate of entitlement> or a current entry clearance or was the person named in a current work permit; and for this purpose a document purporting to be a <certificate of entitlement> entry clearance or work permit is to be regarded as being one unless its falsity is reasonably apparent.

(3) If, before the directions for a person's removal under paragraph 8 or 10 above have been carried out, he is given leave to enter the [Bailiwick of Jersey], no sum shall be demanded under sub-paragraph (1) above for expenses incurred in respect of that person and any sum already demanded and paid shall be refunded.

[(4) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person in question to and from the place where he is detained or accommodated.]

20.-(1) Subject to the provisions of this paragraph, in either of the following cases, that is to say, –

- (a) where directions are given in respect of an illegal entrant under paragraph 9 or 10 above; and
- (b) where a person has lawfully entered the [Bailiwick of Jersey] without leave by virtue of section 8(1) of this Act, but directions are given in respect of him under paragraph 13(2)(A) above or, in a case within paragraph 13(2)(A), under paragraph 14;

the owners or agents of the ship or aircraft in which he arrived in the [Bailiwick of Jersey] * * * shall be liable to pay the [Committee] on demand any expenses incurred by the latter in respect of the custody, accommodation or maintenance of that person at any time after his arrival while he was detained or liable to be detained under paragraph 16 above.

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(2) If, before the directions for a person's removal from the [Bailiwick of Jersey] have been carried out, he is given leave to remain in the [Bailiwick of Jersey], no sum shall be demanded under sub-paragraph (1) above for expenses and incurred in respect of that person and any sum already demanded and paid shall be refunded.

[(3) The expenses to which sub-paragraph (1) above applies include expenses in conveying the person concerned to and from the place where he is detained or accommodated.]

Temporary admission or release of persons liable to detention

21.-(1) A person liable to detention or detained under paragraph 16 above may under the written authority of an immigration officer, be temporarily admitted to the [Bailiwick of Jersey] without being detained or be released from detention; but this shall not prejudice a later exercise of the power to detain him.

(2) So long as a person is at large in the [Bailiwick of Jersey] by virtue of this paragraph, he shall be subject to such restrictions as to residence <, as to his employment or occupation> and as to reporting to the police or an immigration officer as may from time to time be notified to him in writing by an immigration officer.

22. * * * * *

23. * * * * *

24. * * * * *

25. * * * * *

Supplementary duties of those connected with ships or aircraft or with ports

26.-(1) The owners or agents of a ship or aircraft employed to carry passengers for reward shall not, without the approval of the [Lieutenant-Governor], arrange for the ship or aircraft to call at a port in the [Bailiwick of Jersey] other than a port of entry for the purpose of disembarking passengers, if any of the passengers on board may not enter the [Bailiwick of Jersey] without leave and have not been given leave, or for the purpose of embarking passengers unless the owners or agents have reasonable cause to believe all of them to be <British citizens>.

(2) The [Lieutenant-Governor] may from time to time give written notice to the owners or agents of any ships or aircraft designating control areas for the embarkation or disembarkation of passengers in any port in the [Bailiwick of Jersey] and specifying the conditions and restrictions (if any) to be observed in any control area; and where by notice given to any owners or agents a control area is for the time being designated for the embarkation or disembarkation of passengers at any port, the owners or agents shall take all reasonable steps to secure that, in the case of their ships or aircraft, passengers do not embark or disembark, as the case may be, at the port outside the control area and that any conditions or restrictions notified to them are observed.

(3) The [Lieutenant-Governor] may also from time to time give to any persons concerned with the management of a port in the [Bailiwick of Jersey] written notice designating control areas in the port and specifying conditions or restrictions to be observed in any control area; and any such person shall take all reasonable steps to secure that any conditions or restrictions as notified to him are observed.

27.-(1) The captain of a ship of aircraft arriving in the Bailiwick of Jersey –

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- (a) shall take such steps as may be necessary to secure that persons on board do not disembark there unless either they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer, or they are members of the crew who may lawfully enter the Bailiwick of Jersey without leave by virtue of section 8(1) of this Act; and
- (b) where the examination of persons on board is to be carried out on the ship or aircraft, shall take such steps as may be necessary to secure that those to be examined are presented for the purpose in an orderly manner.

