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STATUTORY INSTRUMENTS

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**2017 No. 981**

**IMMIGRATION**

**The Immigration (Jersey) (Amendment) Order 2017**

*Made - - - - 11th October 2017*

*Coming into force in accordance with article 1(1)*

At the Court at Buckingham Palace, the 11th day of October 2017

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<sup>(1)</sup>, section 12(5) of the Immigration Act 1988<sup>(2)</sup>, section 170(7) of the Immigration and Asylum Act 1999<sup>(3)</sup>, section 63(3) of the Immigration, Asylum and Nationality Act 2006<sup>(4)</sup> and section 76(6) of the Immigration Act 2014<sup>(5)</sup>, is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation, commencement and interpretation**

1. This Order may be cited as the Immigration (Jersey) (Amendment) Order 2017 and comes into force on the seventh day after the day on which it is registered by the Royal Court of Jersey.

**Amendment of the Immigration (Jersey) Order 1993**

2. The Immigration (Jersey) Order 1993<sup>(6)</sup> is amended in accordance with Part 1 of the Schedule to this Order.

**Amendment of the Immigration and Asylum Act 1999 (Jersey) Order 2003**

3. The Immigration and Asylum Act 1999 (Jersey) Order 2003<sup>(7)</sup> is amended in accordance with Part 2 of the Schedule to this Order.

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(1) 1971 c. 77.  
(2) 1988 c. 14.  
(3) 1999 c. 33.  
(4) 2006 c. 13.  
(5) 2014 c. 22.  
(6) S.I. 1993/1797.  
(7) S.I. 2003/1252.

#### **Amendment of the Immigration (Jersey) Order 2012**

4. The Immigration (Jersey) Order 2012<sup>(8)</sup> is amended in accordance with Part 3 of the Schedule to this Order.

#### **Amendment of the Immigration (Jersey) Order 2015**

5. The Immigration (Jersey) Order 2015<sup>(9)</sup> is amended in accordance with Part 4 of the Schedule to this Order.

#### **Saving**

6.—(1) Orders made and directions given by the Lieutenant-Governor under the Immigration Acts and having effect on the day on which this Order comes into force shall have effect as if they had been made or given by the Minister under the Immigration Acts as amended by this Order, and shall remain in force until revoked or replaced by Orders made or directions given, as the case may be, by the Minister under the said Acts as so amended.

(2) In this article —

“the Immigration Acts” means the Immigration Act 1971, the Immigration Act 1988, the Immigration and Asylum Act 1999, the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2014 as each of those Acts has effect in the Bailiwick of Jersey;

“the Minister” means the Minister for Home Affairs (of Jersey).

*Richard Tilbrook*  
Clerk of the Privy Council

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<sup>(8)</sup> S.I. 2012/1763.

<sup>(9)</sup> S.I. 2015/1532.

## SCHEDULE

### Article 2

## PART 1

### AMENDMENT OF THE IMMIGRATION (JERSEY) ORDER 1993

#### 1. In Part I of Schedule 1 –

- (a) in paragraph 1(c), for “Committee” in the substituted subsection (4) and for “Lieutenant-Governor” in the substituted subsection (4A) substitute “Minister”;
- (b) in paragraph 3(d), for “Lieutenant-Governor” substitute “Minister”;
- (c) in paragraph 4(a), in the substituted wording –
  - (i) for “Lieutenant-Governor” substitute “Minister”, and
  - (ii) for “Committee” substitute “Minister”;
- (d) in paragraph 4(c)(i), for “Committee” substitute “Minister”;
- (e) in paragraph 4(d) for “the Committee may by order make such provision as appears to it” substitute “the Minister may by order make such provision as appears to him”;
- (f) in paragraph 5(b), for “Lieutenant-Governor” substitute “Minister”;
- (g) in paragraph 5(c), for “Committee” substitute “Minister”;
- (h) in paragraph 7(a)(ii), for “Lieutenant-Governor’s” substitute “Minister’s”;
- (i) in paragraph 8(b), for the substituted subsection (2) substitute –
  - “(2) The Minister may direct that any particular person or class of persons shall be exempt either unconditionally or subject to such conditions as the Minister may impose from all or any of the provisions of this Act relating to those who are not British citizens.
  - (2A) A direction under this subsection, if made with respect to a class of persons, shall be made by Order to which the Subordinate Legislation (Jersey) Law 1960(10) shall apply.”;
- (j) in paragraph 9(b)(iii), for the substituted words from “by order and may” to “other conditions, by the Committee” (inclusive) substitute “by an Order of the Minister and may be applicable to them”;
- (k) in paragraph 9(d)(ii) and paragraph 9(f), for “Lieutenant-Governor” substitute “Minister”;
- (l) for paragraph 12(d), substitute –
  - “(d) for subsection (5) substitute –
  - “(5) Subsection (1) above applies to things done whether inside or outside the Bailiwick of Jersey.”;
- (m) in paragraph 16 –
  - (i) in subparagraph (a) for “Committee” substitute “Minister”,
  - (ii) in subparagraph (c) for “Finance and Economics Committee of the States” substitute the “Minister for Treasury and Resources”;
- (n) in paragraph 17 –
  - (i) in subparagraph (a) for “Lieutenant-Governor or the Committee” substitute “Minister”,