(2) The [Lieutenant-Governor] may by order * * * make provision for requiring captains of ships or aircraft arriving in the [Bailiwick of Jersey] or of such of them as arrive from or by way of countries or places specified in the order, to furnish to immigration officers

—

- (a) a passenger list showing the names and nationality or citizenship of passengers arriving on board the ship or aircraft;
- (b) particulars of members of the crew of the ship or aircraft;

and for enabling an immigration officer to dispense with the furnishing of any such list or particulars.

27A. * * * * *

28. * * * * *

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31. * * * * *

32. * * * * *

33. * * * * *

SCHEDULE 3

(Section 5)

SUPPLEMENTARY PROVISIONS AS TO DEPORTATION

Removal of persons liable to deportation

1.-(1) Where a deportation order is in force against any person, the [Lieutenant-Governor] may give directions for his removal to a country or territory specified in the directions being either –

- (a) a country of which he is a national or citizen; or
 - (b) a country or territory to which there is reason to believe that he will be admitted.
- (2) The directions under sub-paragraph (1) above may be either –
- (a) directions given to the captain of a ship or aircraft about to leave the [Bailiwick of Jersey] requiring him to remove the person in question in that ship or aircraft; or
 - (b) directions given to the owners or agents of any ship or aircraft requiring them to make arrangements for his removal in a ship or aircraft specified or indicated in the directions; or
 - (c) directions for his removal in accordance with arrangements to be made by the [Lieutenant-Governor].

(3) In relation to directions given under this paragraph, paragraphs 11 and 16(4) of Schedule 2 to this Act shall apply, with the substitution of references to the [Lieutenant-Governor] for references to an immigration officer, as they apply in relation to directions for removal given under paragraph 8 of that Schedule.

(4) the [Committee, if it] thinks fit, may apply in or towards payment of the expenses of or incidental to the voyage from the [Bailiwick of Jersey] of a person against whom a deportation order is in force, or the maintenance until departure of such a person and his dependants, if any, any money belonging to that person; and except so far as they are paid as aforesaid, those expenses shall be defrayed by the Secretary of State.

Detention or control pending deportation

2.-(1) Where a recommendation for deportation made by a court is in force in respect of any person, and that person is neither detained in pursuance of the sentence or order of any court nor for the time being released on bail by any court having power so to release him, he shall, unless the court by which the recommendation is made otherwise directs, <or a direction is given under sub-paragraph (1A) below,> be detained pending the making of a deportation order in pursuance of the recommendation, unless the [Lieutenant-Governor] directs him to be released pending further consideration of his case.

<(1A) Where –

- (a) a recommendation for deportation made by a court on a conviction of a person is in force in respect of him; and

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- (b) he appeals against his conviction or against that recommendation,

the powers that the court determining the appeal may exercise include power to direct him to be released without setting aside the recommendation.>

(2) * * * * *

(3) Where a deportation order is in force against any person, he may be detained under the authority of the [Lieutenant-Governor] pending his removal or departure from the [Bailiwick of Jersey] (and if already detained by virtue of sub-paragraph (1) * * * above when the order is made, shall continue to be detained unless the [Lieutenant-Governor] directs otherwise).

(4) In relation to detention under sub-paragraph * * * (3) above, paragraphs 17 and 18 of Schedule 2 to this Act shall apply as they apply in relation to detention under paragraph 16 of that Schedule.

<(5) A person to whom this sub-paragraph applies shall be subject to such restrictions as to residence, as to his employment or occupation and as to reporting to the police as may from time to time be notified to him in writing by the [Lieutenant-Governor].

(6) The persons to whom sub-paragraph (5) above applies are –

- (a) a person liable to be detained under sub-paragraph (1) above, while by virtue of a direction of the [Lieutenant Governor] he is not so detained; and
- (b) a person liable to be detained under sub-paragraph * * * (3) above, while he is not so detained.>

3. * * * * *

<Powers of courts pending deportation

4. Where the release of a person recommended for deportation is directed by a court, he shall be subject to such restrictions as to residence as to his employment or occupation and as to reporting to the police as the court may direct.

5.-(1) On an application made –

- (a) by or on behalf of a person recommended for deportation whose release was so directed; or
- (b) by a [police officer]; or
- (c) by an immigration officer,

the appropriate court shall have the powers specified in sub-paragraph (2) below.

(2) The powers mentioned in sub-paragraph (1) above are –

- (a) if the person to whom the application relates is not subject to any such restrictions imposed by a court as are mentioned in paragraph 4 above, to order that he shall be subject to any such restrictions as the court may direct; and
- (b) if he is subject to such restrictions imposed by a court by virtue of that paragraph or this paragraph –

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- (i) to direct that any of them shall be varied or shall cease to have effect; or
- (ii) to give further directions as to his residence and reporting.

[6.-(1) In this Schedule “the appropriate court” means the court which directed release].

7.-(1) A [police officer] or immigration officer may arrest without warrant any person who is subject to restrictions imposed by a court under this Schedule and who at the time of the arrest is in the [Bailiwick of Jersey] –

- (a) if he has reasonable grounds to suspect that that person is contravening or has contravened any of those restrictions; or
- (b) if he has reasonable grounds for believing that that person is likely to contravene any of them.

(2) * * * * *

[8.-(1) A person arrested in the Bailiwick of Jersey in pursuance of paragraph 7 above shall be brought before a Jurat as soon as practicable and in any event within 24 hours after his arrest].

(2) In reckoning for the purposes of this paragraph any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

9. * * * * *

10. [Any Jurat] before whom a person is brought by virtue of paragraph 8 * * * above –

- (a) if of the opinion that that person is contravening, has contravened or is likely to contravene any restriction imposed on him by a court under this Schedule, may direct –
 - (i) that he be detained; or
 - (ii) that he be released subject to such restrictions as to his residence and reporting to the police as [the Jurat] may direct; and
- (b) if not of that opinion, shall release him without altering the restrictions as to his residence and his reporting to the police.>

SCHEDULE 4

(Section 9)

[INTEGRATION WITH JERSEY LAW OF IMMIGRATION LAWS OF THE UNITED KINGDOM, GUERNSEY AND THE ISLE OF MAN]*Leave to enter*

1.-(1) Where under the immigration laws of [the United Kingdom, the Bailiwick of Guernsey or the Isle of Man] a person is or has been given leave to enter or remain in the island, [or, as the case may be, the United Kingdom], or is or has been refused leave, this Act shall have effect in relation to him, if he is not <a British citizen>, as if the leave were leave (of like duration) given under this Act to enter or remain in the [Bailiwick of Jersey], or, as the case may be, as if he had under this Act been refused leave to enter the [Bailiwick of Jersey].

(2) Where under the immigration laws of [the United Kingdom, the Bailiwick of Guernsey or the Isle of Man] a person has a limited leave to enter or remain in the island [or, as the case may be the United Kingdom] subject to any such conditions as are authorised in the [Bailiwick of Jersey] by section 3(1) of this Act (being conditions imposed by notice given to him, whether the notice of leave or a subsequent notice), then on his coming to the [Bailiwick of Jersey] this Act shall apply, if he is not <a British citizen>, as if those conditions related to his stay in the [Bailiwick of Jersey] and had been imposed by notice under this Act [; and for the purposes of this sub-paragraph a condition requiring a person to register with the police or any other body or person shall be treated as a condition requiring him to register under section 4(3) of this Act].

(3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, anything having effect in the [Bailiwick of Jersey] by virtue of either of those sub-paragraphs may in relation to the [Bailiwick of Jersey] be varied or revoked under this Act in like manner * * * as if it had originated under this Act as mentioned in that sub-paragraph.

(4) Where anything having effect in the [Bailiwick of Jersey] by virtue of sub-paragraph (1) or (2) above ceases to have effect or is altered in effect as mentioned in sub-paragraph (3) or otherwise by anything done under this Act, sub-paragraph (1) or (2) shall not thereafter apply to it or, as the case may be, shall apply to it as so altered in effect.

(5) * * * * *

2. Notwithstanding section 3(4) of this Act, leave given to a person under this Act to enter or remain in the [Bailiwick of Jersey] shall not continue to apply on his return to the [Bailiwick of Jersey] after an absence if he has during that absence entered [the United Kingdom, the Bailiwick of Guernsey or the Isle of Man] in circumstances in which he is required under the immigration laws of that island [or as the case may be the United Kingdom] to obtain leave to enter.