- (ii) omit subparagraph (b);
  - (o) in paragraph 18 –
    - (i) in subparagraph (a)(i), omit the inserted definition of “Committee”,
    - (ii) after subparagraph (a)(v) insert –
      - “(va) “Minister” means the Minister for Home Affairs;”,
    - (iii) in subparagraph (a)(viii) in the inserted definition of “work permit” for “Committee” substitute “Minister”;
  - (p) in paragraph 20 –
    - (i) in subparagraph (a)(i) for the substituted sub-paragraph (1) substitute –
      - “(1) Immigration officers for the purposes of this Act shall be appointed in accordance with the Employment of States of Jersey Employees (Jersey) Law 2005(11).”,
    - (ii) in subparagraph (a)(i) for the substituted sub-paragraph (3) substitute –
      - “(3) In the exercise of their functions under this Act, immigration officers and medical inspectors shall act in accordance with such directions as may be given them by the Minister.”,
    - (iii) in subparagraphs (f), (i), (k) and (s) for “Lieutenant-Governor” wherever occurring, substitute “Minister”,
    - (iv) in subparagraphs (i), (k), (o) and (p) for “Committee” wherever occurring, substitute “Minister”;
  - (q) in paragraph 21 –
    - (i) for “Lieutenant-Governor” wherever it occurs substitute “Minister”,
    - (ii) in subparagraph (a)(iii) for “Committee, if it” substitute “Minister, if he”;
  - (r) in paragraph 22(2)(e) for “Lieutenant-Governor” substitute “Minister”.
2. Omit Part II of Schedule 1.
  3. In Part III of Schedule 1 –
    - (a) for “Lieutenant-Governor” and “Committee” wherever they occur (other than in paragraph 4), substitute “Minister”;
    - (b) omit paragraph 4.
- Article 3

## PART 2

### AMENDMENT OF THE IMMIGRATION AND ASYLUM ACT 1999 (JERSEY) ORDER 2003

1. Omit article 3(b).
2. In the second column of the Schedule –
  - (a) for “Lieutenant Governor” wherever it occurs substitute “Minister”;
  - (b) for “Committee” wherever it occurs (except in item (g) opposite the entry relating to section 167) substitute “Minister”;

- (c) in item (g) opposite the entry relating to section 167 –
  - (i) omit the definition of “Committee”,
  - (ii) insert ““Minister” means the Minister for Home Affairs;”.

Article 4

### PART 3

#### AMENDMENT OF THE IMMIGRATION (JERSEY) ORDER 2012

In the second column of Schedule 1 for “Lieutenant Governor” in both places substitute “Minister”.  
Article 5

### PART 4

#### AMENDMENT OF THE IMMIGRATION (JERSEY) ORDER 2015

1. In the second column of Schedule 2 opposite the entry relating to paragraph 5 (*Designations*) omit item (b).
2. In the second column of Schedule 2 opposite the entry relating to Schedule 9 (*Provision relating to removal*) for “Lieutenant-Governor” substitute “Minister”.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Immigration (Jersey) Order 1993 and other Orders in Council which extended to Jersey various provisions of the Immigration Act 1971, the Immigration Act 1988, the Immigration and Asylum Act 1999, the Immigration, Asylum and Nationality Act 2006 and the Immigration Act 2014 (“the Immigration Acts”).

The purpose of the amendments is –

- (a) to transfer functions under the Immigration Acts (as so extended) from the Lieutenant-Governor to the Minister for Home Affairs (of Jersey);
- (b) to replace references in the Immigration Acts (as so extended) to Committees of the States (which no longer exist) with references to the Minister for Home Affairs (of Jersey);
- (c) to re-extend section 25(5) of the Immigration Act 1971 to Jersey so that the offence of assisting illegal entry (under subsection (1) of section 25) applies to things done whether inside or outside the Bailiwick of Jersey irrespective of the nationality of the person who does them.