Deportation

3.-(1) Subject to sub-paragraph (2) below, where under the immigration laws of [the United Kingdom, the Bailiwick of Guernsey or the Isle of Man], a person is or has been ordered to leave the island [or, as the case may be, the United Kingdom,] and forbidden to return, then, if he is not <a British citizen>, this Act shall have effect in relation to him as if the order were a deportation order made against him under this Act.

(2) The [Lieutenant-Governor] shall not by virtue of sub-paragraph (1) above have power to revoke a deportation order made in [the United Kingdom, the Bailiwick of Guernsey

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or the Isle of Man], but may in any particular case direct that sub-paragraph (1) shall not apply in relation to an order so made; and nothing in this paragraph shall render it unlawful for a person in respect of whom such an order is in force in [the United Kingdom, the Bailiwick of Guernsey or the Isle of Man], to enter the [Bailiwick of Jersey] on his way from that island [or, as the case may be, the United Kingdom,] to a place outside the [Bailiwick of Jersey].

Illegal entrants

4. Notwithstanding anything in section 1(3) of this Act, it shall not be lawful for a person who is not <a British citizen> to enter the [Bailiwick of Jersey] from [the United Kingdom, the Bailiwick of Guernsey or the Isle of Man] where his presence was unlawful under the immigration laws of that island [or, as the case may be, the United Kingdom,] unless he is given leave to enter.

SCHEDULE 5

* * * * *

BRITISH NATIONALITY ACT 1981

CHAPTER 31

ARRANGEMENT OF SECTIONS

PART I

BRITISH CITIZENSHIP

* * * * *

PART II

BRITISH DEPENDENT TERRITORIES CITIZENSHIP

* * * * *

PART III

BRITISH OVERSEAS CITIZENSHIP

* * * * *

PART IV

BRITISH SUBJECTS

* * * * *

PART V

MISCELLANEOUS AND SUPPLEMENTARY

section

36.–38. * * * * *

39. Amendment of Immigration Act 1971

SCHEDULES

* * * * *

ELIZABETH II**1981 CHAPTER 61**

AN ACT to make fresh provision about citizenship and nationality, and to amend the Immigration Act 1971 as regards the right of abode in the [Bailiwick of Jersey].

[30th October 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows³⁴ –

*PART V***MISCELLANEOUS AND SUPPLEMENTARY**

* * * * *

Amendment of Immigration Act 1971**39.-(1)-(7) * * * * ***

(8) A certificate of patriality issued under the Immigration Act 1971 and in force immediately before commencement shall have effect after commencement as if it were a certificate of entitlement issued under that Act as <in force after commencement>, unless at commencement the holder ceases to have right of abode in the United Kingdom.

³⁴ Deletions and words in square brackets indicate adaptations and modifications made by the Immigration (Jersey) Order 1993. For the application of the British Nationality Act 1981 see Section 53 of that Act.

ELIZABETH II**1987 CHAPTER 24**

AN ACT to require carriers to make payments to the [Committee] in respect of passengers brought by them to the [Bailiwick of Jersey] without proper documents.

[15th May 1987]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows³⁵ –

Liability of carriers for passengers without proper documents

1.-(1) Where a person requiring leave to enter the [Bailiwick of Jersey] arrives in the [Bailiwick of Jersey] by ship or aircraft and, on being required to do so by an immigration officer, fails to produce –

- (a) either a valid passport with photograph or some other document satisfactorily establishing his identity and nationality or citizenship; and
- (b) if he is a person who under the immigration rules requires a visa for entry into the [Bailiwick of Jersey], a visa valid for that purpose,

the owners or agents of the ship or aircraft shall, in respect of that person, be liable to pay [the Committee on demand such sum, not exceeding £1,000 or such other sum as may be prescribed, as the Committee may determine].

(2) No liability shall be incurred under subsection (1) above in respect of any person who is shown by the owners or agents to have produced to them or an employee of theirs the document or documents specified in that subsection when embarking on the ship or aircraft for the voyage or flight to the [Bailiwick of Jersey].

(3) In subsection (1) above “prescribed” means prescribed by an Order made by [the Committee; and the Subordinate Legislation (Jersey) Law 1960 shall apply to any such order].

(4) For the purposes of this section a document shall be regarded as being what it purports to be unless its falsity is reasonably apparent.

[(5) Any sums received by the Committee under this section shall be paid to the Treasurer of the States and credited to the annual income of the States].

Short title, interpretation, extent and commencement

2.-(1) This Act may be cited as the Immigration (Carriers' Liability) Act 1987.

³⁵ Deletions and words in square brackets indicate adaptations and modifications made by the Immigration (Jersey) Order 1993.

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(2) In this Act any expression which is also used in the Immigration Act 1971 has the same meaning as in that Act.

(3) * * * * *

(4) This Act has effect in relation to persons arriving in the [Bailiwick of Jersey] at any time after 15th April 1989 except persons arriving by a voyage or flight for which they embarked on the ship or aircraft in question on or before that date.

IMMIGRATION ACT 1988**CHAPTER 14***ARRANGEMENT OF SECTIONS*

Section

1. * * * * *
2. Restriction on exercise of right of abode in cases of polygamy
3. * * * * *
4. * * * * *
5. * * * * *
6. * * * * *
7. Persons exercising Community rights and nationals of member States
8. Examinations of passengers prior to arrival
9. Charges
10. * * * * *
11. Expenses and receipts
12. Short title, interpretation, commencement and extent

Schedule * * * * *

ELIZABETH II**1988 CHAPTER 14**

AN ACT to make further provision for the regulation of immigration into the United Kingdom; and for connected purposes.

[10th May 1988]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows³⁷ –

Restriction on exercise of right of abode in cases of polygamy

2.-(1) This section applies to any woman who –

- (a) has the right of abode in the [Bailiwick of Jersey] under section 2(1) (b) of the principal Act as, or as having been, the wife of a man (“the husband”) –
 - (i) to whom she is or was polygamously married; and
 - (ii) who is or was such a citizen of the United Kingdom and Colonies, Commonwealth citizen or British subject as is mentioned in section 2(2) (a) or (b) of that Act as in force immediately before the commencement of the British Nationality Act 1981 ;and
- (b) has not before the coming into force of this section and since her marriage to the husband been in the [Bailiwick of Jersey].

(2) A woman to whom this section applies shall not be entitled to enter the [Bailiwick of Jersey] in the exercise of the right of abode mentioned in subsection (1)(a) above or to be granted a certificate of entitlement in respect of that right if there is another woman living (whether or not one to whom this section applies) who is the wife or widow of the husband and who –

- (a) is, or at any time since her marriage to the husband has been, in the [Bailiwick of Jersey]; or
- (b) has been granted a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) above or an entry clearance to enter the [Bailiwick of Jersey] as the wife of the husband.

(3) So long as the woman is precluded by subsection (2) above from entering the [Bailiwick of Jersey] in the exercise of her right of abode or being granted a certificate of

³⁷ Deletions and words in square brackets indicate adaptations and modifications made by the Immigration (Jersey) Order 1993 and those in angle brackets indicate amendments made by Orders in Council listed in the Schedules to the Immigration (Jersey) Order 1993.

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entitlement in respect of that right the principal Act shall apply to her as it applies to a person not having a right of abode.

(4) Subsection (2) above shall not preclude a woman from re-entering the [Bailiwick of Jersey] if since her marriage to the husband she has at any time previously been in the [Bailiwick of Jersey] and there was at that time no such other woman living as is mentioned in that subsection.

(5) Where a woman claims that this section does not apply to her because she had been in the [Bailiwick of Jersey] before the coming into force of this section and since her marriage to the husband it shall be for her to prove that fact.

(6) For the purposes of this section a marriage may be polygamous although at its inception neither party has any spouse additional to the other.

(7) For the purpose of subsections (1)(b), (2)(a), (4) and (5) above there shall be disregarded presence in the [Bailiwick of Jersey] as a visitor or an illegal entrant and presence in circumstances in which a person is deemed by section 11(1) of the principal Act not to have entered the [Bailiwick of Jersey].

(8) In subsection (2)(b) above the reference to a certificate of entitlement includes a reference to a certificate treated as such a certificate by virtue of section 39(8) of the British Nationality Act 1981.

(9) No application by a woman for a certificate of entitlement in respect of such a right of abode as is mentioned in subsection (1)(a) above or for an entry clearance shall be granted if another application for such a certificate or clearance is pending and that application is made by a woman as the wife or widow of the same husband.

(10) For the purposes of subsection (9) above an application shall be regarded as pending so long as it [has] not been finally determined.

[(11) This section does not apply to a woman who has made an application for a certificate of entitlement in respect of the right of abode mentioned in subsection (1)(a) before 1st August 1993].

3. * * * * *

4. * * * * *

5. * * * * *

6. * * * * *

Persons exercising Community rights and nationals of member States

7.-(1) A person shall not under the principal Act require leave to enter or remain in the [Bailiwick of Jersey in circumstances in which he would be entitled to enter or remain in the United Kingdom] by virtue of an enforceable Community right or of any provision made under section 2(2) of the European Communities Act 1972.

(2) [The Lieutenant-Governor may by directions] give leave to enter the [Bailiwick of Jersey] for a limited period to any class of persons who are nationals of member States but who [would not be entitled] to enter the United Kingdom as mentioned in subsection (1) above; and any such [directions] may give leave subject to such conditions as may be imposed by the [directions].

Jersey Order in Council 22/1993 The Immigration (Jersey) Order 1993

(3) References in the principal Act to limited leave shall include reference to leave given by [directions] under subsection (2) above and a person having leave by virtue of such [directions] shall be treated as having been given that leave by a notice given to him by an immigration officer within the period specified in paragraph 6(1) of Schedule 2 to that Act.

Examination of passengers prior to arrival

8.-(1) This section applies to a person who arrives in the [Bailiwick of Jersey] with a passport or other travel document bearing a stamp which –

- (a) has been placed there by an immigration officer before that person's departure on his journey to the [Bailiwick of Jersey] or in the course of that journey; and
- (b) states that the person may enter the [Bailiwick of Jersey] either for an indefinite or a limited period and, if for a limited period, subject to specified conditions.

(2) A person to whom this section applies shall for the purposes of the principal Act be deemed to have been given on arrival in the [Bailiwick of Jersey] indefinite or, as the case may be, limited leave in terms corresponding to those of the stamp.

(3) A person who is deemed to have leave by virtue of this section shall be treated as having been given it by a notice given to him by an immigration officer within the period specified in paragraph 6(1) of Schedule 2 to the principal Act.

(4) A person deemed to have leave by virtue of this section shall not on his arrival in the [Bailiwick of Jersey] be subject to examination under paragraph 2 to Schedule 2 to the principal Act but may be examined by an immigration officer for the purpose of establishing that he is such a person.

(5) The leave which a person is deemed to have by virtue of this section may, at any time before the end of the period of twenty-four hours from his arrival at the port at which he seeks to enter the [Bailiwick of Jersey] or, if he has been examined under subsection (4) above, from the conclusion of that examination, be cancelled by an immigration officer by giving him a notice in writing refusing him leave to enter.

(6) Sub-paragraphs (3) and (4) of paragraph 6 of Schedule 2 to the principal Act shall have effect as if any notice under subsection (5) above were a notice under that paragraph.

(7) References in this section to a person's arrival in the [Bailiwick of Jersey] are to the first occasion on which he arrives after the time when the stamp in question was placed in his passport or travel document, being an occasion not later than seven days after that time.

<(8) * * * * *

Charges

9.-(1) [The Committee may, by Order, prescribe] fees to be paid, at such times as may be prescribed, in connexion with any application for indefinite leave to remain in the [Bailiwick of Jersey] or the grant of such leave; and no such leave shall be granted unless any fee payable in connexion with the grant of that leave has been paid.

(2) [An Order] under subsection (1) above may make different provision for different cases, including provision for cases in which no fee is to be paid.

Jersey Order in Council 22/1993 The Immigration (Jersey) Order 1993

[(3) The Subordinate Legislation (Jersey) Law 1960 shall apply to any Order made under subsection (1) above].

(4) The [Committee] may, at the request of any person and in consideration of such charges as [it may] determine, make arrangements for the provision at any port of additional immigration officers or for the provision of immigration officers for dealing with passengers of a particular description or in particular circumstances.

10. * * * * *

Expenses and receipts

11.-(1) * * * * *

(2) Any sums received by the [Committee] by virtue of this Act shall be paid [to the Treasurer of the States and credited to the annual income of the States].

Short title, interpretation, commencement and extent

12.-(1) This Act may be cited as the Immigration Act 1988.

(2) In this Act “the principal Act” means the Immigration Act 1971 and any expression which is also used in that Act has the same meaning as in that Act.

(3) [This Act shall come into force on 1st August 1993].